

January 11, 2011

Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480
Attention: Town Council Members

Re: *Appeal of Administrative Decision that Nonconforming Residential Use Located at 332 South County Road has been Abandoned by Discontinuance for a Period of Two Years.*

Dear Town Council Members:

I am the President of R.D. of Palm Beach, Inc., which is the owner of the building immediately adjacent to the North of 332 South County Road, Palm Beach, Florida.

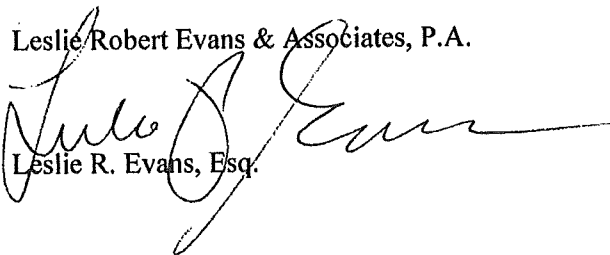
This letter is a follow-up to my October 19, 2010 letter to Paul Castro, a copy of which is enclosed. Without going into another recitation of my October 19th letter, let it suffice that I strongly concur with the administrative decision of the Code Enforcement Board. Contrary to Mr. Roddy's assertions, he, of his own accord, terminated the few residential tenancies that he had on his property approximately seven (7) years ago. I will testify to the aforesaid. The tenants did not leave of their own volition and to say that needed repairs made leasing unfeasible is disingenuous at best. Repairs certainly do not take seven (7) or more years to complete. The World Trade Center was built in less time than that.

Mr. Roddy's property has been cited for code violations on many, many occasions and his response has been to dilly, dally, delay and stall until fined. With Mr. Roddy's building located in the Town Hall Square Landmark District, there should be no leniency when it comes to violations that include, without limitation, his property being cited numerous times for numerous violations of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, "all exterior walls, doors and windows shall be reasonably free of cracks, painted and shall be kept in sound condition and repair"; Chapter 42, Section 42-86 (3) "grass shall not grow to a height greater than 8" and debris shall not be allowed to accumulate in the Town of Palm Beach"; Chapter 22, Section 22-57 and Section 22-58 "require all windows of vacant buildings or buildings under construction which can be viewed from the public streets to be screened in accordance with Section 22-58 of the code"; Chapter 18, Section 18-241 "plumbing and electrical wiring to be maintained in a safe condition and in compliance with the Florida Building Code and the National Electrical Code", etc., etc., etc. In other words, my building, which is on the National Historic Registry and the Town Hall Square Landmark District has had to put up with what is literally an illegal slum for at least the last ten (10) years and for this Mr. Roddy wants the Administrative Decision overturned. What CHUTZPAH!

Mr. Roddy's actions in vacating the residences is akin to a child killing his parents and then asking mercy because he is now an orphan. It is time that Mr. Roddy realizes that he has to act responsibly and accordingly, that he is not above the law. I trust the Town Council will do the right thing, which is to deny the self-imposed hardship by denying the appeal. The Town and its citizens deserve nothing less.

Very truly yours,

Leslie Robert Evans & Associates, P.A.


Leslie R. Evans, Esq.

LRE:dbb
Enclosure

From George Ward
Re: Appeal 332 S.
County Road
1/21/11 TCM

Leslie Robert Evans & Associates, P.A., Counselors at Law

561.832.8288

214 Brazilian Avenue, Suite 200, Palm Beach, FL 33480

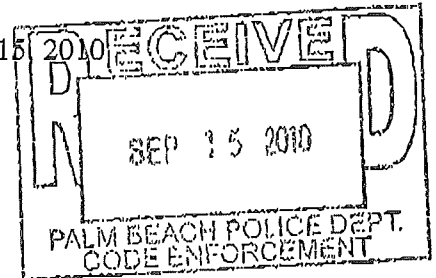
Fax: 561.832.5722

E-Mail: evans@lrevanspa.com

Via Hand Delivery

Code Enforcement Board
360 South County Road
Palm Beach, FL 33480

September 15, 2010



**Re: High Quality Construction and Excellent Appearance
by adjacent neighbor/owner Andrew Roddy of Privacy Wall**

To the Code Enforcement Board:

I am the President of RD of Palm Beach, Inc., the entity that owns 204 Brazilian Avenue. Andrew Roddy is the owner of the 2-story commercial building which abuts our property to the immediate south. Over the course of the past 6 months, Mr. Roddy completed a thorough and high quality restoration project of a large privacy wall which separates our property line.

The restoration of the wall is a great addition to the street as it enhances the appearance while improving the structural soundness of a very old wall.

We kindly ask that you note our appreciation of Mr. Roddy's costly and timely efforts in restoring his building and our street.

Should you have any questions, please feel free to contact me.

Best regards,

Leslie R. Evans

C Orrico
336 South County Rd.
Palm Beach, FL 33480

September 16, 2010

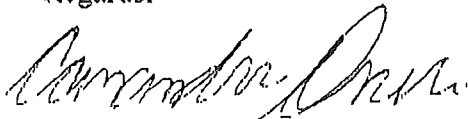
Town Of Palm Beach
Zoning And Planning

Dear Sir/Madam:

We own a retail establishment at 336 South County Road, C Orrico that adjoins the building at 332 South County Road. As such, we take great interest and fully support Mr. Andrew Roddy's proposal to restore the building at this location.

We believe the restoration of 332 South County Road can only improve the block as a whole and hope that this restoration moves forward as quickly as possible. It will add value to the neighborhood as a whole and help all the businesses in the area.

Regards.



Cassandra Orrico
President

Leslie Robert Evans & Associates, P.A., Counselors at Law

214 Brazilian Avenue, Suite 200, Palm Beach, FL 33480

Leslie Evans
TCM 1/11/11

561.832.8288

Fax: 561.832.5722

E-Mail: evans@lrevanspa.com

January 11, 2011

Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480
Attention: Town Council Members

Re: Appeal of Administrative Decision that Nonconforming Residential Use Located at 332 South County Road has been Abandoned by Discontinuance for a Period of Two Years.

Dear Town Council Members:

I am the President of R.D. of Palm Beach, Inc., which is the owner of the building immediately adjacent to the North of 332 South County Road, Palm Beach, Florida.

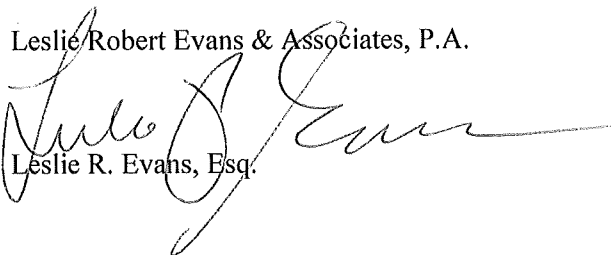
This letter is a follow-up to my October 19, 2010 letter to Paul Castro, a copy of which is enclosed. Without going into another recitation of my October 19th letter, let it suffice that I strongly concur with the administrative decision of the Code Enforcement Board. Contrary to Mr. Roddy's assertions, he, of his own accord, terminated the few residential tenancies that he had on his property approximately seven (7) years ago. I will testify to the aforesaid. The tenants did not leave of their own volition and to say that needed repairs made leasing unfeasible is disingenuous at best. Repairs certainly do not take seven (7) or more years to complete. The World Trade Center was built in less time than that.

Mr. Roddy's property has been cited for code violations on many, many occasions and his response has been to dilly, dally, delay and stall until fined. With Mr. Roddy's building located in the Town Hall Square Landmark District, there should be no leniency when it comes to violations that include, without limitation, his property being cited numerous times for numerous violations of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, "all exterior walls, doors and windows shall be reasonably free of cracks, painted and shall be kept in sound condition and repair"; Chapter 42, Section 42-86 (3) "grass shall not grow to a height greater than 8" and debris shall not be allowed to accumulate in the Town of Palm Beach"; Chapter 22, Section 22-57 and Section 22-58 "require all windows of vacant buildings or buildings under construction which can be viewed from the public streets to be screened in accordance with Section 22-58 of the code"; Chapter 18, Section 18-241 "plumbing and electrical wiring to be maintained in a safe condition and in compliance with the Florida Building Code and the National Electrical Code", etc., etc., etc. In other words, my building, which is on the National Historic Registry and the Town Hall Square Landmark District has had to put up with what is literally an illegal slum for at least the last ten (10) years and for this Mr. Roddy wants the Administrative Decision overturned. What CHUTZPAH!

Mr. Roddy's actions in vacating the residences is akin to a child killing his parents and then asking mercy because he is now an orphan. It is time that Mr. Roddy realizes that he has to act responsibly and accordingly, that he is not above the law. I trust the Town Council will do the right thing, which is to deny the self-imposed hardship by denying the appeal. The Town and its citizens deserve nothing less.

Very truly yours,

Leslie Robert Evans & Associates, P.A.


Leslie R. Evans, Esq.

LRE:db
Enclosure

Leslie Robert Evans & Associates, P.A., Counselors at Law

561.832.8288

214 Brazilian Avenue, Suite 200, Palm Beach, FL 33480

Fax: 561.832.5722

E-Mail: evans@lrcvapepa.com

October 19, 2010

Via Hand Delivery

**Paul Castro
Zoning Administrator
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480**

Re: 332 South County Road, Palm Beach, Florida

Dear Paul:

This letter is in regards to certain matters as to the captioned property.

Since 1999 when I purchased the Daily News Building, which is adjacent to the 332 S. County Road property ("Roddy Property"), I have had to put up with owning a building next to what is literally a slum.

Please note as to the Roddy Property as follows:

1. For years since Yella Oaks vacated the retail store at the Roddy Property, said retail space stayed vacant and boarded up (I believe it was boarded up before Hurricane Jeanne in 2004) until C. Orrico finally rented it in 2009. It looked literally like an inner city slum building with the boarded windows.
2. The courtyard was totally overgrown with vegetation which was neither cut nor sprinklered for years. The apparent response by the owner to the Town's objections to the intolerable condition, was to put fungicide on it and leave unraked and uncollected dead grass and plants, which has left it unsightly for years.
3. The construction of the retail space took almost two (2) years to complete, which work was done at a snail's pace and which work resulted in construction trucks using much of the limited parking on S. County Road or at the side of my building on Brazilian Avenue, all for a ridiculous amount of time. The whole Roddy Property didn't take that long to build in the first place.
4. The apartments at the Roddy Property have been vacated at the election of the owner for at least five (5) years. Appliances, bathroom fixtures and air conditioning units were removed and the units were left to rot for years. For years there have been broken windows and it was and is extremely unsightly from the street. The way the electrical wires were left hanging was and is a safety hazard. Many times I have worried about it catching on fire and burning down the whole block.
5. The current condition of the Roddy Property is despicable. The front of the building is cracked, with peeling paint and looks terrible. It appears that the remnants of a sign are protruding from the second floor, the terrazzo in the arcade is filthy and cracked, sandbags have sat in the arcade for years and with the disgusting condition of the vegetation, it amounts to an embarrassment to the Town, especially being located in the Historic Square Area.

It appears that work is now being done again on the rear of the building. I am going on record as stating that I hope the Town has put Mr. Roddy on formal written notice that he will have to abide by all current zoning codes. The apartment use is not now permitted without a special exception and if it was

Paul Castro
Zoning Administrator
October 18, 2010
Page 2

"grandfathered in", the fact that he voluntarily vacated the units, took out all amenities that made it habitable and left it vacant for so many years, has resulted in a waiver of any "grandfathering." I am worried that he will rebuild the units, take years in completing the work and then seek a special exception due to a hardship, which hardship is self-imposed.

As an adjacent property owner, I will strongly object (even litigating if necessary) to stop any residential use or any other use that will cause substantial injury to the adjacent properties. The Roddy Property has no parking and the use must not exacerbate the current tight parking situation.

In conclusion, I suggest that the Town puts Mr. Roddy on written notice of what the current zoning code is and inform him that he has no vested rights as to residential usage and that if he rebuilds the apartments, he does it at his own risk with no guaranty that a special exception will be granted to permit his intended use. If such notice is not sent soon, the Town may be estopped from objecting when he applies for an occupancy permit for the apartments. I would also suggest that construction parking, if any, be off of S. County Road and Brazilian Avenue, as he had years to do the work and has finally commenced same at the start of the Season. Also, I would suggest a strict timetable be established so that his disruptive construction does not drag on for years, as his work did on the retail space.

Please feel free to call me should you have any questions concerning the above. Thank you in advance for any assistance you may be able to provide in this matter.

Very truly yours,

Leslie Robert Evans & Associates, P.A.



Leslie R. Evans, Esq.

LRE:db

PalmLor, LLC
Dba – Marriott Fairfield Inn & Suites
2870 South Ocean Blvd.
Palm Beach, FL 33480

RECEIVED
JAN 11 2011
TOWN OF PALM BEACH
PBZ DEPT.

January 10, 2011

Paul Castro
Director of Planning and Zoning
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

VIA EMAIL [PCastro@TownofPalmBeach.com] & US Mail

Re: Site Plan Review Application 2-2011 / 2880 South Ocean Blvd

Dear Paul:

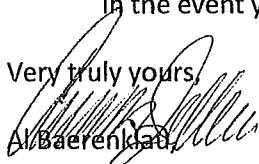
As you know, I am the sole Managing Member of PalmLor, LLC which owns the Marriott Fairfield Inn & Suites Hotel located at 2870 South Ocean Blvd. in Palm Beach, Florida. As you also know, our property is located immediately next door to the above-referenced property, and shares a recorded Access Easement with that property. That property is the subject of a NEW Site Plan Review Application which is scheduled to be considered by the Palm Beach Town Council on January 12, 2011. I am writing this letter to show my support for this REVISED project, as presented.

Over the last several months, I met with the property owner and his professionals to discuss the project. Since our meeting, the project has been changed to consist of a renovation of the existing building as opposed to the building of a new 8,000 SF building. I was very satisfied with the plan for the new building, but that did not happen. This site has sat vacant for close to a decade, so the proposed renovation and occupancy of the existing building will be a good and proper use for the neighborhood. It will fit in well.

As the owner of the only private property that touches the subject property, and the property that will be most affected by the plan, I encourage you to please approve the pending Application for this project. We need something done at this site as soon as possible.

In the event you have any questions for me, I can be reached at 407-474-7799.

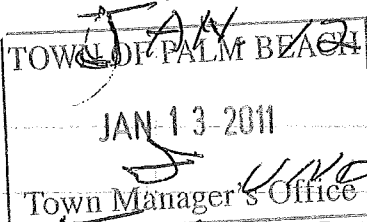
Very truly yours,



Al Baerenklau
Managing Member, PalmLor LLC

1 encl. with mailed copy

PALM BEACH TOWN MEETING



JAN 12, 2011 I'M ERIK NORD GILBERTSON

UNDERSTAND THAT MY RESIDENCE AT 151 CHILEAN AVE. WAS A SUBJECT AT THE DECEMBER TOWN MEETING - 'WHY WAS I NOT HERE?' WELL, ACTUALLY I TRIED MY BEST TO BE HERE, HOWEVER, FOR EXAMPLE WHY NOT - MY SISTER WAS UNABLE TO TRAVEL FOR 3 WEEKS AFTER HAVING 13 SEPARATE MICRO SURGICAL OPERATIONS WITHIN ONE LONG SINGLE OPERATION SPAN SESSION WITH DR. BRANDON EARP, A WORLD FAMOUS EXTREMITY SPECIALIST, AT BRIGHAM + WOMEN'S HOSPITAL, BOSTON MASS. FROM NOV. 6, 06 TO TODAY MY SISTER HAS HAD 28 OPERATIONS PLUS HER RECENT 13 MICRO SEPARATE OPERATIONS THE DAY BEFORE THANKSGIVING ON 11/25/2010.

SINCE HER TRAGIC PEDESTRIAN CROSS-WALK ACCIDENT WHEN SHE WAS HIT BY A DRIVER WHO WAS LEGALLY BLIND ACCORDING TO THE POLICE REPORT ON NOV 6, 2006, I'VE BEEN MY SISTER'S SOLE CARE GIVER AND HER 'AROUND THE CLOCK' COMFORT NURSE.

THIS RECENT GROUP OF MICRO SURGICAL OPERATIONS, HOPEFULLY, BESIDE MORE LEFT ARM MOVEMENT WILL ALSO END HER GREAT BATTLE WITH HER EXTREME

PAIN IN HER LEFT ARM WHICH SHE HAS BEEN ENDURING SINCE HER ACCIDENT. SHE DOES NOT TAKE PAIN PILLS BECAUSE THEY ~~WILL~~ CAN CREATE OTHER SERIOUS PROBLEMS. FOR FOUR YEARS SHE HAS BEEN LIKE JOAN OF ARC-NEVER PLANNING TO GIVE UP. CONSEQUENT, I CAN'T GIVE UP
HOME TAXES.

I WANT TO THANK THE COUNCIL FOR NOT RAISING OUR HOME TAXES THIS WINTER. I ALSO APPRECIATED COUNCILLORS RICHARD KLEED'S & ROBERT WILDRICH'S PHONE CALLS CONFIRMING THE FACT THAT OUR HOME TAXES WOULD NOT RISE THIS WINTER.

ITS TERRIBLE THAT WE HAVE SUCH LITTLE CONTROL OF OUR PALM BEACH COUNTY'S BUDGET- EVEN THOUGH SOME COMMISSIONERS GO TO JAIL - EVERY YEAR IT OUT-PACES OUR BUDGET QUITE A BIT MORE. I REMEMBER IN THE LATE EIGHTIES AND EARLY NINETIES WHEN I RAN FOR TOWN COUNCIL ONE POINT ON MY PLATFORM WAS THAT WE SHOULD TRY TO SECED FROM PALM BEACH COUNTY TO BECOME 'PALM BEACH OCEAN COUNTY' - I STILL LIVE WITH THAT HOPE.

Thank you
Capt. Erik Nord Gilbertson

REVISED

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Approval of a Professional Design Consultant Fee Proposal with Bridges, Marsh & Assoc. in an Amount Not to Exceed \$65,000 for Alterations and Renovations to Design Elements within the Worth Avenue Commercial District
Resolution No. 7-11

Date: January 4, 2011

STAFF RECOMMENDATION

Staff recommends the Town Council adopt Resolution No. 7-11. If approved, Resolution No. 7-11 will authorize the Town Manager to execute a professional design consultant fee proposal with Bridges, Marsh & Assoc. in an amount not to exceed \$65,000 for alterations and renovations to design elements within the Worth Avenue Commercial District.

GENERAL INFORMATION

The Worth Avenue Improvement Project was completed on or before November 24, 2010. The Town has known since early fall of 2010 that some property owners and merchants would like to provide for enhancements to the improvements. The Public Works Committee met on October 5, 2010 to consider these issues and recommended to the Town Council that upon conclusion of the original construction contract, that the Hybrid Committee would reconvene and consider proposed changes and make recommendations to the Town Council concerning the same. The Hybrid Committee has been appointed and its members are:

- Ted Cooney
- William Feldkamp
- Eugene Pandula
- Wallace Rogers
- Jeff Smith
- William Strawbridge
- Ann Vanneck
- Stefan Richter

➤ Murray Goodman

In order to commence this process the Town needs to secure professional design services to prepare drawings, make presentations, prepare bid documents and provide construction administration. Bridges, Marsh & Assoc. was the lead design firm for the most recent improvements in the Worth Avenue Commercial District. The firm has an existing professional services agreement with the Town and were previously selected in accordance with the requirements of Florida's Competitive Consultant's Negotiations Act (CCNA).

The scope of work to be performed is unknown at this time because we do not know with certainty the totality of changes that may be suggested. Hence, in fairness to be parties, the Town has sought an hourly rate, not to exceed fee proposal from Bridges, Marsh. If the cost stays under the cap, the excess can be used for enhancements, debt reduction or debt service. If we need to exceed the cap, we must come back for Town Council approval.

The known design elements that may be explored as additions or alterations are:

- Hibiscus Avenue Piazza landscaping plan
- Hibiscus Avenue fountains
- Newspaper racks in Worth Avenue Commercial District
- Allowing hanging baskets on all street lights in the Worth Avenue Commercial District, which will require the addition of hanging basket brackets on the street lights.
- Revisit the approved sign pole design to preclude the use of brushed aluminum on secondary regulatory signs and instead provide black fluted poles on all street signage in the Worth Avenue Commercial District.
- Ground cover and landscaping amendments
- Special manhole covers and drainage inlets
- Art in public places

FUNDING/FISCAL IMPACT

All proposed changes, including this proposed design contract, must fall within the funding that remains for the Worth Avenue project. Because the final invoices for the construction project have not yet been received, staff can only provide an estimate of what will remain upon payment of all outstanding invoices. As of January 3, 2011, staff estimates that there is at least \$775,101 available in the Worth Avenue Improvement Project account and possibly more, depending on final payments most likely to be consummated in January 2011.

PURCHASING REVIEW

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department.

TOWN ATTORNEY REVIEW

Resolution No. 7-10 has been approved by the Town Attorney for legal form and sufficiency.

cc: John C. Randolph, Town Attorney
H. Paul Brazil, Director of Public Works
Jane Struder, Director of Finance
Cheryl Somers, Assistant Director of Finance
Eric Brown, Assistant Director of Public Works
Lynda Venne, Purchasing Agent

RESOLUTION NO. 7-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PROFESSIONAL DESIGN CONSULTANT FEE PROPOSAL WITH BRIDGES, MARSH & ASSOC. IN AN AMOUNT NOT TO EXCEED \$65,000 FOR POSSIBLE ALTERATIONS AND RENOVATIONS IN CONJUNCTION WITH THE WORTH AVENUE IMPROVEMENT PROJECT AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME ON BEHALF OF THE TOWN.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA, AS FOLLOWS:

Section 1: The Bridges, Marsh & Assoc. professional design consultant fee proposal in an amount not to exceed \$65,000 for possible alternations and renovations of design elements in conjunction with the Worth Avenue Improvement Project, attached hereto is Exhibit "A" and incorporated by reference as a part of this resolution, is hereby approved and the Town Manager is authorized to execute the same on behalf of the Town.

PASSED AND ADOPTED IN REGULAR, ADJOURNED SESSION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH ASSEMBLED THIS 11th DAY OF JANUARY, 2011.

Jack McDonald, Mayor

David A. Rosow, Town Council Member

Gail Coniglio, Town Council Member

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Cheryl Somers, Acting Town Clerk

Robert N. Wildrick, Town Council Member

22 December 2010

Mr. Peter B. Elwell
Town Manager
Town of Palm Beach
PO Box 2029
Palm Beach, FL 33480

**RE: ALTERATIONS AND RENOVATIONS TO WORTH AVENUE (between Ocean Blvd. and Coconut Row)
Additional Design improvements consistent with the Town of Palm Beach, and Worth Avenue Property Owners goals and requirements.**

PROFESSIONAL DESIGN CONSULTANT FEE PROPOSAL

The following is a "Hourly Rate, Not to Exceed" fee proposal for Basic Services on the above referenced project:

CONSULTANT SERVICES:

Architect
Landscape Architect
Structural Engineer
Mechanical, Electrical, and Plumbing Engineer
Civil Engineer/Traffic Engineer
Land Surveyors

All the above services to be undertaken up to a maximum of **\$65,000.00 (Sixty-Five Thousand Dollars)**

PHASE I	\$ 7,500.00
PHASE II	\$ 12,500.00
PHASE III	\$ 20,000.00
PHASE IV	\$ 15,000.00
REIMBURSABLES	\$ 5,000.00
AS-BUILTS	\$ 5,000.00

THE BASIC SERVICES:

- PHASE I Schematic Design
- Based on current conditions the Architect and their Consultants shall prepare Conceptual documentation in sufficient detail to allow the Town of Palm Beach, Worth Avenue Property Owners and other public or private entities to approve and endorse the viability of the proposed improvements
- \$ 7,500.00**
- PHASE II Design Development
- Based on the approved Schematic Design Documents and any adjustment authorized by the Owner in the program, schedule or construction budget, the Architect shall prepare for approval by the Owner, Design Development Documents consisting of drawings and other documents to fix and describe the size and character of the Project as to architectural, structural, mechanical and electrical systems, materials and such other elements as may be appropriate.
 - The Architect shall provide the Owner a preliminary estimate of Construction Costs.
 - Architect and their Consultants shall make necessary presentations to Town Council and Town Review Boards, including Hybrid Committee
- \$ 12,500.00**
- PHASE III. Construction Document/Bidding
- Based on the approved Design Development Documents and any further adjustments in the scope or quality of the Project or in the construction budget authorized by the Owner, the Architect and their Consultants shall prepare, for approval by the Owner, Construction Documents consisting of drawings and specifications setting forth in detail the requirements for the construction of the Project.
 - The Architect shall assist the Owner in the preparation of the necessary bidding information, bidding forms, the Conditions of the Contract, and the form of Agreement between the Owner and Contractor.
 - The Architect shall assist the Owner in the connection with the Owner's responsibility for filing documents required for the approval of government authorities having jurisdiction over the Project.
 - The Architect shall provide three (3) sets of plans and specifications, signed and sealed, to the Town's Building Department to be used for permitting.
- \$ 20,000.00**

PHASE IV Construction Administration

- The Architect's and their Consultants responsibility to provide Basic Services for the Construction Phase under this Agreement commences with the award of the initial Contract for Construction and terminates at the earlier of the issuance to the Owner of the final Certificate for Payment or 60 days after the date of Substantial Completion of the Work.
- The Architect and their Consultants, as a representative of the Owner, shall visit the site at least once a week to become generally familiar with and to keep the Owner informed about the progress and quality of the portion of the Work completed, (2) to endeavor to guard the Owner against defects and deficiencies in the Work, and (3) to determine in general if the Work is being performed in a manner indicating that the work, when fully completed, will be in accordance with the Contract Documents. However, the Architect shall not be required to make exhaustive or continuous on-site inspections to check the quality of the Work. The Architect shall neither have control over or change of, nor be responsible for, the construction means, methods, techniques, sequences, or procedures, or the safety precautions and programs in connection with the Work, since these are solely the Contractor's rights and responsibilities under the Contract Documents.
- The Architect and their Consultants shall at all times have access to the Work wherever it is in preparation or in progress.
- The Architect shall review and certify the amounts due the Contractor and shall issue certifications in such amounts.
- The issuance of a Certificate for Payment shall not be a representation that the Architect has (1) made exhaustive or continuous on-site inspections to check the quality or quantity of the Work, (2) reviewed construction means, methods, techniques, sequences or procedures, (3) reviewed copies of requisitions received from Subcontractors and material suppliers and other data requested by the Owner to substantiate the Contractor's right to payment, or (4) ascertained how or for what purpose the Contractor has used money previously paid on account of the Contract Sum.
- The Architect shall have authority to reject Work that does not conform to the Contract Documents. Whenever the Architect considers it necessary or advisable, the Architect shall have authority to require inspections or testing of the Work in accordance with the provisions of the Contract Documents, whether or not such Work is fabricated, installed or completed.

\$ 15,000.00

EXHIBIT A

As-Built Documentation

- Preparation of updated documentation reflecting all as-built project conditions for all disciplines involved in the project. This information will be delivered in electronic format (CADD) as a record for the Town of Palm Beach.

\$ 5,000.00

Basis of Compensation
As per P.S.A.

BASIS OF COMPENSATION

All services to be billed on an hourly basis and billed monthly at the following rates:

Architectural Services:

Principal	\$200.00 per hour
Project Design	\$125.00 per hour
Project Manager	\$125.00 per hour
Sr. Draftsman	\$ 95.00 per hour
Draftsman	\$ 85.00 per hour
Administration	\$ 65.00 per hour

Landscape Services

Principal	\$190.00 per hour
Associate/Proj Mgr	\$150.00 per hour
AutoCad Tech	\$ 80.00 per hour
Clerical	\$ 60.00 per hour

Structural Services

Principal	\$175.00 per hour
Engineer	\$110.00 per hour
Engineer Intern	\$ 90.00 per hour
Sr. Draftsman	\$ 90.00 per hour
Draftsman	\$ 80.00 per hour
Administration	\$ 40.00 per hour

M/E/P Services

Principal	\$150.00 per hour
Engineer	\$125.00 per hour
Technician	\$ 95.00 per hour
Draftsman	\$ 55.00 per hour
Administration	\$ 35.00 per hour

Civil Services

Principal	\$204.82 per hour
Engineer (PM)	\$148.57 per hour
Engineer II	\$118.99 per hour
CADD /Engineer III	\$ 96.65 per hour
Analyst	\$ 74.29 per hour
Draftsman	\$ 60.01 per hour
Designer	\$102.41 per hour
Administration	\$ 71.69 per hour

Surveying Services

Land Surveyor	\$100.00 per hour
Computer Tech	\$ 70.00 per hour
Computer Draftsman	\$ 60.00 per hour
Field Crew	\$120.00 per hour

ADDITIONAL SERVICES:

- If more extensive representation at the site than included in Phase IV is required the Architect shall provide one or more Project Representatives to assist in carrying out such additional on-site responsibilities.
- Making revisions in drawings, specifications or other documents when such revisions are:
 - inconsistent with approvals or instructions previously given by the Owner, including revisions made necessary by adjustment in the Owner's program or Project budget;
 - required by the enactment or revision of codes, laws or regulations subsequent to the preparation of documents; or
 - due to changes required as a result of the Owner's failure to render decisions in a timely manner.
- Providing services required because of significant changes in the Project including, but not limited to, size, quality, complexity, the Owner's schedule, or the method of bidding or negotiating and contracting for construction.
- Providing any other services not otherwise included in this Agreement or not customarily furnished in accordance with generally accepted architectural practice.

OWNER'S RESPONSIBILITY:

- The Owner shall designate a representative authorized to act on the Owner's behalf with respect to the Project. The Owner or such

EXHIBIT A

designated representative shall render decisions in a timely manner pertaining to documents submitted by the Architect in order to avoid unreasonable delay in the orderly and sequential progress of the Architect's services.

- Geotechnical Exploration, including test borings, exfiltration, ground water location with analysis and recommendation

REIMBURSABLE EXPENSES:

In accordance with the Professional Services Agreement between the Town of Palm Beach and Bridges and Marsh Associates, Inc.

Allowance \$ 5,000.00

Mr. Peter B. Elwell, Town Manager

M. Mark Marsh, AIA , President

Date

Date

ESTIMATE FOR ARCHITECTURAL SERVICES

PROJECT:	RENOVATIONS TO WORTH AVENUE - PHASE II				Sheet	1 of 1
CLIENT:	Town of Palm Beach				Date:	1/5/2011
ESTIMATOR:	Mark Marsh					
DESCRIPTION:						
Additional Modifications to Worth Avenue Improvements Requested by Owners & Town						LINE TOTALS
PHASE I	Schematic Design					\$ 3,405
	Meetings	10	15		2	\$ 1,170
		5	2			
PHASE II	Design Development	15	30		4	\$ 5,810
	Meetings	10	2			\$ 2,170
PHASE III	Construction Documents	10	20	7	10	\$ 6,760
	Bid Review	5				\$ 1,000
	Meetings	10	2			\$ 2,170
PHASE IV	Construction Administration	20	2		4	\$ 4,430
	TOTAL HOURS	85	73	7	10	189
	LABOR (\$/hour)	\$200	\$85	\$150	\$175	\$65
	TOTALS	\$17,000	\$6,205	\$1,050	\$1,750	\$910
						\$26,915
AS-BUILTS (allowance)						\$5,000
REIMBURSABLES (allowance)						\$5,000
						\$36,915

LANDSCAPE SERVICES

PROJECT:	RENOVATIONS TO WORTH AVENUE - PHASE II				Sheet	1 of 1	
CLIENT:	Town of Palm Beach				Date:	1/5/2011	
ESTIMATOR:	Sanchez and Maddux, Brian Vertesch						
DESCRIPTION:	Additional Modifications to Worth Avenue Improvements Requested by Owners & Town	DIRECT LABOR (MAN-HOURS)					LINE TOTALS \$
		Principal JAS/PMM	PM BSV	CAD RW/AR	Clerk		
PHASE I	Schematic Design	6	11	4			\$ 4,950
	Meetings	6	6				\$ 2,040
PHASE II	Design Development	2	15	8			\$ 2,520
	Meetings	4	4				\$ 1,360
PHASE III	Construction Documents	2	15	15	4		\$ 3,160
	Bid Review	1	3				\$ 640
	Meetings	4	4				\$ 1,360
PHASE IV	Construction Administration	8	11				\$ 3,170
	TOTAL HOURS	33	69	27	4		
	LABOR (\$/hour)	\$190	\$150	\$80	\$60		
	TOTALS	\$6,270	\$10,350	\$2,160	\$240		\$19,020

RESOLUTION NO. 2-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, DECLARING THE RESULTS OF THE TOWN CAUCUS; NAMING THEREIN THE CANDIDATES NOMINATED AND NAMED IN THIS RESOLUTION; DECLARING THAT A MUNICIPAL ELECTION SHALL NOT BE HELD.

WHEREAS, at a regular and duly called caucus of the TOWN OF PALM BEACH, FLORIDA, held on January 4, 2011, the following persons were duly nominated at said caucus by the voters of the Town of Palm Beach for the offices of Mayor and Town Council persons of said Town of Palm Beach, Florida, with their terms of office to be for two year periods with the terms ending upon the first regular meeting of the Town Council following the date of the scheduled Town election in February 2011:

MAYOR: Gail L. Coniglio

GROUP 1: Bill Diamond

GROUP 2: Michael J. Pucillo

their nominations being shown by the certified copy of the Minutes of said Caucus, which said certified copy is made a part of this Resolution; and

WHEREAS, the Election Coordinator has performed the necessary examination and certification required by Town Ordinance; and

WHEREAS, no opposition candidates were nominated for the seats held by the Mayor and Town Council persons in Group 1 and Group 2 at the Town Caucus held on January 4, 2011.

SECTION ONE - It is hereby declared that the following candidates have been nominated and qualified for election to the seats for Mayor and Town Council persons:

Mayor	Gail L. Coniglio
Group 1	Bill Diamond
Group 2	Michael J. Pucillo

SECTION TWO - There being no other candidates qualifying for the seats referenced above, it is hereby declared that there shall not be a need for a municipal election otherwise scheduled to have occurred on February 8, 2011.

SECTION THREE - It is hereby declared that the following candidates, having no opposition for election, are hereby declared to be elected to the respective Mayor and Town Council seats listed below:

Mayor	Gail L. Coniglio
Group 1	Bill Diamond
Group 2	Michael Pucillo

SECTION FOUR: The terms of office of the elected officials referenced shall begin and shall run from the first regular meeting of the Town Council following the date of the scheduled Town election.

**PASSED AND ADOPTED IN A SPECIAL ADJOURNED SESSION ASSEMBLED
THIS 7th DAY OF JANUARY 2011.**

APPROVED:

Jack McDonald, Mayor

David A. Rosow, Council President

Gail Coniglio, President Pro-Tem

William J. Diamond, Council Member

ATTEST:

Richard M. Kleid, Council Member

Cheryl Somers, Acting Town Clerk

Robert N. Wildrick, Council Member