



# TOWN OF PALM BEACH

## TOWN COUNCIL MEETING

TOWN HALL  
COUNCIL CHAMBERS - SECOND FLOOR  
360 SOUTH COUNTY ROAD

## AGENDA

NOVEMBER 8, 2022

9:30 AM

## Welcome

For information regarding this agenda and the procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

### I. CALL TO ORDER AND ROLL CALL

Danielle H. Moore, Mayor  
Margaret A. Zeidman, President  
Bobbie Lindsay, President Pro Tem  
Julie Araskog  
Ted Cooney  
Lew Crampton

### II. INVOCATION AND PLEDGE OF ALLEGIANCE

### III. MODIFICATIONS TO THE AGENDA

### IV. APPROVAL OF AGENDA

**V. PRESENTATIONS**

- A. Update on Palm Beach County Schools Proposed Tax Referendum  
*Erica Whitfield, Palm Beach County School Board Member, District 4*

**VI. COMMENTS OF MAYOR DANIELLE H. MOORE**

**VII. COMMENTS OF TOWN COUNCIL MEMBERS**

**VIII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE**

**IX. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)**

**A. MINUTES**

1. Town Council Meeting Minutes Page 7  
*Pat Gayle-Gordon, Acting Town Clerk*

October 12, 2022 Town Council and Planning and Zoning  
Commission Joint Meeting  
October 12, 2022 Town Council Development Review Meeting  
October 13, 2022 Town Council Meeting

2. Approval of Major Matters Considered by the Architectural Review Page 48  
Commission at its Day 2 Meeting of September 28, 2022 and of  
October 26, 2022  
*Wayne Bergman, Director of Planning, Zoning and Building*

**B. RESOLUTIONS**

1. RESOLUTION NO. 139-2022 A Resolution of the Town Council of Page 60  
the Town of Palm Beach, Palm Beach County, Florida, Approving  
the Waiver to the Town Code for Construction Hours and Authorizing  
Additional Appropriation for the North Ocean Seawall Repair and  
Painting Project, in the Amount of \$110,845 and Increasing the  
Original Construction Phase Budget of \$264,155 for this Project, for  
a Revised Total Budget of \$375,000.

*H. Paul Brazil, P.E., Director of Public Works*

2. RESOLUTION NO. 140-2022 A Resolution of the Town Council of Page 64  
the Town of Palm Beach, Palm Beach County, Florida, Approving a  
Change Order to the Award Authority of Resolution No. 083-2019  
from \$240,000 annually to \$400,000 annually to support Planning,  
Zoning, and Building Plans Review Requirements.

*Dean Mealy, Procurement and Contract Manager*

3. RESOLUTION NO. 141-2022 A Resolution of the Town Council of Page 67  
the Town of Palm Beach, Palm Beach County, Florida, Approving a  
Purchase Order to Orlando Freightliner Isuzu Truck of Ocala for the  
Purchase of a 20 CY Trash Truck in the Amount of \$193,826 and  
Establishing a Project Budget of \$213,382.

*Dean Mealy, Procurement and Contract Manager*

4. RESOLUTION NO. 142-2022 A Resolution of the Town Council of Page 70



the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. in the Amount of \$18,735 and Establishing a Project Budget of \$22,482 for Town-wide Undergrounding of Utilities Program, Phase 4 North and Phase 2 South Easement Abandonment.

*Dean Mealy, Procurement and Contract Manager*

5. RESOLUTION NO. 143-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Retroactive Change Order to Resolution No. 121-2022, Par 3 Restroom Renovation in the amount of \$23,597 for an Updated Budget Authorization of \$190,097 to Hedrick Brothers Construction Company Inc. Page 76

*Dean Mealy, Procurement and Contract Manager*

6. RESOLUTION NO. 144-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Duval Ford in the Amount of \$122,685.82 and Establishing a Project Budget of \$134,685.82 for Two Ford Police Interceptors Hybrid AWD. Page 79

*Dean Mealy, Procurement and Contract Manager*

7. RESOLUTION NO. 146-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2023-01, Request for Qualifications, CMAR for Phipps Ocean Park Improvements to Burkhardt Construction Inc. Page 83

*Dean Mealy, Procurement and Contract Manager*

8. RESOLUTION NO. 147-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract and a Purchase Order to Health Fitness Corporation in the Annual Amount of \$207,413. Page 93

*Dean Mealy, Procurement and Contract Manager*

## **X. REGULAR AGENDA**

### **A. Matters Pulled From Consent Agenda: If needed**

### **B. Old Business**

1. Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status Page 96

*H. Paul Brazil, P.E., Director of Public Works*

2. Water Feasibility Study Update Page 112

**TIME CERTAIN: 11:00 AM**

*H. Paul Brazil, P.E., Director of Public Works*

3. RESOLUTION NO. 145-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Hedrick Brothers Construction Company Inc. for the North Fire Station Rehabilitation Phase 1 GMP in the Amount of \$2,417,019 for a total Purchase Order of \$3,402,083 which Page 122

Encompasses the Previously Awarded Resolution No. 133-2021 and Resolution No. 161-2021 and Establishing a Project Budget to date of \$3,810,227.

*Dean Mealy, Procurement and Contract Manager*

### **C. New Business**

1. Discussion Regarding Town Caucus To Be Held on Tuesday, December 6, 2022 Page 138  
*Margaret A. Zeidman, Town Council President*
2. Discussion on Naming Rights Regarding Donations  
*Kirk W. Blouin, Town Manager*
3. Request for Waiver of Construction Limitations in the Right-of-Way November 12, 2022, for Delivery of a Tree to 756 Hi-Mount Road Page 142  
*H. Paul Brazil, P.E., Director of Public Works*
4. Waiver of Third Charitable Solicitation Event Permit for MorseLife Health System Page 145  
*Carolyn Stone, Deputy Town Manager*
5. Special Events Request from Worth Avenue Association for December 3, 2022 Page 158  
*Nicholas Caristo, Chief of Police*
6. Review of a Stop Work Order Due to the Three Strike Rule at 266 Colonial Lane Page 180  
*Wayne Bergman, Director of Planning, Zoning and Building*
7. Review of a Stop Work Order Due to the Three Strike Rule at 1540 South Ocean Boulevard Page 191  
*Wayne Bergman, Director of Planning, Zoning & Building*

## **XI. ORDINANCES**

### **A. Second Reading**

1. Proposed Ordinance to Amend the FY22 Budget Page 202

ORDINANCE NO. 017-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2021, and Providing an Effective Date.

*Jane Le Clainche, Director of Finance*

## **XII. ANY OTHER MATTERS**

## **XIII. ADJOURNMENT**

### **PLEASE TAKE NOTE:**

**Note 1:** Please submit written comments/materials to [council@townofpalmbeach.com](mailto:council@townofpalmbeach.com) or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials

received after 3:30 p.m. on the Wednesday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 3:30 p.m. on Wednesday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

**Note 2:** The progress of this meeting may be monitored by visiting the Town's website ([townofpalmbeach.com](http://townofpalmbeach.com)) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Technology (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

**Note 3:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**Note 4:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

**Note 5:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.

**Note 6:** All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website ([townofpalmbeach.com](http://townofpalmbeach.com)).

## **PROCEDURES FOR PUBLIC PARTICIPATION**

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

**PUBLIC HEARINGS:** Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

**COMMUNICATIONS FROM CITIZENS:** Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to

the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

**OTHER AGENDA  
ITEMS:**

Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.

# TOWN OF PALM BEACH

Town Council Meeting on: November 8, 2022

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## Section of Agenda Minutes

Agenda Title  
Town Council Meeting Minutes  
*Pat Gayle-Gordon, Acting Town Clerk*

October 12, 2022 Town Council and Planning and Zoning Commission Joint Meeting

October 12, 2022 Town Council Development Review Meeting

October 13, 2022 Town Council Meeting

## Presenter

## ATTACHMENTS:

- ▣ **October 12, 2022 Town Council and Planning and Zoning Commission Joint Meeting Minutes**
- ▣ **October 12, 2022 Town Council Development Review Meeting Minutes**
- ▣ **October 13, 2022, Town Council Meeting Minutes**



# TOWN OF PALM BEACH

Joint Meeting of the  
Planning and Zoning Commission  
With the Mayor and Town Council  
Held on October 12, 2022

## I. CALL TO ORDER AND ROLL CALL

The Joint Meeting of the Planning and Zoning Commission with the Mayor and Town Council was called to order on October 12, 2022 at 9:00 a.m. On roll call, all elected officials and Commission members were found to be present.

## II. INVOCATION AND PLEDGE OF ALLEGIANCE

Acting Town Clerk Gayle-Gordon gave the invocation. Council President Council President Zeidman led the Pledge of Allegiance.

## III. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore expressed her appreciation for this meeting occurring.

## IV. COMMENTS OF TOWN COUNCIL MEMBERS

In response to a question from Council President Zeidman, Town Attorney Randolph clarified that the joint meeting is informational only and that no actions will be taken.

Council President Pro Tem Lindsay expressed appreciation for the work that has been done on the report and expressed appreciation for the joint meeting.

Council Member Crampton spoke regarding the necessity for the Code to be revised and

expressed appreciation for the joint meeting.

Council Member Araskog spoke regarding this meeting only being the first step in this process and that there will be much resident involvement going forward.

Council President Zeidman announced that letters received on this item are part of the record.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Katherine Catlin, Palm Beach, spoke regarding issues that the out-of-date zoning code has on the Town and its residents, as is evidenced by the amount of variance requests. She expressed concern over the size of new homes that are being built on smaller lots and spoke in support of changes to the zoning code that address these issues.

Susan Gary, Palm Beach, spoke regarding the long process for changing the zoning code. She spoke in support of some of the proposed changes, such as raising foundations of homes, and setbacks. She expressed concern over combining of lots, the overall massing of new homes and new homes being built on the north end that are closer to the ocean. Additionally, she pointed out that combining of lots and building homes closer to the ocean are not included in the report from the consultants. She also expressed concern over combining of lots in the “estate” section. She spoke in support of a more interactive dialogue with the residents on the proposed changes.

Reinhard Brandner, Palm Beach, spoke in support of this process moving forward and expressed the importance for zoning changes and resident participation in the process. He spoke regarding issues with certain resident’s projects that are not consistent with the neighborhood in which they are being built.

Pat Wilson, Palm Beach, expressed concern over the amount of construction that is occurring in Town and expressed concern over new homes being built that are not compatible with the neighborhood. She spoke in support of a moratorium on new construction until the new zoning code is in place.

Susan Furman, Palm Beach, expressed concern over the amount of construction in Town and spoke in support of a moratorium on new construction.

Anne Pepper, Palm Beach, spoke regarding the importance of addressing the water retention of older homes on the Sea Streets and stated that the issue needs to be addressed in the new zoning code. She spoke in support of more greenspace being required for new homes being built.

VI. APPROVAL OF AGENDA

**Motion made by Council Member Araskog and seconded by Council Member Cooney to approve the agenda as amended. Motion carried unanimously, 5-0.**

1. Old Business

- a. Code Review Presentation
  - 1. Zoning Diagnostic Report
  - 2. R-B District Mock-up
  - 3. TC & PZC Discussion
- b. Discussion Regarding Other Zoning Items
- c. Discussion Regarding the Public Engagement Piece of Code Review
- d. Next Steps

Sean Suder, ZoneCo provided background information on the project and the work and meetings that have occurred by the consultants up to this point.

Mr. Suder provided highlights of the Zoning Diagnostic Report. He provided information on the major issues with the current code, such as the type of district zoning that was used in the current code and that the current code does not reflect the needs and desires of the Town's residents. He spoke regarding the benchmarks used in the report. He addressed the positive parts of the Code that are working on new projects in Town. He explained some of the proposed administrative changes to the Code and spoke regarding removing the Planned Unit Development section. He stated that it is unusual for the Town Council to hear all variances but stated that if the Code is changed to reflect the needs of the community, there may be fewer variances requested. He addressed the R-B Zoning District and the differences of the neighborhoods in that district and suggested a redistricting that would be more consistent with location and lot size. He spoke regarding the items that need to be considered and studied, such as lot coverage.

He spoke regarding potential changes to the R-C District and stated that the RD-1 and RD-2 Districts don't have too many issues. He spoke regarding issues with the Commercial District section. He addressed the sign code and stated that not much needs to be done in that section. He spoke regarding the C-OPI, Office-Professional Use District, and spoke regarding potentially rebranding it as a "gateway" to the Town. He spoke regarding the Commercial Center District and spoke regarding the potential of creating a new district that encompasses this one and the C-OPI District. He discussed consolidating height calculations. He spoke regarding how to handle addressing raising lots. He discussed parking requirements and spoke in support of doing a parking demand study. He stated that parking should be discussed at its own meeting. He spoke regarding addressing walls and hedges.

He displayed and explained the new Code Table of Contents.

Mr. Suder provided an overview of the considerations for the R-B District. He



spoke regarding upcoming portions of the project process. He spoke regarding public input and engagement.

Council President Zeidman spoke regarding the importance of the public being able to explain their concerns and she spoke in support of commencing the public engagement process as soon as possible. Mr. Suder responded.

Council Member Araskog expressed support for this report being posted on the Town's front page. In response to a question by Ms. Araskog regarding property rights and landscape vs. impervious surfaces, Mr. Suder responded. She expressed concern over potential changes to the ARCOM ordinance. She spoke regarding looking at variances and why so many variances are requested.

Council President Pro Tem Lindsay requested confirmation from the Town Council that the R-B District is still the highest priority for review. She expressed concern over certain uses that are in the R-B District. She inquired if there are ways for the Town to slow down the development that is occurring in the Town, to which Mr. Randolph and Mr. Suder and Mr. Corradino responded. He discussed items that need input from the public and Town Council. She inquired about using "zoning in progress."

In response to the inquiry about "zoning in progress", Council President Zeidman cautioned about moving too quickly through this process. She said we are moving in a positive direction and expressed concern that "zoning in process" would move the entire effort in a negative direction. She also stated that ARCOM was doing a good job of using their expertise and the ARCOM ordinance to address the issues of concern. She requested Mr. Suder address "zoning in progress."

Council Member Crampton spoke in support of moving carefully through the process. He spoke regarding the report and the amount of detail included and encouraged interested parties to read it. He spoke in support of the public engagement process being broad, meaningful, and real. He spoke regarding the issues that are being considered pertaining to the R-B District. He spoke in support of carving out new districts as was mentioned in the report. He spoke regarding looking closely at the Apollo lot and what can be done with that lot. He spoke regarding looking into the differences between the nature of the various Commercial Districts.

Council President Zeidman stated that the Town Council and Planning and Zoning Commission can reach out to the consultants individually.

Mayor Moore requested consideration of a separate district for Island Drive in addition to Lake Trail. She spoke regarding the importance of also considering the south end of Town.

Council Member Cooney spoke in support of looking at south end of Town, as well. He emphasized the importance of moving forward the right way and not

moving too quickly on this process.

Planning & Zoning Commission Chair Gail Coniglio requested guidance from the Town Council on the priorities for the Commission to review for the zoning in progress process. Mr. Suder responded at Ms. Coniglio's request. He spoke regarding the first focus being reviewing the draft R-B District, as well as the proposed map. Discussion ensued on what will be reviewed and the timeline.

Nicki McDonald, Planning & Zoning Commissioner, spoke regarding the CCR vs. FAR issue and expressed support for making the change at this point. Council President Zeidman spoke regarding the necessity to look at this issue as part of the entire process. Council Member Araskog and Council Member Crampton provided additional background on the previous discussion of this issue.

Dick Kleid, Planning & Zoning Commissioner, emphasized the importance of looking at the development and zoning of the south end.

John Tatoes, Planning & Zoning Commissioner, requested that visual examples are provided during the review. He spoke regarding the importance of looking at the impact of what is being considered on traffic, especially in the commercial districts.

William Gilbane, Planning & Zoning Commissioner, spoke in support of having a detailed schedule for the Commission on the items that will be reviewed.

Chair Coniglio asked if the P&Z meeting should be rescheduled to occur before the next Town Council meeting. Council President Zeidman recommended that the Planning & Zoning Commission meeting be held prior to the Town Council meeting in November.

Michael Spaziani, Palm Beach, requested clarification to the zoning-in-progress study, to which Town Attorney Randolph responded. He spoke in support of moving the Planning & Zoning Commission meeting.

Council Member Araskog spoke in support of changing the some of the zoning along the ocean in the north end to R-A or R-AA and spoke regarding the importance of looking at the south end. She spoke in support of having focus group type of meetings to include in the public engagement.

Town Attorney Randolph emphasized that any public engagement meetings must be done in public.

## VII. ANY OTHER MATTERS

None.

VIII. ADJOURNMENT

**The meeting adjourned at 11:16 a.m. on October 12, 2022 without the benefit of a roll call.**

APPROVED:

\_\_\_\_\_  
Margaret A. Zeidman, Town Council President

ATTEST:

\_\_\_\_\_  
Kelly Churney, Deputy Town Clerk  
Date: \_\_\_\_\_



# TOWN OF PALM BEACH

Minutes of the Development Review  
Town Council Meeting  
Held on October 12, 2022

## I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order October 12, 2022, at 11:32 a.m. On roll call, all elected officials were found to be present, with Mayor Moore participating on Zoom.

## II. INVOCATION AND PLEDGE OF ALLEGIANCE

Acting Town Clerk Gayle-Gordon gave the invocation. Council President Council President Zeidman led the Pledge of Allegiance.

## III. COMMENTS OF MAYOR DANIELLE H. MOORE

None.

## IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog stated that she extends her thoughts and prayers to those impacted by Hurricane Ian.

## V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

No one indicated a desire to speak.

## VI. APPROVAL OF AGENDA

Director of Planning, Zoning and Building Wayne Bergman read the following requested

modifications:

Deferral of ZON-22-017, 1237 N. Lake Way to the November 9, 2022 meeting

Deferral of ZON-22-021, 160 Seaview Avenue to the November 9, 2022 meeting

Deferral of ZON-22-088, 240 Oleander Avenue to the November 9, 2022 meeting

Deferral of ZON-22-100, 800 S. County Road to the November 9, 2022 meeting

Deferral of ZON-22-123, 218 Phipps Plaza to the November 9, 2022 meeting

Deferral of ZON-22-132, 165 Bradley Place to the November 9, 2022 meeting

Deferral of ZON-22-138, 1540 S. Ocean Boulevard to the November 9, 2022 meeting

Director Bergman announced that ZON-22-109, 470 South County Road will be heard as a time certain at 2:00 p.m.

**Motion made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to approve the agenda as amended. Motion carried unanimously, 5-0.**

## VII. DISCUSSIONS

None

## VIII. DEVELOPMENT REVIEWS

Acting Town Clerk Gayle-Gordon administered the oath at this time and throughout the meeting as needed.

### A. Declaration of Use Agreements

#### 1. ZON-22-070 (COA-22-026) 241 SEAVIEW AVE. (COMBO) MODIFICATION TO DECLARATION OF USE AGREEMENT

Council President Zeidman, Council President Pro Tem Lindsay and Council Members Araskog, Cooney and Crampton declared ex parte communications.

Jennifer Hofmeister-Drew, Planner III, provided a brief background on this item and spoke regarding an issue of not having the most recent revised amended and restated declaration of use agreement. Town Attorney Randolph expressed concern over the most recent version not being included in the backup, but Maura Ziska, representing the Day Academy, spoke regarding the amended and restated declaration of use agreement.

Discussion ensued regarding what had been included in the backup and how the Town Council should handle this item at the time.

James Green, Attorney representing several neighbors to the north of the Day School, spoke regarding him not seeing the amended and restated agreement and stated that he would not be able to attend the Town Council meeting occurring the next day.

**Motion by Council Araskog and seconded by Council Member Crampton to defer the item to the November 9, 2022 Town Council Development Review Meeting. Motion carried unanimously, 5-0.**

**B. Time Extensions and Waivers**

None

**C. Variances, Special Exceptions, and Site Plan Reviews**

**1. Old Business**

- a. **ZON-22-017 (ARC-22-032) 1237 N LAKE WAY (COMBO) - VARIANCES & SITE PLAN REVIEW** The applicant, Frank H. Pearl and Geryl T. Pearl, has filed an application requesting Town Council review of and approval of Site Plan Review for the construction of a new two-story residence on a lot with less width than required in the RB district, and including variances (1) to allow a two-story accessory structure on a lot less than 20,000SF in lot area, and (2) to exceed the point of measurement. ARCOM will perform design review of the application. [Architectural Review Commission Recommendation: Implementation for the proposed variance for the second story will cause negative architectural impact to the subject property. Carried 4-3. Implementation for the proposed variance, which addressed the point of measurement, will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission deferred the project to the July 27, 2022 meeting. Carried 7-0.] [The Architectural Review Commission deferred the project to their September 28, 2022, meeting. Carried 7-0.] [Item deferred to the October 26, 2022, Architectural Commission meeting at the request of the applicant.] [This item shall be deferred at the request of the applicant.]

*This item was deferred to the November 9, 2022 meeting at the approval of the agenda.*

- b. **ZON-22-021 (ARC-22-022) 160 SEAVIEW AVE (COMBO) – VARIANCES** The applicant, Coral Beach Corporation (Angela Feldman, President) and Seaview Holdings, Inc. (David Feldman, Director), has filed an application requesting Town Council review for variances to exceed the point of measurement elevation higher than allowed to be measured from and to reduce the required street side yard setback for a new guest house on combined parcels at 160 and 170 Seaview Avenue. ARCOM will perform design review of the application. (The Architectural Review Commission deferred the project to their September 28, 2022 meeting. Carried 7-0.) [Item deferred to the October 26, 2022, Architectural Commission meeting at the request of the applicant.] [This item shall be deferred at the request of the

applicant.]

*This item was deferred to the November 9, 2022 meeting at the approval of the agenda.*

- c. **ZON-22-078 (ARC-22-123) 231 BRADLEY PL (COMBO) – SPECIAL EXCEPTION AND SITE PLAN REVIEW AND VARIANCES** The applicant, Bradley Palm LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review allow a single-tenant occupied office containing approximately 5800SF GLA on the second floor of an existing two-story office building, and Variances to eliminate 1 of the required 22, 18 of which are existing parking spaces, (2 and 3) to reduce the required rear (east) and side (north) setback to accommodate exterior design modifications and (4) to exceed the maximum allowable lot coverage to accommodate additions to the two-story office structure. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of proposed variance will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission deferred the project to the September 28, 2022 meeting. Carried 7-0.] [The Architectural Review Commission approved this project at the September 28, 2022, meeting, with the main façade and front door returning for review at a subsequent meeting. Carried 5-1] [The zoning portion of the application was re-noticed to include an additional variance, requested by the applicant.]

No one declared ex parte communications.

M. Timothy Hanlon, representing the owner, provided background information on the project and explained the variances.

Pablo Garcia, Architect, presented the architectural overview and answered Council Members' questions.

Council Member Cooney spoke regarding the adjacent neighbors approving of the project. He spoke in support of designing alarm hardware that would not be disruptive to the neighbors and Mr. Garcia spoke regarding the entrance.

Council Member Araskog expressed concern over the number of chairs in the plans and Mr. Hanlon explained the use of the office.

Council President Pro Tem Lindsay expressed concern over the species of Ficus that are going to be planted and explained the species that are not permitted in Town. Council President Zeidman spoke regarding the importance of ARCOM having a list of allowed plant species.

Assistant Director of Planning, Zoning and Building James Murphy provided staff comments.

Bill and Anne Metzger, Palm Beach, spoke in support of this project and spoke regarding specific aspects of the project.

**Motion made by Council President Pro Tem Lindsay and seconded by Council Member Araskog that Special Exception and Site Plan Review ZON-22-078 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Chapter 50, Sections 116 and 117 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. Motion carried unanimously, 5-0.**

In response to a question by Ms. Araskog, Mr. Murphy spoke regarding what would happen if the building was sold.

**AMENDED MOTION: Motion made by Council President Pro Tem Lindsay and seconded by Council Member Araskog that Special Exception and Site Plan Review ZON-22-078 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Chapter 50, Sections 116 and 117 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted, if necessary, to underground utilities in the area; with the condition that this Special Exception and Site Plan Review is approved for this specific use and owner and if the property is sold, the item needs to return to Town Council. Motion carried unanimously, 5-0.**

**Motion made by Council President Pro Tem Lindsay and seconded by Council Member Araskog that Variance ZON-22-078 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met; with the condition that this Variance is approved for this specific use and owner and if the property is sold, the item needs to return to Town Council. Motion carried unanimously, 5-0.**

- d. **ZON-22-088 (ARC-22-126) 240 OLEANDER AVE (COMBO) – VARIANCES** The applicant, PTMJM Florida Investment Properties, LLC (Patricia Lambrecht), has filed an application requesting Town Council review and approval for variances (1) for development on a lot which is deficient in minimum lot area and (2) deficient in lot depth in the RC zoning district and (3) to exceed the maximum allowed lot coverage, in conjunction with the construction of a new two-story single-family residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred this item to the September 28, 2022, meeting. Carried 7-0] [Due to Hurricane Ian, the Architectural Review Commission deferred this project to the October 25,



2022, meeting. [This item shall be deferred to the November 9, 2022, Town Council meeting pending Architectural Review.]

*This item was deferred to the November 9, 2022 meeting at the approval of the agenda.*

- e. **ZON-22-093 (ARC-22-143) 1356 N OCEAN BLVD (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, Pippasbeachclub LLC (Gary and Kelly Pohrer), has filed an application requesting Town Council review and approval for a special exception with site plan review for the construction of a beach cabana in the R-B/B-A zoning district including variances (1) to exceed the maximum building height, (2) to reduce required west yard setback, (3) to reduce required ocean bulkhead setback, and (4) to exceed the maximum distance separation permitted between pool equipment and pool. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of proposed variance will not cause negative architectural impact to the subject property. Carried 6-0.] [The Architectural Review Commission approved this project at the September 28, 2022, meeting. Carried 5-1.]

Council Member Cooney declared ex parte communications.

Maura Ziska, attorney for the property owners, explained the proposed project and explained that they have removed two of the variances.

Assistant Director Murphy presented staff comments.

In response to a question from Council Member Araskog, Peter Papadopoulos, Smith and Moore Architects, addressed the height of the hedge. Council Member Araskog spoke in support of keeping the height at 30 inches.

In response to a question by Council President Zeidman, Mr. Murphy spoke regarding the bulkheads being addressed in the zoning code change.

**Motion made by Council Member Araskog and seconded by Council President Pro Tem Lindsay that Site Plan Review and Special Exception ZON-22-093 be approved as said applications meet the criteria set forth in Section 134-229 and Section 134-329 of the Town Code, and finding that approval of the Site Plan will not adversely affect the public interest and that all zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11; with the condition that the hedge running north and south on the west side is no higher than 30” and that nothing will be planted on the east side; and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded**

easement will be granted, if necessary, to underground utilities in the area. Motion carried unanimously, 5-0.

Motion made by Council Member Araskog and seconded by Council President Pro Tem Lindsay that Variance ZON-22-093 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Chapter 50, Sections 116 and 117 have been met. Motion carried unanimously, 5-0.

- f. **ZON-22-100 (COA-22-035) 800 S COUNTY RD (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, ANN DESRUISSEUAX, has filed an application requesting Town Council review and approval for site plan review for the installation of a generator over 100 kW with associated building, and variances (1) to reduce the required east front yard setback, (2) to reduce the required north side yard setback, (3) to exceed the maximum lot coverage allowed, (4) to decrease the minimum required landscape open space, (5) to place a cooling tower within a required side yard, and (6) to place an 150 kW generator in the required front and side yard. The Landmarks Preservation Commission will perform design review of the application. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 6-0.] [The Landmarks Preservation Commission approved the project at their July 20, 2022 meeting. Carried 6-0.] [The Town Council requested a landscape plan with less hardscape and the neighbors to work out differences regarding a wall between property at their August 10, 2022, meeting.] [Town Council deferred this project to the October 12, 2022, Town Council meeting.]

*This item was deferred to the November 9, 2022 meeting at the approval of the agenda.*

- g. **ZON-22-123 (COA-22-042) 218 PHIPPS PLZ (COMBO)—VARIANCE.** The applicant, Bruce Leeds, Trustee of the Bruce Leeds Declaration of Trust, dated May 30, 2007, has filed an application requesting Town Council review and approval for a variance to reduce the required west rear yard setback, in conjunction with the construction of a new two-story accessory structure. The Landmarks Preservation Commission will perform design review of the application. [The Landmarks Preservation Commission deferred this item to the September 21, 2022 meeting. Carried 7-0.] [The Landmarks Preservation Commission deferred this item to the October 18, 2022, meeting. Carried 7-0.] [This item shall be deferred to the November 9, 2022, Town Council meeting pending Landmarks Preservation approval.]

*This item was deferred to the November 9, 2022 meeting at the approval of the agenda.*

*The Town Council recessed at 1:02 p.m. and reconvened at 1:56 p.m.*

## **2. New Business**

- a. **ZON-22-109 264-270 S COUNTY RD—SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW** The applicant, Carriage House Properties Partners, LLC (Joshua Levy, Director) has filed an application requesting Town Council review and approval for Special Exception Request With Site Plan Review to allow for outdoor café seating (62 seats) within a private courtyard in conjunction to an existing private club/restaurant. Additionally, the applicant is seeking special consideration to amend the Declaration of Use prematurely before the allocated restrictive 2-year time frame in order to activate outdoor seating.  
TIME CERTAIN: 2:00 PM

Council President Zeidman spoke regarding the reasoning why this item was designated a 2:00 PM time certain. She stated that the Mayor and Council had received an email last evening expressing concern that the time certain would reduce public participation by placing the discussion in the afternoon. She stated that the time certain was meant to provide notification and subsequent participation by all interested parties and that the morning had been previously scheduled some time ago for a P&Z/ Council joint meeting with the Zone Co Consultants.

Council Member Crampton, Council President Pro Tem Lindsay, Council President Zeidman, Mayor Moore, Council Members Cooney and Araskog declared ex parte communications.

Maura Ziska, attorney for the applicant, provided a brief overview of the special exception request, which is to allow outdoor café seating in a private courtyard.

Keith Spina, Spina O'Rourke, Architect for the project, presented the architectural plans.

Town Attorney Randolph inquired of Council if they are willing to waive the provision in the declaration of use agreement that requires the club to wait at least two years before returning to Council with further changes.

Mayor Moore spoke regarding the long-term discussions on the declaration of use agreement for the Carriage House and she spoke in support of upholding this provision of the declaration of use agreement.

Council Member Crampton spoke in support of the operation of the club presently and spoke in support of upholding this provision of the declaration of use agreement.

Council Member Araskog expressed concern over issues that have arisen with the neighbors of the Club and spoke in support of upholding the declaration of use agreement. She spoke in opposition to outdoor seating at this restaurant.

Council President Pro Tem Lindsay spoke regarding the benefit of outdoor seating at restaurants, especially since the pandemic, and spoke regarding the fact that the declaration of use agreement was signed prior to the pandemic. She spoke in support of working with the club to find a way to have some outdoor seating at the club in order to accommodate those that still don't feel comfortable dining inside. She spoke regarding not receiving any complaints since the club has been open.

Council Member Cooney spoke in support of the changes that have occurred in the Club and that he has not witnessed any issues at this point. He expressed concern over the timing of the request.

Council President Zeidman spoke in opposition to the number of seating that has been requested on the patio. She spoke regarding the declaration of use agreement being signed prior to the pandemic and spoke regarding the danger of COVID-19. She spoke in support of looking at granting some kind of outdoor seating in light of the pandemic.

Discussion ensued on the Council's consideration of waiving the 2-year provision to the declaration of use agreement or waiting until January.

Tom Zacharias, Palm Beach, expressed appreciation for the Town Council Members who are open to reconsidering the outdoor seating and spoke support of the Town Council considering the item at this time rather than waiting until January.

Maisie Grace, Palm Beach, spoke in opposition to the Town Council waiving this provision of the declaration of use agreement.

Jeff Marcus, Palm Beach, spoke in support of the Town Council waiving the provision and consider the outdoor seating.

Tim Gannon, Wellington, spoke in support of the Club and spoke in support of the Town Council waiving the provision in order to consider the seating.

John Eubanks, representing Bradley Geist, spoke in opposition to the Town Council waiving the provision to the declaration of use and spoke regarding the terms in the declaration of use agreement.

Grier Pressly, Palm Beach, expressed concern over the club being able to make changes at this point because it has not proven itself as an operator due to the short time that it has been open and due to complaints from neighbor.

Anne Pepper, Palm Beach, spoke in opposition to the Town Council waiving the provision to the declaration of use agreement and that the Club has not yet proven itself.

Gail Coniglio, Palm Beach, expressed concern over the Town Council

waiving the provision of the declaration of use agreement.

John Schaffer, Palm Beach, spoke in opposition to the Town Council waiving the provision of declaration of use agreement.

Susan Gary, Palm Beach, expressed concern that this item was even placed on the agenda, to which Town Attorney Randolph responded that this is “due process.”

Pieter Taselaar, Palm Beach, spoke in support of the Town Council waiving the provision in order to consider the request for outdoor seating.

Paula Bickford, applicant, spoke regarding their request and requested the Town Council to consider the application in light of changes to dining due to the pandemic.

Bradley Geist, Palm Beach, spoke in opposition to the Town Council waiving the provision of the declaration of use agreement and spoke regarding issues with the applicant submitting this application at this time.

*The Town Council recessed at 3:48 p.m. and reconvened at 3:53 p.m.*

Council President Zeidman addressed the question of how the item was placed on the agenda.

Robert Shelton, Palm Beach, spoke in opposition to the Town Council waiving the provision of the declaration of use agreement.

Council President Zeidman provided clarification of the outdoor café seating in comparison to the temporary COVID seating.

Maura Ziska addressed comments that were made by public comment speakers and spoke regarding the reasoning why the applicant is coming before Town Council at this time.

Council Member Araskog inquired if the applicant was going to request outdoor dining prior to the pandemic to which Ms. Ziska responded.

Council President Zeidman, in summary, expressed concern over the number of outdoor seating that is being requested. She suggested as a starting point tailoring the request to fewer seats, located at the eastern part of the courtyard by the fountain and limiting the hours with no service station.

Town Attorney Randolph provided options for Council’s approval at this time.

Council Member Crampton expressed opposition to waiving the provision

Council Member Araskog expressed concern over potential litigation if the declaration of use agreement is waived.

*The Town Council recessed at 4:15 p.m. and reconvened at 4:20 p.m.*

- Council Members Crampton and Cooney, Council President Pro Tem Lindsay, Council President Zeidman declared ex parte communications.

Ann DesRuisseaux, Applicant, provided clarification on the café seating permit and the proposed greenspace as well as further information on the variances.

Director Bergman provided staff comments and background on the

application.

Ms. DesRuisseaux addressed the issue of the nightclub not being considered a restaurant and explained that it should be considered a restaurant and stated that she would apply for another license to do that.

Council President Zeidman addressed this issue and why it could be a concern to the Town Council, to which Ms. DesRuisseaux responded.

Assistant Director Murphy provided further background on the project.

Council Member Cooney spoke in support of the revised project application. In response to a question from Mr. Cooney, Mr. Freijomel spoke regarding the proposed side entrance. He spoke in support of having a reduction of the hours of the outside seating.

Council President Pro Tem Lindsay requested confirmation of the maximum number of seating. Discussion ensued regarding the outdoor terraces.

In response to a question from Council Member Crampton, Mr. Murphy provided confirmation that staff is comfortable with the application.

Council Member Araskog spoke in support of having a declaration of use agreement for this project. Mr. Bergman explained that the approval of the designation as a restaurant must be considered prior to the outdoor seating being approved. Discussion ensued regarding this consideration.

Council President Zeidman spoke in support of changing the nightclub to a restaurant only with limited hours. She expressed concern over the image of the nightclub and the patronage it attracts. Ms. DesRuisseaux responded and spoke regarding this possibly not being considered café seating since they are building a terrace. Mr. Bergman responded and explained that since the seating was covered and not enclosed, it would count towards café seating. Discussion ensued regarding if it should be considered café seating.

Council Member Araskog spoke in support of this establishment becoming a restaurant rather than a nightclub. Ms. DesRuisseaux expressed concern over changing from a nightclub to a restaurant.

Council President Pro Tem Lindsay spoke in support of the restaurant designation but expressed concern over having patrons hanging out in the outside area.

Council President Zeidman expressed concern over the outdoor seating because it would provide more space inside for the bar/nightclub area. She also expressed concern over moving the parking spaces to the neighboring business. She spoke in support of reducing the proposed 22 seats outside.

Council Member Araskog expressed concern over having a nightclub and

restaurant.

Mayor Moore spoke regarding the original application for a restaurant not being granted due to the parking variance and expressed concern that the neighboring business's outdoor seating would affect the proposed parking for this business.

Council President Zeidman expressed concern that this application is an intensification. Ms. DesRuisseaux responded.

Council Member Cooney inquired about the hedge, to which Ms. DesRuisseaux responded.

Assistant Murphy spoke regarding the use of nightclubs/bars versus restaurant and explained that if they change it to a restaurant only, then the establishment would no longer be allowed to have live music. Council Member Cooney inquired about if there is an allowable hybrid use, as has been approved for other establishments. Discussion ensued.

Ms. Ziska explained the hardship for the variances.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Council President Zeidman outlined the variance requests.

**Motion made by Council President Pro Tem Lindsay and seconded by Council Member Cooney that Site Plan Review ZON-22-113 be approved as said applications meet the criteria set forth in Section 134-229 of the Town Code, and finding that approval of the Site Plan will not adversely affect the public interest and that all zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11; and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. This site plan approves the bump out for the two bathrooms and shift of the aisle and excludes the outdoor seating and terrace. Motion carried unanimously, 5-0.**

**Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton that Variance ZON-22-113, Items 1, 4 and 6, shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201, Items 1 through 7 have been met; and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. Motion carried unanimously, 5-0.**



**Motion made by Council President Pro Tem Lindsay and seconded by Council Member Araskog that Variance ZON-22-113, Items 2 and 3, shall be deferred to the November 9, 2022 Town Council Development Review Meeting. Motion carried unanimously, 5-0.**

- c. **ZON-22-124 (ACR-22-163) 357 N LAKE WAY (COMBO) - VARIANCES** The applicant, Scott Hesse and Whitney Hesse, has filed an application requesting Town Council review and approval for variances (1-2) to reduce the front and rear setbacks, and (3) to eliminate the two-car garage enclosure requirement by only providing a one-car garage, and (4) to reduce the street side yard 2-story setback, in conjunction with the renovation of an existing two-story single-family residence and new one- and two- story additions. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of proposed variance will not cause negative architectural impact to the subject property. Carried 6-0.] [The Architectural Review Commission approved this project at the September 28, 2022, meeting. Carried 6-0.]

Council Member Cooney declared ex parte communications.

Maura Ziska, attorney for the property owners, explained the proposed project and explained the variances.

Daniel Kahan, Smith and Moore Architects, presented the architectural plans and provided further information on the variances.

Assistant Director Murphy provided staff comments.

Mayor Moore spoke regarding the history of this home and spoke in support of the proposed project.

Council Member Crampton spoke in support of the proposed project.

Council Member Cooney spoke in support of the proposed project and commended the architects on the design of the home. He spoke regarding the importance at looking at the off-street parking.

Council Member Araskog spoke in support of the project and spoke regarding providing consideration before moving from a two car to one car garage.

Council President Pro Tem Lindsay and Council President Zeidman spoke in support of the design.

Council President Zeidman called for public comment, and no one indicated a desire to speak.

**Motion made by Council Member Crampton and seconded by Council**

**President Pro Tem Lindsay that Variance ZON-22-124 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. Motion carried unanimously, 5-0.**

- d. **ZON-22-131 163-165 SEMINOLE AVE—VARIANCES.** The applicant, 2012 Steven H. Rose Irrevocable Trust (Dale Coudert), has filed an application requesting Town Council review and approval for variances (1) to create a new nonconforming east side-yard setback and (2) to create non-conforming landscaped openspace at 165 Seminole Ave. Variance (3) is to create a non-conforming west side-yard setback, (4) a variance for non-conforming lot coverage, (5) a variance to create non-conforming landscaped openspace, and (6) a variance to create nonconforming angle of vision at 163 Seminole Ave. The variances are required as part of the subdivision of the existing unified property at 163-165 Seminole Avenue into 2 separate lots while maintaining all existing structures and hardscape.

Council Members Cooney and Council President Zeidman declared ex parte communications.

Maura Ziska, attorney for the property owner, explained the proposed project and explained the variances.

Kevin Asbacher, Asbacher Architecture, provided further information on the variances.

Director Bergman provided staff comments.

Council Member Cooney provided background information on the home and spoke regarding the importance of the home being designated historic.

Council President Pro Tem Lindsay spoke in support of the home being landmarked.

Council Member Araskog expressed concern if the property owner did not approve the designation of the home as an historic landmark.

**Motion made by Council President Pro Tem Lindsay and seconded by Council Member Araskog that Variance ZON-22-131 shall be deferred to the November 9, 2022 Town Council Development Review Meeting. Motion carried unanimously, 5-0.**

- e. **ZON-22-132 (ARC-22-200) 165 BRADLEY PL (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE.** The applicant, Biltmore Galleria, LLC., has filed an

*This item was deferred to the November 9, 2022 meeting at the approval of the agenda.*

- Council Member Crampton addressed the number of required variances and inquired about the hardship, to which Ms. Ziska responded.

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Crampton that Site Plan Review ZON-22-137 be approved as said applications meet the criteria set forth in Section 134-229 and Section 134-329 of the Town Code, and finding that approval of the Site Plan will not adversely affect the public interest and that all zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11; with the condition that the hedge running north and south on the west side is no higher than 30” and that nothing will be planted on the east side; and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. Motion carried unanimously, 5-0.

Motion made by Council Member Araskog and seconded by Council Member Crampton that Variance ZON-22-137 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. Motion carried unanimously, 5-0.

Motion made by Council Member Araskog and seconded by Council President Pro Tem Lindsay that Variance ZON-22-137 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Chapter 50, Sections 116 and 117 have been met. Motion carried unanimously, 5-0.

- g. **ZON-22-138 (ARC-22-184) 1540 S OCEAN BLVD. (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicant, 1540 S OCEAN LLC (Steven Kirsch), has filed an application requesting Town Council review and approval for Special Exception and Site Plan Review for the construction of a new two-story guest house connected to a previously approved two-story structure with related landscape and hardscape improvements on a parcel deficient in lot depth. The Architectural Commission will perform the design review of the application. [Due to Hurricane Ian, the Architectural Review Commission deferred this project to the October 25, 2022, meeting. [This item shall be deferred to the November 9, 2022, Town Council meeting pending Architectural Review.]

*This item was deferred to the November 9, 2022 meeting at the approval of the agenda.*

- h. **ZON-22-142 340 ROYAL PALM WAY SUITE 300 -SPECIAL EXCEPTION WITH SITE PLAN REVIEW.** The applicant, BDT CAPITAL PARTNERS (Bong Shinn, Partner), has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan Review for a financial institution tenant greater than 2,000 SF of GLA (7,100 SF) of an existing shell of a third floor within an existing multi-story office building zoned C-OPI with an attached parking structure.

No ex parte communications were declared.

Maura Ziska, attorney for the applicants, provided background information on the item.

Assistant Director Murphy provided staff comments.

Council President Zeidman asked for public comment. No one indicated a desire to speak.

**Motion made by Council Member Araskog and seconded by Council President Pro Tem Lindsay that Site Plan Review and Special Exception ZON-22-142 be approved as said applications meet the criteria set forth in Section 134-229 and Section 134-329 of the Town Code, and finding that approval of the Site Plan will not adversely affect the public interest and that all zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. Motion carried unanimously, 5-0.**

- i. **ZON-22-155 155 HAMMON AVE—SPECIAL EXCEPTION W/ SITE PLAN REVIEW.** The applicant, CH Hotel LLC (Sarah & Andrew Wetenhall), has filed an application requesting a Town Council review and approval for Special Exception Request with Site Plan Review to allow ‘accessory commercial uses to hotel uses’ in the R-D (2) district in conjunction to an existing hotel.

Harvey Oyer, representing the applicant, provided background information on the application.

Jennifer Hofmeister-Drew, Planner III, provided staff comments. Assistant Director Murphy provided additional comments.

Council President Zeidman called for public comment. No one indicated a desire to speak.

**Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton that Site Plan Review and Special Exception ZON-22-155 be approved as said applications meet the criteria set forth in Section 134-229 and Section 134-329 of the Town Code, and finding that approval of the Site Plan will not adversely affect the public interest and that all zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. Motion carried, 4-0. Council Member Araskog abstained because she was out of the room.**

- j. **ZON-22-156 (ARC-22-156) 12 SLOANS CURVE DRIVE (COMBO)—SITE PLAN REVIEW AND VARIANCE.** The applicant, Gary L & Joanne Wachman, have filed an application requesting Town Council review and approval for Site Plan Review and a variance to exceed the by 0.5% the maximum allowable lot coverage for an existing

townhouse unit in a PUD development in order to expand the second-floor projecting balcony. The Architectural Commission shall perform design review of the application. [Architectural Review Commission Recommendation: Implementation of proposed variances will not cause negative architectural impact to the subject property. Carried 6-0.] [The Architectural Review Commission approved this project at the September 28, 2022, meeting. Carried 5-1.]

No one declared ex parte communications.

Zack Palmisciano, representing the applicants, provided background information on the project and explained the variances.

Assistant Director Murphy provided staff comments.

Council President Zeidman called for public comment. No one indicated a desire to speak.

**Motion made by Council Member Cooney and seconded by Council Member Araskog that Variance ZON-22-156 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. Motion carried unanimously, 5-0.**

**Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that Site Plan Review ZON-22-156 be approved based upon the finding that the approval of the Site Plan will not adversely affect the public interest and that all zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. Motion carried unanimously, 5-0.**

## IX. ORDINANCES

### D. Second Reading

1. Amending Chapter 50 of the Town Code of Ordinances, Changes Relating to Floodplain Management

**ORDINANCE NO. 016-2022:** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 50, Floods, By Amending Article II, Flood Damage Prevention, Division 7, Variances And Appeals, At Sections 50-110, 50-111, 50-112, 50-116 And 50-117; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Town Attorney Randolph read the title of the ordinance.

**Motion made by Council Member Araskog and seconded by Council Member Crampton to adopt Ordinance No. 016-2022 on second reading. Motion carried**

**unanimously, 5-0.**

X. ANY OTHER MATTERS

Council Member Araskog requested a discussion at an upcoming meeting regarding looking at the process of declaration of use agreements.

XI. ADJOURNMENT

**The meeting adjourned at 6:24 p.m. on October 12, 2022 without the benefit of a roll call.**

APPROVED:

\_\_\_\_\_  
Margaret A. Zeidman, Town Council President

ATTEST:

\_\_\_\_\_  
Kelly Churney, Deputy Town Clerk  
Date: \_\_\_\_\_



## **MINUTES OF THE TOWN COUNCIL MEETING HELD ON OCTOBER 13, 2022**

### **I. CALL TO ORDER AND ROLL CALL**

The Town Council Meeting was called to order at 9:32 a.m. On roll call, all council members were found to be present, with Mayor Moore participating on Zoom.

### **II. INVOCATION AND PLEDGE OF ALLEGIANCE**

Deputy Town Clerk Churney gave the Invocation and Council President Zeidman led the Pledge of Allegiance.

### **III. MODIFICATIONS TO THE AGENDA**

There were no changes made to the agenda.

### **IV. APPROVAL OF AGENDA**

**Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve the agenda as presented. On roll call, the Motion passed unanimously.**

### **V. RECOGNITIONS**

- A. Recognition of Michael Greenwald for his service on the Investment Advisory Committee from November 2020 through August 2022

President Zeidman presented Mr. Greenwald with a plaque and thanked him for his years of service on the Investment Advisory Committee.

President Zeidman acknowledged the following employee milestones for October: Craig Hauschild, PZB, 5 years of service; John Lawrence, Public Works, 5 years of service; Scott McCracken, Fire Rescue, 10 years of service; Alejandro Mahy, Fire Rescue, 10 years of service; and Brian Thomas, PZB, 25 years of service.



## VI. BOARDS AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

### A. Presentations by the Applicants and Appointment to the Investment Advisory Committee

**Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to appoint Jacqueline de Sanctis as a regular member of the Investment Advisory Committee. On roll call, the Motion passed unanimously.**

### B. Presentations by the Applicants and Appointments to the Planning and Zoning Commission

**Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to appoint Eric Christu and Michael Vincent John Spaziani as a regular members of the Planning and Zoning Commission. On roll call, the Motion passed unanimously.**

The following item was heard out of order of the agenda:

### C. New Business

2. Maximum Number of Conflicts of Interest for Richard Sammons, Vice Chairman of the Architectural Review Commission  
*Wayne Bergman, Director of Planning, Zoning and Building*

Director Bergman provided background information on the item. Mr. Sammons explained his conflicts of interest.

Council President Pro Tem Lindsay spoke regarding the history of the limit for conflicts of interest and expressed support for excusing the maximum number of conflicts of interest for Mr. Sammons.

Mayor Moore inquired regarding whether there are legal ramifications for excusing the maximum conflicts, to which Town Attorney Randolph responded. She spoke in support of excusing the maximum conflicts requirement for Mr. Sammons.

Council Member Crampton spoke in support of excusing the requirement for Mr. Sammons.

Council Member Araskog spoke regarding Mr. Sammons really only having two conflicts of interest that should have been declared. She spoke in support of waiving the requirement. She inquired about the timeline for declaring the conflicts.

Council President Zeidman spoke regarding the fact that only two of the declared conflicts should have been declared and spoke in support of having Mr. Sammons continue to serve on ARCOM.

**Motion was made by Council Member Araskog and seconded by Council Member Crampton to waive the conflicts and allow Mr. Sammons to continue in his current capacity on ARCOM. On roll call, the Motion passed unanimously.**

Town Manager Blouin spoke regarding this issue should have been handled administratively due to the fact that only two declared conflicts were actual conflicts of interest. Council President Zeidman spoke regarding this item being appropriate to be placed on the agenda as directed by our current ordinance which changed the maximum from 3 to 5 and gave the Council the discretion to waive based on a hearing.

#### VII. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore thanked the Town Council for the recent discussion on Code Reform. She received positive and hopeful comments of change.

Mayor Moore discussed her attendance at a recent meeting of the Florida League of Cities Legislative Utilities Committee. She spoke regarding her reaching out to the Florida League of Cities in respect to House Bill 423, and the Town's opposition.

President Zeidman pointed out that the Mayor is also involved in an issue with the Port of Palm Beach. Mayor Moore spoke regarding her work on this issue.

#### VIII. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Crampton spoke regarding the issue of bicyclists on AIA and discussed the planned expansion of the road in the south end of town. He stated that he and Town Manager Blouin have been working with the Florida Department of Transportation (FDOT) on the issue. Town Manager Blouin discussed his conversations with FDOT, and a compromise for a shared pedestrian/bicycle lane suggested by FDOT. The Council provided consensus to bring this issue back to the November meeting for further discussion.

Council Member Cooney stated that he toured the Port of Palm Beach and spoke regarding the strategic planning that they are undergoing. Town Manager Blouin stated that the Mayor and Carolyn Stone, Assistant Town Manager, were in discussion with a Public Engagement Consultant for the Port and spoke regarding the potential expansion of the Port. He also asked that the Port attend one of the upcoming meetings to discuss their upcoming plans with the Town Council and the community.

Mayor Moore provided further background on the discussions with the Port on the proposed expansion. Council President Pro Tem Lindsay encouraged the Mayor and

the Town Manager to reach out to former partners with the Town regarding the issue, particularly due to the environmental aspects of the potential expansion of the Port. Council Member Araskog spoke regarding the possibility of determining if there are legal options dealing with the expansion. She touched on the endangerment of manatees. Council Member Araskog recommended creating a sample letter for south end residents to help them express their objections to the changes to AIA.

Council Member Araskog requested reconsideration of the vote for the project at 380 S. County Road. She discussed her reasoning for reconsideration of this item. Mayor Moore asked if the applicants needed to be in attendance to which Mr. Randolph responded. Discussion ensued on the request for reconsideration. Ms. Araskog withdrew her request for reconsideration after discussion.

Council President Zeidman spoke regarding the changes to the Phipps Ocean Park. She indicated that staff and The Preservation Foundation were still working out the details and it would be coming to the Town Council once the details were resolved. Council President Zeidman indicated that she requested staff to review the contract with each Council Member once it has been received. Council President Zeidman indicated that she read the Collective Bargaining Agreement with the Firefighters and Paramedics and spoke in support of the agreement.

#### IX. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

No one indicated a desire to speak.

#### X. APPROVAL OF CONSENT AGENDA

**Motion was made by Council Member Cooney and was seconded by Council Member Crampton to approve the Consent Agenda, as amended. On roll call, the Motion passed unanimously.**

THE FOLLOWING ITEMS WERE PULLED FROM THE CONSENT AGENDA  
AND HEARD UNDER ITEM NO. XI.A.:

X.B.3 Resolution No. 127-2022

X.C.1 Authorization for Road Closure for the Construction of a Private Sewer Lateral to the Town's Sanitary Sewer Main in the Middle of Cocoanut Row North of the Clarke Avenue Intersection.

#### A. MINUTES

1. Town Council Meeting Minutes  
*Pat Gayle-Gordon, Acting Town Clerk*

September 13, 2022 Town Council Meeting  
September 14, 2022 Town Council Development Review Meeting

September 14, 2022 Special Town Council Meeting - FY23 First Public Hearing

September 22, 2022 Special Town Council Meeting - FY23 Final Public Hearing

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of September 28, 2022  
*Wayne Bergman, Director of Planning, Zoning and Building*

## B. RESOLUTIONS

1. RESOLUTION NO. 097-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Blanket Purchase Order to Jacober Creative Design and Marketing Services in the Amount of \$268,000 for FY23.  
*Dean Mealy, Procurement and Contract Manager*
2. RESOLUTION NO. 126-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Enter into an Agreement with the Supervisor of Elections for the March 2023 Municipal Election(s) Vote Processing Equipment Use and Election Services.  
*Pat Gayle-Gordon, Acting Town Clerk*
3. RESOLUTION NO. 127-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Department of Public Works Engineering Division Standard Applicable to Public Rights of Way and Easements, by Changing the Title and Amending Chapter XII, Miscellaneous Provisions, Construction Parking.  
*Wayne Bergman, Director of Planning, Zoning and Building*
4. RESOLUTION NO. 128-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Designating Town Depositories for Fiscal Year 2023 Pursuant to Section 2-517 of the Town Code of Ordinances and Designating Parties to Sign Checks or Warrants on Behalf of the Town Pursuant to Section 2-36 of the Town Code of Ordinances.  
*Jane Le Clainche, Director of Finance*
5. RESOLUTION NO. 129-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Amendment No. 1 to the Interlocal Agreement for Dune Restoration Project – Reach 9 for 2022/2023 Dune Restoration Project Between the Town of Lantana, the Town of South Palm Beach and the Town of Palm Beach; Authorizing the Mayor to Execute the Easement Agreement on Behalf of the Town.  
*H. Paul Brazil, P.E., Director of Public Works*

6. RESOLUTION NO. 130-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Change Order to Kimley-Horn and Associates, Inc. in the Amount of \$100,000 to Continue Support of the Water Feasibility Study.  
*Dean Mealy, Procurement and Contract Manager*
7. RESOLUTION NO. 131-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Blanket Purchase Order to Gov Connection in the Amount of \$200,000 for FY23.  
*Dean Mealy, Procurement and Contract Manager*
8. RESOLUTION NO. 132-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Blanket Purchase Order to Insight Public Sector in the Amount of \$200,000 for FY23.  
*Dean Mealy, Procurement and Contract Manager*
9. RESOLUTION NO. 133-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Change Order to Kimley-Horn and Associates, Inc. in the Amount of \$9,800 to Purchase Order No. 220509 for a Total Amount of \$74,700 for Site Civil Plan Review Assistance.  
*Dean Mealy, Procurement and Contract Manager*
10. RESOLUTION NO. 134-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Change Order to Mock Roos & Associates for the D-8 Stormwater Pump Station Rehabilitation Project in the Amount of \$59,970 and Establishing a Project Budget of \$66,000.  
*Dean Mealy, Procurement and Contract Manager*
11. RESOLUTION NO. 135-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Blanket Purchase Order to Vetted Security Solutions in the Amount of \$100,000 and Authorizing a Transfer of \$44,337.38 from the Equipment Replacement Fund Contingency for the Purchase of a Trailer to Support License Plate Recognition on the Southern Bridge.  
*Dean Mealy, Procurement and Contract Manager*
12. RESOLUTION NO. 136-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Piggyback Contract Award to Convergent Technologies for Public Safety Camera System, Establishing a Blanket Purchase Order in the Amount of \$200,000 and Authorizing a Transfer of \$100,000 from the Equipment Replacement Fund Contingency for the Pending Work on the Southern Bridge.  
*Dean Mealy, Procurement and Contract Manager*

13. RESOLUTION NO. 138-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Waiver of Work Hours to Include Weekend Work for the Par 3 Restroom Renovation for the Awarded Contractor, Hedrick Brothers Construction.  
*Dean Mealy, Procurement and Contract Manager*

C. OTHER

1. Authorization for Road Closure for the Construction of a Private Sewer Lateral to the Town's Sanitary Sewer Main in the Middle of Cocoanut Row North of the Clarke Avenue Intersection  
*H. Paul Brazil, P.E., Director of Public Works*
2. Status Report of Delinquent Accounts and Request for Authorization to Write-off Uncollectible Accounts.  
*Jane Le Clainche, Director of Finance*
3. Health Insurance Rates for Calendar Year 2023  
*Gillian Barth, Director of People and Culture*
4. RESOLUTION NO. 137-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Collective Bargaining Agreement Between the Town and the Professional Firefighter/Paramedics, Palm Beach County, Local 2928.  
*Gillian Barth, Director of People and Culture*

XI. REGULAR AGENDA

A. Matters Pulled From Consent Agenda:

X.B.3 RESOLUTION NO. 127-2022

Council Member Cooney spoke regarding the three-strikes program. Director Bergman provided background information on the resolution. Town Engineer Strayer and Director of Public Works Brazil provided additional information in response to questions by Council Member Cooney. Council President Pro Tem Lindsay spoke regarding the negative impacts of shutting down projects, as well as the issue with the timeline for contractors obtaining a right-of-way permit. Town Manager Blouin and Director Brazil spoke regarding processing of right-of-way permits. Council Member Araskog expressed concern over the issue of the two-month work stop. She stated that work stops do not always cause more concerns from the neighbors. Town Manager Blouin spoke regarding enforcement and the appeal process.

Council Member Araskog spoke regarding effective use of parking site monitors and spoke in support of the one-month work stop and increasing the fines that have been put into place.

Council President Zeidman expressed concern over the two-month work stop and spoke in support over the one-month work stop and increasing the fines.

**Motion was made by Council Member Araskog and was seconded by Council Member Cooney to adopt Resolution No. 127-2022 with an amendment to change the two-month work stoppage to one month. On roll call, the Motion passed unanimously.**

X.C.1 Authorization for Road Closure for the Construction of a Private Sewer Lateral to the Town's Sanitary Sewer Main in the Middle of Cocoanut Row North of the Clarke Avenue Intersection.

Council President Zeidman spoke regarding an email received from an irate constituent regarding the road closure on Cocoanut Row. She spoke regarding the enormity of this project. Director Brazil provided further information on the project and the work that is happening.

**Motion was made by Council Member Cooney and was seconded by Council Member Crampton to authorize the proposed road closure. On roll call, the Motion passed unanimously.**

The Town Council recessed at 11:35 a.m. and reconvened at 11:51 a.m.

B. Old Business

1. Town-wide Undergrounding Project:  
*H. Paul Brazil, P.E., Director of Public Works*

- a. Review of Project and Dashboard, Summary of Project Status

Town Engineer Strayer provided the update on the Undergrounding Project and explained the impact of Hurricane Ian on the project, specifically regarding crews from FPL not being available to conduct necessary work. She provided an update on the chicanes in the phases on the north end and presented photos of equipment in front of a property that has recently been sold and a request for equipment to be shifted at a neighboring property.

Council President Pro Tem Lindsay spoke regarding residents in the north end that had made changes to the location of equipment paying for the change.

John David Corey, 426 Australian Avenue, spoke regarding his request to move one of the pieces of equipment that are planned to be in front of his

property. He spoke regarding not being aware that the original location had been moved and expressed concern over the new location.

Council President Zeidman addressed the request and inquired about the cost that's involved, to which Director Brazil responded. Ms. Strayer spoke regarding the number of transformers on that block and Mr. Brazil stated that he recommends that the equipment stays as it is designed.

Council Member Araskog spoke regarding working with Mr. Silvin on the placement of equipment when he was not the property owner.

Council President Pro Tem Lindsay spoke regarding one of the pieces of equipment will not be seen and spoke in opposition to making another change to the equipment due to the conduit already being installed.

#### b. Review of Proposed North County Road Alignment

Director Brazil introduced Brent Whitfield, Chen Moore and Associates, who presented background information on proposed work improvements to address anticipated safety, drainage, visibility and aesthetic issues that will need to be addressed on North County Road in the historic canopy during upcoming phases of the undergrounding project. He spoke regarding the unique nature of the project due to the need to protect the trees in the canopy. He answered Council Members' questions.

Council Member Cooney spoke regarding his work with the Landmarks Commission on designating this area as an historic visage and spoke in support of maintaining the width and appearance of greenery while doing the roadway and drainage improvements. He spoke regarding a section of this area being higher than some of the properties and inquired about ensuring that these improvements don't exacerbate the problem. Mr. Brazil and Mr. Whitfield addressed the concern.

Council President Pro Tem Lindsay expressed concern that the aesthetic of this area is retained and expressed concern over narrowing the medians. Mr. Whitfield and Mr. Brazil spoke regarding the proposed roadway improvements, specifically the medians, and provided clarification of the drainage improvements in response to questions from Ms. Lindsay. She expressed concern over not having the ability to filter out harmful chemicals and spoke in support of looking into alternate technologies to improve water quality prior to the water entering the lagoon.

Council Member Araskog requested before and after photos of the corridor for future meetings.



In response to a question from Mr. Cooney, Director Brazil spoke regarding the next steps for this project.

Council President Zeidman expressed concern over the narrowing of the medians. In response to Ms. Zeidman, Town Manager Blouin addressed the issue of drivers driving over the medians.

Amber Mathis, Chen Moore and Associates, spoke regarding implementing silvicultural practices, which are drawn from land management of forests and a succession of planting to have a continued land management plan.

Council President Pro Tem Lindsay spoke in support of planting ground cover in the area and the necessity for the plants to grow well in shade. She spoke regarding looking at improving the drainage of the walking trail area, to which Mr. Brazil responded.

Council Member Cooney expressed support for the proposed land management plan and spoke in support of authorizing Mr. Brazil to get into the queue for the Landmarks Commission.

Council President Zeidman inquired when the canopy would be created, to which Ms. Mathis and Mr. Brazil explained that the canopy would continue to be in place. She inquired as to whether a video could be prepared to show the Council what the suggested changes would look like and it was decided the video representation would be included to assist the Council with their decision.

Director Brazil spoke regarding making this presentation at the Garden Club meeting and obtaining their input on the proposed species. He spoke regarding getting into the queue of the Landmarks Commission. He emphasized that they will not go to Landmarks until after returning to Council for approval of the proposed improvements.

The Town Council recessed at 1:24 p.m. and reconvened at 2:03 p.m.

C. New Business

1. Discussion Regarding Limiting the Number of Restaurants in a One Block Area

*Julie Araskog, Town Council Member*

Council Member Araskog provided background information on the item. She requested that the Town Council approve asking the Department of Planning, Zoning and Building to look at what other municipalities have done to attempt to limit the number of restaurants in a one-block area.

In response to a question from Council President Zeidman, Director Bergman spoke regarding looking into possible studies that could be done, such as a market saturation study.

Council President Zeidman spoke in support of looking at the commercial districts and whether there is too much commercial in Town. Council Member Araskog spoke in support of this type of study, as well as conducting a traffic and/or parking study. Ms. Araskog requested to expand it to nightclubs, bars and restaurants.

The Town Council provided consensus to authorize PZB to look at what other municipalities have done to attempt to limit the number of restaurants, bars and nightclubs in a one-block area.

2. Maximum Number of Conflicts of Interest for Richard Sammons, Vice Chairman of the Architectural Review Commission  
*Wayne Bergman, Director of Planning, Zoning and Building*

*This item was heard previously out of order of the agenda.*

3. Exterior Construction Waiver for Gucci Store on Worth Avenue  
*Wayne Bergman, Director of Planning, Zoning and Building*

Rico Gatmaitan, Atmosphere Design Group, Architect for Gucci, provided background information on the necessity to extend the exterior construction for the Gucci Store on Worth Avenue.

Director of Planning, Zoning and Building, provided further information on the request.

Mr. Gatmaitan stated that he would ensure that the exterior work would be completed by November 18. Ms. Araskog emphasized that no work would be done over Thanksgiving, to which Mr. Gatmaitan agreed.

Council President Zeidman called for public comment. No one indicated a desire to speak.

**Motion was made by Council Member Araskog and was seconded by Council Member Crampton to approve the extension of exterior work at the Gucci Store on Worth Avenue to no later than November 18, 2022; and any issues from surrounding stores or neighbors should go to Director Bergman. On roll call, the Motion passed unanimously.**

4. Waiver of Town Code Section 18-237, For Building Permit Extension at 230 Atlantic Avenue  
*Wayne Bergman, Director of Planning, Zoning and Building*

Director Bergman provided background information on the extension request.

Russell Palmeri, PalmCorp. Construction, provided further information on the request and explained what work needs to be completed.

**Motion was made by Council Member Araskog and was seconded by Council Member Crampton to approve the extension of work at 230 Atlantic Avenue with the condition that no work can be done from November 21 – 27, 2022; and the week of Christmas through the day after New Year's Day; and any issues from neighbors should go to Director Bergman. On roll call, the Motion passed unanimously.**

5. Review of Stop Work Order Due to Three-Strike Rule at 251 Tangier Avenue  
*Wayne Bergman, Director of Planning, Zoning & Building*

Director Bergman explained the violations that occurred for the project at 251 Tangier Avenue.

Amadou Dial, Project Executive, Willems, explained the circumstances that occurred with the violations and explained measures that have been put into place to ensure no further violations occur. He spoke in support of trying to ensure that third-party vendors are held accountable for their violations.

Erica Bowman, CFO, Willems, provided additional information on the measures to be taken. She spoke in support of using off-duty officers for additional support and enforcement and explained the company's training efforts.

Council Member Cooney expressed appreciation for the management of a different project that is being done by the same company on a different street.

Council Member Araskog spoke regarding another project hiring an additional person to enforce parking. She spoke regarding the company having sub-contractors sign a contract to ensure compliance with these rules.

Council Member Crampton expressed appreciation for the company's response to the situation.

**Motion was made by Council Member Crampton and was seconded by Council President Pro Tem Lindsay to direct staff to lift the stop work order and grant the ability for the Contractor to apply for future right-of-way permits. On roll call, the Motion passed unanimously.**

## XII. ORDINANCES

### A. Second Reading

1. Proposed Ordinance to Amend Section 42-199 of the Town Code to Include Additional Days When Construction and Landscaping Work is Prohibited

ORDINANCE NO. 004-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 42 of the Town Code of Ordinances at Article V. Noise, Section 42-199, Hours For Construction Work at Subsection (B) Limited, To Provide Additional Limitations On Dates And Hours Of Construction and Landscaping Work; Further Amending Section 421-230, Lawn Maintenance, to Add Language Providing for Certain Exceptions for the Use of Lawn Maintenance Equipment On The Wednesday Immediately Preceding Thanksgiving And On The Friday Immediately Following Thanksgiving; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

*Nicholas Caristo, Chief of Police*

Town Attorney Randolph read the title of the ordinance.

Council President Zeidman called for public comment. No one indicated a desire to speak.

**Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to adopt Resolution No. 004-2022. On roll call, the Motion passed unanimously.**

### B. First Reading

1. Proposed Ordinance to Amend the FY22 Budget

ORDINANCE NO. 017-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2021, and Providing an Effective Date.

*Jane Le Clainche, Director of Finance*

Town Attorney Randolph read the title of the ordinance.

Director LeClainche and Town Manager Blouin provided background information on the budget amendment and answered questions.

Council President Zeidman called for public comment. No one indicated a desire to speak.

**Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Ordinance No. 017-2022 on first reading. On roll call, the Motion passed unanimously.**

XIII. ANY OTHER MATTERS

None.

XIV. ADJOURNMENT

**Motion was made by Council Member Cooney and seconded by Council Member Crampton to adjourn the October 13, 2022, Town Council meeting at 2:47 p.m. On roll call, the Motion passed unanimously.**

APPROVED:

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Margaret A. Zeidman, Town Council President

ATTEST:

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Pat Gayle-Gordon, Acting Town Clerk

# TOWN OF PALM BEACH

Town Council Meeting on: November 8, 2022

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## Section of Agenda Minutes

### Agenda Title

Approval of Major Matters Considered by the Architectural Review Commission at its Day 2 Meeting of September 28, 2022 and of October 26, 2022

### Presenter

Wayne Bergman, Director of Planning, Zoning and Building

### ATTACHMENTS:

- ▢ **Memorandum Dated November 1, 2022 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▢ **Action Minutes of the Day 2 Architectural Review Commission Meeting of September 28, 2022**
- ▢ **Action Minutes of the Architectural Review Commission Meeting of October 26, 2022**

# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: November 8, 2022

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To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Approval of the Architectural Review Commission Meeting Action Minutes of  
September 28, 2022 Day 2 meeting and October 26, 2022 meeting

Date: November 1, 2022

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## **STAFF RECOMMENDATION**

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the day 2 meeting of September 28, 2022 meeting (held on October 25, 2022) and the regularly scheduled meeting of October 26, 2022.

## **BOARD OR COMMISSION RECOMMENDATION**

The Architectural Review Commission recommends that the Town Council approve the major items that were considered at the day 2 meeting of September 28, 2022 meeting (held on October 25, 2022) and the regularly scheduled meeting of October 26, 2022.

## **GENERAL INFORMATION**

These minutes are submitted to the Town Council for approval pursuant to Chapter 18-177 of the Town of Palm Beach Code of Ordinances.

Attachment

kmc



# **TOWN OF PALM BEACH**

## **PLANNING, ZONING AND BUILDING DEPARTMENT**

### **SUMMARY OF THE ACTIONS TAKEN AT THE CONTINUATION OF THE SEPTMEBER 28, 2022 ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON TUESDAY, OCTOBER 25, 2022**

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at [www.townofpalmbeach.com](http://www.townofpalmbeach.com).

#### **I. CALL TO ORDER**

Vice Chair Sammons resumed the September 28, 2022 meeting at 9:01 a.m. on October 25, 2022. The September 28, 2022 meeting ended prematurely due to Hurricane Ian.

#### **II. ROLL CALL**

|                                         |                                |
|-----------------------------------------|--------------------------------|
| Jeffrey W. Smith, Chairman              | ABSENT (Excused)               |
| Richard F. Sammons, Vice Chairman       | PRESENT                        |
| John David Corey, Member                | PRESENT                        |
| Maisie Grace, Member                    | ABSENT (Excused)               |
| Betsy Shiverick, Member                 | ABSENT (Excused)               |
| Thomas Kirchhoff, Member                | ABSENT (Excused)               |
| Kenn Karakul, Member                    | PRESENT (Arrived at 9:12 a.m.) |
| Dan Floersheimer, Alternate Member      | ABSENT (Excused)               |
| Elizabeth Connaughton, Alternate Member | PRESENT                        |
| Joshua L. Martin, Alternate Member      | PRESENT                        |

Staff Members present were:

James Murphy, Assistant Director of Planning, Zoning and Building  
Sarah Pardue, Design & Preservation Planner  
Jordan Hodges, Design & Preservation Planner  
Kelly Churney, Deputy Town Clerk  
John C. Randolph, Town Attorney

Mr. Sammons announced the Commission would begin with C. Major Projects – New Business, Item 1.



C. **MAJOR PROJECTS – NEW BUSINESS**

1. **ARC-22-114 137 AUSTRALIAN AVE.** The applicant, Bill Kurtin, has filed an application requesting Architectural Commission review and approval for interior and exterior remodeling of an existing two-story residence including façade, roof, hardscape, landscape and garage door replacement, a redesign of the front balcony, removal of a door, relocation of windows, a new generator and site wall screening, reconfiguration of the existing driveways and pool terrace, a new pool and pool equipment.

**MOTION: APPROVED, WITH THE FOLLOWING CONDITIONS: THE ROOFING MATERIAL SHALL BE CHANGED TO A SPANISH BARREL TILE AND THE CORNICES ON THE MAIN HOME AND GARAGE SHALL BE DIFFERENTIATED.**

2. **ARC-22-135 402 PRIMAVERA AVE.** The applicant, Thomas O'Malley Jr. and Lillian O'Malley, have filed an application requesting Architectural Commission review and approval for the construction of a 93 SF first floor addition and a 746 SF second floor addition to an existing one-story single-family residence.

**MOTION: APPROVED, WITH THE FOLLOWING CONDITIONS: RE-ARTICULATION OF THE CENTER WINDOW ON THE EAST ELEVATION, SECOND FLOOR ADDITION, AN A RESTUDY OF THE PALLADIAN WINDOW ARCH SUPPORTS ON THE WEST ELEVATION ADDITION TO BE REVIEWED BY STAFF AT PERMITTING.**

3. **ARC-22-184 (ZON-22-138) 1540 S OCEAN BLVD (COMBO)** The applicant, 1540 S OCEAN LLC (Steven Kirsch), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story guest house connected to a previously approved two-story structure with related landscape and hardscape improvements. This is a combination project that shall also be reviewed by Town Council as it pertains to the Special Exception w/ Site Plan Review.

**MOTION: APPROVED CHANGES TO THE MAIN HOME ONLY. CHANGES TO THE GUESTHOUSE WERE DEFERRED TO THE NOVEMBER 18, 2022 MEETING.**

4. **ARC-22-197 1330 N LAKE WAY** The applicant, 1330 NLW LLC (H. William Perry), has filed an application requesting Architectural Commission review and approval for a new two-story Mediterranean style home exceeding 10,000 SF in area with associated hardscape, landscape, and swimming pool.

**MOTION: DEFERRED TO JANUARY 23, 2022**

5. **ARC-22-198 265 LA PUERTA WAY** The applicant, John and Christie Fennesbrequé, has filed an application requesting Architectural Commission

review and approval for a new two-story residence with associated hardscape, landscape, and new swimming pool.

**MOTION: APPROVED, WITH THE FOLLOWING CONDITION: THE DESIGN OF THE FRONT FAÇADE AND THE POOL EQUIPMENT LOCATION SHALL RETURN TO THE NOVEMBER 18, 2022 MEETING.**

6. **ARC-22-200 (ZON-22-132) 165 BRADLEY PL (COMBO)** The applicant, Biltmore Galleria, LLC., has filed an application requesting Architectural Commission review and approval for exterior changes to an existing one-story building and site modifications to an existing surface parking lot including new gates and fencing, a child play area, and landscape, including the elimination of several parking spaces requiring a variance. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

**MOTION: APPROVED, WITH THE FOLLOWING CONDITIONS: ANY ARTIFICIAL TURF SHALL BE REPLACED WITH REAL GRASS, AND TWO ADDITIONAL SHADE TREES SHALL BE PLANTED IN THE NEW GRASSY AREA. A SECOND MOTION INDICATED IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACT TO THE SUBJECT PROPERTY.**

7. **ARC-22-201 132 N COUNTY RD.** The applicant, Palm Beach Orthodox Synagogue INC (Rabbi Moshe Scheiner), has filed an application requesting Architectural Commission review and approval for the demolition of an existing two-story commercial building, parking lot and related site improvements.

**MOTION: APPROVED, WITH THE CONDITION THAT THE FRONT FAÇADE ALONG N COUNTY ROAD WOULD BE LEFT ON A TEMPORARY BASIS.**

#### **D. MINOR PROJECTS – OLD BUSINESS**

1. **ARC-22-152 375 S. COUNTY RD.** The applicant, Three Seventy-Five South County Assoc/Gedney Station, have filed an application requesting Architectural Commission review and approval for the installation of wall mounted pieces of artwork in the courtyard of an existing one-story building. *(contd. from 08/24/22).*

**MOTION: APPROVED**

2. **ARC-22-138 353 PERUVIAN AVE.** The applicant, Lifestyle Holdings, LLC, has filed an application requesting Architectural Commission review and approval for a modification to the existing interior hardscape and landscape, that will include new paving and water features within the interior courtyard and increasing the open space and landscaping on site. *This*

*application has been withdrawn by the applicant.*

**MOTION: WITHDRAWN**

3. **ARC-22-172 219 WORTH AVE.** The applicant, M Development (Zachary Baraf), has filed an application requesting Architectural Commission review and approval to replace the existing storefront with impact storefront in the existing opening.

**MOTION: WITHDRAWN**

4. **ARC-22-174 223 WORTH AVE.** The applicant, Jerome Baumoehl Architect, Inc. (Jerome I. Baumoehl, NCARB), has filed an application requesting Architectural Commission review and approval to replace the existing storefront with impact window and doors and a new awning.

**MOTION: WITHDRAWN**

**E. MINOR PROJECTS – NEW BUSINESS**

NONE

**III. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)**

1. Public
2. Staff
3. Commission

- X. **NEXT MEETING DATE:** Wednesday, October 26, 2022

**XI. ADJOURNMENT**



# **TOWN OF PALM BEACH**

## **PLANNING, ZONING AND BUILDING DEPARTMENT**

### **SUMMARY OF THE ACTIONS TAKEN AT THE ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, OCTOBER 26, 2022**

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at [www.townofpalmbeach.com](http://www.townofpalmbeach.com).

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **APPROVAL OF THE MINUTES FROM THE SEPTEMBER 28, 2022 MEETING**  
**MOTION: APPROVED, AS PRESENTED**
- V. **APPROVAL OF THE AGENDA**  
**MOTION: APPROVED, AS AMENDED**
- VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**
- VII. **COMMENTS FROM THE ARCHITECTURAL COMMISSION MEMBERS**
- VIII. **PROJECT REVIEW**
  - A. **CONSENT AGENDA OF MINOR PROJECTS**
    1. **ARC-22-146 (ZON-22-104) 9 SLOANS CURVE DR (COMBO)** The applicant, Sean Hannity, has filed an application requesting Architectural Commission review and approval for the construction of a 409 SF second story addition and the installation of a 20-kw generator for an existing townhouse within an approved Sloan's Curve PUD, requiring a Special Exception with Site Plan Review. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

**MOTION: APPROVED ON CONSENT**

2. **ARC-22-221 534 ISLAND DR.** The applicant, Richard Salomon, has filed an application requesting Architectural Commission review and approval for the sitewide landscape modifications and new driveway material change to an existing site.

**MOTION: PULLED FROM CONSENT**

**ITEMS PULLED FROM CONSENT**

1. **ARC-22-221 534 ISLAND DR.** The applicant, Richard Salomon, has filed an application requesting Architectural Commission review and approval for the sitewide landscape modifications and new driveway material change to an existing site.

**MOTION: APPROVED, WITH CONDITION THAT ONE BUTTONWOOD TREE SHALL BE PLANTED ON EACH SIDE OF THE FIVE DATE PALMS IN THE FRONT OF THE PROPERTY.**

**B. TIME EXTENSIONS**

None

**C. MAJOR PROJECTS – OLD BUSINESS**

1. **ARC-22-022 (ZON-22-021) 160 SEAVIEW AVE. (COMBO)** The applicant, Coral Beach Corporation (Angela Feldman, President) (160 Seaview Ave) and Seaview Holdings, Inc. (David Feldman, Director) (170 Seaview Ave), has filed an application requesting Architectural Commission review and approval of the construction of a new two-story guest house including variances from setback and point of measurement requirements on a unified site of 160 and 170 Seaview Avenue. Town Council will review the variance portion of the application. (*contd. from 08/24/22*).

**MOTION: DEFERRED TO NOVEMBER 18, 2022**

2. **ARC-22-029 411 BRAZILIAN AVE.** The applicant, Holy Union PB Limited (Sean Sheridan), has filed an application requesting Architectural Commission review and approval for the construction of a new approximately 3700 SF two story residence designed in a mix of modern and classical style architecture. (*contd. from 08/24/22*).

**MOTION: APPROVED, WITH MODIFICATIONS TO THE FOLLOWING ITEMS, WHICH WILL RETURN TO THE NOVEMBER 18, 2022 MEETING: CHANGES TO THE HEIGHT OF THE BUILDING, THE WINDOWS SHALL BE MADE SLIGHTLY WIDER WITH THE FANTAILS REMOVED, COLUMNS SHALL BE ADDED TO THE BREEZEWAY, THE HEIGHT OF THE REAR HOME SHALL BE SLIGHTLY REDUCED, THE EDGES OF THE GARAGE SHALL BE CHAMFERED, AND THE EXTERIOR BAND ON THE HOME SHALL BE REMOVED.**

3. **ARC-22-032 (ZON-22-017) 1237 N. LAKE WAY (COMBO)** The applicant, Frank H. Pearl and Geryl T. Pearl, has filed an application requesting Architectural Commission review and approval for construction of a new 5800 SF two story residence and two-story accessory structure in the modern/classical style of architecture including variances for a two-story accessory structure to replace an existing two-story residence to be demolished. The variance portion of the application will be reviewed by Town Council. *(contd. from 08/24/22)*.

**MOTION: DENIED, BASED ON SECTION 18-205(A) 1, 2, 3 AND 4.**

4. **ARC-22-094 249 MONTEREY RD.** The applicant, Michael Peacock, has filed an application requesting Architectural Commission review and approval for the demolition of an existing single-family residence and the construction of a new single-family residence with related hardscape and landscape improvements. *(contd. from 09/27/22)*.

**MOTION: DEFERRED TO DECEMBER 16, 2022.**

5. **ARC-22-123 (ZON-22-078) 231 BRADLEY PL. (COMBO)** The applicant, Bradley Palm LLC, has filed an application requesting Architectural Commission review and approval for exterior design modifications and additions to the existing two-story office building including façade alterations and the construction of a new second floor balcony and new exterior stair, including variances from the parking requirements, setback requirements and lot coverage requirements. The variance and Special exception with site plan review portion of the application shall be reviewed by Town Council. *(contd. from 09/27/22)*.

**MOTION: APPROVED, WITH FRONT FAÇADE OPTION A TO INCLUDE THE EXTENDED ROOF PITCH, AND THE ADDITION OF A BUTTONWOOD TREE, WITH THE OPTION TO LET THE TREES GROW.**

6. **ARC-22-126 (ZON-22-088) 240 OLEANDER AVE. (COMBO)** The applicant, PTMJM Florida Investment Properties, LLC (Patricia Lambrecht), has filed an application requesting Architectural Commission review and approval for the demolition of an existing two-story apartment building and the construction of a new two-story single-family residence with final hardscape, landscape and pool, requiring variances due to deficient lot area and depth in the R-C zoning district and not provide required garage enclosure for two vehicles. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. *(contd. from 08/24/22)*.

**MOTION: DEFERRED TO NOVEMBER 18, 2022**

7. **ARC-22-136 (ZON-22-101) 980 S. OCEAN BLVD. (COMBO)** The applicant, 980 South Ocean (Emma), LLC; 980 South Ocean (Ian), LLC; 980 South Ocean (Jane), LLC (JANE HOLZER), has filed an application requesting Architectural Commission review and approval for the demolition of an existing two-story

residence and two-story accessory structure and the construction of a new two-story residence with basement on a lot deficient in width and lot area requirements the R-A Zoning District with related landscape and hardscape improvements. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. (*contd. from 09/28/22*).

**MOTION: DEFERRED TO NOVEMBER 18, 2022**

8. **ARC-22-142 232 MOCKINGBIRD TR.** The applicant, The Beach House Trust, has filed an application requesting Architectural Commission review and approval for the demolition of an existing 3,371 square foot residence. Construction of a new two-story 4,629 square foot residence with associated landscape and hardscape. (*contd. from 07/27/22*).

**MOTION: DEFERRED TO NOVEMBER 18, 2022**

9. **ARC-22-148 (ZON-22-105) 150 SEMINOLE AVE. (COMBO)** The applicant, James Lansing and Haviva D. Langenauer, as Trustee of the Haviva D. Langenauer Trust u/a/d/8/10/92, has filed an application requesting Architectural Commission review and approval for a demolition and redesign of the southern portion of the existing two-story residence, a redesign of all facades, the construction of an approximately 680 SF addition to the second story, and new pool, and new hardscape and landscape, requiring variances to maintain existing nonconforming setbacks with more than 50% demolition of a nonconforming structure as part of a renovation. Town Council will review the variance portion of the application. (*contd. from 09/28/22*).

**MOTION: DEFERRED TO NOVEMBER 18, 2022**

10. **ARC-22-153 243 SEASPRAY AVE.** The applicant, 243 Seaspray LLC, has filed an application requesting Architectural Commission review and approval for the demolition of an existing two-story residence and the construction of a new single-family residence in the Island Transitional Style. (*contd. from 07/27/22*).

**MOTION: DENIED, BASED ON SECTION 18-205(A) 6A, 6B, 6C, 6E, 6F AND 6G.**

11. **ARC-22-099 (ZON-22-065) 360 EL BRILLO WAY (COMBO)** The applicant, El Brillo Way Trust ad September 24, 2021 (David Klein, trustee), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence over 10,000 sq ft including variances from the angle of vision, front setback for a pool, and building height plane, with related sitework, landscape and hardscape improvements. Town Council will review Variance portion of the application.

**MOTION: APPROVED, WITH CONDITION THAT THE COLUMNS ON THE PAVILION SHALL BE THINNED AT THE BOTTOM.**

12. **ARC-22-097 142 PERUVIAN AVE.** The applicant, Susan & Robert Taylor, has filed an application requesting Architectural Commission review and approval for the replacement of two pedestrian courtyard gates on a two-story condominium



building. *(contd. from 08/24/22).*

**MOTION: DEFERRED TO NOVEMBER 18, 2022**

13. **ARC-22-160 269 JAMAICA LN.** The applicant, Marrano Holdings 2022 INC, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence with hardscape and landscape improvements. *(contd. from 09/28/22).*

**MOTION: DEFERRED TO NOVEMBER 18, 2022**

14. **ARC-22-169 625 CREST RD.** The applicant, 625 Crest Road LLC, has filed an application requesting Architectural Commission review and approval for construction of a new two-story residence. *(contd. from 09/28/22).*

**MOTION: APPROVED, WITH OPTION D ELEVATION.**

#### **D. MAJOR PROJECTS – NEW BUSINESS**

1. **ARC-22-188 (ZON-22-143) 266 ORANGE GROVE RD. (COMBO)** The applicant, Olofson Jeanne H Trust, has filed an application requesting Architectural Commission review and approval for modifications to an existing landscape plan including the removal of all non-permitted artificial turf resulting in an after-the-fact variance from the landscape open space requirements of the R-B zoning district. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

**MOTION: IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACT TO THE SUBJECT PROPERTY, AND PROJECT APPROVED, AS PRESENTED.**

2. **ARC-22-209 (ZON-22-146) 1020 N LAKE WAY (COMBO)** The applicant, Robert Morse, has filed an application requesting Architectural Commission review and approval for exterior alterations to an existing single-family residence, including the modifications to and enlargement of an existing rear loggia, including a variance to exceed allowable lot coverage. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

**MOTION: IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACT TO THE SUBJECT PROPERTY, AND PROJECT APPROVED, WITH CONDITION THAT FENESTRATION ON WEST ELEVATION WILL RETURN TO THE NOVEMBER 18, 2022 MEETING.**

3. **ARC-22-213 (ZON-22-139) 144 CHILEAN AVE. (COMBO)** The applicant, Allen Perl, as Trustee of the 144 Chilean Trust dated April 13, 2022, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single family residence with hardscape and landscape, requiring special exception with site plan review for a lot deficient in width, and variances for lot coverage, overall landscaped open space, and cubic content ratio (CCR). This is a combination project that shall also be reviewed by



Town Council as it pertains to zoning relief/approval.

**MOTION: DEFERRED TO NOVEMBER 18, 2022**

4. **ARC-22-214 726 HI MOUNT RD.** The applicant, Irimar Ocean Properties LLC, has filed an application requesting Architectural Commission review and approval for the installation of solar panels on the roofs of an existing two-story residence.

**MOTION: APPROVED, AS PRESENTED**

5. **ARC-22-216 (ZON-22-140) 248 COLONIAL LN. (COMBO)** The applicant, 306 Livingston Street Holdings I, LLC (Matthew Mirones), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence including variances (1) to not provide required garage enclosure for two vehicles, (2 and 3) and locate a generator in a setback which is higher than allowed and not adequately screened, in the R-B zoning district. This is a combination project that shall also be reviewed by Town Council as it pertains to the Special Exception w Site Plan Review and Variance relief for approval.

**MOTION: DEFERRED TO DECEMBER 16, 2022**

**E. MINOR PROJECTS – OLD BUSINESS**

None

**F. MINOR PROJECTS – NEW BUSINESS**

1. **ARC-22-218 2335 S OCEAN BLVD.** The applicant, Tres Vidas of Palm Beach Inc, has filed an application requesting Architectural Commission review and approval for exterior modifications to some townhouse units (12) in the townhouse PUD development, specifically the installation of decorative wood panel finishes on buildings A, C and D.

**MOTION: APPROVED, AS PRESENTED**

2. **ARC-22-224 111 EL BRILLO WAY** The applicant, 111 El Brillo Way, LLC. (Evan Yurman), has filed an application requesting Architectural Commission review and approval for exterior alterations to an existing single-family residence, including modifications to the front door, railings, and gates.

**MOTION: DEFERRED TO NOVEMBER 18, 2022**

**IX. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)**

1. Public
2. Staff
3. Commission

**X. NEXT MEETING DATE:     Friday, November 18, 2022**

**XI. ADJOURNMENT**

# TOWN OF PALM BEACH

Town Council Meeting on: November 8, 2022

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## Section of Agenda

### Resolutions

#### Agenda Title

**RESOLUTION NO. 139-2022** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Waiver to the Town Code for Construction Hours and Authorizing Additional Appropriation for the North Ocean Seawall Repair and Painting Project, in the Amount of \$110,845 and Increasing the Original Construction Phase Budget of \$264,155 for this Project, for a Revised Total Budget of \$375,000.

#### Presenter

H. Paul Brazil, P.E., Director of Public Works

#### ATTACHMENTS:

- ▣ **Memorandum dated October 25, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 139-2022**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: November 8, 2022

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To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: H. Paul Brazil, P.E., Director of Public Works

Re: Waiver to Town Code for Construction Hours and Authorize Additional Appropriation for the North Ocean Seawall Repair and Painting Project  
**Resolution No. 139-2022**

Date: October 25, 2022

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## **STAFF RECOMMENDATION**

Town staff recommends that Town Council approve Resolution No. 139-2022 authorizing an additional appropriation to the construction phase budget for the North Ocean Seawall Repair and Painting Project in the amount of \$110,845 which increases the Construction Phase Budget from \$264,155 to \$375,000.

Staff recommends that Town Council approve the waiver of the Town Code of Ordinances 42-196 through 199 and 42-226 through 229, restrictions for construction hours, work during season, for the North Ocean Seawall Repair and painting.

## **GENERAL INFORMATION**

The Town Council approved Resolution No. 071-2022 on June 14, 2022 awarding Bid No. 2022-12 and construction contract to Lambert Brothers, Inc. in the amount of \$229,700 and established a Construction Phase Budget of \$264,155.

Because of shortages in materials and excessively long times to receive the approved repair products, the contractor has requested additional time to complete the project. The nature and complexities of the project Scope of Work do not allow for stopping the project activities and resuming next summer. Pending the delivery times and quantity of materials delivered, the contractor will work as quickly as possible to complete the project. Staff has reached out to the Palm Beach Country Club and made them aware of the situation and will work with them to insure there is minimal or no impacts to their operations. Staff does not anticipate any impacts to traffic as all work is outside the roadway on the seawall. To allow for this work to be completed, staff recommends a waiver to Section 42-196 through Section 42-199 of the Town Code of Ordinances to allow for work in season. Staff also recommends a waiver to the Noise Ordinance, Section 42-226 through Section 42-229 of the Town Code of Ordinances.

Another major reason for continuing the repairs and not stopping for season, is the potential for the number of repairs to continue to increase. Our consultant, Kimley-Horn & Associates, Inc., visited the site and confirmed the quantity of repairs has increased significantly since it was last inspected in late 2021 and from which the bid is based on. Staff is requesting the project budget be increased to account for the additional repairs needed to complete the seawall restoration and painting of the North Ocean Seawall. Staff and their consultants have projected that the number of additional repairs to the seawall to complete the project will exceed the contingency and are requesting an increase. We are asking the funding for the Construction Phase Budget to be increased from \$264,155 to \$375,000.

#### **FUNDING/FISCAL IMPACT**

This project and the change order is funded through the Coastal Protection Fund.

#### **PROCUREMENT & CONTRACT MANAGEMENT DEPARTMENT REVIEW**

This item has been reviewed by the Procurement & Contract Management Department and approved as recommended.

#### **TOWN ATTORNEY REVIEW**

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

cc: Patricia Strayer, P.E., Town Engineer  
Jason Debrincat, P.E., Senior Project Engineer

**RESOLUTION NO. 139-2022**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE WAIVER TO THE TOWN CODE FOR CONSTRUCTION HOURS AND AUTHORIZING ADDITIONAL APPROPRIATION FOR THE NORTH OCEAN SEAWALL REPAIR AND PAINTING PROJECT, IN THE AMOUNT OF \$110,845 AND INCREASING THE ORIGINAL CONSTRUCTION PHASE BUDGET OF \$264,155 FOR THIS PROJECT, FOR A REVISED TOTAL BUDGET OF \$375,000.

\* \* \* \* \*

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves an increase of \$110,845 to the Construction Phase Budget for the North Ocean Seawall Repairs and Painting Project, with a revised total budget of \$375,000.

Section 3. The Town Manager is hereby authorized and directed to execute a change order on behalf of the Town of Palm Beach for the additional construction.

Section 4. The Town Manager is hereby authorized and directed to affect an increase to the Construction Phase Budget.

Section 5. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the additional construction work for the project, including any necessary change order work as recommended by the Public Works Director.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8<sup>th</sup> day of November 2022.

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Margaret A. Zeidman, Town Council President

\_\_\_\_\_  
Bobbie Lindsay, Town Council President Pro Tem

\_\_\_\_\_  
Julie Araskog, Town Council Member

ATTEST:

\_\_\_\_\_  
Edward A. Cooney, Town Council Member

\_\_\_\_\_  
Pat Gayle-Gordon, Acting Town Clerk

\_\_\_\_\_  
Lewis S.W. Crampton, Town Council Member

# TOWN OF PALM BEACH

Town Council Meeting on: November 8, 2022

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## Section of Agenda

Resolutions

## Agenda Title

**RESOLUTION NO. 140-2022** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to the Award Authority of Resolution No. 083-2019 from \$240,000 annually to \$400,000 annually to support Planning, Zoning, and Building Plans Review Requirements.

## Presenter

Dean Mealy, Procurement and Contract Manager

## ATTACHMENTS:

- ▣ **Memorandum dated October 26, 2022, from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 140-2022**

# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: November 8, 2022

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TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy II, NIGP-CPP, CPPO Procurement and Contract Manager

RE: Resolution No. 140-2022, A Resolution Approving a Change to the Award Authority of Resolution No. 083-2019 from \$240,000 Annually to \$400,000 Annually to support Planning, Zoning, and Building Plans Review Requirements—**Resolution No. 140-2022**

DATE: October 26, 2022

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## **STAFF RECOMMENDATION**

Town staff recommends that Town Council Approve Resolution No. 140-2022, Approving a Change to the Award Authority of Resolution No. 083-2019 from \$240,000 Annually to \$400,000 Annually to support Planning, Zoning, and Building Plans Review Requirements.

## **GENERAL INFORMATION**

Town Procurement and Contract Management issued ITB No. 2019-30 in July 2019 for Plan, Review and Inspection Services to support the Planning, Zoning, and Building Department. When Resolution No. 083-2019 was approved, the annual authorized amount was \$240,000. Based on current workload, Planning, Zoning and Building had \$400,000 approved for FY23 for these services.

It is the purpose of this authorization to match the resolution to the approved budget amount.

The Town has used three firms very successfully over the past years.

## **FUNDING/FISCAL IMPACT**

Funding for the project will be from Building Enterprise Fund.

## **USER DEPARTMENT CONCURRENCE**

This item has been reviewed by the Planning, Zoning, and Building Department and is approved as recommended.

## **TOWN ATTORNEY REVIEW**

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

**RESOLUTION NO. 140-2022**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
PALM BEACH, PALM BEACH COUNTY, FLORIDA,  
APPROVING A CHANGE ORDER TO THE AWARD  
AUTHORITY OF RESOLUTION NO. 083-2019 FROM \$240,000  
ANNUALLY TO \$400,000 ANNUALLY TO SUPPORT  
PLANNING, ZONING, AND BUILDING PLANS REVIEW  
REQUIREMENTS**

NOW, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,  
PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 140-2022, approving a change to the award authority of Resolution No. 083-2019 from \$240,000 annually to \$400,000 annually to support Planning, Zoning, and Building Plans Review Requirements.

Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8<sup>TH</sup> day of *November* 2022.

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Margaret A. Zeidman, Town Council President

\_\_\_\_\_  
Bobbie Lindsay, Town Council President Pro Tem

\_\_\_\_\_  
Julie Araskog, Town Council Member

ATTEST:

\_\_\_\_\_  
Edward A. Cooney, Town Council Member

\_\_\_\_\_  
Pat Gayle-Gordon, Acting Town Clerk

\_\_\_\_\_  
Lewis S.W. Crampton, Town Council Member



# TOWN OF PALM BEACH

Town Council Meeting on: November 8, 2022

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## Section of Agenda

Resolutions

## Agenda Title

**RESOLUTION NO. 141-2022** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Orlando Freightliner Isuzu Truck of Ocala for the Purchase of a 20 CY Trash Truck in the Amount of \$193,826 and Establishing a Project Budget of \$213,382.

## Presenter

Dean Mealy, Procurement and Contract Manager

## ATTACHMENTS:

- ▣ **Memorandum dated October 26, 2022 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Resolution No. 141-2022**

# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: November 8, 2022

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TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy II, NIGP-CPP, CPPO Procurement and Contract Manager

RE: Resolution No. 141-2022, A Resolution Approving a Purchase Order to Orlando Freightliner Isuzu Truck of Ocala for the Purchase of a 20 CY Garbage Truck in the Amount of \$193,826 and Establishing a Project Budget of \$213,382 – **Resolution No. 141-2022**

DATE: October 26, 2022

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## **STAFF RECOMMENDATION**

Town staff recommends that Town Council Approve Resolution No. 141-2022, approving a Purchase Order to Orlando Freightliner Isuzu Truck of Ocala or the Purchase of a 20 CY Garbage Truck in the Amount of \$193,826 and Establishing a Project Budget of \$213,382.

## **GENERAL INFORMATION**

The new truck will replace garbage truck 542-34 which was purchased in 2013 and is a 2014 model. The existing truck has exceeded the useful lifecycle.

The vehicle is being purchased from Orlando Freightliner Isuzu Truck of Ocala which is an awarded vendor off the Florida Sheriff Association Contract utilized by the State of Florida. This contract provides best pricing to the Town.

## **FUNDING/FISCAL IMPACT**

Funding for the project will be from Equipment Replacement Fund.

## **USER DEPARTMENT CONCURRENCE**

This item has been reviewed by the Public Works Department and is approved as recommended.

## **TOWN ATTORNEY REVIEW**

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

**RESOLUTION NO. 141-2022**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
PALM BEACH, PALM BEACH COUNTY, FLORIDA,  
APPROVING A PURCHASE ORDER TO ORLANDO  
FREIGHTLINER ISUZU TRUCK OF OCALA FOR THE  
PURCHASE OF A 20 CY GARBAGE TRUCK IN THE AMOUNT  
OF \$193,826 AND ESTABLISHING A PROJECT BUDGET OF  
\$213,382**

NOW, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,  
PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 141-2022, approving a Purchase Order to Orlando Freightliner Isuzu Truck of Ocala for the Purchase of a 20 CY Garbage Truck in the Amount of \$193,826 and Establishing a Project Budget of \$213,382.

Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8th day of November 2022.

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Margaret A. Zeidman, Town Council President

\_\_\_\_\_  
Bobbie Lindsay, Town Council President Pro Tem

\_\_\_\_\_  
Julie Araskog, Town Council Member

ATTEST:

\_\_\_\_\_  
Edward A. Cooney, Town Council Member

\_\_\_\_\_  
Pat Gayle-Gordon, Acting Town Clerk

\_\_\_\_\_  
Lewis S.W. Crampton, Town Council Member

# TOWN OF PALM BEACH

Town Council Meeting on: November 8, 2022

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## Section of Agenda

Resolutions

## Agenda Title

**RESOLUTION NO. 142-2022** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. in the Amount of \$18,735 and Establishing a Project Budget of \$22,482 for Town-wide Undergrounding of Utilities Program, Phase 4 North and Phase 2 South Easement Abandonment.

## Presenter

Dean Mealy, Procurement and Contract Manager

## ATTACHMENTS:

- ▣ **Memorandum dated October 26, 2022 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Resolution No. 142-2022**
- ▣ **Proposal**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: November 8, 2022

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TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy II, NIGP-CPP, CPPO Procurement and Contract Manager

RE: Resolution No. 142-2022, A Resolution Approving a Purchase Order to Kimley-Horn and Associates, Inc. in the Amount of \$18,735 and Establishing a Project Budget of \$22,482 for Town-wide Undergrounding of Utilities Program, Phase 4 North and Phase 2 South Easement Abandonment – **Resolution No. 142-2022**

DATE: October 26, 2022

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## **STAFF RECOMMENDATION**

Town staff recommends that Town Council Approve Resolution No. 142-2022, Approving a Purchase Order to Kimley-Horn and Associates, Inc. in the Amount of \$18,735 and Establishing a Project Budget of \$22,482 for Town-wide Undergrounding of Utilities Program, Phase 4 North and Phase 2 South Easement Abandonment.

## **GENERAL INFORMATION**

The Town has converted the Phase 4 North and the Phase 2 South area of the Town-wide undergrounding program from overhead to underground utilities. The existing overhead system will soon be removed from the platted easements. This will leave many properties with all, or portions, of the platted easements with no utilities present. For those locations where the property owner has provided a utility easement for the undergrounding program and where the platted easements are no longer required, the Town desires to perform an abandonment process to remove these easements from the affected properties.

The Town has requested that Kimley-Horn develop the required legal sketches and descriptions of these easements, or portions thereof, for use in the abandonment process.

## **FUNDING/FISCAL IMPACT**

Funding for the project will be from Underground Utility Fund.

## **USER DEPARTMENT CONCURRENCE**

This item has been reviewed by the Public Works Department and is approved as recommended.

## **TOWN ATTORNEY REVIEW**

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

**RESOLUTION NO. 142-2022**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
PALM BEACH, PALM BEACH COUNTY, FLORIDA,  
APPROVING A PURCHASE ORDER TO KIMLEY-HORN AND  
ASSOCIATES, INC. IN THE AMOUNT OF \$18,735 AND  
ESTABLISHING A PROJECT BUDGET OF \$22,482 FOR TOWN-  
WIDE UNDERGROUNDING OF UTILITIES PROGRAM,  
PHASE 4 NORTH AND PHASE 2 SOUTH EASEMENT  
ABANDONMENT**

NOW, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,  
PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 142-2022, approving a Purchase Order to Kimley-Horn and Associates, Inc. in the Amount of \$18,735 and Establishing a Project Budget of \$22,482 for Town-wide Undergrounding of Utilities Program, Phase 4 North and Phase 2 South Easement Abandonment.

Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8<sup>TH</sup> day of *November* 2022.

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Margaret A. Zeidman, Town Council President

\_\_\_\_\_  
Bobbie Lindsay, Town Council President Pro Tem

\_\_\_\_\_  
Julie Araskog, Town Council Member

ATTEST:

\_\_\_\_\_  
Edward A. Cooney, Town Council Member

\_\_\_\_\_  
Pat Gayle-Gordon, Acting Town Clerk

\_\_\_\_\_  
Lewis S.W. Crampton, Town Council Member



September 19, 2022

Dean Mealy, II CPPO  
Town of Palm Beach – Purchasing Division  
951 Okeechobee Road, Suite 'D'  
West Palm Beach, FL 33401

**RE: *Town-Wide Undergrounding of Utilities Program: Phase 4 North and Phase 2 South Easement Abandonment***

Dear Dean,

Kimley-Horn is pleased to submit this proposal to The Town of Palm Beach ("TOWN") for providing engineering services related to abandoning existing utility easements in the Phase 4 North and the Phase 2 South area that have been vacated as a result of the Town-wide undergrounding program. Our project understanding, scope of services, schedule, and fee follow.

### **Project Understanding**

The Town has converted the Phase 4 North and the Phase 2 South area of the Town-wide undergrounding program from overhead to underground utilities. The existing overhead system will soon be removed from the platted easements. This will leave many properties with all, or portions, of the platted easements with no utilities present. For those locations where the property owner has provided a utility easement for the undergrounding program and where the platted easements are no longer required, the Town desires to perform an abandonment process to remove these easements from the affected properties. The Town has requested that Kimley-Horn develop the required legal sketches and descriptions of these easements, or portions thereof, for use in the abandonment process.

Based on this understanding, we offer the following Scope of Services.

### **Scope of Services**

Kimley-Horn will review the as-builts prepared by the Town's contractor to determine the locations where easements can be wholly or partially abandoned. An exhibit will be prepared by Kimley-Horn for use by a licensed surveyor to develop legal sketches and descriptions for each property that will be affected by the abandonment process. We anticipate that up to fifty-seven (57) individual legal sketches and descriptions will be required. These documents will be signed and sealed by a Florida licensed surveyor and provided to the Town for use in the abandonment process.

Kimley-Horn will conduct one meeting with the Town to review and discuss the list of easements to be abandoned.

It is understood that the Town will coordinate with their utility providers to collect letters of no-objection to the abandonment of the various easements, review each property to determine if the Town has any objections to easement abandonment, notify affected property owners, prepare the required applications, represent the abandonments at a Town Council Meeting, and record the final abandonments in the public record.

## Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope requested by the Town, will be considered additional services to this task and will be performed based on proposals approved prior to performance of the additional services.

## Information and Services Provided by the Town

The following services shall be performed by the Town:

- Obtaining letters of clearance from all applicable utility providers
- Reviewing each property to determine if the Town has any objections to abandonment
- Notifying affected property owners of the proposed abandonments
- Preparation of the easement abandonment applications
- Representation of the applications before the Town Council
- Recording final abandonments in the public record

## Schedule

Kimley-Horn will perform the scope of services above as expeditiously as practical to meet a mutually-agreed-upon schedule.

## Fee and Billing

Kimley-Horn will perform the scope of services for the total lump sum fee listed below. All permitting, application, and similar project fees will be paid directly by the Client. Lump sum fees will be invoiced monthly based upon the overall percentage of services performed.

|                      |          |
|----------------------|----------|
| Easement Abandonment | \$18,735 |
|----------------------|----------|

## Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc., Professional Engineering Services for the Town-Wide Undergrounding of Utilities Program RFQ No. 2016-07, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" shall refer to The Town of Palm Beach.

If you concur in all the foregoing and wish to direct us to proceed with the services, please notify us by providing a purchase order for the scope and fee described above.



We appreciate the opportunity to provide these services to you. Please contact me at (561) 840-0820 or [kevin.schanen@kimley-horn.com](mailto:kevin.schanen@kimley-horn.com) should you have any questions.

Sincerely,  
KIMLEY-HORN AND ASSOCIATES, INC.



By: Kevin Schanen, P.E.  
Sr. Vice President

## Attachment

K:\WPB\_Civil\General\Townsend\Marketing\Proposals\TOPB UG\Phase 4N Easement Abandonment\Phase 4 North and Phase 2 South\_UG\_easement abandonment Scope.docx

# TOWN OF PALM BEACH

Town Council Meeting on: November 8, 2022

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## Section of Agenda

Resolutions

## Agenda Title

**RESOLUTION NO. 143-2022** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Retroactive Change Order to Resolution No. 121-2022, Par 3 Restroom Renovation in the amount of \$23,597 for an Updated Budget Authorization of \$190,097 to Hedrick Brothers Construction Company Inc.

## Presenter

Dean Mealy, Procurement and Contract Manager

## ATTACHMENTS:

- ▣ **Memorandum dated October 26, 2022 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Resolution No. 143-2022**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: November 8, 2022

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TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy II, NIGP-CPP, CPPO Procurement and Contract Manager

RE: Resolution No. 143-2022, A Resolution Approving a Retro Active Change Order to Resolution No. 121-2022, Par 3 Restroom Renovation in the amount of \$23,597 for an Updated Budget Authorization of \$190,097 to Hedrick Brothers Construction Company Inc. – **Resolution No. 143-2022**

DATE: October 26, 2022

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## **STAFF RECOMMENDATION**

Town staff recommends that Town Council Approve Resolution No. 143-2022, Approving a Retro Active Change Order to Resolution No. 121-2022, Par 3 Restroom Renovation in the Amount of \$23,597 for an Updated Budget Authorization of \$190,097 to Hedrick Brothers Construction Company Inc.

## **GENERAL INFORMATION**

Town Council approved Resolution No. 121-2022 for the Par 3 Clubhouse Restroom Renovation to Hedrick Brothers Construction Company Inc. on September 13, 2022. Upon site observations, it was determined that additional work was needed to tile behind the new sinks which would require new tile on the walls. The additional materials and labor were cost out at \$23,597.

Since the work had begun and with anticipation to complete all renovations prior to the season, the additional work was authorized to be completed prior to final approval by the Town Council.

## **FUNDING/FISCAL IMPACT**

Funding for the project will be paid from the Capital Accounts within Par 3 Golf Course Fund.

## **USER DEPARTMENT CONCURRENCE**

This item has been reviewed by the Recreation Department and is approved as recommended.

## **TOWN ATTORNEY REVIEW**

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

**RESOLUTION NO. 143-2022**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
PALM BEACH, PALM BEACH COUNTY, FLORIDA,  
APPROVING A RETROACTIVE CHANGE ORDER TO  
RESOLUTION NO. 121-2022, PAR 3 RESTROOM  
RENOVATION IN THE AMOUNT OF \$23,597 FOR AN  
UPDATED BUDGET AUTHORIZATION OF \$190,097 TO  
HEDRICK BROTHERS CONSTRUCTION COMPANY INC.**

NOW, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,  
PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 143-2022, approving a retroactive change order to Resolution No. 121-2022, Par 3 Restroom Renovation in the amount of \$23,597 for an updated budget authorization of \$190,097 to Hedrick Brothers Construction Company Inc.

Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8<sup>TH</sup> day of *November* 2022.

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Margaret A. Zeidman, Town Council President

\_\_\_\_\_  
Bobbie Lindsay, Town Council President Pro Tem

\_\_\_\_\_  
Julie Araskog, Town Council Member

ATTEST:

\_\_\_\_\_  
Edward A. Cooney, Town Council Member

\_\_\_\_\_  
Pat Gayle-Gordon, Acting Town Clerk

\_\_\_\_\_  
Lewis S.W. Crampton, Town Council Member

# TOWN OF PALM BEACH

Town Council Meeting on: November 8, 2022

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## Section of Agenda

Resolutions

## Agenda Title

RESOLUTION NO. 144-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Duval Ford in the Amount of \$122,685.82 and Establishing a Project Budget of \$134,685.82 for Two Ford Police Interceptors Hybrid AWD.

## Presenter

Dean Mealy, Procurement and Contract Manager

## ATTACHMENTS:

- ▣ **Memorandum dated October 26, 2022 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Resolution No. 144-2022**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: November 8, 2022

---

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy II, NIGP-CPP, CPPO Procurement and Contract Manager

RE: Resolution No. 144-2022, a Resolution approving a Purchase Order to Duval Ford in the amount of \$122,685.82 and establishing a project budget in the amount of \$134,685.82 for Two Ford Police Interceptors Hybrid AWD – **Resolution No. 144-2022**

DATE: October 26, 2022

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## **STAFF RECOMMENDATION**

Town staff recommends that Town Council approve Resolution No. 144-2022, approving a Purchase Order to Duval Ford in the amount of \$122,685.82 and establishing a project budget in the amount of \$134,685.82 for Two Ford Police Interceptors Hybrid AWD.

## **GENERAL INFORMATION**

The Police Department will be replacing two vehicles, asset numbers 40105740 and 40105210 with Ford Police Interceptors Hybrid AWD. The two new vehicles are from the State of Florida Sherriff Contract Authorized Dealer, Duval Ford.

During the past twenty-four months, new vehicles have been difficult to first locate, and then acquire. The Town last purchased this same vehicle in April of 2021. At that time the Town paid \$48,046 per vehicle whereby we are now paying \$61,329. Procurement Staff did complete market analysis, and the current quoted pricing is the best we can secure. We are securing best pricing for these vehicles by using the Florida Sherriff Contract. Due to limited availability, Duval Ford is actually holding these two vehicles for the Town. We will issue a Purchase Order upon approval of this resolution.

## **FUNDING/FISCAL IMPACT**

Funding for the project will be paid from the Equipment Replacement Fund. These vehicles were budgeted for \$90,000. The difference will come from reductions in other planned equipment replacement expenditures.

## **USER DEPARTMENT CONCURRENCE**

This item has been reviewed by the Police Department and is approved as recommended.

## **TOWN ATTORNEY REVIEW**

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

**RESOLUTION NO. 144-2022**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
PALM BEACH, PALM BEACH COUNTY, FLORIDA,  
APPROVING A PURCHASE ORDER TO DUVAL FORD IN THE  
AMOUNT OF \$122,685.82 AND ESTABLISHING A PROJECT  
BUDGET OF \$134,685.82 FOR TWO FORD POLICE  
INTERCEPTORS HYBRID AWD**

NOW, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,  
PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 144-2022, approving a Purchase Order to Duval Ford in the amount of \$122,685.82 and establishing a project budget in the amount of \$134,685.82 for Two Ford Police Interceptors Hybrid AWD.

Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8<sup>TH</sup> day of *November* 2022.

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Margaret A. Zeidman, Town Council President

\_\_\_\_\_  
Bobbie Lindsay, Town Council President Pro Tem

\_\_\_\_\_  
Julie Araskog, Town Council Member

ATTEST:

\_\_\_\_\_  
Edward A. Cooney, Town Council Member

\_\_\_\_\_  
Pat Gayle-Gordon, Acting Town Clerk

\_\_\_\_\_  
Lewis S.W. Crampton, Town Council Member



# TOWN OF PALM BEACH

Town Council Meeting on: November 8, 2022

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## Section of Agenda

Resolutions

## Agenda Title

**RESOLUTION NO. 146-2022** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2023-01, Request for Qualifications, CMAR for Phipps Ocean Park Improvements to Burkhardt Construction Inc.

## Presenter

Dean Mealy, Procurement and Contract Manager

## ATTACHMENTS:

- ▣ **Memorandum dated October 31, 2022 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Resolution No. 146-2022**
- ▣ **Selection Committee Individual Scores**
- ▣ **Ordinal Scoring after Oral Presentations**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: November 8, 2022

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TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director  
w

FROM: Dean Mealy II, NIGP-CPP, CPPO Procurement and Contract Manager

RE: Resolution No. 146-2022, a Resolution approving the Award of RFQ No. 2023-01, Request for Qualifications CMAR for Phipps Ocean Park Improvements to Burkhardt Construction Inc. – **Resolution No. 146-2022**

DATE: October 31, 2022

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## **STAFF RECOMMENDATION**

Town staff recommends that Town Council approve Resolution No. 146-2022, approving the Award of RFQ No. 2023-01, Request for Qualifications CMAR for Phipps Ocean Park Improvements to Burkhardt Construction Inc.

## **GENERAL INFORMATION**

The Town solicited for a Construction Manager at Risk Services to complete the Phipps Ocean Park Improvement Project. The selected Construction Manager at Risk will furnish all work, necessary permits, and construction supervision to fully complete the implementation of the approved park master plan of improvements. The work will include the relocation of the historic Little Red School House, reconfiguration of park entry points, installation of native vegetation, reconfiguration of existing parking lots, new signage, lighting, proposed pathways, pickleball courts, new playground, various park amenities, coastal restoration facility, new restrooms and picnic areas.

At the September 13, 2022, Town Council meeting, Resolution No. 123-2022 was approved accepting a \$250,000 donation from the Preservation Foundation of Palm Beach to establish a project account and to proceed with the CMAR RFQ solicitation process for Phipps Ocean Park.

## **PROCUREMENT AND CONTRACT MANAGEMENT SUMMARY**

RFQ No. 2023-01 was issued on September 20, 2022 and closed on October 19, 2022. The advertisement was broadcast through DemandStar, Public Purchase, the Palm Beach, and the Town website. Through the DemandStar platform, the advertisement was broadcast to 1,617 firms nationally.

Four firms responded to the solicitation as follows:

- Burkhardt Construction Inc.
- Gulf Building Inc.

- Hedrick Brothers Construction
- Wapoint Contracting, Inc.

The Selection Committee for this solicitation was composed of the following members:

#### **Voting**

- Amanda Skier
- Carolyn Stone
- Eric Brown, P.E.
- Mike Roach, P.E.
- Jane Le Clainche, CPA

#### **Non-Voting**

Paul Brazil, P.E.  
Jason Debrincat, P.E.  
Duke Basha, CPPB  
Dean Mealy, NIGP-CPP, CPPO

Following the initial scoring, the Selection Committee recommended three firms for oral presentations as follows:

- Burkhardt Construction Inc.
- Gulf Building Inc.
- Hedrick Brothers Construction

The oral presentations were conducted on October 31, 2022. The Selection Committee ranked Burkhardt Construction Inc. as the recommended awardee for RFQ No. 2023-01.

#### **FUNDING/FISCAL IMPACT**

Funding for the project will be provided by the Preservation Foundation. Staff will return with a Pre-Construction Services Resolution and with the GMP that will be provided upon completion of drawings.

At the September 13, 2022, Town Council meeting, Resolution No. 123-2022 was approved accepting a \$250,000 donation from the Preservation Foundation of Palm Beach to establish a project account and to proceed with the CMAR RFQ solicitation process for Phipps Ocean Park.

#### **USER DEPARTMENT CONCURRENCE**

This item has been reviewed by the Town Manager's Office and is approved as recommended.

#### **TOWN ATTORNEY REVIEW**

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

**RESOLUTION NO. 146-2022**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
PALM BEACH, PALM BEACH COUNTY, FLORIDA,  
APPROVING THE AWARD OF RFQ NO. 2023-01, REQUEST  
FOR QUALIFICATIONS, CMAR FOR PHIPPS OCEAN PARK  
IMPROVEMENTS TO BURKHARDT CONSTRUCTION INC.**

NOW, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,  
PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 146-2022, approving the award of RFQ No. 2023-01, Request for Qualifications, CMAR for Phipps Ocean Park Improvements to Burkhardt Construction Inc.

Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8<sup>TH</sup> day of *November* 2022.

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Margaret A. Zeidman, Town Council President

\_\_\_\_\_  
Bobbie Lindsay, Town Council President Pro Tem

\_\_\_\_\_  
Julie Araskog, Town Council Member

ATTEST:

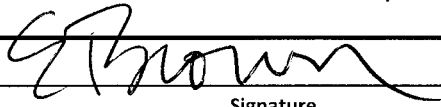
\_\_\_\_\_  
Edward A. Cooney, Town Council Member

\_\_\_\_\_  
Pat Gayle-Gordon, Acting Town Clerk

\_\_\_\_\_  
Lewis S.W. Crampton, Town Council Member

| RFQ No. 2023-01                                                                                       |                         |
|-------------------------------------------------------------------------------------------------------|-------------------------|
| Request for Qualification for CMAR for Phipps Ocean Park Improvements Project                         |                         |
| ORAL INTERVIEWS                                                                                       |                         |
| Committee Member: <u>Michael Roach</u>                                                                |                         |
| Proposer                                                                                              | Rank*                   |
| Gulf Building LLC                                                                                     | 3                       |
| Hedrick Brothers Construction                                                                         | 2                       |
| Burkhardt Construction, Inc.                                                                          | 1                       |
| <u></u><br>Signature | <u>10/31/22</u><br>Date |
| * Rank responses:<br>1 (First Place), 2 (Second Place), and 3 (Third Place)                           |                         |
| Comments:<br><hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>                                          |                         |

|                                                                                                                                          |                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <b>RFQ No. 2023-01</b><br><b>Request for Qualification for CMAR for Phipps Ocean Park Improvements Project</b><br><b>ORAL INTERVIEWS</b> |                                                                                   |
| Committee Member: <u>Amanda Skier</u>                                                                                                    |                                                                                   |
| <b>Proposer</b>                                                                                                                          | <b>Rank*</b>                                                                      |
| Gulf Building LLC                                                                                                                        | 3                                                                                 |
| Hedrick Brothers Construction                                                                                                            | 2                                                                                 |
| Burkhardt Construction, Inc.                                                                                                             | 1                                                                                 |
| <div style="text-align: center;"> <u>Amanda Skier</u><br/> <small>Signature</small> </div>                                               | <div style="text-align: center;"> <u>10/31/22</u><br/> <small>Date</small> </div> |
| * Rank responses:<br>1 (First Place), 2 (Second Place), and 3 (Third Place)                                                              |                                                                                   |
| <b>Comments:</b><br><hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>                                                                      |                                                                                   |

|                                                                                                                                                                            |                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| <b>RFQ No. 2023-01</b><br><b>Request for Qualification for CMAR for Phipps Ocean Park Improvements Project</b><br><b>ORAL INTERVIEWS</b>                                   |                                                                                                      |
| Committee Member: <u>BROWN</u>                                                                                                                                             |                                                                                                      |
| <b>Proposer</b>                                                                                                                                                            | <b>Rank*</b>                                                                                         |
| Gulf Building LLC                                                                                                                                                          | 3                                                                                                    |
| Hedrick Brothers Construction                                                                                                                                              | 1                                                                                                    |
| Burkhardt Construction, Inc.                                                                                                                                               | 2                                                                                                    |
| <div style="text-align: center;"> <br/>         _____<br/>         Signature       </div> | <div style="text-align: center;">         10/31/22<br/>         _____<br/>         Date       </div> |
| * Rank responses:<br>1 (First Place), 2 (Second Place), and 3 (Third Place)                                                                                                |                                                                                                      |
| <b>Comments:</b><br>_____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____                                                                                            |                                                                                                      |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RFQ No. 2023-01</b><br><b>Request for Qualification for CMAR for Phipps Ocean Park Improvements Project</b><br><b>ORAL INTERVIEWS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                        |
| Committee Member: <u>CAROLYN Stone</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                        |
| <b>Proposer</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Rank*</b>                                                                                                                                                                                                                           |
| Gulf Building LLC                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 3                                                                                                                                                                                                                                      |
| Hedrick Brothers Construction                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 2                                                                                                                                                                                                                                      |
| Burkhardt Construction, Inc.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 1                                                                                                                                                                                                                                      |
| <div style="display: flex; align-items: center;"> <div style="border-bottom: 1px solid black; flex-grow: 1;"></div> </div> <div style="text-align: center; margin-top: 5px;">Signature</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <div style="display: flex; align-items: center;"> <div style="border-bottom: 1px solid black; flex-grow: 1;"></div> <div style="margin-left: 10px;">10/31/22</div> </div> <div style="text-align: center; margin-top: 5px;">Date</div> |
| <b>* Rank responses:</b><br><b>1 (First Place), 2 (Second Place), and 3 (Third Place)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                        |
| <b>Comments:</b><br><div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> |                                                                                                                                                                                                                                        |



|                                                                                                                                          |                                        |
|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| <b>RFQ No. 2023-01</b><br><b>Request for Qualification for CMAR for Phipps Ocean Park Improvements Project</b><br><b>ORAL INTERVIEWS</b> |                                        |
| Committee Member: <u>Jane LeClainche</u>                                                                                                 |                                        |
| <b>Proposer</b>                                                                                                                          | <b>Rank*</b>                           |
| Gulf Building LLC                                                                                                                        | 3                                      |
| Hedrick Brothers Construction                                                                                                            | 1                                      |
| Burkhardt Construction, Inc.                                                                                                             | 2                                      |
| <u>Jane LeClainche</u><br><small>Signature</small>                                                                                       | <u>10/31/22</u><br><small>Date</small> |
| * Rank responses:<br>1 (First Place), 2 (Second Place), and 3 (Third Place)                                                              |                                        |
| <b>Comments:</b><br><br><br><br><br><br><br>                                                                                             |                                        |

| RFQ No. 2023-01 CMAR for Phipps Ocean Park Improvements Project -<br>Summary of ordinal scoring |                   |                               |                              |
|-------------------------------------------------------------------------------------------------|-------------------|-------------------------------|------------------------------|
|                                                                                                 |                   | Companies                     |                              |
| Selection Committee                                                                             | Gulf Building LLC | Hedrick Brothers Construction | Burkhardt Construction, Inc. |
| Amanda Skier                                                                                    | 3                 | 2                             | 1                            |
| Carolyn Stone                                                                                   | 3                 | 2                             | 1                            |
| Eric Brown                                                                                      | 3                 | 1                             | 2                            |
| Jane Le Clainche                                                                                | 3                 | 1                             | 2                            |
| Michael Roach                                                                                   | 3                 | 2                             | 1                            |
| TOTAL                                                                                           | 15                | 8                             | 7                            |

Date: 10/31/2022

Witness:   


Note: The lowest score is the highest ranked company etc.

# TOWN OF PALM BEACH

Town Council Meeting on: November 8, 2022

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## Section of Agenda

Resolutions

## Agenda Title

**RESOLUTION NO. 147-2022** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract and a Purchase Order to Health Fitness Corporation in the Annual Amount of \$207,413.

## Presenter

Dean Mealy, Procurement and Contract Manager

## ATTACHMENTS:

- ▣ **Memorandum dated October 26, 2022 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Resolution No. 147-2022**

# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: November 8, 2022

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TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy II, NIGP-CPP, CPPO Procurement and Contract Manager

RE: Resolution Approving the Award of a Contract and a Purchase Order with Health Fitness Corporation in the Amount of \$207,413 – **Resolution No. 147-2022**

DATE: October 26, 2022

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## **STAFF RECOMMENDATION**

Town staff recommends that Town Council Approve Resolution No. 147-2022, Approving the Award of a Contract and a Purchase Order with Health Fitness Corporation in the Amount of \$207,413.

## **GENERAL INFORMATION**

Town Procurement and Contract Management issued RFP No. 2020-01 for Mandel Recreation Center Fitness Center and Wellness Program Contractor in October 2019 for a three-year term. Health Fitness Corporation was awarded the RFP by Resolution No. 153-2019.

The new contract period will be from March 1, 2023, to February 28, 2024. Health Fitness Corporation submitted updated pricing for the new contract period that represented an 8.9% increase which was reflective of the CPI. The new contract will include access to a new POS system.

The firm has performed with outstanding results and has been an excellent partner with the Town.

## **FUNDING/FISCAL IMPACT**

Funding for the project will be from the Recreation Program Budget.

## **USER DEPARTMENT CONCURRENCE**

This item has been reviewed by the Recreation Department and is approved as recommended.

## **TOWN ATTORNEY REVIEW**

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

**RESOLUTION NO. 147-2022**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
PALM BEACH, PALM BEACH COUNTY, FLORIDA,  
APPROVING A CONTRACT AND A PURCHASE ORDER TO  
HEALTH FITNESS CORPORATION IN THE ANNUAL  
AMOUNT OF \$207,413**

NOW, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,  
PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 147-2022, approving the Award of a Contract and a Purchase Order with Health Fitness Corporation in the Amount of \$207,413.

Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8<sup>TH</sup> day of *November* 2022.

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Margaret A. Zeidman, Town Council President

\_\_\_\_\_  
Bobbie Lindsay, Town Council President Pro Tem

\_\_\_\_\_  
Julie Araskog, Town Council Member

ATTEST:

\_\_\_\_\_  
Edward A. Cooney, Town Council Member

\_\_\_\_\_  
Pat Gayle-Gordon, Acting Town Clerk

\_\_\_\_\_  
Lewis S.W. Crampton, Town Council Member

# TOWN OF PALM BEACH

Town Council Meeting on: November 8, 2022

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## Section of Agenda

Regular Agenda - Old Business

## Agenda Title

Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status

## Presenter

H. Paul Brazil, P.E., Director of Public Works

## ATTACHMENTS:

- **Memorandum dated October 24, 2022, from H. Paul Brazil, P.E., Director of Public Works**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: November 8, 2022

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TO: Mayor & Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Paul Brazil, Public Works Director

FROM: Patricia Strayer, Town Engineer

RE: Utility Undergrounding Project Status Report

DATE: October 24, 2022

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## I. COMMUNICATIONS:

### A. Community Meetings:

None to report

### B. Significant Residential Communications

Staff meetings for Phase 7 North and South are ongoing. Demonstration chicanes are installed in Phase 7 and are slowly progressing to eliminate these locations. Phase 8 easement meetings are ongoing. We are planning to send second letters out to Phase 8 property owners at the end of November.

## II. PROGRESS SUMMARY:

Overall, Town-wide construction progress, ten (10) of fifteen (15) construction zones are either complete or in progress/funded for construction, inclusive of Phases 1N, 1S, 2N, 2S, 3N, 3S, 4N, 4S, 5N and 5S. Phase 6 North and South are awaiting delivery of materials.

### A. Construction Progress:

#### **Phase 1 North:**

From the Inlet south to Onondaga Ave.

- Completed March 30, 2019

#### **Phase 1 South:**

From southern Town limits north to Sloan's Curve

- Completed April 3, 2020

**Phase 2 North Construction:**

From Esplanade Way to Ocean Terrace

- Completed October 29, 2020

**Phase 2 South Construction:**

From Sloan's Curve to the intersection of S. Ocean Blvd & S. County Road

- Phase 2 South, the project is 95% complete. Presently working with FPL to switching. All conversions are complete. Paving has begun. Poles will be removed in May due to crews being redirected by FPL to the west coast of Florida

**Phase 3 North Construction:**

From Osceola Way to the north-side of La Puerta Way

- Completed September 17, 2021

**Phase 3 South:**

From S. Ocean Blvd & S. County Road to the alleyway south of Worth Ave.

- Phase 3 South construction is 76% complete. Switching is being delayed due to crews being redirected by FPL to the west coast of Florida

**Phase 4 North:**

From south-side of La Puerta Way to north-side of List Road

- Construction for Phase 4 North is 88% complete. All equipment has been installed. Switching is being initiated by FPL. Comcast and ATT are working on equipment installation. Switching has begun. Conversions of homes will begin in November.

**Phase 4 South:**

From Peruvian to Royal Palm Way

- Construction is 25% complete.

**Phase 5 North:**

From Country Club Road to Southland Road

- Design is 100% complete.
- 87 out of 87 (100%) easements are recorded or verbally approved.
- Notice to Proceed was issued September 27, 2021.
- Construction phase is 49% complete.



**Phase 5 South:**

From South Lake Drive/Hibiscus Ave. & Peruvian Ave./Royal Palm Way, properties between the intracoastal waterway and the Atlantic Ocean and from Royal Palm Way to Seaspray Ave.

- Design is 100% complete.
- 83 of 83 (100%) easements are recorded or verbally approved.
- Construction phase is 28% complete.

**Phase 6 North:**

From Chateaux Drive & Kawama Lane to the south-side of Plantation Road

- Design is 99% complete and on schedule.
- 47 of 47 (100%) easements approved.

**Phase 6 South:**

Seaspray Ave. to the south of Royal Poinciana Way

- Design is 100% complete and on schedule.
- 73 of 73 (100%) easements approved.

**Phase 7 North:**

Palm Beach Country Club north to the south side of List Road

- Design is 72% complete and on schedule.
- 50 of 77 (65%) easements approved.

**Phase 7 South:**

Atlantic Ave. north to Via Los Incas & Sanford Ave.

- Design is 72% complete and on schedule.
- 36 of 56 (64%) easements approved.

**Phase 8:**

Royal Poinciana Way north to Everglade Ave.

- Design is 28% complete and on schedule.
- 6 of 94 (6%) easements approved.

### III. FINANCIAL SUMMARY:

#### A. FEMA Grant Update:

- Quarterly submittals are in for approval.

#### B. Project Budget Summary:

There are no significant changes since the last report. Updates include processing of vendor pay applications for design and work performed in active phases. The full Underground Utility Project Financial Report is provided within your backup package with the summary page attached. The table below shows the latest construction cost summary.

| Phase Area    | Construction<br>Cost Proposal | Master Plan<br>OPC     | Difference            | % Difference |
|---------------|-------------------------------|------------------------|-----------------------|--------------|
| 3S            | \$8,029,384.83                | \$7,710,000.00         | \$319,384.83          | +4.1%        |
| 4N            | \$4,843,009.99                | \$5,360,000.00         | (\$516,990.01)        | -9.6%        |
| 4S            | \$8,803,506.00                | \$6,400,000.00         | \$2,403,506.00        | +37.6%       |
| 5N            | \$7,347,435.31                | \$6,960,000.00         | \$387,435.31          | +5.6%        |
| 5S            | \$8,102,327.89                | \$8,940,000.00         | (\$837,672.11)        | -9.4%        |
| 6N            | \$7,867,296.00                | \$5,620,000.00         | \$2,247,296.00        | +40.0%       |
| 6S            | \$8,149,565.00                | \$10,040,000.00        | (\$1,890,435.00)      | -18.8%       |
| <b>Totals</b> | <b>\$53,142,525.02</b>        | <b>\$51,030,000.00</b> | <b>\$2,112,525.02</b> | <b>+4.1%</b> |

cc: Jane LeClainche, Finance Director  
Kevin Schanen, Kimley-Horn & Associates

**Underground Utility Project Budget**  
**Project Financial Summary**  
**October 31, 2022**

| Expenditures                                              | Original OPC         | Dec 2019 OPC          | Budget                | Actual               | % Expended   |
|-----------------------------------------------------------|----------------------|-----------------------|-----------------------|----------------------|--------------|
| <b>Phase 1</b>                                            | \$ 12,620,000        | \$ 12,910,000         | \$ 12,856,262         | \$ 12,734,604        | 99.1%        |
| <b>Phase 2</b>                                            | \$ 9,170,000         | \$ 13,470,000         | \$ 13,326,026         | \$ 13,332,388        | 100.0%       |
| <b>Phase 3</b>                                            | \$ 10,910,000        | \$ 15,400,000         | \$ 16,399,544         | \$ 13,559,863        | 82.7%        |
| <b>Phase 4</b>                                            | \$ 10,370,000        | \$ 15,220,000         | \$ 17,711,434         | \$ 9,397,282         | 53.1%        |
| <b>Phase 5 (Includes \$8.5 Million FEMA Grant Offset)</b> | \$ 14,090,000        | \$ 11,694,645         | \$ 17,935,288         | \$ 6,577,080         | 36.7%        |
| <b>Phase 6</b>                                            | \$ 16,820,000        | \$ 20,800,000         | \$ 20,313,477         | \$ 2,948,191         | 14.5%        |
| <b>Phase 7</b>                                            | \$ 11,730,000        | \$ 15,910,000         | \$ 1,714,090          | \$ 1,231,571         | 71.8%        |
| <b>Phase 8</b>                                            | \$ 12,300,000        | \$ 14,500,000         | \$ 1,441,577          | \$ 534,405           | 37.1%        |
| <b>Total Project Costs To Date</b>                        | <b>\$ 98,010,000</b> | <b>\$ 119,904,645</b> | <b>\$ 101,697,699</b> | <b>\$ 60,315,385</b> | <b>59.3%</b> |
| Other Costs Associated Directly with the Project (Page 8) | \$ 570,000           | \$ 2,513,512          | \$ 2,513,512          | \$ 2,508,668         | 99.8%        |
| <b>Grand Total of Costs Related to Project</b>            | <b>\$ 98,580,000</b> | <b>\$ 122,418,157</b> | <b>\$ 104,211,211</b> | <b>\$ 62,824,053</b> | <b>60.3%</b> |
| Debt Service and Related Debt Issuance Costs (Page 8)     |                      |                       | \$ 14,543,157         | \$ 14,360,626        | 98.7%        |
| Total Other Costs Outside Underground Budget (Page 8)     |                      |                       | \$ 690,317            | \$ 1,674,948         | 242.6%       |
| <b>Grand Total of All Costs Related to the Project</b>    | <b>\$ 98,580,000</b> | <b>\$ 122,418,157</b> | <b>\$ 104,901,528</b> | <b>\$ 78,859,627</b> | <b>75.2%</b> |

|                                                                |                       |
|----------------------------------------------------------------|-----------------------|
| <b>Total Project Budget - Opinion of cost for construction</b> | <b>\$ 122,418,157</b> |
| % Budgeted/Encumbered To Date Project Costs                    | 85.13%                |
| % Spent to Date - Project Costs                                | 51.32%                |

**Project Revenues Received**

| Revenues                                     | Budget                | Actual                | % of Budget   |
|----------------------------------------------|-----------------------|-----------------------|---------------|
| <b>Revenues</b>                              |                       |                       |               |
| Prepaid Assessments                          | \$ -                  | \$ 18,329,914         | 0.0%          |
| Assessment Revenue                           | \$ 21,430,000         | \$ 21,906,874         | 102.2%        |
| Commercial Paper                             | \$ -                  | \$ -                  | 0.0%          |
| Town Owned Property Prepaid Assessments      | \$ 2,797,291          | \$ 2,797,291          | 100.0%        |
| Interest on Assessment Escrow                | \$ -                  | \$ -                  | 0.0%          |
| Interest                                     | \$ 1,567,009          | \$ 3,440,673          | 219.6%        |
| GO Bond Proceeds 2018                        | \$ 60,500,000         | \$ 60,499,897         | 100.0%        |
| GO Bond Proceeds 2021                        | \$ 9,198,896          | \$ 9,198,896          | 100.0%        |
| 1 Cent Sales Tax                             | \$ 5,000,000          | \$ 3,000,000          | 60.0%         |
| FPL                                          |                       | \$ 450,246            | 0.0%          |
| FEMA Grant                                   | \$ 8,500,000          | \$ 827,237            | 9.7%          |
| <b>Other</b>                                 |                       |                       |               |
| Kevin McGann - CO #9                         | \$ -                  | \$ 34,900             | 0.0%          |
| Donations - Civic Association                | \$ 49,250             | \$ 49,250             | 100.0%        |
| Transfer from (307) Fund CIP                 | \$ 760,200            | \$ 760,200            | 100.0%        |
| Transfer from (401) Fund Marina              | \$ 2,600,000          | \$ 2,600,000          | 100.0%        |
| Transfer from (001) General Fund - PM Salary | \$ 751,000            | \$ 1,018,041          | 135.6%        |
| <b>Total Project Revenues</b>                | <b>\$ 113,153,646</b> | <b>\$ 124,913,420</b> | <b>110.4%</b> |

**Underground Utility Project Budget**  
**Phase 1 Project Costs**  
**October 31, 2022**

|                                                        | Original OPC         | Dec 2019 OPC         | Budget               | Actual               | % Expended    |
|--------------------------------------------------------|----------------------|----------------------|----------------------|----------------------|---------------|
| <b>Project Engineering</b>                             |                      |                      |                      |                      |               |
| Task 2.1 - Detailed Design North End                   | 590,000              |                      | 472,063              | 472,063              | 100.0%        |
| Task 2.2 - Detailed Design South End                   | 740,000              |                      | 619,411              | 619,411              | 100.0%        |
| Task 2.3 - Permitting Assistance                       |                      |                      | 17,790               | 17,790               | 100.0%        |
| Task 2.4 - Bid Phase Assistance                        |                      |                      | 42,166               | 42,166               | 100.0%        |
| Task 2.5 - Meetings - Design Phase                     |                      |                      | 125,399              | 125,383              | 100.0%        |
| <b>Subtotal Design Phase</b>                           | <b>\$ 1,330,000</b>  | <b>\$ 1,280,000</b>  | <b>\$ 1,276,829</b>  | <b>\$ 1,276,813</b>  | <b>100.0%</b> |
| <b>Construction Costs</b>                              |                      |                      |                      |                      |               |
| <b>Phase 1 North Construction</b>                      |                      |                      |                      |                      |               |
| Preconstruction                                        |                      |                      | \$ 19,720            | 19,720               | 100.0%        |
| Burkhardt Construction                                 |                      |                      | \$ 3,598,144         | 3,598,144            | 100.0%        |
| Street Light Conversion                                |                      |                      | \$ 26,273            | 40,934               | 155.8%        |
| Change Order for AT&T and Comcast Conduit              |                      |                      | \$ 500,655           | 491,883              | 98.2%         |
| Utility Design Costs                                   |                      |                      | \$ 15,595            | 16,945               | 108.7%        |
| Utility Construction Costs (FPL, Comcast, AT&T)        |                      |                      | \$ 476,776           | 392,932              | 82.4%         |
| Construction Engineering (KH)                          |                      |                      | \$ 207,771           | 205,818              | 99.1%         |
|                                                        | <b>\$ 4,210,000</b>  | <b>\$ 4,930,000</b>  | <b>\$ 4,844,935</b>  | <b>\$ 4,766,377</b>  | <b>98.4%</b>  |
| <b>Phase 1 South Construction</b>                      |                      |                      |                      |                      |               |
| Preconstruction                                        |                      |                      | \$ 22,200            | 22,200               | 100.0%        |
| Whiting Turner Construction                            |                      |                      | \$ 4,450,977         | 4,450,977            | 100.0%        |
| Change Order for AT&T and Comcast Conduit              |                      |                      | \$ 125,147           | 125,147              | 100.0%        |
| Street Light Conversion                                |                      |                      | \$ 68,115            | 68,115               | 100.0%        |
| Utility Design Costs                                   |                      |                      | \$ 33,013            | 44,958               | 136.2%        |
| Utility Construction Costs (FPL, Comcast, AT&T)        |                      |                      | \$ 1,374,193         | 1,317,824            | 95.9%         |
| Construction Engineering (KH)                          |                      |                      | \$ 316,498           | 316,396              | 100.0%        |
|                                                        | <b>\$ 6,800,000</b>  | <b>\$ 6,350,000</b>  | <b>\$ 6,390,143</b>  | <b>\$ 6,345,618</b>  | <b>99.3%</b>  |
| Easement Recording Fees                                |                      |                      | \$ 740               | 740                  | 100.0%        |
| <b>Legal Costs/Easement Acquisition - Jones Foster</b> | <b>\$ 280,000</b>    | <b>\$ 350,000</b>    | <b>\$ 301,359</b>    | <b>\$ 306,723</b>    | <b>101.8%</b> |
| Legal Sketch and Description - Easements               |                      |                      | 34,000               | 33,215               | 97.7%         |
| <b>Easement Abandonment</b>                            |                      |                      | <b>\$ 8,256</b>      | 5,120                | 62.0%         |
| Legal Advertising                                      |                      |                      |                      | 1,861                |               |
| <b>Total Phase 1 Costs</b>                             | <b>\$ 12,620,000</b> | <b>\$ 12,910,000</b> | <b>\$ 12,856,262</b> | <b>\$ 12,734,604</b> | <b>99.1%</b>  |

**Underground Utility Project Budget**  
**Phase 2 Project Costs**  
**October 31, 2022**

|                                                | Original OPC       | Dec 2019 OPC        | Budget               | Actual               | % Expended    |
|------------------------------------------------|--------------------|---------------------|----------------------|----------------------|---------------|
| <b>Phase 2 Design</b>                          |                    |                     |                      |                      |               |
| <b>Kimley Horn</b>                             |                    |                     |                      |                      |               |
| Task 1.1 Phase 2 North Design                  | 335,000            |                     | \$ 281,304           | \$ 281,304           | 100.0%        |
| Task 1.2 Phase 2 South Design                  | 400,000            |                     | \$ 335,353           | \$ 335,353           | 100.0%        |
| Task 1.3 Permitting Assistance North and South |                    |                     | \$ 12,674            | \$ 12,674            | 100.0%        |
| Task 1.4 Bid Phase Assistance North and South  |                    |                     | \$ 40,565            | \$ 40,565            | 100.0%        |
| Task 1.6 Meetings North and South              |                    |                     | \$ 136,617           | \$ 131,510           | 96.3%         |
| <b>Total Phase 2 Design</b>                    | <b>\$ 735,000</b>  | <b>\$ 807,000</b>   | <b>\$ 806,513</b>    | <b>\$ 801,406</b>    | <b>99.4%</b>  |
| <b>Construction Costs</b>                      |                    |                     |                      |                      |               |
| <b>Phase 2 North Construction</b>              |                    |                     |                      |                      |               |
| Preconstruction                                |                    |                     | \$ 35,000            | 31,970               | 91.3%         |
| Burkhardt Construction                         |                    |                     | \$ 3,932,792         | 3,905,978            | 99.3%         |
| Owner Purchased Supplies                       |                    |                     | \$ 83,073            | 205,809              | 247.7%        |
| FPL Design Cost                                |                    |                     | \$ 11,759            | 65,822               | 559.8%        |
| ATT Design Cost                                |                    |                     | \$ 5,000             | \$ 5,000             | 100.0%        |
| Comcast Design Cost                            |                    |                     |                      | \$ 4,582             |               |
| Utility Costs (FPL, Comcast, AT&T)             |                    |                     | \$ 496,307           | \$ 423,898           | 85.4%         |
| FPL - Additional Vista Switches                |                    |                     |                      | \$ 54,938            |               |
| Street Light Conversion                        |                    |                     | \$ 19,186            | \$ 19,186            | 100.0%        |
| Construction Engineering (KH)                  |                    |                     | \$ 248,121           | \$ 246,227           | 99.2%         |
| <b>Total Phase 2 North Construction</b>        | <b>3,800,000</b>   | <b>5,020,000</b>    | <b>\$ 4,831,238</b>  | <b>\$ 4,963,409</b>  | <b>102.7%</b> |
| <b>Phase 2 South Construction</b>              | <b>-</b>           |                     |                      |                      |               |
| Preconstruction                                |                    |                     | \$ 35,000            | 88,167               | 251.9%        |
| Burkhardt Construction                         |                    |                     | \$ 6,322,275         | 6,125,191            | 96.9%         |
| Owner Supplied Materials                       |                    |                     | \$ 172,321           | 175,898              | 102.1%        |
| FPL Design Cost                                |                    |                     | \$ 13,330            | 16,900               | 126.8%        |
| ATT Design Cost                                |                    |                     | \$ 5,000             | \$ 5,000             | 100.0%        |
| Comcast Design Cost                            |                    |                     | \$ 5,000             | \$ 4,582             | 91.6%         |
| Utility Costs (FPL, Comcast, AT&T)             |                    |                     | \$ 601,448           | \$ 601,448           | 100.0%        |
| Street Light Conversion                        |                    |                     | \$ 20,000            | \$ 19,268            | 96.3%         |
| Reimburse John Moran                           |                    |                     |                      | \$ 39,240            |               |
| Construction Engineering (KH)                  | -                  |                     | \$ 325,280           | \$ 304,316           | 93.6%         |
| <b>Total Phase 2 South Construction</b>        | <b>4,435,000</b>   | <b>7,424,000</b>    | <b>\$ 7,499,654</b>  | <b>\$ 7,380,009</b>  | <b>98.4%</b>  |
| <b>Easement Acquisition/Abandonment</b>        | <b>200,000</b>     | <b>219,000</b>      |                      |                      |               |
| <i>Kimley Horn Easement Assistance</i>         |                    |                     |                      |                      |               |
| Task 1.5 Easement Assistance North             |                    |                     | \$ 64,936            | \$ 64,935            | 100.0%        |
| Task 1.5 Easement Assistance South             |                    |                     | \$ 77,466            | \$ 77,467            | 100.0%        |
| <i>Surveys</i>                                 |                    |                     |                      |                      |               |
| Task 1.7 Legal Sketch North                    |                    |                     | \$ 14,020            | \$ 14,020            | 100.0%        |
| Task 1.7 Legal Sketch South                    |                    |                     | \$ 21,725            | \$ 20,689            | 95.2%         |
| Advertising                                    |                    |                     |                      | \$ 1,101             |               |
| Recording Costs                                |                    |                     | \$ 3,605             | \$ 3,359             | 93.2%         |
| Easement Abandonment                           |                    |                     | \$ 6,870             | \$ 5,994             | 87.2%         |
| <b>Total Easement Acquisition Costs</b>        | <b>200,000</b>     | <b>219,000</b>      | <b>\$ 188,622</b>    | <b>\$ 187,564</b>    | <b>99.4%</b>  |
| <b>Total Phase 2 Costs</b>                     | <b>\$9,170,000</b> | <b>\$13,470,000</b> | <b>\$ 13,326,026</b> | <b>\$ 13,332,388</b> | <b>100.0%</b> |

**Underground Utility Project Budget**  
**Phase 3 Project Costs**  
**October 31, 2022**

|                                                                        | Original OPC         | Dec 2019 OPC         | Budget               | Actual               | % Expended    |
|------------------------------------------------------------------------|----------------------|----------------------|----------------------|----------------------|---------------|
| <b>Phase 3 Design</b>                                                  |                      |                      |                      |                      |               |
| <b>Kimley Horn</b>                                                     |                      |                      |                      |                      |               |
| Task 1.1 Phase 3 North Design                                          | \$ 325,000           |                      | \$ 280,189           | \$ 280,189           | 100.0%        |
| Task 1.2 Phase 3 South Design                                          | \$ 535,000           |                      | \$ 486,333           | \$ 486,323           | 100.0%        |
| Task 1.3 Permitting Assistance                                         |                      |                      | \$ 13,739            | \$ 13,739            | 100.0%        |
| Task 1.4 Bid Phase Assistance                                          |                      |                      | \$ 36,834            | \$ 36,834            | 100.0%        |
| Task 1.5 Meetings                                                      |                      |                      | \$ 77,411            | \$ 76,626            | 99.0%         |
| <b>Total Phase 3 Design</b>                                            | <b>\$ 860,000</b>    | <b>\$ 895,000</b>    | <b>\$ 894,505</b>    | <b>\$ 893,710</b>    | <b>99.9%</b>  |
| <b>Construction Costs</b>                                              |                      |                      |                      |                      |               |
| <b>Phase 3 North Construction</b>                                      | <b>\$ 3,700,000</b>  | <b>\$ 5,300,000</b>  |                      |                      |               |
| Preconstruction                                                        |                      |                      | \$ 24,580            | \$ 24,580            | 100.0%        |
| Construction - Burkhardt                                               |                      |                      | \$ 4,100,697         | \$ 4,100,697         | 100.0%        |
| Owner supplied materials                                               |                      |                      | \$ 2,797             | \$ 2,797             | 100.0%        |
| FPL Design Cost                                                        |                      |                      | \$ 12,850            | \$ 1,350             | 10.5%         |
| ATT Design Cost                                                        |                      |                      | \$ 5,000             | \$ 5,000             | 100.0%        |
| Comcast Design Cost                                                    |                      |                      | \$ 3,128             | \$ 3,128             | 100.0%        |
| FPL Construction                                                       |                      |                      | \$ 87,101            | \$ 87,101            | 100.0%        |
| Street Light Conversion                                                |                      |                      | \$ 4,249             | \$ 7,012             | 165.0%        |
| Utility Costs (Comcast & ATT)                                          |                      |                      | \$ 409,387           | \$ 409,387           | 100.0%        |
| Construction Engineering (KH)                                          |                      |                      | \$ 236,976           | \$ 224,829           | 94.9%         |
| Daniella Construction - Nightingale/LaPuerta - Townwide portion        |                      |                      | \$ 457,222           | \$ 457,222           | 100.0%        |
| FPL Nightingale/LaPuerta - Townwide Portion                            |                      |                      | \$ 85,796            | \$ 85,796            | 100.0%        |
| Comcast Nightingale/LaPuerta - Townwide Portion                        |                      |                      | \$ 8,885             | \$ 8,885             | 100.0%        |
| AT&T Nightingale/LaPuerta Townwide Portion                             |                      |                      | \$ 30,555            | \$ 30,555            | 100.0%        |
| Billing for Arnold Fisher relocate transformer Deanna Davis and Cohlan |                      |                      | \$ (17,647)          | (17,647)             | 100.0%        |
| <b>Total Phase 3 North Construction</b>                                | <b>\$ 3,700,000</b>  | <b>\$ 5,300,000</b>  | <b>\$ 5,451,576</b>  | <b>\$ 5,430,692</b>  | <b>99.6%</b>  |
| <b>Phase 3 South Construction</b>                                      | <b>\$ 6,090,000</b>  | <b>\$ 8,875,000</b>  |                      |                      |               |
| Preconstruction                                                        |                      |                      | \$ 33,400            | 33,400               | 100.0%        |
| Construction                                                           |                      |                      | \$ 8,029,385         | 5,584,641            | 69.6%         |
| Owner supplied Pipe                                                    |                      |                      | \$ 118,315           | 118,315              | 100.0%        |
| FPL Construction                                                       |                      |                      | \$ 562,000           | 562,905              | 100.2%        |
| FPL Design Cost                                                        |                      |                      | \$ 11,359            | 15,808               | 139.2%        |
| FPL - 101 El Brillo                                                    |                      |                      | \$ 10,875            | 10,875               | 100.0%        |
| J Box Installation                                                     |                      |                      | \$ 14,636            | 14,636               | 100.0%        |
| ATT Design and Construction Cost                                       |                      |                      | \$ 425,000           | 5,000                | 1.2%          |
| Comcast Design and Construction Cost                                   |                      |                      | \$ 195,128           | 335,723              | 172.1%        |
| Construction Engineering (KH)                                          |                      |                      | \$ 322,540           | 220,515              | 68.4%         |
| <b>Total Phase 3 South Construction</b>                                | <b>\$ 6,090,000</b>  | <b>\$ 8,875,000</b>  | <b>\$ 9,722,638</b>  | <b>\$ 6,901,818</b>  | <b>71.0%</b>  |
| <b>Easement Acquisition/Abandonment</b>                                | <b>\$ 260,000</b>    | <b>\$ 330,000</b>    |                      |                      |               |
| <i>Kimley Horn Easement Assistance</i>                                 |                      |                      |                      |                      |               |
| Task 1 Easement Assistance North and South                             |                      |                      | \$ 273,390           | \$ 271,663           | 99.4%         |
| Easement Amendment                                                     |                      |                      | \$ 49,285            | \$ 49,198            | 99.8%         |
| <i>Surveys</i>                                                         |                      |                      |                      |                      |               |
| Recording Costs                                                        |                      |                      |                      | \$ 5,137             |               |
| Easement Abandonment                                                   |                      |                      | \$ 8,150             | \$ 7,645             |               |
| <b>Total Easement Acquisition Costs</b>                                | <b>\$ 260,000</b>    | <b>\$ 330,000</b>    | <b>\$ 330,825</b>    | <b>\$ 333,643</b>    | <b>100.9%</b> |
| <b>Total Phase 3 Costs</b>                                             | <b>\$ 10,910,000</b> | <b>\$ 15,400,000</b> | <b>\$ 16,399,544</b> | <b>\$ 13,559,863</b> | <b>82.7%</b>  |

**Underground Utility Project Budget**  
**Phase 4 Project Costs**  
**October 31, 2022**

|                                            | Original OPC         | Dec 2019 OPC         | Budget               | Actual           | % Expended   |
|--------------------------------------------|----------------------|----------------------|----------------------|------------------|--------------|
| <b>Phase 4 Design</b>                      |                      |                      |                      |                  |              |
| <b>Kimley Horn</b>                         |                      |                      |                      |                  |              |
| Task 1.1 Phase 4 North Design              | \$ 402,000           |                      | \$ 312,317           | 312,317          | 100.0%       |
| Task 1.2 Phase 4 South Design              | \$ 413,000           |                      | \$ 451,284           | 451,284          | 100.0%       |
| Task 1.3 Permitting Assistance             |                      |                      | \$ 14,468            | 14,468           | 100.0%       |
| Task 1.4 Bid Phase Assistance              |                      |                      | \$ 37,899            | 37,899           | 100.0%       |
| Task 1.6 Meetings                          |                      |                      | \$ 77,911            | 77,383           | 99.3%        |
| <b>Total Phase 4 Design</b>                | <b>\$ 815,000</b>    | <b>\$ 894,000</b>    | <b>\$ 893,879</b>    | <b>893,351</b>   | <b>99.9%</b> |
| <b>Construction Costs</b>                  |                      |                      |                      |                  |              |
| <b>Phase 4 North Construction</b>          | <b>4,605,000</b>     | <b>6,275,000</b>     |                      |                  |              |
| Preconstruction                            |                      |                      | \$ 22,270            | 22,270           | 100.0%       |
| Construction Costs                         |                      |                      | \$ 5,061,056         | 4,195,189        | 82.9%        |
| Owner Supplied Pipe and Vaults             |                      |                      |                      | 148,998          |              |
| FPL BCE                                    |                      |                      | \$ 91,543            | 91,543           | 100.0%       |
| FPL Design Cost                            |                      |                      | \$ 12,757            | 12,850           | 100.7%       |
| ATT Design Cost                            |                      |                      |                      | 5,000            |              |
| Comcast Design and Construction Cost       |                      |                      | \$ 173,151           | 3,128            |              |
| Utility Costs (FPL, Comcast, AT&T)         |                      |                      |                      |                  |              |
| Street Light Conversion FPL                |                      |                      |                      | 4,222            |              |
| Construction Engineering (KH)              |                      |                      | \$ 324,309           | 263,654          | 81.3%        |
| <b>Total Phase 4 North Construction</b>    | <b>\$ 4,605,000</b>  | <b>\$ 6,275,000</b>  | <b>\$ 5,685,086</b>  | <b>4,746,852</b> | <b>83.5%</b> |
| <b>Phase 4 South Construction</b>          | <b>4,710,000</b>     | <b>7,640,000</b>     |                      |                  |              |
| Preconstruction                            |                      |                      | \$ 34,800            | 34,800           | 100.0%       |
| Construction                               |                      |                      | \$ 8,803,506         | 1,486,107        | 16.9%        |
| Construction with Lake Drive Park          |                      |                      | \$ 320,311           | 363,499          | 113.5%       |
| Owner Supplied Pipes                       |                      |                      |                      | 2,170            |              |
| Street Light Conversion                    |                      |                      |                      | 6,688            |              |
| FPL Design Cost                            |                      |                      | \$ 13,160            | 1,350            | 10.3%        |
| ATT Design Cost                            |                      |                      |                      | 5,000            |              |
| Comcast Design Cost                        |                      |                      |                      | 3,128            |              |
| Kimley Horn - Design services Hibiscus Ave |                      |                      | \$ 12,047            | 11,940           | 99.1%        |
| Utility Costs (FPL, Comcast, AT&T)         |                      |                      | \$ 1,164,404         | 1,334,427        | 114.6%       |
| Construction Engineering (KH)              |                      |                      | \$ 333,659           | 72,276           | 21.7%        |
| <b>Total Phase 4 South Construction</b>    | <b>\$ 4,710,000</b>  | <b>\$ 7,640,000</b>  | <b>\$ 10,681,887</b> | <b>3,321,384</b> | <b>31.1%</b> |
| <b>Easement Acquisition/Abandonment</b>    | <b>\$ 240,000</b>    | <b>\$ 411,000</b>    |                      |                  |              |
| <i>Kimley Horn Easement Assistance</i>     |                      |                      |                      |                  |              |
| Easement Assistance (KH)                   |                      |                      | \$ 280,270           | 280,254          | 100.0%       |
| Easement Assistance (KH) -- Switches       |                      |                      | \$ 67,747            | 67,231           | 99.2%        |
| Easement Assistance (KH)                   |                      |                      | \$ 59,369            | 44,089           | 74.3%        |
| <i>Surveys</i>                             |                      |                      |                      |                  |              |
| Legal Sketch                               |                      |                      | \$ 38,230            | 38,092           | 99.6%        |
| Legal Sketch - Switches                    |                      |                      | \$ 4,967             |                  |              |
| Jones Foster - Legal                       |                      |                      |                      |                  |              |
| Recording Costs                            |                      |                      |                      | 6,028            |              |
| Easement Abandonment                       |                      |                      |                      |                  |              |
| <b>Total Easement Acquisition Costs</b>    | <b>\$ 240,000</b>    | <b>\$ 411,000</b>    | <b>\$ 450,583</b>    | <b>435,694</b>   | <b>96.7%</b> |
| <b>Total Phase 4 Costs</b>                 | <b>\$ 10,370,000</b> | <b>\$ 15,220,000</b> | <b>\$17,711,434</b>  | <b>9,397,282</b> | <b>53.1%</b> |

**Underground Utility Project Budget**  
**Phase 5 Project Costs**  
**October 31, 2022**

|                                                           | Original OPC         | Dec 2019 OPC          | Budget               | Actual              | % Expended    |
|-----------------------------------------------------------|----------------------|-----------------------|----------------------|---------------------|---------------|
| <b>Phase 5</b>                                            |                      |                       |                      |                     |               |
| <b>Kimley Horn</b>                                        |                      |                       |                      |                     |               |
| Task 1.1 Phase 5 North Design                             | \$ 520,000           |                       | \$ 454,210           | \$ 454,210          | 100.0%        |
| Task 1.2 Phase 5 South Design                             | \$ 600,000           |                       | \$ 606,951           | \$ 606,951          | 100.0%        |
| Task 1.3 Permitting Assistance North/South                |                      |                       | \$ 17,100            | \$ 17,100           | 100.0%        |
| Task 1.4 Bid Phase Assistance North/South                 |                      |                       | \$ 37,899            | \$ 37,899           | 100.0%        |
| Task 1.6 Meetings North/South                             |                      |                       | \$ 77,911            | \$ 77,905           | 100.0%        |
| <b>Total Phase 5 Design</b>                               | <b>\$ 1,120,000</b>  | <b>\$ 1,195,000</b>   | <b>\$ 1,194,071</b>  | <b>\$ 1,194,065</b> | <b>100.0%</b> |
|                                                           |                      |                       |                      |                     |               |
|                                                           |                      |                       |                      |                     |               |
| <b>Construction Costs</b>                                 |                      |                       |                      |                     |               |
| <b>Phase 5 North Construction</b>                         | <b>\$ 5,890,000</b>  | <b>\$ 8,055,000</b>   |                      |                     |               |
| Preconstruction                                           |                      |                       | \$ 59,100            | 59,100              | 100.0%        |
| Construction                                              |                      |                       | \$ 6,416,942         | 3,010,257           | 46.9%         |
| Construction Manager                                      |                      |                       | \$ 940,702           | 338,653             | 36.0%         |
| Utility Costs (FPL, Comcast, AT&T)                        |                      |                       | \$ 67,157            | 67,157              | 100.0%        |
| AT&T Design                                               |                      |                       | \$ 5,000             | 5,000               | 100.0%        |
| FPL Design Costs                                          |                      |                       | \$ 16,223            | 30,330              | 187.0%        |
| Reimburse Caren and Gary Marder work performed            |                      |                       | \$ 6,100             | 6,100               | 100.0%        |
| Construction Engineering (KH)                             |                      |                       | \$ 334,157           | 128,683             | 38.5%         |
| <b>Total Phase 5 North Construction</b>                   | <b>\$ 5,890,000</b>  | <b>\$ 8,055,000</b>   | <b>\$ 7,845,381</b>  | <b>\$ 3,645,280</b> | <b>46.5%</b>  |
|                                                           |                      |                       |                      |                     |               |
| <b>Phase 5 South Construction</b>                         | <b>\$ 6,750,000</b>  | <b>\$ 10,545,000</b>  |                      |                     |               |
| Preconstruction                                           |                      |                       | \$ 59,100            | 59,100              | 100.0%        |
| Construction                                              |                      |                       | \$ 6,629,361         | 527,309             | 8.0%          |
| Infrastructure from Phase 4 south bid - Not part of Grant |                      |                       | \$ 163,350           | 45,019              | 27.6%         |
| Construction Manager                                      |                      |                       | \$ 979,098           | 313,311             | 32.0%         |
| Utility Costs (FPL, Comcast, AT&T)                        |                      |                       | \$ 365,720           | 365,720             | 100.0%        |
| AT&T Design                                               |                      |                       | \$ 5,000             | 5,000               | 100.0%        |
| FPL Design Costs                                          |                      |                       | \$ 19,283            | 20,633              | 107.0%        |
| Construction Engineering (KH)                             |                      |                       | \$ 334,159           | 65,673              | 19.7%         |
| <b>Total Phase 5 South Construction</b>                   | <b>\$ 6,750,000</b>  | <b>\$ 10,545,000</b>  | <b>\$ 8,555,071</b>  | <b>\$ 1,401,765</b> | <b>16.4%</b>  |
|                                                           |                      |                       |                      |                     |               |
| <b>Easement Acquisition/Abandonment</b>                   | <b>\$ 330,000</b>    | <b>\$ 365,000</b>     |                      |                     |               |
| <i>Kimley Horn Easement Assistance</i>                    |                      |                       |                      |                     |               |
| Easement Assistance                                       |                      |                       | \$ 218,600           | \$ 218,536          | 100.0%        |
| Easement Assistance                                       |                      |                       | \$ 81,086            | \$ 78,699           | 97.1%         |
| <i>Surveys</i>                                            |                      |                       |                      |                     |               |
| Legal Sketch                                              |                      |                       | \$ 41,080            | \$ 32,603           | 79.4%         |
| Jones Foster - Legal                                      |                      |                       |                      |                     |               |
| Legal Ads                                                 |                      |                       |                      | \$ 585              |               |
| Recording Costs                                           |                      |                       |                      | \$ 5,548            |               |
| Easement Abandonment                                      |                      |                       |                      | \$ -                |               |
| <b>Total Easement Acquisition Costs</b>                   | <b>\$ 330,000</b>    | <b>\$ 365,000</b>     | <b>\$ 340,766</b>    | <b>\$ 335,971</b>   | <b>98.6%</b>  |
|                                                           |                      |                       |                      |                     |               |
| <b>FEMA Grant</b>                                         |                      | <b>\$ (8,465,355)</b> |                      |                     |               |
|                                                           |                      |                       |                      |                     |               |
| <b>Total Phase 5 Costs</b>                                | <b>\$ 14,090,000</b> | <b>\$ 11,694,645</b>  | <b>\$ 17,935,288</b> | <b>\$ 6,577,080</b> | <b>36.7%</b>  |



**Underground Utility Project Budget**  
**Phase 6 Project Costs**  
**October 31, 2022**

|                                            | OPC                  | Dec 2019 OPC         | Budget               | Actual              | % Expended    |
|--------------------------------------------|----------------------|----------------------|----------------------|---------------------|---------------|
| <b>Phase 6 Design</b>                      |                      |                      |                      |                     |               |
| <b>Kimley Horn</b>                         |                      |                      |                      |                     |               |
| Task 1.1 Phase 6 North Design              | \$ 420,000           |                      | \$ 475,019           | \$ 475,019          | 100.0%        |
| Task 1.2 Phase 6 South Design              | \$ 940,000           |                      | \$ 826,551           | \$ 826,551          | 100.0%        |
| Task 1.3 Permitting Assistance North/South |                      |                      | \$ 17,694            | \$ 17,694           | 100.0%        |
| Task 1.4 Bid Phase Assistance North/South  |                      |                      | \$ 35,938            | \$ 35,938           | 100.0%        |
| Task 1.6 Meetings North                    |                      |                      | \$ 84,791            | \$ 84,765           | 100.0%        |
| <b>Total Phase 6 Design</b>                | <b>\$ 1,360,000</b>  | <b>\$ 1,440,000</b>  | <b>\$ 1,439,993</b>  | <b>\$ 1,439,967</b> | <b>100.0%</b> |
| <b>Utility and Construction Costs</b>      |                      |                      |                      |                     |               |
| <b>Phase 6 North Construction</b>          | <b>\$ 4,790,000</b>  | <b>\$ 6,615,000</b>  | <b>\$ 8,117,296</b>  |                     |               |
| Preconstruction                            |                      |                      | \$ 24,270            | 24,270              | 100.0%        |
| Construction                               |                      |                      |                      |                     |               |
| Approved Change Orders                     |                      |                      |                      |                     |               |
| FPL Design Cost                            |                      |                      | \$ 15,868            | 29,198              | 184.0%        |
| ATT Design Cost                            |                      |                      |                      |                     |               |
| Comcast Design Cost                        |                      |                      |                      |                     |               |
| Utility Costs (FPL, Comcast, AT&T)         |                      |                      | \$ 295,632           | 295,632             | 100.0%        |
| Construction Engineering (KH)              |                      |                      | \$ 395,800           |                     |               |
| <b>Total Phase 6 North Construction</b>    | <b>\$ 4,790,000</b>  | <b>\$ 6,615,000</b>  | <b>\$ 8,848,866</b>  | <b>\$ 349,100</b>   | <b>3.9%</b>   |
| <b>Phase 6 South Construction</b>          | <b>\$ 10,270,000</b> | <b>\$ 12,298,000</b> | <b>\$ 8,400,000</b>  |                     |               |
| Preconstruction                            |                      |                      | \$ 24,270            | 24,270              | 100.0%        |
| Construction                               |                      |                      |                      |                     |               |
| Approved Change Orders                     |                      |                      |                      |                     |               |
| FPL Design Cost                            |                      |                      | \$ 29,924            | 29,924              | 100.0%        |
| ATT Design Cost                            |                      |                      | \$ 10,000            | 10,000              | 100.0%        |
| Comcast Design Cost                        |                      |                      |                      |                     |               |
| Utility Costs (FPL, Comcast, AT&T)         |                      |                      | \$ 754,815           | 754,815             | 100.0%        |
| Construction Engineering (KH)              |                      |                      | \$ 395,600           |                     |               |
| <b>Total Phase 6 South Construction</b>    | <b>\$ 10,270,000</b> | <b>\$ 12,298,000</b> | <b>\$ 9,614,609</b>  | <b>\$ 819,009</b>   | <b>8.5%</b>   |
| <b>Easement Acquisition/Abandonment</b>    | <b>\$ 400,000</b>    | <b>\$ 447,000</b>    |                      |                     |               |
| <i>Kimley Horn Easement Assistance</i>     |                      |                      |                      |                     |               |
| Easement Assistance                        |                      |                      | \$ 351,594           | \$ 308,123          | 87.6%         |
| <i>Surveys</i>                             |                      |                      |                      |                     |               |
| Legal Sketch                               |                      |                      | \$ 58,415            | \$ 28,730           | 49.2%         |
| Legal Ads                                  |                      |                      |                      | \$ 113              |               |
| Recording Costs                            |                      |                      |                      | \$ 3,149            |               |
| Easement Abandonment                       |                      |                      |                      | \$ -                |               |
| <b>Total Easement Acquisition Costs</b>    | <b>\$ 400,000</b>    | <b>\$ 447,000</b>    | <b>\$ 410,009</b>    | <b>\$ 340,115</b>   | <b>83.0%</b>  |
| <b>Total Phase 6 Costs</b>                 | <b>\$ 16,820,000</b> | <b>\$ 20,800,000</b> | <b>\$ 20,313,477</b> | <b>\$ 2,948,191</b> | <b>14.5%</b>  |

**Underground Utility Project Budget**  
**Phase 7 Project Costs**  
**October 31, 2022**

|                                               | OPC                  | Dec 2019 OPC         | Budget              | Actual              | % Expended   |
|-----------------------------------------------|----------------------|----------------------|---------------------|---------------------|--------------|
| <b>Phase 7 Design</b>                         |                      |                      |                     |                     |              |
| <b>Kimley Horn</b>                            |                      |                      |                     |                     |              |
| Task 1.1 Phase 7 North Design                 | \$ 450,000           |                      | \$ 492,488          | \$ 344,742          | 70.0%        |
| Task 1.2 Phase 7 South Design                 | \$ 480,000           |                      | \$ 630,830          | \$ 441,581          | 70.0%        |
| Task 1.3 Bid Phase Assistance North and South |                      |                      | \$ 35,938           | \$ -                | 0.0%         |
| Task 1.4 Meetings North and South             |                      |                      | \$ 77,616           | \$ 60,571           | 78.0%        |
| <b>Total Phase 7 Design</b>                   | <b>\$ 930,000</b>    | <b>\$ 1,237,000</b>  | <b>\$ 1,236,872</b> | <b>\$ 846,894</b>   | <b>68.5%</b> |
| <b>Utility and Construction Costs</b>         |                      |                      |                     |                     |              |
| <b>Phase 7 North Construction</b>             | <b>\$ 5,140,000</b>  | <b>\$ 7,005,000</b>  |                     |                     |              |
| Preconstruction                               |                      |                      | \$ 47,500           | 11,515              | 24.2%        |
| Construction                                  |                      |                      |                     |                     |              |
| Approved Change Orders                        |                      |                      |                     |                     |              |
| FPL Design Cost                               |                      |                      | \$ 15,806           | 27,165              | 171.9%       |
| ATT Design Cost                               |                      |                      |                     |                     |              |
| Comcast Design Cost                           |                      |                      |                     |                     |              |
| Utility Costs (FPL, Comcast, AT&T)            |                      |                      |                     |                     |              |
| Construction Engineering (KH)                 |                      |                      |                     |                     |              |
| <b>Total Phase 7 North Construction</b>       | <b>\$ 5,140,000</b>  | <b>\$ 7,005,000</b>  | <b>\$ 63,306</b>    | <b>\$ 38,680</b>    | <b>61.1%</b> |
| <b>Phase 7 South Construction</b>             | <b>\$ 5,380,000</b>  | <b>\$ 7,320,000</b>  |                     |                     |              |
| Preconstruction                               |                      |                      | \$ 47,500           | 11,515              | 24.2%        |
| Construction                                  |                      |                      |                     |                     |              |
| Approved Change Orders                        |                      |                      |                     |                     |              |
| FPL Design Cost                               |                      |                      | \$ 19,953           | 19,953              | 100.0%       |
| ATT Design Cost                               |                      |                      |                     |                     |              |
| Comcast Design Cost                           |                      |                      |                     |                     |              |
| Utility Costs (FPL, Comcast, AT&T)            |                      |                      |                     |                     |              |
| Construction Engineering (KH)                 |                      |                      |                     |                     |              |
| <b>Total Phase 7 South Construction</b>       | <b>\$ 5,380,000</b>  | <b>\$ 7,320,000</b>  | <b>\$ 67,453</b>    | <b>\$ 31,468</b>    | <b>46.7%</b> |
| <b>Easement Acquisition/Abandonment</b>       | <b>\$ 280,000</b>    | <b>\$ 348,000</b>    |                     |                     |              |
| <i>Kimley Horn Easement Assistance</i>        |                      |                      |                     |                     |              |
| Easement Assistance                           |                      |                      | \$ 346,459          | \$ 312,254          | 90.1%        |
| Surveys                                       |                      |                      |                     |                     |              |
| Legal Sketch                                  |                      |                      |                     |                     |              |
| Legal Ads                                     |                      |                      |                     | \$ 113              |              |
| American Acquisition Group                    |                      |                      |                     |                     |              |
| Temp Services                                 |                      |                      |                     |                     |              |
| Legal Advertising                             |                      |                      |                     |                     |              |
| Recording Costs                               |                      |                      |                     | \$ 2,162            |              |
| <b>Total Easement Acquisition Costs</b>       | <b>\$ 280,000</b>    | <b>\$ 348,000</b>    | <b>\$ 346,459</b>   | <b>\$ 314,529</b>   | <b>90.8%</b> |
| <b>Total Phase 7 Costs</b>                    | <b>\$ 11,730,000</b> | <b>\$ 15,910,000</b> | <b>\$ 1,714,090</b> | <b>\$ 1,231,571</b> | <b>71.8%</b> |

**Underground Utility Project Budget**  
**Phase 8 Project Costs**  
**October 31, 2022**

|                                         | OPC                  | Dec 2019 OPC         | Budget              | Actual            | % Expended    |
|-----------------------------------------|----------------------|----------------------|---------------------|-------------------|---------------|
| <b>Phase 8 Design</b>                   |                      |                      |                     |                   |               |
| <b>Kimley Horn</b>                      |                      |                      |                     |                   |               |
| Task 1.1 Phase 8 Design                 | \$ 1,010,000         | \$ 1,151,000         | \$ 1,029,017        | \$ 308,705        | 30.0%         |
| Task 1.2 Permitting Assistance          |                      |                      | \$ 17,694           |                   | 0.0%          |
| Task 1.3 Bid Phase Assistance           |                      |                      | \$ 14,430           |                   | 0.0%          |
| Task 1.4 Meetings                       |                      |                      | \$ 89,778           | \$ 346            | 0.4%          |
| <b>Total Phase 8 Design</b>             | <b>\$ 1,010,000</b>  | <b>\$ 1,151,000</b>  | <b>\$ 1,150,919</b> | <b>\$ 309,051</b> | <b>26.9%</b>  |
| <b>Utility and Construction Costs</b>   |                      |                      |                     |                   |               |
| <b>Phase 8 Construction</b>             | <b>\$ 10,990,000</b> | <b>\$ 13,107,000</b> |                     |                   |               |
| Preconstruction                         |                      |                      |                     |                   |               |
| Construction                            |                      |                      |                     |                   |               |
| Approved Change Orders                  |                      |                      |                     |                   |               |
| FPL Design Cost                         |                      |                      | \$ 13,160           | 13,160            | 100.0%        |
| ATT Design Cost                         |                      |                      |                     |                   |               |
| Comcast Design Cost                     |                      |                      |                     |                   |               |
| Utility Costs (FPL, Comcast, AT&T)      |                      |                      |                     |                   |               |
| Construction Engineering (KH)           |                      |                      |                     |                   |               |
| <b>Total Phase 8 North Construction</b> | <b>\$ 10,990,000</b> | <b>\$ 13,107,000</b> | <b>\$ 13,160</b>    | <b>\$ 13,160</b>  | <b>100.0%</b> |
| <b>Easement Acquisition/Abandonment</b> | <b>\$ 300,000</b>    | <b>\$ 242,000</b>    |                     |                   |               |
| <i>Kimley Horn Easement Assistance</i>  |                      |                      |                     |                   |               |
| Easement Assistance                     |                      |                      | \$ 227,724          | \$ 177,230        | 77.8%         |
| Surveys                                 |                      |                      |                     |                   |               |
| Legal Sketch                            |                      |                      |                     |                   |               |
| Legal Ads                               |                      |                      |                     | \$ 56             |               |
| American Acquisition Group              |                      |                      |                     |                   |               |
| Kimley Horn Grant Assistance BRIC Grant |                      |                      | \$ 49,774           | \$ 34,716         | 69.7%         |
| Temp Services                           |                      |                      |                     |                   |               |
| Recording Costs                         |                      |                      |                     | \$ 190            |               |
| <b>Total Easement Acquisition Costs</b> | <b>\$ 300,000</b>    | <b>\$ 242,000</b>    | <b>\$ 277,498</b>   | <b>\$ 212,193</b> | <b>76.5%</b>  |
| <b>Total Phase 8 Costs</b>              | <b>\$ 12,300,000</b> | <b>\$ 14,500,000</b> | <b>\$ 1,441,577</b> | <b>\$ 534,405</b> | <b>37.1%</b>  |

**Underground Utility Project Budget**  
**Other Project Costs**  
**October 31, 2022**

| Master Plan                                                         | Budget              | Actual              | % Expended    |
|---------------------------------------------------------------------|---------------------|---------------------|---------------|
| Task 1.1 - Data Collection & GIS Base Mapping                       | \$ 88,021           | \$ 88,021           | 100.0%        |
| Task 1.1a Data Collection for Future Communications                 | \$ 23,511           | \$ 23,511           | 100.0%        |
| Task 1.2 - Conceptual Design and Master Plan                        | \$ 161,756          | \$ 161,756          | 100.0%        |
| Task 1.3 - Project Sequencing and Phasing                           | \$ 31,244           | \$ 31,244           | 100.0%        |
| Task 1.4 - Assessment of Traffic Impacts                            | \$ 77,660           | \$ 77,660           | 100.0%        |
| Task 1.5 - Project Delivery Methods                                 | \$ 17,448           | \$ 17,448           | 100.0%        |
| Task 1.6 - Master Plan Document                                     | \$ 45,053           | \$ 45,053           | 100.0%        |
| Task 1.7 - Meetings Master Planning Phase                           | \$ 113,135          | \$ 113,123          | 100.0%        |
| Task 1.8 - Master Plan Second Half                                  | \$ 40,067           | \$ 40,067           | 100.0%        |
| <b>Subtotal Master Planning</b>                                     | <b>\$ 597,895</b>   | <b>\$ 597,883</b>   | <b>100.0%</b> |
| Comcast Preplanning - Master Plan                                   | \$ 12,015           | \$ 12,015           | 100.0%        |
| Assessment Costs, Fees and Discounts                                | \$ 786,560          | \$ 786,298          | 100.0%        |
| Project Manager -Pay and benefits                                   | \$ 559,547          | \$ 628,031          | 112.2%        |
| Temp Services - Easement Acquisition                                | \$ 150,000          | \$ 106,050          | 70.7%         |
| Other Miscellaneous Expenses                                        |                     | \$ 28,297           |               |
| General Easement Assistance                                         | \$ 24,976           | \$ 24,838           | 99.4%         |
| Community Outreach                                                  | \$ 282,519          | \$ 225,256          | 79.7%         |
| Peer Review Study - Patterson & Dewar (\$50,000 Offsetting Revenue) | \$ 100,000          | \$ 100,000          | 100.0%        |
| <b>Total Other Project Costs</b>                                    | <b>\$ 2,513,512</b> | <b>\$ 2,508,668</b> | <b>99.8%</b>  |

**Debt Service and Related Debt Issuance Costs**

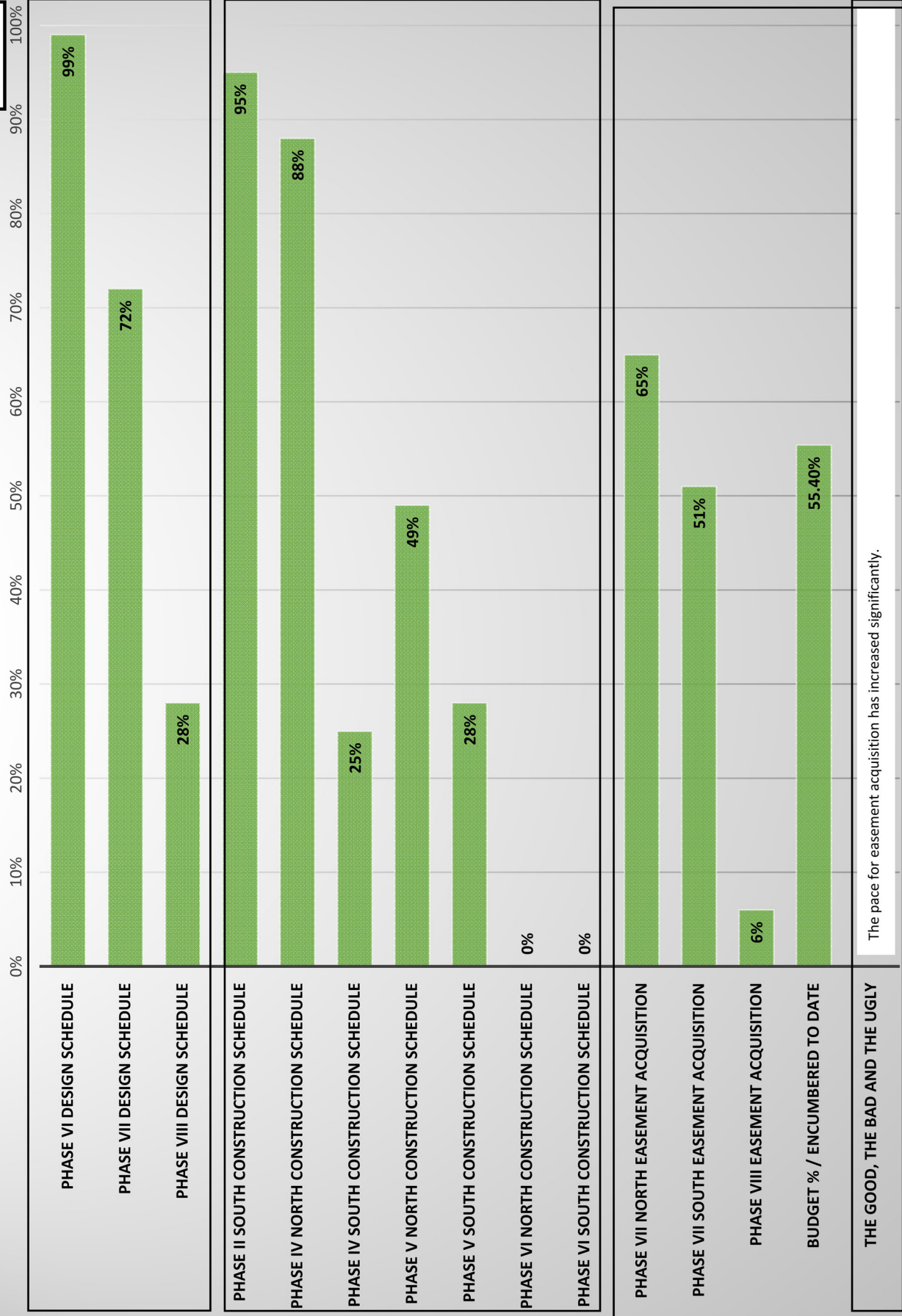
|                                                           | Budget               | Actual               | % Expended   |
|-----------------------------------------------------------|----------------------|----------------------|--------------|
| Commercial Paper Issuance Cost                            | \$ 260,116           | \$ 260,116           | 100.0%       |
| Commercial Paper Interest                                 | \$ 243,096           | \$ 243,096           | 100.0%       |
| Arbitrage Rebate Calculation                              | \$ 2,500             | \$ 2,200             | 88.0%        |
| Debt Service Fees                                         | \$ 2,000             | \$ -                 | 0.0%         |
| GO Bond Closing Costs 2018                                | \$ 488,271           | \$ 487,471           | 99.8%        |
| GO Bond Closing Costs 2021                                | \$ 202,169           | \$ 202,380           | 100.1%       |
| GO Bond Debt Service                                      | \$ 13,345,005        | \$ 13,165,364        | 98.7%        |
| <b>Total Debt Service and Related Debt Issuance Costs</b> | <b>\$ 14,543,157</b> | <b>\$ 14,360,626</b> | <b>98.7%</b> |

**Related Costs Outside of the Underground Project Budget**

|                                                  | Budget            | Actual              | % Expended    |
|--------------------------------------------------|-------------------|---------------------|---------------|
| <b>Costs paid from (307) Fund CIP</b>            |                   |                     |               |
| Underground City of Lake Worth Section           |                   |                     |               |
| Project Design                                   | \$ 25,231         | \$ 24,430           | 96.8%         |
| Project Construction                             | \$ 351,081        | \$ 351,081          | 100.0%        |
| Project Construction Engineering                 | \$ 11,607         | \$ 12,849           | 110.7%        |
| Utility Cost (FPL, Comcast, AT&T)                | \$ 134,333        | \$ 127,531          | 94.9%         |
| Project Meeting Attendance                       | \$ 3,334          | \$ 2,914            | 87.4%         |
| <b>Total Lake Worth Section</b>                  | <b>\$ 525,586</b> | <b>\$ 518,805</b>   | <b>98.7%</b>  |
| Ibis Way PGD Improvements                        | \$ 14,583         | \$ 14,583           | 100.0%        |
| Crosswalk Spare Conduits                         | \$ 26,148         | \$ 13,335           | 51.0%         |
| <b>General Fund Costs</b>                        |                   |                     |               |
| Goldmacher v TPB Legal and Other Costs           |                   | \$ 183,701          |               |
| Kosberg v TPB Legal and Other Costs              |                   | \$ 615,602          |               |
| PBT Real Estate v TPB                            |                   | \$ 197,178          |               |
| Gardner, Bist Bowden, Bush (Shef Wright)         |                   | \$ 24,799           |               |
| Telecommunications Consultant                    | \$ 89,000         | \$ 83,210           | 93.5%         |
| Peter Brandt (Contract Negotiations)             | \$ 35,000         | \$ 23,735           | 67.8%         |
| <b>Total Related Costs Outside of the Budget</b> | <b>\$ 690,317</b> | <b>\$ 1,674,948</b> | <b>242.6%</b> |

# Town of Palm Beach - Underground Utility Project Dashboard - October 2022

**Status Legend**  
 Green - On Task  
 Yellow - Caution  
 Red - Not on Task  
 Complete - Not Shown



# TOWN OF PALM BEACH

Town Council Meeting on: November 8, 2022

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## Section of Agenda

Regular Agenda - Old Business

## Agenda Title

Water Feasibility Study Update

**TIME CERTAIN: 11:00 AM**

## Presenter

H. Paul Brazil, P.E., Director of Public Works

## ATTACHMENTS:

- ▣ **Memorandum dated October 26, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Presentation - Water Feasibility Study**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: November 8, 2022

---

TO: Mayor and Town Council  
VIA: Kirk W. Blouin, Town Manager  
FROM: H. Paul Brazil, P.E., Director of Public Works  
RE: Water Feasibility Study Update  
DATE: October 26, 2022

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## **GENERAL INFORMATION**

During the July 12, 2022 Town Council Meeting, Council directed staff to provide additional information regarding the following subjects to the Public Works Committee for input. Kimley- Horn and Associates presented these items at the August 11, 2022 Public Works Committee Meeting and are as follows: Age Based Watermain Assessment, Remaining Asbestos Concrete Pipe, Remaining Cast Iron Pipe, Renewal and Replacement Programs, Timeline and Complexity of Water Supply Alternatives, Discussion on the Differences in Membrane Treatment, Nanofiltration, Brackish Water Reverse Osmosis, Desalination (Seawater Reverse Osmosis), Horizontal Saltwater Wells Concept, Transmission Pipe in the Intracoastal Waterway and Conceptual Town Utility Department Structure.

At the September 15, 2022 Town Council Meeting, the Committee reported to the Council with a summary of the Public Works Meeting which lead to the following discussion for additional information on alternatives to present at the November 8, 2022 Town Council Meeting.

The items for discussion and additional information on alternatives include:

1. City of West Palm Beach – As Is
2. City of West Palm Beach – Membrane Upgrade
3. City of Lake Worth Beach – Membrane Upgrade
  - i. New infrastructure and pipping on the island
  - ii. New infrastructure and pipping in the Intracoastal Waterway.

Kimley-Horn and Associates will be presenting an update on the Water Feasibility Study at the November 8, 2022 Town Council Meeting.

## **FUNDING/FISCAL IMPACT**

There is no fiscal impact associated with this item at this time.

Attachment

cc: Jason Debrincat, P.E., Senior Project Engineer

# **Town of Palm Beach Water Supply Feasibility Study**

Meeting  
November 2022



# Overview

- City of West Palm Beach – As Is
- City of West Palm Beach – Membrane Upgrade
- City of Lake Worth Beach
- Intracoastal Waterway Transmission Line
- Next Steps

# City of West Palm Beach – As Is

11-8-22 TCM Backup



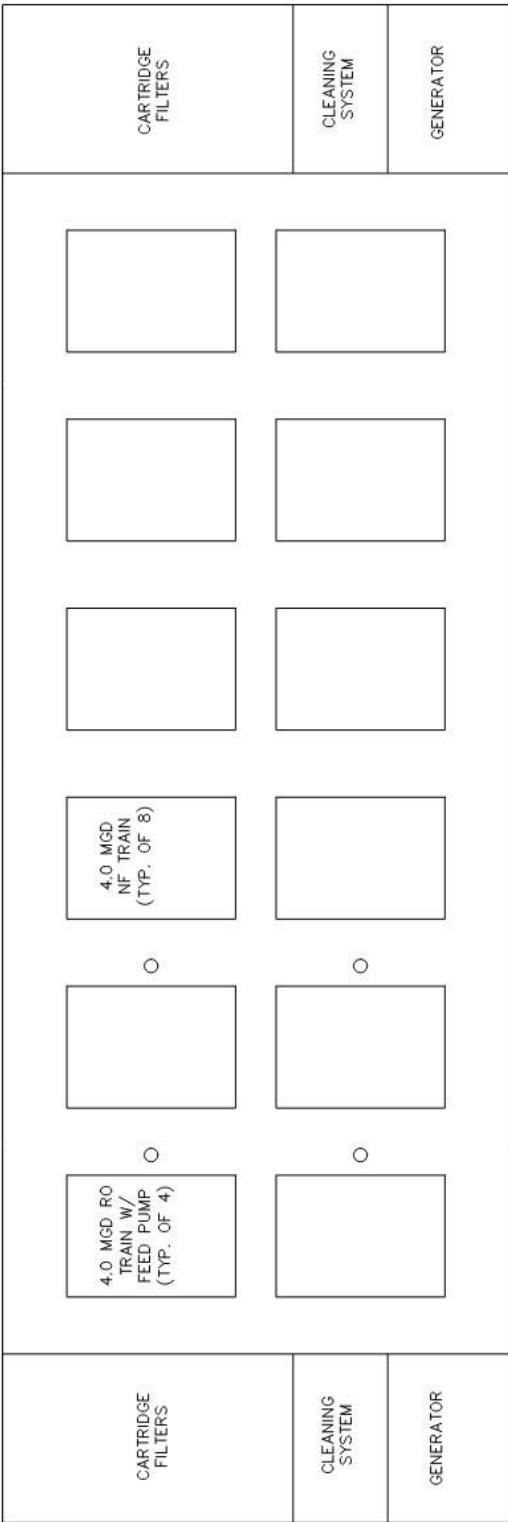
| Source Water  | Raw Water Supply | Treatment Process                                                                                        | Treatment Capacity |
|---------------|------------------|----------------------------------------------------------------------------------------------------------|--------------------|
| Surface Water | 41.2 MGD         | Conventional (PAC, Lime Softening, carbon and sand filtration, UV disinfection, chloramine disinfection) | 47 MGD             |

# City of West Palm Beach – Membrane Upgrade

| Source Water     | Raw Water Supply | Treatment Process                | Treatment Capacity | Disposal Capacity Required |
|------------------|------------------|----------------------------------|--------------------|----------------------------|
| Surface Water    | 40 MGD           | Nanofiltration (80% Recovery)    | 32 MGD             | 8 MGD                      |
| Floridan Aquifer | 20 MGD           | Brackish Water RO (80% Recovery) | 16 MGD             | 4 MGD                      |



# City of West Palm Beach – Membrane Upgrade



FLOOR PLAN  
AS NOTED

FLOOR AREA = 20,000-25,000 SQFT

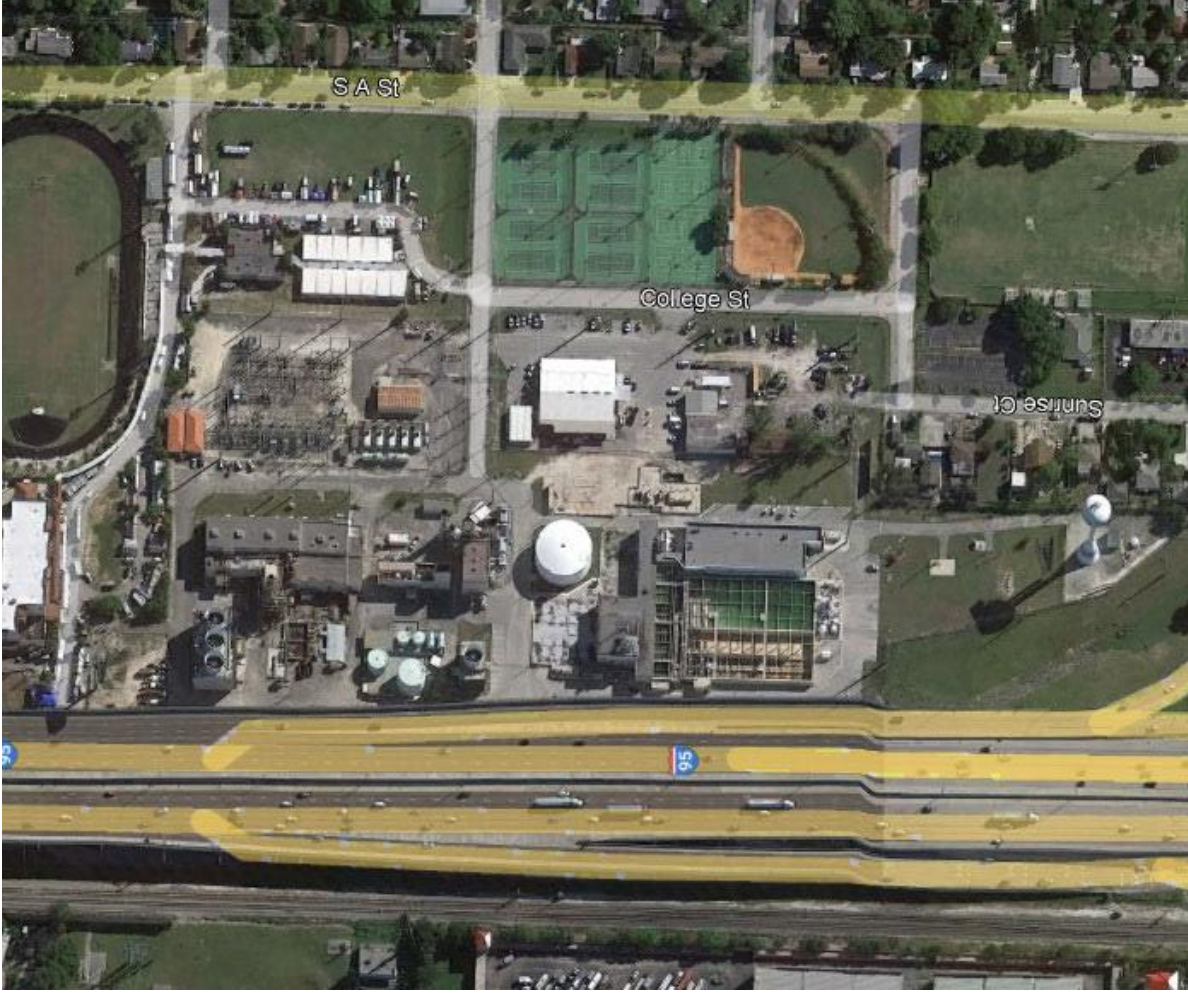
|                                                        |                  |                                                        |
|--------------------------------------------------------|------------------|--------------------------------------------------------|
| ELECTRICAL/<br>CHEMICAL<br>FEED ROOMS                  | TREATMENT TRAINS | ELECTRICAL/<br>CHEMICAL<br>FEED ROOMS                  |
| CARTRIDGE<br>FILTERS/ CLEANING<br>SYSTEM/<br>GENERATOR |                  | CARTRIDGE<br>FILTERS/ CLEANING<br>SYSTEM/<br>GENERATOR |

SECTION A - CEILING HEIGHT PROFILE  
AS NOTED



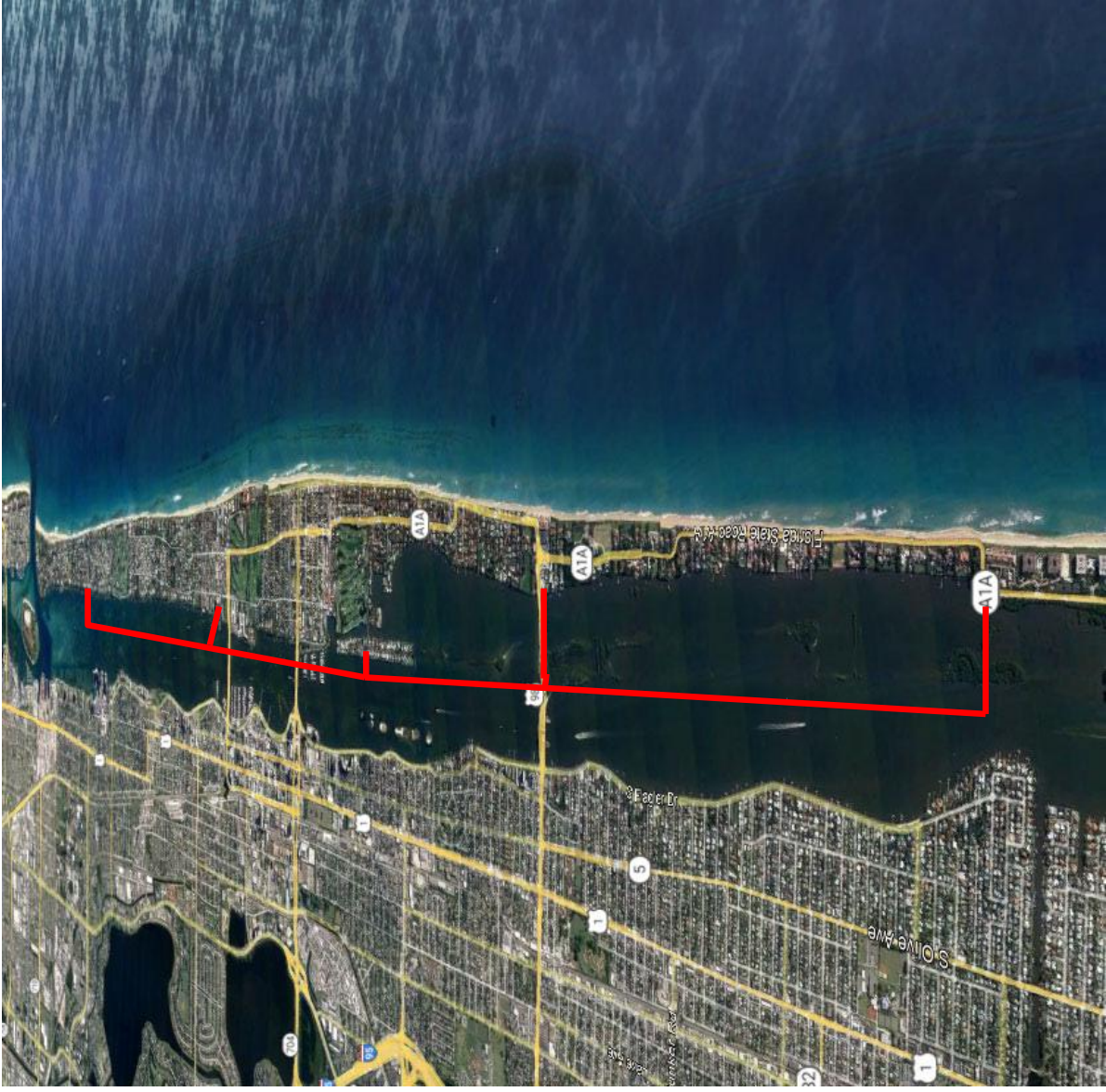
# City of Lake Worth Beach

| Source Water      | Raw Water Supply | Treatment Process                            | Treatment Capacity |
|-------------------|------------------|----------------------------------------------|--------------------|
| Existing Capacity |                  |                                              |                    |
| Surficial Aquifer | 5.1 MGD          | Conventional (Lime Softening and filtration) | 5.1 MGD            |
| Floridan Aquifer  | 6 MGD            | Brackish Water RO (70% Recovery)             | 4.5 MGD            |
| Future Capacity   |                  |                                              |                    |
| Surficial Aquifer | 5.1 MGD          | Nanofiltration (80% Recovery)                | 4.1 MGD            |
| Floridan Aquifer  | 20 MGD           | Brackish Water RO (75% Recovery)             | 15 MGD             |



# Intracoastal Waterway Transmission Line

- FDEP Coordination
- FDOT Coordination
- Risks



# Next Steps

- Public Workshop
- Further communication and plan refinement with the City of West Palm Beach
- Further communication and plan refinement with the City of Lake Worth Beach

# TOWN OF PALM BEACH

Town Council Meeting on: November 8, 2022

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## Section of Agenda

Regular Agenda - Old Business

## Agenda Title

**RESOLUTION NO. 145-2022** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Hedrick Brothers Construction Company Inc. for the North Fire Station Rehabilitation Phase 1 GMP in the Amount of \$2,417,019 for a total Purchase Order of \$3,402,083 which Encompasses the Previously Awarded Resolution No. 133-2021 and Resolution No. 161-2021 and Establishing a Project Budget to date of \$3,810,227.

## Presenter

Dean Mealy, Procurement and Contract Manager

## ATTACHMENTS:

- ▣ **Memorandum dated October 26, 2022 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Resolution No. 145-2022**
- ▣ **GMP 1**



## Information for Town Council Meeting on November 8, 2022

---

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO Town Purchasing Manager

RE: Resolution Approving a Change Order to Hedrick Brothers Construction Company Inc. for the North Fire Station Rehabilitation Phase 1 GMP in the Amount of \$2,417,019 for a total Purchase Order of \$3,402.083 which encompasses the previously awarded Resolution No. 133-2021 and Resolution No. 161-2021 and establishing a Project Budget to date of \$3,810,227; **Resolution No. 145-2022**

DATE: 26 October 2022

---

### **STAFF RECOMMENDATION**

Staff recommends Town Council approve a Change Order to Hedrick Brothers Construction Company Inc. for the North Fire Station Rehabilitation Phase 1 GMP in the Amount of \$2,417,019 for a total Purchase Order of \$3,402.083 which encompasses the previously awarded Resolution No. 133-2021 and Resolution No. 161-2021 and establishing a Project Budget to date of \$3,810,227.

### **SUMMARY EXPLANATION/BACKGROUND**

Town Council approved Resolution No. 133-2021 (\$858,759) - Project Budget

- Approving Hedrick Brothers Construction Company Inc. as the CMAR
- Demolition in the interior of the building.
- Construction development drawings and GMP
- Temporary site work and temporary dormitory facility setup.
- Procure and install covered canopy, temporary electric, backup power and fencing.

Town Council approved Resolution No. 161-2021 (\$534,449)

- Direct Owner Purchase to American Modular for a temporary trailer to house the Fire Department staff during the rehabilitation project.
- Additional site work and paving for temporary facility.
- Bunker gear storage.
- Location System for temporary facility

North Fire Station Rehabilitation Phase 1 GMP in the amount of (\$2,417,019)

- Demolition at doors and windows.

- Corrective measures and reconstruction for door and window openings.
- Placement of order on doors and windows from Tischler - long lead times
- Installation and weatherproofing of new doors and windows.

The project intent was to award an initial CMAR phase for exploratory and development of drawings to establish a full GMP for construction. Due to long lead items, unknowns being discovered during demolition and procurement of subcontracting being difficult it has been determined that multiple GMP's being submitted in phases is more practical and efficient to maintain the rehabilitation progress and secure current material prices.

The Phase 1 GMP will include long lead item purchases, corrective measures in the openings, installation/weatherproofing of windows along with general conditions. The Phase 2 GMP will include the remainder of the construction to complete the rehabilitation project. The Phase 3 GMP will include the final outfitting or Fixtures, Furniture and Equipment (FFE) for the project.

### **METHOD OF PROCUREMENT**

Town Engineering, Town Procurement and Hedrick have worked with known suppliers of the doors and windows. Hedrick Brothers has competitively bid and advertised the corrective measures work.

### **FISCAL IMPACT/FUNDING SOURCE**

The total budgeted funding for this program from the Capital Improvement Fund was in the amount of \$8,000,000. The remaining budget after approval for the Phase 1 GMP will be \$4,189,773. Following the submittal of the Phase 2 GMP for full construction the remaining funding may not be sufficient and a budget amendment with a determination of a source of funding will need to be considered. The Phase 3 GMP will be discussed as the project moves forward with a source of funding that will need to be identified.

### **USER DEPARTMENT CONCURRENCE**

The Public Works Department is in full concurrence with this recommendation.

### **DUE DILIGENCE**

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues.

### **TOWN ATTORNEY REVIEW**

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

**RESOLUTION NO. 145-2022**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
PALM BEACH, PALM BEACH COUNTY, FLORIDA,  
APPROVING A CHANGE ORDER TO HEDRICK BROTHERS  
CONSTRUCTION COMPANY INC. FOR THE NORTH FIRE  
STATION REHABILITATION PHASE 1 GMP IN THE AMOUNT  
OF \$2,417,019 FOR A TOTAL PURCHASE ORDER OF \$3,402,083  
WHICH ENCOMPASSES THE PREVIOUSLY AWARDED  
RESOLUTION NO. 133-2021 AND RESOLUTION NO. 161-2021  
AND ESTABLISHING A PROJECT BUDGET TO DATE OF  
\$3,810,227**

NOW, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,  
PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 145-2022, approving a Change Order to Hedrick Brothers Construction Company Inc. for the North Fire Station Rehabilitation Phase 1 GMP in the Amount of \$2,417,019 for a total Purchase Order of \$3,402.083 which encompasses the previously awarded Resolution No. 133-2021 and Resolution No. 161-2021 and establishing a Project Budget to date of \$3,810,227.

Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8<sup>TH</sup> day of *November* 2022.

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Margaret A. Zeidman, Town Council President

\_\_\_\_\_  
Bobbie Lindsay, Town Council President Pro Tem

\_\_\_\_\_  
Julie Araskog, Town Council Member

ATTEST:

\_\_\_\_\_  
Edward A. Cooney, Town Council Member

\_\_\_\_\_  
Pat Gayle-Gordon, Acting Town Clerk

\_\_\_\_\_  
Lewis S.W. Crampton, Town Council Member

Gui Vazquez

From: Chaitanya Bantia <cbantia@hedrickbrothers.com>  
Sent: Friday, October 21, 2022 1:59 PM  
To: Dean Mealy; Gui Vazquez  
Cc: Pat Marshall; Sandy Scanlon; Gene Parker  
Subject: RE: North Fire Station - Phase 1 GMP  
Attachments: N Fire Station Phase 1 GMP.pdf

Dean and Gui,  
Please see attached with requested changes.

Thank you,

Chai





**CHAITANYA BANTIA**  
Preconstruction Manager  
HEDRICK BROTHERS CONSTRUCTION

C 561 603 5424 D 561 242 4308 O 561 689 8880  
E [cbantia@hedrickbrothers.com](mailto:cbantia@hedrickbrothers.com)  
2200 Centrepark West Drive  
West Palm Beach, Florida 33409 | CGC013137

#WeAreBuilders

|                                                                                 |                  |
|---------------------------------------------------------------------------------|------------------|
| Bridges, Marsh & Associates<br>Eighteen Via Mizner<br>Palm Beach, Florida 33480 |                  |
| Reviewed                                                                        | ✓                |
| Reviewed as noted                                                               |                  |
| Revise & Resubmit                                                               |                  |
| Not approved                                                                    |                  |
| Architect                                                                       | 10/21/22<br>Date |
| Project Manager                                                                 | Date             |

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From: Chaitanya Bantia  
Sent: Friday, October 21, 2022 12:14 PM  
To: Dean Mealy <dmealy@TownOfPalmBeach.com>; Gui Vazquez <Gui@bridgesmarsharchitects.com>  
Cc: Pat Marshall <pmarshall@hedrickbrothers.com>; Sandy Scanlon <scanlon@hedrickbrothers.com>; Gene Parker <gparker@hedrickbrothers.com>  
Subject: North Fire Station - Phase 1 GMP

Dean and Gui,

Please see attached for your review our Phase 1 GMP for the North Fire Station, Palm Beach. Upon your review, please let me know if this document should be formally sent to any other team members and if you will require hard copies of this document.

Thank you,

Chai

**CHAITANYA BANTHIA**  
Preconstruction Manager  
**HEDRICK BROTHERS CONSTRUCTION**

**C** 561 603 5424 **D** 561 242 4308 **O** 561 689 8880  
**E** [ebanthia@hedrickbrothers.com](mailto:ebanthia@hedrickbrothers.com)  
2200 Centrepark West Drive  
West Palm Beach, Florida 33409 | CGC013137

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Friday, October 21<sup>st</sup>, 2022

Dean Mealy, II  
Town of Palm Beach  
951 Okeechobee Rd  
West Palm Beach  
FL 33401

Re: North Fire Station – Phase 1 GMP

Dean,

Please see attached our Phase 1 GMP in reference to the CMAR contract for the North Fire Station renovation project. This phase will include structural upgrades at the windows and doors along with costs associated with ordering and installing new windows and doors. Upon your review, please let us know how we can assist.

Cost Summary

|                                                          |                |
|----------------------------------------------------------|----------------|
| Subcontractor Cost                                       | \$1,528,700.00 |
| Allowances (See Timberline Estimate)                     | \$140,519.00   |
| Project Management and Supervision (13 weeks)            | \$212,311.00   |
| General Requirements (13 weeks)                          | \$30,572.00    |
| Active HB Labor including Tools and Equipment (13 weeks) | \$53,043.00    |
| Contingency - 10%                                        | \$196,515.00   |
| Contractors Fee and Profit - 8%                          | \$172,933.00   |
| Off Site Parking and Part Time Van Driver                | \$22,600.00    |
| General Liability Insurance - 1.3%                       | \$30,644.00    |
| P&P Bond - 1.25%                                         | \$29,182.00    |
| Total GMP Phase 1                                        | \$2,417,019.00 |

(Signature)  
Pat Marshall  
Project Manager

10.21.22

(Date)





N Fire Station  
Phase 1 GMP

10/21/2022

**SUBCONTRACTOR BID SUMMARY MATRIX**

**03 Concrete and Steel - Windows and Doors Surrounds**

|       | Description                                                                                               | Baldwin Innovative Builders<br>Carl Baldwin<br>561-805-7528<br>9.22.22 | Centerpoint Construction<br>Michael Coyne<br>954-346-4066<br>9.26.22 | Benchmark III<br>Greg Hale<br>772-320-0206<br>9.26.22 | Axtell Construction LLC<br>Mark Axtell<br>561-842-9296<br>10.4.22 |
|-------|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|----------------------------------------------------------------------|-------------------------------------------------------|-------------------------------------------------------------------|
| 1     | All work and material for this scope required by the plans, and specifications.                           | Incl                                                                   | Incl                                                                 | Incl                                                  | Incl                                                              |
| 2     | All necessary permits, if required by your scope of work.                                                 | Incl                                                                   | Incl                                                                 | Incl                                                  | Incl                                                              |
| 3     | All necessary licenses.                                                                                   | Incl                                                                   | Incl                                                                 | Incl                                                  | Incl                                                              |
| 4     | All necessary insurance requirements.                                                                     | Incl                                                                   | Incl                                                                 | Incl                                                  | Incl                                                              |
| 5     | Provide all Warranty's as required per the contract documents.                                            | Incl                                                                   | Incl                                                                 | Incl                                                  | Incl                                                              |
| 6     | All material, equipment, tools, and manpower for a complete scope of work.                                | Incl                                                                   | Incl                                                                 | Incl                                                  | Incl                                                              |
| 7     | All required shop drawings, submittals, and samples.                                                      | Incl                                                                   | Incl                                                                 | Incl                                                  | Incl                                                              |
| 8     | Coordination of your work with other sub-contractors as required.                                         | Incl                                                                   | Incl                                                                 | Incl                                                  | Incl                                                              |
| 9     | Include tax in the lump sum price.                                                                        | Incl                                                                   | Incl                                                                 | Incl                                                  | Incl                                                              |
| 10    | Daily clean up of generated debris.                                                                       | Incl                                                                   | Incl                                                                 | Incl                                                  | Incl                                                              |
| 11    | Parking to be offsite and HB to supply van for pick up and drop off                                       | Incl                                                                   | Incl                                                                 | Incl                                                  | Incl                                                              |
|       |                                                                                                           |                                                                        |                                                                      |                                                       |                                                                   |
|       |                                                                                                           | \$819,200.00                                                           | \$1,208,000.00                                                       | \$210,960.00                                          |                                                                   |
|       | Selective demolition at windows and doors to prep for structural improvements                             | Incl                                                                   | Incl                                                                 | Incl                                                  | \$80,000.00                                                       |
|       | Structural surrounds at 64 windows and doors                                                              | Incl                                                                   | Incl                                                                 | Incl                                                  | \$640,000.00                                                      |
|       | Supply and install reinforcement                                                                          | Incl                                                                   | Incl                                                                 | Incl                                                  | Incl                                                              |
|       | Additives as required for slump                                                                           | Incl                                                                   | Incl                                                                 | Incl                                                  | Incl                                                              |
|       | Required framing at existing openings                                                                     | Incl                                                                   | Incl                                                                 | Incl                                                  | Incl                                                              |
|       | Concrete and concrete pump                                                                                | Incl                                                                   | Incl                                                                 | Incl                                                  | Incl                                                              |
|       | Selective Shoring and Engineering Allowance                                                               | excl                                                                   | \$15,000.00                                                          | Incl                                                  | \$52,000.00                                                       |
|       | Stripping and Cleanup                                                                                     | Incl                                                                   | Incl                                                                 | Incl                                                  | Incl                                                              |
|       | SUBTOTAL                                                                                                  | \$819,200.00                                                           | \$1,223,000.00                                                       | \$210,960.00                                          | \$772,000.00                                                      |
|       |                                                                                                           |                                                                        |                                                                      |                                                       |                                                                   |
|       | ALTERNATES                                                                                                | \$0.00                                                                 | \$0.00                                                               | \$0.00                                                | \$0.00                                                            |
|       |                                                                                                           |                                                                        |                                                                      |                                                       |                                                                   |
|       |                                                                                                           |                                                                        |                                                                      |                                                       |                                                                   |
| TOTAL |                                                                                                           | \$819,200.00                                                           | \$1,223,000.00                                                       | \$210,960.00                                          | \$772,000.00                                                      |
|       |                                                                                                           |                                                                        |                                                                      |                                                       |                                                                   |
|       | Selected Contractor - Baldwin Innovative Builders considering their past experience with the design team. |                                                                        |                                                                      |                                                       |                                                                   |
|       |                                                                                                           |                                                                        |                                                                      |                                                       |                                                                   |
|       | EXCLUSIONS/QUALIFICATIONS                                                                                 |                                                                        |                                                                      |                                                       |                                                                   |
|       |                                                                                                           |                                                                        |                                                                      |                                                       |                                                                   |
|       |                                                                                                           |                                                                        |                                                                      |                                                       |                                                                   |
|       |                                                                                                           |                                                                        |                                                                      |                                                       |                                                                   |



| <b>SUBCONTRACTOR BID SUMMARY MATRIX</b> |                                                                                 | Tischler Windows and Doors | Peetz Windows and Doors |
|-----------------------------------------|---------------------------------------------------------------------------------|----------------------------|-------------------------|
| <b>08 Windows and Doors</b>             |                                                                                 | James Myers                | Eva Leon                |
|                                         |                                                                                 | 203-674-0600               | 954-659-3887            |
|                                         |                                                                                 | 9.30.22                    | 9.6.22                  |
|                                         | <b>Description</b>                                                              |                            |                         |
| 1                                       | All work and material for this scope required by the plans, and specifications. | Incl                       | Incl                    |
| 2                                       | All necessary permits, if required by your scope of work.                       | Incl                       | Incl                    |
| 3                                       | All necessary licenses.                                                         | Incl                       | Incl                    |
| 4                                       | All necessary insurance requirements.                                           | Incl                       | Incl                    |
| 5                                       | Provide all Warranty's as required per the contract documents.                  | Incl                       | Incl                    |
| 6                                       | All material, equipment, tools, and manpower for a complete scope of work.      | Incl                       | Incl                    |
| 7                                       | All required shop drawings, submittals, and samples.                            | Incl                       | Incl                    |
| 8                                       | Coordination of your work with other sub-contractors as required.               | Incl                       | Incl                    |
| 9                                       | Include tax in the lump sum price.                                              | Incl                       | Incl                    |
| 10                                      | Daily clean up of generated debris.                                             | Incl                       | Incl                    |
| 11                                      | Parking to be offsite and HB to supply van for pick up and drop off             | Incl                       | Incl                    |
|                                         |                                                                                 |                            |                         |
|                                         |                                                                                 |                            |                         |
|                                         |                                                                                 |                            |                         |
|                                         | Supply of Mahogany Windows and Doors - Same finish inside and outside           | \$601,250.00               | \$536,518.50            |
|                                         | Installation                                                                    | \$108,250.00               | \$81,355.00             |
|                                         | Bucking                                                                         | Incl                       | \$28,800.00             |
|                                         | Waterproofing Allowance                                                         | excl                       | \$38,971.00             |
|                                         | Taxes                                                                           | NA                         | NA                      |
|                                         | Shop Drawings                                                                   | Incl                       | Incl                    |
|                                         | Standard Hardware                                                               | Incl                       | \$19,520.00             |
|                                         | Stainless Steel Mechanism                                                       | Incl                       | \$22,940.00             |
|                                         | Impact Glass with LowE                                                          | Incl                       | \$31,506.00             |
|                                         |                                                                                 |                            |                         |
|                                         | <b>SUBTOTAL</b>                                                                 | <b>\$709,500.00</b>        | <b>\$759,610.50</b>     |
|                                         |                                                                                 |                            |                         |
|                                         | <b>ALTERNATES</b>                                                               | <b>\$0.00</b>              | <b>\$0.00</b>           |
|                                         |                                                                                 |                            |                         |
|                                         |                                                                                 |                            |                         |
| <b>TOTAL</b>                            |                                                                                 | <b>\$709,500.00</b>        | <b>\$759,610.50</b>     |
|                                         |                                                                                 |                            |                         |
|                                         | Design team selected Tischler Windows and Doors.                                |                            |                         |
|                                         |                                                                                 |                            |                         |
|                                         |                                                                                 |                            |                         |
|                                         | <b>EXCLUSIONS/QUALIFICATIONS</b>                                                |                            |                         |
|                                         | Alarm Contacts                                                                  |                            |                         |
|                                         | Screens                                                                         |                            |                         |
|                                         | Door Stops                                                                      |                            |                         |
|                                         | Keycard Access and Electronic Locks                                             |                            |                         |
|                                         | Jamb Extensions and Brickmold                                                   |                            |                         |
|                                         | Insulated Glass                                                                 |                            |                         |



|                      |                                                                                       |
|----------------------|---------------------------------------------------------------------------------------|
| Project name         | North Fire Station Renovation - Phase 1<br>3007 N County Rd<br>Palm Beach<br>FL 33480 |
| Labor rate table     | Standard Labor                                                                        |
| Equipment rate table | Standard Equipment                                                                    |
| Job size             | 9038 sf                                                                               |
| Project              | Landmark Renovation                                                                   |
| Report format        | Sorted by 'Group phase/Phase'<br>Detail summary<br>Allocate add-ons                   |

Spreadsheet Report  
North Fire Station Renovation - Phase 1

HEDRICK BROS CONST CO INC

| Group    | Phase    | Description                                  | Takeoff Quantity | Labor Productivity | Labor Cost/Unit | Labor Price  | Labor Amount | Material Price | Material Amount | Sub Price      | Sub Amount | Equip Price | Equip Amount | Other Price    | Other Amount | Total Amount | Grand Total Amount | Subcontractor |
|----------|----------|----------------------------------------------|------------------|--------------------|-----------------|--------------|--------------|----------------|-----------------|----------------|------------|-------------|--------------|----------------|--------------|--------------|--------------------|---------------|
| 1000.000 | 1300.010 | GENERAL REQUIREMENTS                         |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Personnel: Supervision                       | 13.00 wk         | 40,000 hr / wk     | 5,600.00 /wk    | 140.00 /hr   | 72,800       | -              | -               | -              | -          | -           | -            | -              | -            | 72,800       | 72,800             |               |
|          |          | Superintendent                               |                  |                    |                 |              | 72,800       |                |                 |                |            |             |              |                |              | 72,800       | 72,800             |               |
|          | 1310.010 | Personnel: Supervision                       |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Project Executive                            | 13.00 wk         | 5,000 hr / wk      | 1,135.00 /wk    | 227.00 /hr   | 14,755       | -              | -               | -              | -          | /wk         |              | -              | -            | 14,755       | 14,755             |               |
|          |          | Project Manager                              | 13.00 wk         | 40,000 hr / wk     | 5,680.00 /wk    | 142.00 /hr   | 73,840       | -              | -               | -              | -          | /wk         |              | -              | -            | 73,840       | 73,840             |               |
|          |          | Project Administrator                        | 13.00 wk         | 40,000 hr / wk     | 3,400.00 /wk    | 85.00 /hr    | 44,200       | -              | -               | -              | -          | /wk         |              | -              | -            | 44,200       | 44,200             |               |
|          |          | Estimation                                   | 1.00 ls          |                    | 5,500.00 /ls    | 5,500.00 /ls | 5,500        | -              | -               | 0.00 /ls       | 0          | /ls         |              | -              | -            | 5,500        | 5,500              |               |
|          | 1465.010 | Personnel: Proj. Managmnt                    | 1.00 nlc         |                    | 0.01 /nlc       | 0.01 /nlc    | 0            | -              | -               | /nlc           |            |             |              | -              | -            | 0            | 0                  |               |
|          |          | Special Inspectors                           |                  |                    |                 |              | 138,295      |                |                 |                |            |             |              |                |              | 138,295      | 138,295            |               |
|          |          | Special Inspector - NIC                      | 1.00 nlc         |                    |                 | /nlc         |              |                |                 | 0.01 /nlc      | 0          | /nlc        |              | -              | -            | 0            | 0                  |               |
|          |          | Special Inspectors                           |                  |                    |                 |              |              |                |                 | -              | -          |             |              | 25,000.00 /nlc | 25,000       | 25,000       | 25,000             |               |
|          |          | Testing & Inspections                        | 1.00 nlc         |                    | /ls             |              |              | -              | -               | -              | -          |             |              | -              | -            | 25,000       | 25,000             |               |
| 1500.010 | 1510.010 | Utilities: Temporary                         |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Temp Electricly - by Owner                   | 1.00 nlc         |                    |                 | /nlc         |              |                |                 | 0.01 /nlc      | 0          | /nlc        |              | -              | -            | 0            | 0                  |               |
|          |          | Temp Water - by Owner                        | 1.00 nlc         |                    |                 | /nlc         |              |                |                 | 0.01 /nlc      | 0          | /nlc        |              | -              | -            | 0            | 0                  |               |
|          |          | Temp Toilet                                  | 4.00 mo          |                    |                 | /mo          |              |                |                 | -              | -          |             |              | 500.00 /mo     | 2,000        | 2,000        | 2,000              |               |
|          |          | Toilet Enclosure                             | 1.00 nlc         |                    | 0.00 /nlc       | 0.00 /nlc    | 0            | -              | -               | -              | -          | -           | -            | -              | -            | 0            | 0                  |               |
|          | 1520.010 | Utilities: Temporary                         |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Temp: Facilities                             |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Cups & Ice                                   | 4.00 mo          |                    |                 | -            |              | -              | -               | -              | -          | -           | -            | 125.00 /mo     | 500          | 500          | 500                |               |
|          |          | Blue Prints                                  | 1.00 ls          |                    |                 | -            |              | -              | -               | -              | -          | -           | -            | 750.00 /ls     | 750          | 750          | 750                |               |
|          |          | Materialport building scan                   | 1.00 ls          |                    |                 | -            |              | -              | -               | -              | -          | -           | -            | 560.00 /ls     | 560          | 560          | 560                |               |
|          | 1550.010 | Site Office - Rental                         | 1.00 nlc         |                    |                 | -            |              | -              | -               | -              | -          | -           | -            | 0.01 /nlc      | 0            | 0            | 0                  |               |
|          |          | Temp: Facilities                             |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Temp: Supplies                               |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Office Supplies                              | 4.00 mo          |                    | 100.00 /mo      | 100.00 /mo   | 400          | 150.00 /mo     | 600             | -              | -          | 105.00 /mo  | 420          | -              | -            | 1,420        | 1,420              |               |
|          |          | Temp: Supplies                               |                  |                    |                 |              | 400          |                | 600             | -              | -          |             | 420          | -              | -            | 1,420        | 1,420              |               |
| 1600.010 | 1650.010 | Temp: Traffic Control                        |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | ROW Permits - NIC                            | 1.00 nlc         |                    |                 | -            |              | -              | -               | -              | -          | -           | -            | 0.01 /nlc      | 0            | 0            | 0                  |               |
|          |          | Temp: Traffic Control                        |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Controls: Safety                             |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | First Aid Equip                              | 4.00 mo          |                    |                 |              | 1,216        | -              | -               | -              | -          | -           | -            | -              | -            | 0            | 0                  |               |
|          | 1660.010 | Controls: Safety                             |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Safety Director                              | 4.00 mo          |                    | 304.00 /mo      | 76.00 /hr    | 1,216        | -              | -               | -              | -          | -           | -            | 75.00 /mo      | 300          | 300          | 300                |               |
|          |          | Product Storage/Handling                     |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Windows and Doors offsite storage            |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Product Storage/Handling                     | 1.00 nlc         |                    | 0.01 /nlc       | 0.01 /nlc    | 0            | -              | -               | 0.01 /nlc      | 0          | -           | -            | -              | -            | 0            | 0                  |               |
| 2000.000 | 2221.010 | GENERAL REQUIREMENTS                         |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Product Storage/Handling                     |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | GENERAL REQUIREMENTS                         |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Product Storage/Handling                     |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Product Storage/Handling                     |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          | 2221.010 | SITEWORK                                     |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Demo: General                                |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Demolition around removed windows and doors  | 1.00 incl        |                    |                 | -            |              | -              | -               | 0.01 /incl     | 0          | -           | -            | -              | -            | 0            | 0                  |               |
|          |          | To prepare for structural improvements       |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Shutters removal Allowance                   | 1.00 ls          |                    | 2,640.00 /ls    | 2,640.00 /ls | 2,640        | 500.00 /ls     | 500             | 0.00 /ls       | 0          | -           | -            | -              | -            | 3,140        | 3,175              |               |
| 3000.000 | 3010.010 | CONCRETE                                     |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Concrete/Shell                               |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Structural improvements at windows and doors | 1.00 ls          |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Carpenter                                    | 5.00 wk          | 40,000 hr / wk     | 2,600.00 /wk    | 65.00 /hr    | 13,000       | -              | -               | 0.01 /wk       | 0          | -           | -            | -              | -            | 13,000       | 13,000             | Baldwin       |
|          |          | Carpenter                                    | 5.00 wk          | 40,000 hr / wk     | 1,400.00 /wk    | 35.00 /hr    | 7,000        | -              | -               | 0.01 /wk       | 0          | -           | -            | -              | -            | 7,000        | 7,000              |               |
|          | 3010.010 | CONCRETE                                     |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Other structural upgrades                    | 1.00 nlc         |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Tools and Equipment                          | 5.00 wk          |                    | 0.00 /wk        | 0.00 /wk     | 0            | 75.00 /wk      | 375             | 0.01 /wk       | 0          | -           | -            | -              | -            | 375          | 401                |               |
|          |          | Concrete/Shell                               |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Concrete/Shell                               |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
| 8000.000 | 8210.005 | DOORS & WINDOWS                              |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Supply and install Tischer Windows and Doors | 1.00 ls          | hr / ls            | 0.00 /ls        | 0.00 /hr     | 0            | -              | -               | 709,500.00 /ls | 709,500    | -           | -            | -              | -            | 709,500      | 709,500            | Tischer       |
|          |          | - Same finish inside and outside. Laminated  |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Low E glass                                  |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Low E glass                                  |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          | 8210.005 | DOORS & WINDOWS                              |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Supply and install Tischer Windows and Doors |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | - Same finish inside and outside. Laminated  |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Low E glass                                  |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Low E glass                                  |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          | 8210.005 | DOORS & WINDOWS                              |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Supply and install Tischer Windows and Doors |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | - Same finish inside and outside. Laminated  |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Low E glass                                  |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |
|          |          | Low E glass                                  |                  |                    |                 |              |              |                |                 |                |            |             |              |                |              |              |                    |               |

| Group | Phase    | Description                                                                                  | Takeoff Quantity | Labor Productivity | Labor Cost/Unit | Labor Price   | Labor Amount | Material Price | Material Amount | Sub Price     | Sub Amount | Equip Price | Equip Amount | Other Price | Other Amount | Total Amount | Grand Total Amount | Subcontractor |
|-------|----------|----------------------------------------------------------------------------------------------|------------------|--------------------|-----------------|---------------|--------------|----------------|-----------------|---------------|------------|-------------|--------------|-------------|--------------|--------------|--------------------|---------------|
|       | 8210.005 | Exterior Windows and Doors - Wood                                                            |                  |                    |                 |               |              |                |                 |               |            |             |              |             |              |              |                    |               |
|       |          | Exterior Door and Window Hardware - Standard as provided by manufacturer                     | 1.00 incl        | hr / incl          |                 |               |              |                |                 | 0.01 incl     | 0          |             |              |             |              | 0            | 0                  |               |
|       |          | Buckong                                                                                      | 1.00 incl        | hr / incl          |                 |               |              |                |                 | 0.01 incl     | 0          |             |              |             |              | 0            | 0                  |               |
|       |          | Waterproofing Allowance                                                                      | 1.00 ls          | hr / ls            |                 |               |              |                |                 | 50,000.00 /ls | 50,000     |             |              |             |              | 50,000       | 50,000             |               |
|       |          | Copper Faint Allowance                                                                       | 1.00 ls          | hr / ls            |                 |               |              |                |                 | 35,000.00 /ls | 35,000     |             |              |             |              | 35,000       | 35,000             |               |
|       |          | Alarm Contacts                                                                               | 1.00 nlc         | hr / nlc           |                 |               |              |                |                 | 0.01 nlc      | 0          |             |              |             |              | 0            | 0                  |               |
|       |          | Screens                                                                                      | 1.00 nlc         | hr / nlc           |                 |               |              |                |                 | 0.01 nlc      | 0          |             |              |             |              | 0            | 0                  |               |
|       |          | Plywood and Plexiglas - Temporary protection after structure work, bucking and waterproofing | 1.00 ls          | hr / ls            | 14,400.00 /ls   | 14,400.00 /ls | 14,400       | 4,200.00 /ls   | 4,200           | 0.00 /ls      | 0          |             |              |             |              | 18,600       | 18,600             |               |
|       |          | Complete Allowance                                                                           |                  |                    |                 |               |              |                |                 |               |            |             |              |             |              |              |                    |               |
|       |          | Carpenter Labor                                                                              | 3.00 wk          | 40,000 hr / wk     | 2,600.00 /wk    | 65.00 /hr     | 7,800        |                |                 | 1/wk          |            |             |              |             |              | 7,800        | 7,800              |               |
|       |          | Tools and Equipment                                                                          | 3.00 wk          | 40,000 hr / wk     | 1,400.00 /wk    | 35.00 /hr     | 4,200        |                |                 | 1/wk          |            |             |              |             |              | 4,200        | 4,200              |               |
|       |          | Exterior Windows and Doors - Wood                                                            | 3.00 wk          |                    | 0.00 /wk        | 0.00 /wk      | 26,400       | 75.00 /wk      | 235             | 1/wk          | 794,500    |             |              |             |              | 825,325      | 825,325            |               |
|       |          | <b>DOORS &amp; WINDOWS</b>                                                                   |                  |                    |                 |               | 26,400       |                | 4,435           |               | 794,500    |             |              |             |              | 825,325      | 825,635            |               |

Estimate Totals

| Description                                        | Amount    | Totals           | Hours         | Rate | Cost Basis | Cost per Unit      | Percent of Total |
|----------------------------------------------------|-----------|------------------|---------------|------|------------|--------------------|------------------|
| Labor                                              | 281,751   |                  | 3,201,000 hrs |      |            | 31,105 /sf         | 11.09%           |
| Material                                           | 67,714    |                  |               |      |            | 671 /sf            | 0.26%            |
| Subcontract                                        | 1,838,749 |                  |               |      |            | 189,912 /sf        | 67.25%           |
| Equipment                                          | 420       |                  | 1,560,000 hrs |      |            | 0.046 /sf          | 0.02%            |
| Other                                              | 37,590    |                  |               |      |            | 4,147 /sf          | 1.55%            |
|                                                    | 1,965,145 | 1,965,145        |               |      |            | 216,957 /sf        | 81.30%           |
| Contractors Contingency                            | 186,515   |                  |               |      | T          | 21,695 /sf         | 8.13%            |
| Contractors Fee                                    | 172,933   |                  |               |      | T          | 19,092 /sf         | 7.15%            |
|                                                    | 369,448   | 2,334,593        |               |      |            | 257,738 /sf        | 15.23%           |
| Offsite parking(10 spot) and Van+Driver - 4 months | 22,600    |                  |               |      | L          | 2,485 /sf          | 0.94%            |
| Insurance                                          | 30,044    |                  |               |      | T          | 3,385 /sf          | 1.27%            |
| P&P Bond                                           | 82,436    |                  |               |      | T          | 8,952 /sf          | 3.41%            |
|                                                    | 82,436    | 2,417,019        |               |      |            | 266,838 /sf        | 100.00%          |
| <b>Total</b>                                       |           | <b>2,417,019</b> |               |      |            | <b>266,838 /sf</b> |                  |

## North Fire Station – Renovation QUALIFICATIONS & CLARIFICATIONS

October 21<sup>st</sup>, 2022

### IV.01 GENERAL REQUIREMENTS

1. All Permit, Inspection, Plan Review, and Plan Revision Fees are by Owner.
2. All Governmental Fees, Impact Fees, and Utility Connection Fees are by Owner.
3. Water and electrical usage costs associated with construction are by Owner.
4. Builders Risk Insurance (if required) will be provided by Owner, and any deductibles required will be paid by Owner.
5. We assume all utility services are existing and of adequate size and capacity and no off-site utility work will be required.
6. FDOT permits are excluded and shall be furnished by Owner, if required.
7. Temporary security and fire alarm system, including central monitoring service are excluded.
8. We include Payment and Performance Bond.
9. We exclude any and all costs associated with any and all Acts of God, related to labor, materials, equipment, scopes of work and additional time to complete the project.
10. Hurricane preparation is not included. All costs for hurricane preparation will be performed on a 'Cost plus a Fee' basis.
11. Construction Security or guard services if required are excluded.
12. An allowance is defined as a sum of money, for a specific scope or items, which may increase or decrease in value, depending on the final selection of material or product. All allowances are for labor, material, material shipping, material storage, related taxes and include contractors' fee and general liability insurance, unless otherwise noted in the qualifications.
13. We exclude all professional fees and design fees.
14. All FPL work and fees are excluded and to be by others.
15. We exclude costs associated with any changes required by local inspectors due to additional code requirements not shown on the construction drawings.
16. Density testing, compaction testing and concrete testing are excluded
17. We exclude any lost time and/or money to the project for a stop work order issued by the Town of Palm Beach due to special events or transportation restrictions.
18. We exclude any vibration monitoring or a pre/post construction survey by a geotechnical engineer on the existing buildings or structures in the project area.
19. Our general conditions, general requirements, supervision, management and associated fees cover 13 working weeks of Phase 1 structural surrounds repairs at windows and doors, windows procurement only. Windows installation will happen in a separate phase of the project, however subcontractor costs for installation are included. If the Phase 1 scope exceeds 13 weeks due to unforeseen conditions, a revised estimate will be provided.
20. Scope of work is based on structural detail drawings provided by Bridges Marsh and Associates dated 8.25.22. Drawings included – S300 to S305.
21. Project total includes a 10% contractors contingency. Any savings, allowances or unused values from the estimate will revert back to the town.
22. G.M.P. cost estimate does not include additional insurance premiums for naming individual property owners as additional insureds.
23. We assume that ToPB will provide all permits and approvals prior to commencement of work.
24. GMP pricing will need to be revisited if approval is not received in the November Town Council

HP-444



- meeting due to current material escalation issues.
25. Due to the present volatile nature of the construction market, construction material costs could change substantially during construction. The G.M.P. does not include any assumed material price increases.
- DIV 02 DEMOLITION**
1. We include selective demolition at windows and doors to prep the area for structural improvements.
  2. No other demolition work is included
  3. Landscape maintenance during construction is not included.
  4. Landscape trimming required to assist with construction logistics is not included.

- DIV 03 CONCRETE**
1. We include structural repairs at windows and doors surrounds as per the provided details.
  2. No other structural repairs or remediation is included.
  3. We include an allowance for shoring and shoring engineering related to the structural improvement at windows and doors.
  4. The building will need additional structural improvements and is not included in this Phase.

- DIV 04 – Not Applicable**
- DIV 05 – Not Applicable**
- DIV 06 – Not Applicable**

- DIV 07 WATERPROOFING & DAMPPROOFING**
1. Exterior walls waterproofing is not included.
  2. We include the installation of window and door waterproofing as an allowance.

- DIV 08 DOORS & WINDOWS**
1. Furnish and installation of exterior doors and windows is included.
  2. Supply and installation of the manufacturer's standard design stainless steel window and door hardware is included
  3. We exclude any electronic locks, alarm contacts, screens or key card
  4. We exclude costs for offsite windows and doors storage (if required)
  5. We include the bucking of the windows and doors.
  6. We include the copper pans at the windows and doors as an allowance as details are not provided.
  7. We include temporary protection of windows and doors with plywood and plexiglass openings as an allowance.
  8. We exclude any finish repairs after structural work is complete.
  9. Current windows and doors pricing is based on site measurements and drawings. Changes to the openings size after structural improvements may affect pricing.
  10. Finish trim, brickmolds, jamb extensions is excluded.
  11. Installation of the windows and doors may not occur for more than 7 months. The G.M.P. does not include any assumed hourly labor price increases.

- DIV 09 FINISHES**
1. Drywall, Framing, Stucco, Painting, Millwork, and other scopes are not included in this phase.
  2. Work associated with removal, preservation, replacement of exterior plaster or stone decorative

11-8-22 components is not included in this phase.  
DIV 10 – Not Applicable  
DIV 11 – Not Applicable  
DIV 12 FURNISHINGS - Not Applicable  
DIV 13 SPECIAL CONSTRUCTION - Not Applicable  
DIV 14 CONVEYING SYSTEMS - Not Applicable  
DIV 15 - Not Applicable  
DIV 16 - Not Applicable

# TOWN OF PALM BEACH

Town Council Meeting on: November 8, 2022

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## Section of Agenda

Regular Agenda - New Business

## Agenda Title

Discussion Regarding Town Caucus To Be Held on Tuesday, December 6, 2022

## Presenter

Margaret A. Zeidman, Town Council President

## ATTACHMENTS:

- ▣ **Ordinance No. 025-2021**



**ORDINANCE NO. 25-2021**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 18-2021 AT SECTION 2 RELATING TO SECTION 34-56, NOTICE TO THE QUALIFIED VOTERS OF THE TOWN OF PALM BEACH, TO DELETE THE REFERENCE TO THE TIME OF THE CAUCUS; ADDING A NEW SECTION 3 PROVIDING FOR AN AMENDMENT TO SECTION 34-81 TITLED PETITION CONFIRMING NOMINATION REQUIRED; FORM; AMENDING THE FORM OF THE PETITION TO SUBSTITUTE THE MONTH OF DECEMBER FOR THE MONTH OF JANUARY TO CONFORM TO THE NEW CAUCUS DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Ordinance 18-2021 provided at Section 34-56 a time of 7:00 p.m. for the time of the caucus in December; and

**WHEREAS**, the Town Council wishes the time for the caucus to remain flexible and based on a time declared appropriate by the Town Council; and

**WHEREAS**, Ordinance 18-2021 neglected to amend Section 34-81 to change the month of the Town Caucus from January to December in order to be consistent with the new caucus date prescribed in Section 34-56; and

**WHEREAS**, the Town Council wishes to amend Ordinance 18-2021 to incorporate these changes; and

**NOW, THEREFORE**, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

**Section 1.** Ordinance 18-2021 is hereby amended at Section 2, Calling and Notice of Caucus, to read as follows:

Sec. 34-56. - Calling and notice of caucus.

Each year the town clerk shall call a caucus of the qualified voters of the town for the purpose of nominating candidates for mayor and the town council. Such caucus shall be held as provided by section 5.03 of the Charter and shall be called by the clerk publishing the following notice in a newspaper having a general circulation in the town on the last two Mondays in November and the first Monday in December:

Notice to the Qualified Voters of  
The Town of Palm Beach

You and each of you are hereby notified that a caucus of the qualified voters of the Town of Palm Beach, Florida, will be held in the town council chambers of the town hall ~~at 7:00 p.m.~~ at a time declared by the Town Council on the first Tuesday of December, or on a date at least ninety-five (95) days prior to the election date, whichever comes first, for the purpose of nominating a mayor and \_\_\_\_\_ councilmembers, to be voted on at the general election to be held in the town on the second Tuesday in March.

All qualified voters of the town are entitled to be present and to place in nomination such candidates as they desire. For a nomination to be effective, it must be seconded and all nominations and seconds thereto may be made only by qualified voters of the town.

Dated, \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

/s/ \_\_\_\_\_  
Town Clerk

All other sections of Section 34-56 shall remain unchanged.

**Section 2.** Section 34-81 of the Town Code of Ordinances titled Petition Required for Nomination, Form is hereby amended to read as follows:

**Sec. 34-81. Petition confirming nomination required; form.**

In order that any candidate may appear on the official ballot at the general election he shall, in addition to being nominated at the required caucus, file or cause to be filed with the town clerk the petition required by section 5.03(b) of the Charter. Such petition shall be in the following form:

*To the Town Council  
of the Town of Palm Beach:*

The undersigned qualified voters of the Town of Palm Beach do hereby confirm the nomination of \_\_\_\_\_ as (councilmembers or mayor, as the case may be) regularly made at the caucus held at the town hall on the first Tuesday of ~~January~~ December, or on a date at least ninety-five (95) days prior to the election date, whichever comes first, and do hereby petition your honorable body to place his name on the official ballot to be used in the general election in group\_ (in the event of the nomination for mayor, the group shall not be designated).

(Code 1982, § 2-28)

**Section 3. Severability.**

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can

be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

**Section 4.** Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

**Section 5.** Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

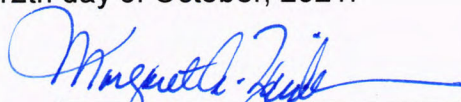
**Section 6.** Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

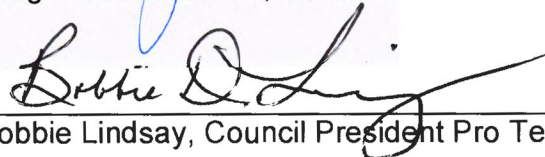
**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 23<sup>rd</sup> day of September, 2021, and for second and final reading on this 12<sup>th</sup> day of October, 2021.



Danielle H. Moore, Mayor



Margaret A. Zeidman, Council President



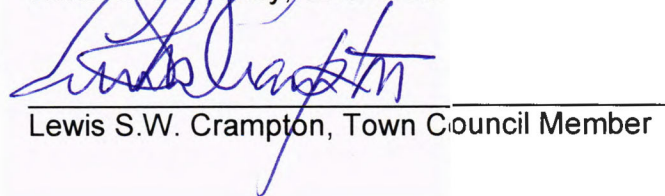
Bobbie Lindsay, Council President Pro Tem



Julie Araskog, Town Council Member



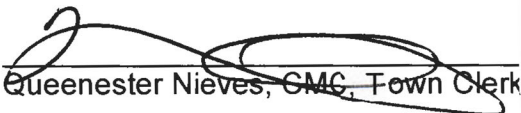
Edward A. Cooney, Town Council Member



Lewis S.W. Crampton, Town Council Member



ATTEST:



Queenester Nieves, CMC, Town Clerk

# TOWN OF PALM BEACH

Town Council Meeting on: November 8, 2022

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## Section of Agenda

Regular Agenda - New Business

## Agenda Title

Request for Waiver of Construction Limitations in the Right-of-Way November 12, 2022, for Delivery of a Tree to 756 Hi-Mount Road

## Presenter

H. Paul Brazil, P.E., Director of Public Works

## ATTACHMENTS:

- ▣ **Memorandum dated October 27, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Rood Landscaping Requesting Waiver**

# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: November 8, 2022

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TO: Mayor and Town Council

VIA: Kirk. W. Blouin, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: Request for Waiver of Construction Limitations in the Right-of-Way  
November 12, 2022, for Delivery of a Tree to 756 Hi-Mount Road

DATE: October 27, 2022

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## **STAFF RECOMMENDATION**

Town staff requests Town Council consider the request for bringing an oversized load containing a tree to be delivered to 756 Hi-Mount Road.

## **GENERAL INFORMATION**

Rood Landscape, LLC is requesting a waiver of construction limitations in the right-of-way in order to deliver a tree November 12<sup>th</sup> and two (2) additional trees on November 19<sup>th</sup> to 726 Hi-Mount Road. Both deliveries are on an oversized load transport.

The Florida Department of Transportation does not require a police escort, but each occurrence, once the truck enters the Town of Palm Beach, Rood is coordinating a police escort through the Town. The route has been surveyed by the driver and reviewed by Town staff. For each instance, the truck will enter the Town utilizing the Royal Poinciana Bridge. The truck will proceed north on North County Road to Ridgeview Road. The truck will then proceed west to Hi-Mount Road. A crane will be in place at 756 Hi-Mount to remove the tree from the truck. The truck will then return utilizing the same route. Rood will coordinate with the property owners on Ridgeview Road to ensure cars are not parked on the road between 8:00 a.m. to noon on both Saturdays, November 12<sup>th</sup> and 19<sup>th</sup>. Staff has coordinated with the Police Department and determined the best day of the week to make a delivery of this kind is on a Saturday. Staff has also requested that the contractor notify the residents on Hi-Mount about the use of the crane on these two (2) Saturdays.

If approved by Town Council, staff will issue a right-of-way permit and coordinate directly with Rood Landscape, LLC.

Attachment

cc: Jason Debrincat, P.E., Senior Project Engineer



October 27, 2022

Patricia Strayer  
Town Engineer  
Town of Palm Beach  
360 South County Road  
Palm Beach, FL 33480

Dear Ms. Strayer,

Rood Landscape, LLC is requesting a waiver to transport three(3) trees (two deliveries) to 726 Hi Mount Road outside of normal working hours. They will be an oversized load, with a non-police escort until we reach Palm Beach.

We will be coordinating with the Captain of Palm Beach Police as they have requested to escort us to the job once we arrive on the island. We will be using the north bridge. Our anticipated route is as follows:

Arrive on Palm Beach Island via Royal Poinciana bridge  
North on North County Road  
West on Ridge View drive  
Turn left onto Hi Mount Road

We request the first delivery to take place Saturday, November 12 or the date most suitable for the town, with an anticipated time window between 9:00-11:00 am.

We are requesting the second delivery of two trees that will also be an oversized load (16' wide) on Saturday November 19th. This delivery will require two semi trailers utilizing the same route described above. The contractor for these two trees is Green Integrity, Inc. The anticipated delivery window will also be between 9:00am-11:00am.

Thank you for considering this waiver. Please do not hesitate to call me at 561-262-4353 or Andrew Fay at 231-342-7755 if you need further information.

Sincerely

A handwritten signature in black ink, appearing to read "Tom Balling", is written over a horizontal line.

Thomas Balling  
President

# TOWN OF PALM BEACH

Town Council Meeting on: November 8, 2022

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## Section of Agenda

Regular Agenda - New Business

## Agenda Title

Waiver of Third Charitable Solicitation Event Permit for MorseLife Health System

## Presenter

Carolyn Stone, Deputy Town Manager

## ATTACHMENTS:

- ▣ **Memorandum Dated October 18, 2022 from Carolyn Stone, Assistant Town Manager**
- ▣ **Letter Dated October 17, 2022 from MorseLife Health System and Permit Application**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: November 8, 2022

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To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Carolyn Stone, Assistant Town Manager

Re: Charitable Solicitation Permit for MorseLife

Date: October 18, 2022

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## **STAFF RECOMMENDATION**

Staff recommends Town Council approve the Charitable Solicitations Permit submitted by MorseLife. This would provide a one-time exception to hold three charitable events in calendar year 2022.

## **GENERAL INFORMATION**

MorseLife has traditionally held two charitable events each calendar year. Due to COVID -19, their annual dinner dance, which was originally scheduled for December 17, 2021, was moved to March 2022. On March 28, 2022, they held their golf classic. They now have submitted charitable solicitations permit request for December 17, 2022 which would allow them to return to their December/March cycle of yearly events. A letter from Ashley Robinson, Director of Events, is included with this back up for further reference.

Event history:

12/17/21 – Approved for Annual Dinner Dance (Moved to March 2022 due to Covid)

3/28/22 – Golf Classic

12/17/22 – Requested Annual Dinner Dance (Application and letter of request attached)

3/27/23 – Requested Golf Classic

## **ATTACHMENTS**

Request Letter from MorseLife Foundation

Application for Permit to Solicit Funds for Charitable Purposes

c: Jessica Savidge, Administrative Manager  
Pat Gayle-Gordon, Acting Town Clerk  
Kelly Churney, Deputy Town Clerk





**Ashley Robinson**

220 Sunrise Avenue Suite 215  
Palm Beach, FL 33480  
Phone: 561.843.4383

► **Kelly Churney**  
**Deputy Town Clerk**

360 South County Road  
P.O. Box 2029  
Palm Beach, FL 33480  
Phone: 561.838.5416

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**Dear Town of Palm Beach Council Members,**

I am the Director of Events at MorseLife Health System and I am writing to you today to see if you would consider waiving the restriction of having only two charitable events in the Town of Palm Beach in one calendar year. We would be requesting this as a one-time exception for this year only.

We historically have two events each year in Palm Beach. The first event is our Dinner Dance Gala at The Breakers which is always held in December. With the pandemic, we had to change our 2021 date from December to March of 2022 but we are now back to our historical December date that we have had for over 20 years. Our second event in Palm Beach is either our Ladies Luncheon which was historically held in February but discontinued because of the pandemic or our Golf Tournament at The Breakers which is traditionally held the last Monday in March. Due to these unusual circumstances resulting from the Pandemic, we technically have three events falling into this calendar year but as mentioned one was supposed to be in December 2021. We are back to our December date for the Gala – which is slated for December 17th so with that, we kindly ask that you waive this provision for this year only.

Thank you for your time and we greatly appreciate your consideration to grant us this one-time exception.

Sincerely,

---

**Ashley Robinson**  
Director of Events  
MorseLife Health System  
10/17/2022

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## Town of Palm Beach • Office of the Town Clerk

### APPLICATION FOR PERMIT TO SOLICIT FUNDS FOR CHARITABLE PURPOSES

ORDINANCE 11-73 AS AMENDED BY ORDINANCE 11-81, 4-86, 6-91, 15-92, 4-95, 12-97, 27-02, 6-08, 25-08, and 28-10: TOWN OF PALM BEACH CODE OF ORDINANCES

Received 10/03/2022  
DOE 12/17/2022

|   |                                                                                  |                                                     |                                    |
|---|----------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------|
| 1 | <b>Applicant Given Name:</b><br><small>*the person filling out this form</small> | Joan Bever                                          |                                    |
|   | <b>Date of Birth:</b>                                                            | 08 / 07 / 1957                                      | <b>Phone #:</b> ( 561 ) 242 - 4661 |
|   | <b>Address:</b>                                                                  | 4847 David S. Mack Drive, West Palm Beach, FL 33417 |                                    |
|   | <b>Email:</b>                                                                    | events@morselife.org                                |                                    |

|   |                                                                                |                                                     |                                                                            |
|---|--------------------------------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------------------------|
| 2 | <b>Organization Name:</b>                                                      | MorseLife Foundation, Inc.                          |                                                                            |
|   | <b>Phone #:</b>                                                                | ( 561 ) 242 - 4661                                  |                                                                            |
|   | <b>Address:</b>                                                                | 4847 David S. Mack Drive, West Palm Beach, FL 33417 |                                                                            |
|   | <b>State Registration Number:</b><br><small>*click this link to lookup</small> | CH 289                                              | <b>Educational or Religious Exemption:</b><br><input type="checkbox"/> Yes |

|   |                                                                                                   |                                                     |
|---|---------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| 3 | <b>Applicant's principal officers and managers:</b><br><small>*attach a list if necessary</small> |                                                     |
|   | <b>Name:</b>                                                                                      | <b>Address:</b>                                     |
|   | Keith A Meyers, President CEO                                                                     | 4847 David S. Mack Drive, West Palm Beach, FL 33417 |
|   |                                                                                                   |                                                     |
|   |                                                                                                   |                                                     |

|   |                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---|-----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 | <b>Methods of Solicitation</b><br><small>*One application per event</small> |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|   | <b>Event Name:</b>                                                          | MorseLife Dinner Dance                                                                                                                                                                                                                                                                                                                                                                                                                               |
|   | <b>Location Name:</b>                                                       | The Breakers Palm Beach                                                                                                                                                                                                                                                                                                                                                                                                                              |
|   | <b>Address:</b>                                                             | 1 South County Road, West Palm Beach, FL 33480                                                                                                                                                                                                                                                                                                                                                                                                       |
|   | <b>Start Date:</b> 12 / 17 / 2022                                           | <b>End Date:</b> 12 / 17 / 2022 <small>*use only with mailers and drives</small>                                                                                                                                                                                                                                                                                                                                                                     |
|   | <b>Check all methods that apply:</b>                                        | <input checked="" type="checkbox"/> ticket sales <input checked="" type="checkbox"/> mailings <input type="checkbox"/> percentage of sales<br><input type="checkbox"/> auction (live) <input checked="" type="checkbox"/> sponsorship <input checked="" type="checkbox"/> request donations<br><input type="checkbox"/> auction (silent) <input type="checkbox"/> raffle<br>Other:<br>Other:                                                         |
|   | <b>Check all that apply:</b>                                                | <input checked="" type="checkbox"/> Food will be served (additional requirements/licenses may be required)<br><input checked="" type="checkbox"/> Alcohol will be served (copy of liquor license will be required unless at a private residence)<br><input type="checkbox"/> Event includes animals (Temporary Animal Permit may be required)<br><input type="checkbox"/> Temporary signs will be utilized (only allowed between April 1-October 31) |

|                                                                            |                                     |                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5                                                                          | Methods of Solicitation (continued) |                                                                                                                                                                                                                                                                                                  |
| If the event is held at a private club, the sponsoring member's name:      |                                     |                                                                                                                                                                                                                                                                                                  |
| Approx. number of attendees:                                               |                                     | 300                                                                                                                                                                                                                                                                                              |
| Will the event be indoors or outdoors?                                     |                                     | <input checked="" type="checkbox"/> Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/> Not Applicable                                                                                                                                              |
| If any portion of the event will be outdoors, please check all that apply: |                                     | <input type="checkbox"/> Tents will be utilized (Tent Permit may be required)<br><input type="checkbox"/> There will be a generator<br><input type="checkbox"/> There will be outdoor lighting<br><input type="checkbox"/> There will be fireworks (Pyrotechnic Display Permit will be required) |
| Valet Services?                                                            |                                     | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No *If yes, a valet permit is required                                                                                                                                                                                          |

|                                                                        |  |
|------------------------------------------------------------------------|--|
| Where will attendees park?                                             |  |
| *Note that offsite parking on private property is currently prohibited |  |
| The Breakers will be providing valet parking.                          |  |
|                                                                        |  |
|                                                                        |  |

|                             |                                                          |                |
|-----------------------------|----------------------------------------------------------|----------------|
| 6                           | Persons in direct charge of conducting the solicitation: |                |
| *attach a list if necessary |                                                          |                |
| Legal, Given Name:          |                                                          | Date of Birth: |
| Joan Bever                  |                                                          | 08 / 07 / 1957 |
|                             |                                                          | / /            |

|                      |                                                                 |                             |
|----------------------|-----------------------------------------------------------------|-----------------------------|
| 7                    | Name of Person(s) who will disburse proceeds from solicitation: |                             |
| *attach if necessary |                                                                 |                             |
| Name:                | Hong Chae                                                       |                             |
| Date of Birth:       | 10 / 26 / 1953                                                  | Phone #: ( 561 ) 471 - 5111 |
| Address:             | 4847 David S. Mack Drive, West Palm Beach, FL 33417             |                             |
| Email:               | hchae@morselife.org                                             |                             |

|   |                         |                                                     |
|---|-------------------------|-----------------------------------------------------|
| 8 | Chairman of event Name: | Terri Sriberg and Don Ephraim                       |
|   | Phone #:                | ( 561 ) 242 - 4661                                  |
|   | Address:                | 4847 David S. Mack Drive, West Palm Beach, FL 33417 |

|                                                                    |                                 |
|--------------------------------------------------------------------|---------------------------------|
| 9                                                                  | <b>Purpose of Solicitation:</b> |
| *attach if necessary                                               |                                 |
| Raise funds for programs and capital needs for the seniors served. |                                 |
|                                                                    |                                 |
|                                                                    |                                 |

|                                         |                                   |
|-----------------------------------------|-----------------------------------|
| 10                                      | <b>Donation / Cost Estimates:</b> |
| Estimation of total funds to be raised: | \$ 1,000,000                      |
| Estimation of in kind donations:        | \$                                |
| Estimation of cost of the solicitation: | \$ 400,000                        |

|                                                                                                 |                                                                                                                               |
|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| 11                                                                                              | <b>A specific statement, with reasons, that shows need for the funds to be solicited. Support with figures, if available.</b> |
| *attach if necessary                                                                            |                                                                                                                               |
| To raise funds to provide care for the seniors served. Many who are on Medicaid and are infirm. |                                                                                                                               |
|                                                                                                 |                                                                                                                               |
|                                                                                                 |                                                                                                                               |
|                                                                                                 |                                                                                                                               |

|                                                         |                                           |
|---------------------------------------------------------|-------------------------------------------|
| 12                                                      | <b>Disposition of funds to be raised:</b> |
| *attach if necessary                                    |                                           |
| All net revenue to MorseLife Foundation Endowment Fund. |                                           |
|                                                         |                                           |
|                                                         |                                           |
|                                                         |                                           |

|                                                                       |                                                                          |
|-----------------------------------------------------------------------|--------------------------------------------------------------------------|
| 13                                                                    | <b>Will you use a professional promoter or solicitor for your event?</b> |
| <input checked="" type="checkbox"/> No / <input type="checkbox"/> Yes |                                                                          |
| If your answer was yes, fill out section 13 below.                    |                                                                          |

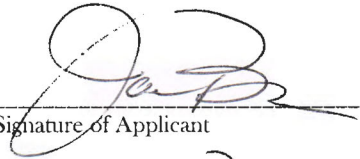
|                                                                                                       |                                 |                                             |                                                            |
|-------------------------------------------------------------------------------------------------------|---------------------------------|---------------------------------------------|------------------------------------------------------------|
| 14                                                                                                    | <b>Promoter/Solicitor Name:</b> |                                             |                                                            |
| *attach list if necessary                                                                             |                                 |                                             |                                                            |
| Date of Birth:                                                                                        | / /                             | A copy of their contract has been included? | <input type="checkbox"/> Yes / <input type="checkbox"/> No |
| Address:                                                                                              |                                 |                                             |                                                            |
| Statement of amount of wages, fees, commission, expenses or emoluments to be paid to this individual: |                                 |                                             |                                                            |
|                                                                                                       |                                 |                                             |                                                            |
|                                                                                                       |                                 |                                             |                                                            |
|                                                                                                       |                                 |                                             |                                                            |

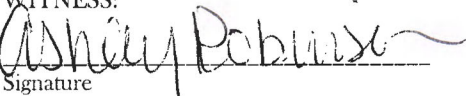
|                               |                                                                                                                                                                                                |                                                                       |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| 15                            | If an applicant cannot furnish some of the information required by the preceding paragraphs, a detailed statement on a separate sheet shall be given why such information cannot be furnished. |                                                                       |
| Have you included this sheet? |                                                                                                                                                                                                | <input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No |

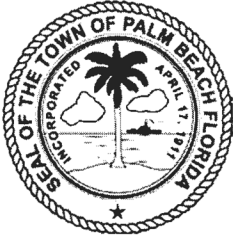
|                                                      |                                                            |              |                                                                                |         |
|------------------------------------------------------|------------------------------------------------------------|--------------|--------------------------------------------------------------------------------|---------|
| 16                                                   | Schedule of last season's events in the Town of Palm Beach |              |                                                                                |         |
| Total value of donations collected under all events: |                                                            | \$ 1,086,000 | Date of Last Event Held in Palm Beach:                                         | 3/17/22 |
| Total cost of all events:                            |                                                            | \$ 465,124   | *This includes wages, fees, commissions, expenses, and cost of any publication |         |
| Net Proceeds Distributed:                            |                                                            | \$ 620,876   |                                                                                |         |

|                                                                                                      |                                                                        |         |       |
|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|---------|-------|
| 17                                                                                                   | Schedule of last season's events in the Town of Palm Beach (continued) |         |       |
| AMOUNT OF MONIES AND PERCENTAGE OF NET PROCEEDS APPLIED DIRECTLY TO FUNCTIONS AND ACTIVITIES WITHIN: |                                                                        |         |       |
| Town of Palm Beach:                                                                                  | \$                                                                     |         | %     |
| Palm Beach County:                                                                                   | \$                                                                     | 620,876 | % 100 |
| State of Florida:                                                                                    | \$                                                                     |         | %     |
| Elsewhere:                                                                                           | \$                                                                     |         | %     |
| *Percentage of all categories combined should equal 100%                                             |                                                                        |         |       |
| SPECIFIC STATEMENT AS TO WHERE FUNDS WERE DISTRIBUTED:                                               |                                                                        |         |       |
| Proceeds and capital needs of the seniors we serve.                                                  |                                                                        |         |       |
|                                                                                                      |                                                                        |         |       |
|                                                                                                      |                                                                        |         |       |
|                                                                                                      |                                                                        |         |       |

|                                                                                                                                                                                                             |                                                                                 |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|--|
| 18                                                                                                                                                                                                          | The applicant from section 1 by endorsement, agrees to the following statement: |  |
| "That if the permit is granted, it will not be used or represented in any way as an endorsement by the Town of Palm Beach or by the Town Council of the solicitation conducted thereunder."                 |                                                                                 |  |
| I, Joan Bever due hereby solemnly swear (or affirm) that I am a duly authorized agent of MorseLife Foundation, Inc., and that all of the information contained herein this application is true and correct. |                                                                                 |  |

  
 Signature of Applicant  
  
 Print Name

WITNESS:  
  
 Signature  
  
 Print Name



# TOWN OF PALM BEACH

Office of the Town Clerk

## CHARITABLE SOLICITATION APPLICATION CHECK LIST HAVE YOU SUBMITTED THE FOLLOWING DOCUMENTS FROM PAGE 1?

- \_\_\_ Board resolution, minutes or a letter on official organization letterhead giving authority for fundraising event (must include the date and location of the event)
- \_\_\_ A copy of your current State of Florida Registration (Not required if organization is determined to be exempt from registration pursuant to F.S. Ch. 496)
- \_\_\_ Schedule of last year's fund-raising activity in the Town of Palm Beach completed on page 4 of the application
- \_\_\_ If a drawing/raffle will be held, a copy of your organization's Form 501(c)(3) filed with the IRS
- \_\_\_ If a tent will be used, we need the size to determine if a tent permit is required (*sometimes the vendor gets/already has these permits*).
- \_\_\_ If a stage will be used, a building permit is required is it will be higher than 24".
- \_\_\_ If valets will be used, we need the name of the company to be used to determine if a valet permit is required.
- \_\_\_ If a professional promoter will be used, we need a copy of the promoter's contract with the organization.



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
COMMISSIONER NICOLE "NIKKI" FRIED

---

October 27, 2021

Refer To: CH289

MORSELIFE FOUNDATION, INC.  
4847 DAVID S MACK DR  
WEST PALM BEACH, FL 33417-8023

RE: MORSELIFE FOUNDATION, INC.  
REGISTRATION#: CH289  
EXPIRATION DATE: November 7, 2022

Dear Sir or Madam:

The above-named organization/sponsor has complied with the registration requirements of Chapter 496, Florida Statutes, the Solicitation of Contributions Act. A COPY OF THIS LETTER SHOULD BE RETAINED FOR YOUR RECORDS.

Every charitable organization or sponsor which is required to register under s. 496.405 must conspicuously display the registration number issued by the Department and in capital letters the following statement on every printed solicitation, written confirmation, receipt, or reminder of a contribution:

"A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL-FREE (800-435-7352) WITHIN THE STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE."

The Solicitation of Contributions Act requires an annual renewal statement to be filed on or before the date of expiration of the previous registration. The Department will send a renewal package approximately 30 days prior to the date of expiration as shown above.

Thank you for your cooperation. If we may be of further assistance, please contact the Solicitation of Contributions section.

Sincerely,

Tianna Baity  
Regulatory Consultant  
850-410-3770  
Fax: 850-410-3804  
E-mail: [tianna.baity@fdacs.gov](mailto:tianna.baity@fdacs.gov)



## Consumer's Certificate of Exemption

Issued Pursuant to Chapter 212, Florida Statutes

DR-14  
R. 01/18

|                    |                |                 |                        |
|--------------------|----------------|-----------------|------------------------|
| 85-8014795184C-2   | 04/30/2018     | 04/30/2023      | 501(C)(3) ORGANIZATION |
| Certificate Number | Effective Date | Expiration Date | Exemption Category     |

This certifies that

MORSELIFE FOUNDATION INC  
4847 FRED GLADSTONE DR  
WEST PALM BEACH FL 33417-8023

is exempt from the payment of Florida sales and use tax on real property rented, transient rental property rented, tangible personal property purchased or rented, or services purchased.



## Important Information for Exempt Organizations

DR-14  
R. 01/18

1. You must provide all vendors and suppliers with an exemption certificate before making tax-exempt purchases. See Rule 12A-1.038, Florida Administrative Code (F.A.C.).
2. Your *Consumer's Certificate of Exemption* is to be used solely by your organization for your organization's customary nonprofit activities.
3. Purchases made by an individual on behalf of the organization are taxable, even if the individual will be reimbursed by the organization.
4. This exemption applies only to purchases your organization makes. The sale or lease to others of tangible personal property, sleeping accommodations, or other real property is taxable. Your organization must register, and collect and remit sales and use tax on such taxable transactions. Note: Churches are exempt from this requirement except when they are the lessor of real property (Rule 12A-1.070, F.A.C.).
5. It is a criminal offense to fraudulently present this certificate to evade the payment of sales tax. Under no circumstances should this certificate be used for the personal benefit of any individual. Violators will be liable for payment of the sales tax plus a penalty of 200% of the tax, and may be subject to conviction of a third-degree felony. Any violation will require the revocation of this certificate.
6. If you have questions about your exemption certificate, please call Taxpayer Services at 850-488-6800. The mailing address is PO Box 6480, Tallahassee, FL 32314-6480.



**RESOLUTION**  
**OF THE BOARD OF DIRECTORS**  
**OF**  
**MORSELIFE FOUNDATION, INC.**

WHEREAS, the Board of Directors of the MorseLife Foundation, Inc. has determined that it is necessary and desirable to hold an annual Golf Classic.

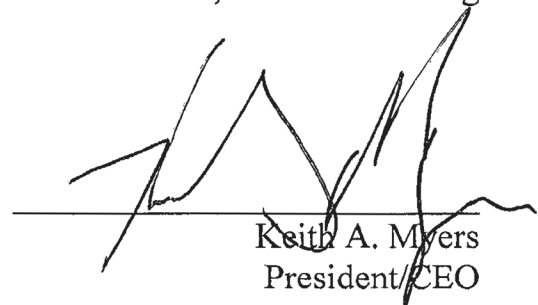
WHEREAS, MorseLife Foundation, Inc. has contracted with The Breakers for the annual Dinner Dance and Golf Classic.

NOW, THEREFORE, be it resolved that the MorseLife Foundation, Inc. undertake this project and will do any and all things necessary and desirable in connection therewith; and

BE IT FURTHER RESOLVED that the Fiscal Year 2023 Dinner Dance be held on Saturday, December 17, 2022 and Golf Classic to be held on Monday, March 27, 2023.

---

I HEREBY CERTIFY that the forgoing is an accurate copy of the resolution duly passed by the Board of Directors of the MorseLife Foundation, Inc. at a meeting held on Wednesday, April 27, 2022.

  
\_\_\_\_\_  
Keith A. Myers  
President/CEO

# MEMO

**DATE:** 10/3/22  
**TO:** Office of Town Clerk  
Town of Palm Beach

**FROM:** Ashley Robinson  
MorseLife  
Director of Events  
Phone: (561) 843-4383  
arobinson@morselife.org

**SUBJECT:** Town of Palm Beach Applications for Permit to Solicit Funds  
Dinner Dance December 17, 2022

---

On behalf of the MorseLife Foundation, Inc., the application for the permit to solicit funds for charitable purposes in the Town of Palm Beach is enclosed. Also enclosed is our application fee (check #002566) in the amount of \$500.

I would greatly appreciate it if you would please email me or leave a message at 561-843-4383 that you have received this. Thank you!

The Breakers will be contacting you to confirm that they will have Crowd Control Management for this event.

Please do not hesitate to call me on my direct line, 561-843-4383, if additional information is needed or if I can assist with answering questions regarding the enclosed packet.

As in the past, we will forward a copy of the renewed State Registration form/renewal letter as soon as it is received.

Thank you for your attention to this application.

**Marilyn and Stanley M. Katz Seniors Campus  
4847 David S. Mack Drive • West Palm Beach, FL 33417**



# TOWN OF PALM BEACH

Office of the Town Clerk

Dinner Dance

## GUIDELINES ON THE SUBMISSION OF AN APPLICATION FOR A CHARITABLE SOLICITATION PERMIT

1. Organizations planning to conduct charitable solicitation activities in the Town of Palm Beach are **required** (Sec. 78-102) to submit the application **at least** sixty (60) days prior to the proposed effective date of the permit. **You must submit one application per event.**

As of July 16, 2014, if the application is received:

|                                                                              |            |
|------------------------------------------------------------------------------|------------|
| <b>60 Days or More in Advance:</b>                                           |            |
| Events Estimated to Raise \$5,000 or less:                                   | \$240 each |
| First Event Estimated to Raise over \$5,000:                                 | \$500      |
| Second Event Held Within the Past 12 months Estimated to Raise over \$5,000: | \$240      |
| <b>31-59 Days in Advance:</b>                                                |            |
| Events Estimated to Raise \$5,000 or less:                                   | \$290 each |
| First Event Estimated to Raise over \$5,000:                                 | \$605      |
| Second Event Held Within the Past 12 Months Estimated to Raise over \$5,000: | \$290      |
| <b>16-30 Days in Advance:</b>                                                |            |
| Events Estimated to Raise \$5,000 or less:                                   | \$340 each |
| First Event Estimated to Raise over \$5,000:                                 | \$710      |
| Second Event Held Within the Past 12 months Estimated to Raise over \$5,000: | \$340      |
| <b>15-8 Days in Advance:</b>                                                 |            |
| Events Estimated to Raise \$5,000 or less:                                   | \$390 each |
| First Event Estimated to Raise over \$5,000:                                 | \$815      |
| Second Event Held Within the Past 12 Months Estimated to Raise over \$5,000: | \$390      |
| <b>7 Days or Less in Advance</b> (Including After the Fact Permits):         |            |
| Events Estimated to Raise \$5,000 or less:                                   | \$490 each |
| First Event Estimated to Raise over \$5,000:                                 | \$920      |
| Second Event Held Within the Past 12 Months Estimated to Raise over \$5,000: | \$490      |

2. The information contained in said application shall be available to the public. The application must be accompanied by the following:

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A. | On page 5, the applicant's signature needs to have a witness. You may email your application. It will be date stamped the date received.                                                                                                                                                                                                                                                                                                                                   |
| B. | A Resolution giving authority for the fund-raising event. A resolution can be signed by any single board member or the entire board. Minutes of the Board Meeting where authority was given are also acceptable.                                                                                                                                                                                                                                                           |
| C. | A copy of the State Registration form. The Town of Palm Beach requires a registration with the State of Florida Department of Agriculture and Consumer Services prior to engaging in any solicitation activities. Florida residents call 1-800-435-7352 for forms and further information. Out of State residents call (850)-488-2221. <b>NOTE: Check the expiration date on your State Registration Form as these forms are renewed annually by the State of Florida.</b> |
| D. | "Schedule" for last year's fund-raising activity in the Town of Palm Beach. (Items 15 & 16 on page 4 of the application) <b>NOTE: This requirement does not apply to first time solicitations.</b>                                                                                                                                                                                                                                                                         |
| E. | A check in the amount to cover the permit fee and any late fees. Make checks payable to Town of Palm Beach. <b>NOTE: FEES ARE NON-REFUNDABLE.</b>                                                                                                                                                                                                                                                                                                                          |

3. If you expect to have a drawing/raffle at the charitable event, furnish a copy of Form 501 (c) (3) filed with the IRS.
4. Save this application form to your local computer from the Town's website, fill it out and save it. This will save you time filling out your next application.

**Mailing:** Post Office Box 2029, Palm Beach, Florida 33480 • **Location:** 360 South County Road, Palm Beach, Florida 33480  
(561) 838-5416 • Fax No. (561) 838-5417 • townclerk@townofpalmbeach.com • www.townofpalmbeach.com

# TOWN OF PALM BEACH

Town Council Meeting on: November 8, 2022

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## Section of Agenda

Regular Agenda - New Business

## Agenda Title

Special Events Request from Worth Avenue Association for December 3, 2022

## Presenter

Nicholas Caristo, Chief of Police

## ATTACHMENTS:

- ▣ **Memorandum Dated November 3, 2022, from Nicholas Caristo, Chief of Police**
- ▣ **Memorandum Dated October 24, 2022, from Will Rothrock, Police Captain**
- ▣ **Application for Special Event Permit**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: November 8, 2022

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To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: Business Association Special Event Proposal for Worth Avenue Association's  
*Exotics on Worth Avenue*

Date: November 3, 2022

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## **STAFF RECOMMENDATION**

Staff presents for the Mayor and Town Council's review and consideration the Special Event Proposal from the Worth Avenue Association for their "Exotics on Worth Avenue" to be held on December 3, 2022, from 1:00 pm-5:00 pm.

## **GENERAL INFORMATION**

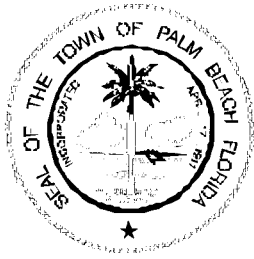
The Worth Avenue Association has submitted a special events application for Exotics on Worth Avenue to be held on Saturday, December 3, 2022, from 1:00 pm to 5:00 pm on the 100 block of Worth Avenue. Panel discussions with leading auto brands will take place inside select stores on the 200 and 300 blocks of Worth Avenue to keep foot traffic flowing throughout Worth Avenue shops.

The application requests a road closure of the 100 block of Worth Avenue from 150 Worth Avenue to South County Road for event set up beginning at 10:00 a.m. through dismantle by 8:00 p.m. Parking in the Esplanade (150 Worth Avenue) and condominium resident access will be maintained throughout the entirety of the event. An emergency vehicle access lane will also exist.

It is to be noted at the 2019 Exotics on Worth event, the organizers exceeded the scope approved in their special event permit. This resulted in severe traffic congestion along Worth Avenue, which subsequently impacted the mid-town area. The Worth Avenue Association has indicated on their application they will hire five Police Department personnel to assist with traffic and crowd control for the 2022 event to help mitigate traffic and crowd impacts.

Attachment

cc: H. Paul Brazil, Director of Public Works  
Darrel Donatto, Fire Rescue Chief  
Jessica Savidge, Administrative Manager



# TOWN OF PALM BEACH

## MEMORANDUM

TO: Kirk Blouin, Town Manager

FROM: Will Rothrock, Police Captain *WR*

VIA: Nicholas Caristo, Chief of Police  
Carolyn S. Stone, Deputy Town Manager

DATE: 10/24/2022

SUBJECT: Worth Avenue Car Show

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The intent of this memo is to provide information regarding a special event application made by the Worth Avenue Association to conduct a car show in the 100 block of Worth Avenue on December 10, 2022. It is also to share concerns with the date requested and the car show that occurred in 2019.

On December 10, 2022, the Police Department will be celebrating its centennial celebration coinciding with a public safety event with the Fire Department. It is not recommended to schedule two large special events on the same day because of traffic disruptions, safety concerns, and a strain on public safety resources. Even if the event requestor were to obtain public safety services from another jurisdiction for their event, the Palm Beach Police and Fire Departments would still be primary responders for any potential incidents.

Additionally, there are important occurrences from the last car show event held on December 8, 2019, that should be noted. The permit for that event specified zero full road closures, event reservation for the south side parking spaces of Worth Avenue only, approximately 200-250 guests, and an ending time of 2 p.m. The actuality was, a full road closure near Hibiscus Avenue, an event that encompassed both north and south sides of Worth Avenue, a much larger than 250 guest crowd, and an exceedance of the allotted time frame. Due to the unexpected size of the event, there was not an adequate number of police officers available, which caused on-duty staff to assist with traffic and crowd control issues. The police department also received multiple traffic and parking complaints throughout that event.

Because the Police Department centennial event is already scheduled for December 10, 2022, our recommendation is that the car show is not scheduled for the same day. Furthermore, it is recommended that any consideration for a requested car show on Worth Avenue on a different date be scrutinized and limited based on previous performance. Specifically, the event should be limited in size, and adequate organizer preparation for crowd and traffic control should be obtained. There should also be verifiable assurances that the organizers will adhere to any approval conditions and permitted scope.

T-22-0652

Received 10/12/22  
DOE 12/18/22  
3

## BUSINESS ASSOCIATION SPECIAL EVENT PROPOSAL FOR TOWN SPONSORSHIP

EVENT TITLE Exotics on Worth Avenue EVENT DATE December  
10<sup>th</sup>, 2022

changed  
date  
to  
Dec. 3,  
2022  
per  
email  
on 10/24/22

### SECTION 1: CONTACT INFORMATION

|                      |                                              |
|----------------------|----------------------------------------------|
| Business Association | Worth Avenue Association                     |
| Representative Name  | Faith Spencer                                |
| E-Mail Address       | Faith@worth-Avenue.com                       |
| Mailing Address      | 256 worth avenue suite 310<br>Palm Beach, FL |
| Primary Telephone    | 5618439554                                   |
| Secondary Telephone  |                                              |
| Fax Number           |                                              |

### SECTION 2: EVENT INFORMATION

|                        |                                                                                                                                                                                                                                                     |           |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Event Location         | 100 Blocks of Worth Avenue- commencing west of the valet<br>of the esplanade. <input checked="" type="checkbox"/> Yes, Amount <input checked="" type="checkbox"/> No                                                                                |           |
| Event Admission Fee    |                                                                                                                                                                                                                                                     |           |
| Anticipated Attendance | 200-250 guests                                                                                                                                                                                                                                      |           |
| Event Time             | From: 1pm                                                                                                                                                                                                                                           | To: 5pm   |
| Event Set Up           | Date: 10am                                                                                                                                                                                                                                          | Time: 1pm |
| Event Dismantle        | Date: 5pm                                                                                                                                                                                                                                           | Time: 8pm |
| Event Description      | Exotic Automobile Event on the 100 BLK of WORTH AVENUE. Retail stores will have experts from Ferrari, Maserati, Bentley, Lamborghini etc.. The event is in place to generate excitement from town residence and assist retailers with foot traffic. |           |

**Is this event part of a larger marketing campaign? If yes, please describe.**

NO



|                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Public Inquiries Contact</b> (Name, Telephone and E-Mail Required)                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Are you requesting any street and/or sidewalk closures?</b>                                                                                          | <p>If yes, specify street and/or sidewalks and time of closures.</p> <p>Yes, South side of Worth Avenue 100, <del>200 &amp; 300</del> BLK</p> <p><i>will be using only 100 Block</i></p>                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Does your event include food concessions?</b><br>(No On-Site Cooking Permitted)                                                                      | <p>Anticipated Number of Vendors: one</p> <p><i>per phone call w/ Marianne abbate 11/3/22</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Does your event involve the sale or consumption of alcoholic beverages?</b><br><b>NO</b>                                                             | <p>If yes, please check all that apply: <b>NO</b></p> <p> <input type="checkbox"/> Free Alcohol<br/> <input type="checkbox"/> Alcohol Sales<br/> <input type="checkbox"/> Distilled Spirits<br/> <input type="checkbox"/> Beer<br/> <input type="checkbox"/> Wine         </p> <p>If alcohol is sold at an event, the applicant is required to obtain a temporary liquor license from the Division of Alcoholic Beverages and Tobacco. Copy of temporary liquor license must be provided to Town prior to event date. Additional insurance requirements and police enforcement will be required.</p> |
| <b>Does your event require amplified sound and/or music?</b><br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> <b>NO</b>           | <p>If yes, please check all that apply: <b>NO</b></p> <p> <input type="checkbox"/> Amplified sound for announcements only<br/> <input type="checkbox"/> Amplified sound for recorded music<br/> <input type="checkbox"/> Amplified sound for live music         </p> <p>Approval of a Special Event Proposal does not necessarily exempt the planned event from the requirements of the Town of Palm Beach's Noise Ordinance.</p>                                                                                                                                                                    |
| <b>Will you be installing any temporary signage?</b><br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> <b>NO</b>                   | <p>If yes, list number, description and location:</p> <p>Compliance with Section 134-2371 of the Town of Palm Beach Code of Ordinances is required.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Do you plan to provide portable comfort stations at your event?</b><br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> <b>NO</b> | <p>If yes, how many stalls will be in each station: _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Is comfort station ADA accessible?</p> <p>If not providing, provide information as to availability of restroom facilities in the immediate area of the event site that will be available to the public, include ADA accessible and non-ADA accessible.</p>                                                                                                                                                                                                                 |

|                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Will you be installing any temporary structures?</b></p> <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><i>Tents shown on site plan.</i></p> | <p>If yes, identify number and size of tents &amp; canopies:</p> <hr/> <p>Delivery Date: _____ Removal Date: _____</p> <p>Stage/Platform/Riser Dimensions:</p> <p>Length: _____ Width: _____ Height: _____</p> <p>Delivery Date: _____ Removal Date: _____</p> <p>Vendors will be required to provide a certificate of commercial general liability insurance in an amount to be determined by the Town, listing the Town of Palm Beach as additional insured. Permits may be required.</p>                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>Will funds be solicited for any charities?</b></p> <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>                                               | <p>If yes, list charities:</p> <p>A Charitable Solicitation Permit must be submitted no less than 60 days prior to event date in addition to this proposal form.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>Will this event utilize a generator(s)</b></p> <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>                                                   | <p>If yes, list the number and size of each:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>Site Plan</b></p>                                                                                                                                                                  | <p>Please include a complete site plan of the proposed event, including:</p> <ul style="list-style-type: none"> <li>• An outline of the event site including the names of the streets or areas that are part of the venue and the surrounding area.</li> <li>• Any street or lane closure requests.</li> <li>• The locations of fencing, barriers and/or barricades. Include any removable fencing for emergency access.</li> <li>• Vehicular access.</li> <li>• Pedestrian access.</li> <li>• Location of stages, platforms, risers, canopies, tents, comfort stations, dumpsters and any other temporary structures.</li> <li>• Generator locations and/or source of power.</li> <li>• Placement of vehicles and/or trailers.</li> <li>• Anticipated parking locations.</li> <li>• Vendor locations.</li> <li>• Temporary signage locations.</li> <li>• Locations of all other event activities.</li> </ul> |

**FOR OFFICIAL USE ONLY  
DEPARTMENT REVIEW**

**Recreation**

Reviewer: \_\_\_\_\_

☐ Approved

Date: \_\_\_\_\_

☐ Approved w/Comments:

☐ Rejected w/ Comments:

**Police**

Reviewer: \_\_\_\_\_

☐ Approved

Date: \_\_\_\_\_

☐ Approved w/Comments:

☐ Rejected w/ Comments:

**Fire Rescue**

Reviewer: \_\_\_\_\_

☐ Approved

Date: \_\_\_\_\_

☐ Approved w/Comments:

☐ Rejected w/ Comments:

**Public Works**

Reviewer: \_\_\_\_\_

☐ Approved

Date: \_\_\_\_\_

☐ Approved w/Comments:☐ Rejected w/ Comments:**Planning, Zoning & Building**

Reviewer: \_\_\_\_\_

☐ Approved

Date: \_\_\_\_\_

☐ Approved w/Comments:☐ Rejected w/ Comments:**Town Manager's Office**

Reviewer: \_\_\_\_\_

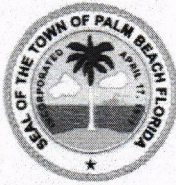
☐ Approved

Date: \_\_\_\_\_

☐ Approved w/Comments:☐ Rejected w/ Comments:

- After final Department review, please return to the Recreation Department.





## Business Association Special Event Proposal Information & Form

### **Proposal Process**

The proposal process begins when you submit the completed Business Association Special Event Proposal Form to be considered for Town sponsorship. ***Keep in mind that acceptance of the proposal should in no way be construed as final approval or confirmation of your request.***

Upon receipt of your proposal the Town will assign a coordinator to help guide you through the process. The coordinator distributes the proposal to all Town departments for review. During the review process you will be notified if your event requires additional information, permits or licenses. You will be allowed time to provide us with all pending documents.

Delays in providing these items often delay our ability to finish our review and issue a decision on your special event proposal.

You may be contacted individually by these departments if they have specific questions or concerns about your event. Depending on the impact on Town services, a group meeting with all affected departments and the association may be scheduled to clarify questions and concerns.

### **Proposal Steps:**

1. Submit your completed proposal at least 90 days prior to your proposed event. Proposals will be accepted up to 1 year in advance. Completed proposals may be:
  - Delivered: Town Clerk, 360 South County Road or
  - Mailed: Town of Palm Beach Town Clerk, ATTN: Business Association Special Event Proposal, P.O. Box 2029, Palm Beach, FL 33480 or
  - Emailed: [townclerk@townofpalmbeach.com](mailto:townclerk@townofpalmbeach.com)
2. You will be sent an e-mail acknowledgement that your proposal has been received. Your proposal will be reviewed by Town staff, which may take up to three weeks. During this time, you may be contacted by Town staff for clarification of event details.
3. After a full review of your proposal, including Town Council approval, you will receive either a conditions of approval letter or a denial letter. The conditions of approval letter will outline requirements for your event, such as necessary permits, approvals and/or event bonds/cash deposit fees. This may include, but is not limited to, the following:
  - Certificate of Insurance showing evidence of a commercial liability policy



- Copy of Temporary Liquor License, if applicable
  - Traffic/Parking Control Services
  - Inspections
4. Once all the conditions of approval have been met a final Special Event Approval Letter will be issued by the Town.

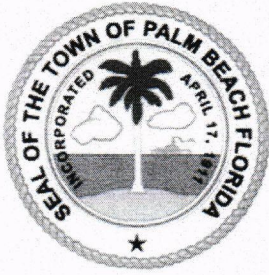
### **Fees**

It will be the association's responsibility to pay for the cost of all inspections and other Town services (i.e., Police and Fire). Other fees such as permit fees may apply for tents, stages, etc. Depending on the type of event, respective fees may vary. Events will require a refundable security deposit, depending on the type, location and size of the event. Fees can range as follows:

| <b>Event Description</b> | <b>Event Size</b>             | <b>Security Deposit</b> |
|--------------------------|-------------------------------|-------------------------|
| Minor                    | Less than 250 attendees       | \$500                   |
| Medium                   | Between 251 – 1,000 attendees | \$2,000                 |
| Major                    | Over 1,000 attendees          | \$5,000                 |

For additional information, contact the Town Clerk at 561-838-5416 or [townclerk@townofpalmbeach.com](mailto:townclerk@townofpalmbeach.com).





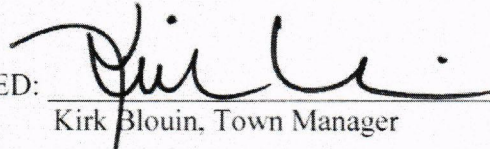
# TOWN OF PALM BEACH

## Administrative Procedure

Procedure No.....1-20-2  
(Revision to Procedure No. 1-15-9)

Effective Date.....January 21, 2020

APPROVED:

  
Kirk Blouin, Town Manager

### TITLE: TOWN APPROVED BUSINESS ASSOCIATION SPECIAL EVENTS

#### OBJECTIVE:

It is the policy of the Town of Palm Beach to allow for Town-approved special events within the public right-of-way or other public lands within the three identified commercial areas commonly described as Worth Avenue, South County Road, and Royal Poinciana Way, by the business associations representing each area. All proposed events will be carefully reviewed, individually approved, and restricted in accordance with the procedures as outlined herein and the Town Code of Ordinances. All expenses pertaining to such special events shall be borne by the association originating the event, and the Town shall be held harmless from any and all liabilities that may arise from such events.

#### RESPONSIBILITY:

It is the responsibility of the business association requesting Town approval of a special event to complete and submit a Business Association Special Event Proposal Form and provide supporting documents, site plans, etc. to the Town Clerk, who will ascertain whether or not the proposal is complete and sufficient information has been provided. Once deemed complete, it will be reviewed by multiple Town Departments, including but not necessarily limited to Recreation, Police, Fire Rescue, Public Works, and Planning, Zoning and Building. Each department may provide comments/recommendations regarding event conditions. Once the Town Clerk is satisfied that such internal review is complete, the application will be presented to the Town Manager or his/her designee for approval prior to Town Council's review and final approval, denial, or approval with modifications.



## PROCEDURE:

Each proposal for a special event to be approved by the Town shall be weighed on its individual merits and acted upon by the Town Council without regard to precedents. The following rules shall apply to special events:

- The maximum number of such Town-approved special events shall be two (2) per calendar year per commercial area, excluding holiday lighting ceremonies traditionally held in November and/or December.
- No more than one (1) special event per day shall be allowed in Town, based upon a first-come, first-served basis.
- Proposals should be submitted at least 90 days prior to the proposed special event and no earlier than one year in advance.
- It is expected that the duration of each event will be eight hours or less. Any and all exceptions from such rule shall be clearly identified within the proposal.
- Obstruction of public rights-of-way may be approved. Obstructions must be clearly identified within the proposal.
- Each proposal must include a detailed site plan identifying vehicular access, pedestrian access, event venue(s), and all related equipment. Barricades and related safety equipment must be provided to the satisfaction of the Town. A Maintenance of Traffic Plan (M.O.T.) may be required depending upon size and complexity of the special event.
- The business association may be responsible for securing any/all regulatory approvals necessary for each such event, including State DOT permit(s).
- Special detail officers, including Police and Fire Rescue personnel, may be required to ensure public safety at such events. The Town shall have authority to require same, and all costs shall be borne by the business association.
- Food trucks shall not be permitted, nor shall any temporary cooking facilities be allowed. All food served at each event shall be prepared in licensed restaurants, or transported to the event from alternate locations.
- A liquor license must be obtained by the business association if money is required to purchase drinks, tickets, coupons, etc. No liquor license shall be required if alcohol is served free of any charge whatsoever.



- Signage of all kinds, including banners and photo backdrops, shall be approved on a case by case basis. Signage must be set up and removed in accordance with the eight hour event restriction unless specifically allowed for longer periods by the Town Council.
- Any special equipment, including but not limited to staging, lights, amplifiers, generators, etc., must be detailed within the proposal, and will be approved, denied, or modified per Town Council approval.
- All equipment not previously identified herein, including but not limited to fencing, barriers, tents, stages, platforms, risers, canopies, portable restrooms, garbage cans, dumpsters, etc., shall be clearly identified within the proposal and shown on a detailed site plan.
- • The business association must submit proof of insurance to the Town in accordance with the recommendation of the Town's Risk Manager for each special event, and each certificate of insurance shall name the Town of Palm Beach as an additional insured.
- • A Hold Harmless Statement must be provided, in format satisfactory to the Town's Risk Manager, exempting the Town of Palm Beach from any and all liabilities stemming from a special event.
- • The Town has the right to require a refundable bond or satisfactory form of cash deposit to be paid as a condition of approval. The bond or cash equivalent will be refunded thereafter, unless the Town determines to retain all or a portion of same for Town-determined remedial expenses.

#### **ATTACHMENTS:**

Business Association Special Event Proposal Information and Form





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/17/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

|                                                                                                                     |                                                                                                                                                                  |                                    |
|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| <b>PRODUCER</b><br>Acentria Insurance - Palm Beach Gardens<br>1401 Forum Way, 4th Floor<br>West Palm Beach FL 33401 | <b>CONTACT NAME:</b> Cheryl Girard<br><b>PHONE (A/C, No, Ext):</b> 5615579915<br><b>E-MAIL ADDRESS:</b> cheryl.girard@acentria.com                               | <b>FAX (A/C, No):</b> 561-694-6986 |
| <b>INSURED</b><br>Worth Avenue Association Inc.<br>P O Box 2126<br>Palm Beach FL 33480                              | <b>INSURER(S) AFFORDING COVERAGE</b><br>INSURER A : Southern-Owners Insurance Company<br>INSURER B :<br>INSURER C :<br>INSURER D :<br>INSURER E :<br>INSURER F : | <b>NAIC #</b><br>10190             |
| <b>License#:</b> L100460<br><b>WORTAVE-01</b>                                                                       |                                                                                                                                                                  |                                    |

**COVERAGES****CERTIFICATE NUMBER:** 768707998**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE                                                                                                                                                                                                                                                                                                         | ADDL INSD                               | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                                                                                                                                                                                        |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------|---------------|-------------------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A        | <input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b><br><input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR<br><br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC<br>OTHER: | Y                                       |          | 72695282      | 4/16/2022               | 4/16/2023               | EACH OCCURRENCE \$ 1,000,000<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000<br>MED EXP (Any one person) \$ 5,000<br>PERSONAL & ADV INJURY \$ 1,000,000<br>GENERAL AGGREGATE \$ 2,000,000<br>PRODUCTS - COMP/OP AGG \$ 2,000,000<br>\$ |
|          | <b>AUTOMOBILE LIABILITY</b><br><input type="checkbox"/> ANY AUTO<br><input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS<br><input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY                                                                         |                                         |          |               |                         |                         | COMBINED SINGLE LIMIT (Ea accident) \$<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$<br>\$                                                                                         |
|          | <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR<br><b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE<br><b>DED</b> <input type="checkbox"/> <b>RETENTION \$</b> <input type="checkbox"/>                                                                                                                        |                                         |          |               |                         |                         | EACH OCCURRENCE \$<br>AGGREGATE \$<br>\$                                                                                                                                                                                                      |
|          | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b><br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below                                                                                                                             | Y / N<br><input type="checkbox"/> N / A |          |               |                         |                         | PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/><br>E.L. EACH ACCIDENT \$<br>E.L. DISEASE - EA EMPLOYEE \$<br>E.L. DISEASE - POLICY LIMIT \$                                                                              |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

EVENT: "Exotics on Worth"

Nature of Event: Car Show - one time event only. No alcohol.

Date: Saturday, December 10, 2022

Location: 100 Block of Worth Avenue

**CERTIFICATE HOLDER****CANCELLATION**Town of Palm Beach  
360 S County Rd  
Palm Beach FL 33480

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



## Kelly Churney

---

**From:** Marianna Abbate <Marianna@luxuryprgroup.com>  
**Sent:** Wednesday, October 19, 2022 12:44 PM  
**To:** Kelly Churney  
**Cc:** Pat Gayle-Gordon  
**Subject:** Re: Worth Avenue  
**Attachments:** Hold Harmless Agreement for Worth Avenue Association.docx; Certificate.pdf

\*\*\*\*\*Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.\*\*\*\*\*

Please see attached and in red below.

Good morning Marianna,

Thank you for your patience. I have had a chance to review the application and there are several items that still need to be turned in. Our application also states that we need your application at least 90 days in advance to your event. However, I believe we have enough time to place this on the upcoming Town Council agenda but I will need your outstanding items ASAP.

- ✓ 1. Insurance Certificate – you will need to provide an commercial liability policy naming the TOPB as an additional insured under your general liability policy with limits not less than \$1,000,000.00 per occurrence. There shall also be a 30-day notice of cancellation. Make sure that the event name, location and date is added in the Description of Operations box at the bottom of the proof of insurance form. **ATTACHED**
- ✓ 2. Site plan – In the application procedure, it states you must include a detailed site plan identifying vehicular access, pedestrian access, event venue(s), and all related equipment. Barricades and related safety equipment must be provided to the satisfaction of the Town. A maintenance of traffic plan (M.O.T.) may be required depending upon the size and complexity of the special event. **ATTACHED**
- ✓ 3. Obstruction of Public rights-of-way – Please identify all public rights-of-way obstructions planned for your event. **ATTACHED-**
- ✓ 4. Crowd Control Manager – At least one Crowd Control Manager will be required to be in attendance at your event, for the duration of the event, with no other responsibilities on each day. If you would like to hire one of our off duty police officers to provide this service, please let me know and I will put you in touch with someone in that department. **WE PLAN TO HAVE 6 OFF DUTY POLICE HIRED FOR THIS EVENT 2 AT SOUTH COUNTY, 2 AT OCEAN AND WORTH AND 2 FOR CROWD CONTROL**
- ✓ 5. Food vendor – you indicated on your application that you would have one food vendor. Please provide more information for this vendor as well as a copy of their license. **WE CAN DELETE THIS- THEIR IS NO FOOD VENDOR**

6. *unsigned* Hold Harmless Statement – Our application procedure also states that a hold harmless statement must be provided, in a format satisfactory to the Town's Risk Manager, exempting the TOPB from any and all liabilities stemming from your special event. **ATTACHED- I PULLED AN OLD ONE THAT WE USED WITH TOPB IN THE PAST**

7. Deposit – The deposit for this application is \$500.00. Please call Veronica Persaud at 561-227-6337 to pay for this permit. She will send a copy of the receipt to me. **I WILL TAKE CARE OF THIS TODAY**

Please let me know if you have any questions about the above requirements.

Thank you and I look forward to hearing from you.

*Kelly Churney*  
Deputy Town Clerk

**Town of Palm Beach**  
360 S. County Rd.  
Palm Beach, FL 33480  
561-838-5416  
[www.townofpalmbeach.com](http://www.townofpalmbeach.com)

---

**From:** Marianna Abbate <Marianna@luxuryprgroup.com>  
**Sent:** Wednesday, October 12, 2022 2:20 PM  
**To:** Kelly Churney <KChurney@TownofPalmBeach.com>  
**Subject:** Worth Avenue

\*\*\*\*\*Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.\*\*\*\*\*

Good Afternoon,

My name is Marianna Abbate and I am the event coordinator and PR for the Worth Avenue Association. I have attached a special events permit for your review. In the past, we have worked with Jay Boodheshwar and Kathleen. Since this is only a closure of the 100 BLK on Worth Avenue, I wasn't certain if this would need to go to TC. Please let me know how I should proceed.

Best,  
Marianna

**Dr. Marianna Abbate**  
*President*  
**Luxury PR Group**  
**Worth Avenue Association Agency of Record**  
205 Worth Avenue Suite 124 | Palm Beach, FL 33480  
M. 561-843-9554  
**Lynn University Office**  
[LuxuryPRGroup.com](http://LuxuryPRGroup.com)

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.



**FOR OVERVIEW PURPOSE ONLY  
DRAWING NOT TO SCALE**

NOTE:  
THIS M.O.T. IS BASED ON MUTCD & THE FLORIDA DEPARTMENT OF  
TRANSPORTATION ROADWAY AND DESIGN STANDARDS. ALL TRAFFIC  
CONTROL DEVICES MUST BE SET AND PLACED BY PERSONS CERTIFIED  
IN TRAFFIC CONTROL DEVICE PLACEMENT AND PLANNING.

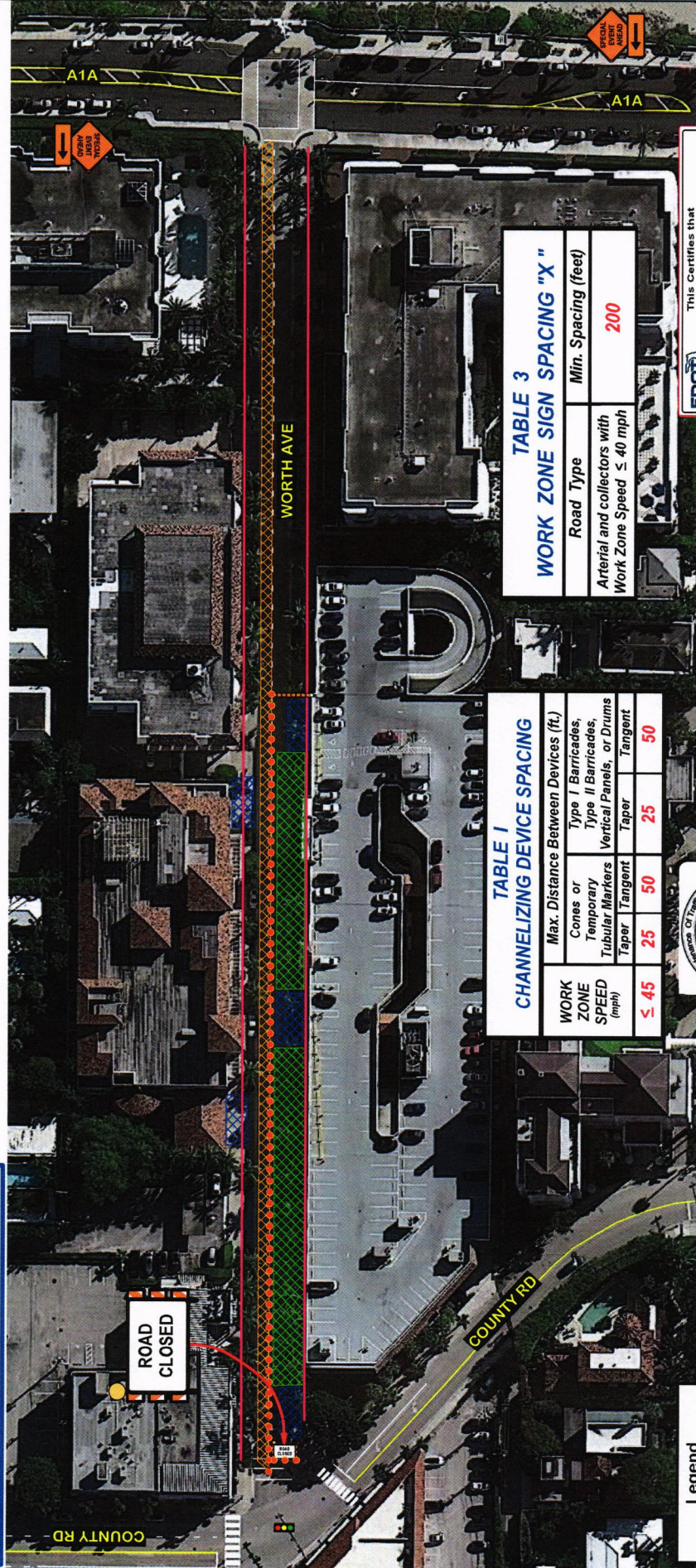
**SPEED  
LIMIT  
25**

**POSTED SPEED**

**EXOTICS**  
ON WORTH AVENUE



**APPROVAL STAMP**



**TABLE 1  
CHANNELIZING DEVICE SPACING**

| WORK<br>ZONE<br>SPEED<br>(mph) | Max. Distance Between Devices (ft.)      |    |                                                 |    |       |    |
|--------------------------------|------------------------------------------|----|-------------------------------------------------|----|-------|----|
|                                | Cones or<br>Temporary<br>Tubular Markers |    | Type I Barricades,<br>Vertical Panels, or Drums |    | Taper |    |
| ≤ 45                           | 25                                       | 50 | 25                                              | 50 | 25    | 50 |

**TABLE 3  
WORK ZONE SIGN SPACING "X"**

| Road Type                                                | Min. Spacing (feet) |
|----------------------------------------------------------|---------------------|
| Arterial and collectors with<br>Work Zone Speed ≤ 40 mph | 200                 |

**Legend**

|  |                     |
|--|---------------------|
|  | CHANNLING DEVICES   |
|  | Emergency Lane      |
|  | Event Area          |
|  | Event Tent          |
|  | Pedestrian Sidewalk |
|  | Water Walls         |



**M.O.T.**  
Design by: Theodore Howard

This Certifies that  
**Theodore R. Howard Jr.**  
Has Completed a Florida Department of Transportation Approved  
Maintenance of Traffic (MOT) Advanced (Refresher) Course.  
Certificate # 53777  
Date Expires: 07/21/2023  
Instructor: Timothy Dawgport  
FDOT Provider # 224

**Guardian MOT Safety Training**  
Phone: 727-416-9124  
10000 Gulf Breeze Parkway  
Port Orange, FL 32127  
info@guardianmotsafety.com  
guardianmotsafety@gmail.com

**FDOT**





**M.O.T.**  
Design by: Theodore Howard

**APPROVAL STAMP**

## FOR OVERVIEW PURPOSE ONLY DRAWING NOT TO SCALE

NOTE:  
THIS M.O.T. IS BASED ON MUTCD & THE FLORIDA DEPARTMENT OF  
TRANSPORTATION ROADWAY AND DESIGN STANDARDS. ALL TRAFFIC  
CONTROL DEVICES MUST BE SET AND PLACED BY PERSONS CERTIFIED  
IN TRAFFIC CONTROL DEVICE PLACEMENT AND PLANNING.



**TABLE 1**  
**CHANNELIZING DEVICE SPACING**

| WORK<br>ZONE<br>SPEED<br>(mph) | Max. Distance Between Devices (ft.)      |                                                                        |       |         |    |
|--------------------------------|------------------------------------------|------------------------------------------------------------------------|-------|---------|----|
|                                | Cones or<br>Temporary<br>Tubular Markers | Type I Barricades,<br>Type II Barricades,<br>Vertical Panels, or Drums | Taper | Tangent |    |
| ≤ 45                           | 25                                       | 50                                                                     | 25    | 25      | 50 |

**TABLE 3**  
**WORK ZONE SIGN SPACING "X"**

| Road Type                                                | Min. Spacing (feet) |
|----------------------------------------------------------|---------------------|
| Arterial and collectors with<br>Work Zone Speed ≤ 40 mph | 200                 |

**FDOT** This Certifies that  
**Theodore R. Howard Jr.**

Has Completed a Florida Department of Transportation Approved  
Maintenance of Traffic (MOT) Advanced (Refresher) Course.

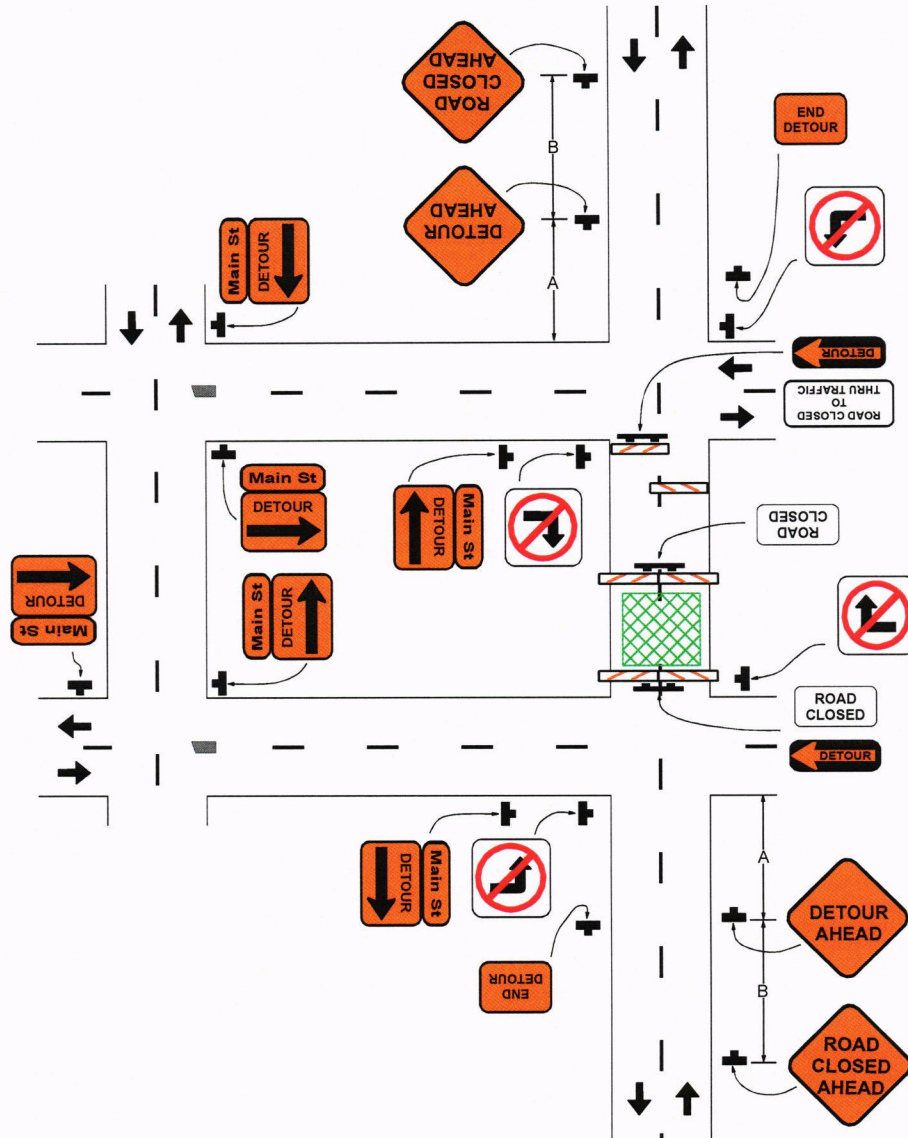
Date Expires: 07/21/2023  
Instructor: Timothy Davenport  
Certificate # 53777  
FDOT Provider # 224

Guardian MOT Safety Training  
Phone: 727-410-9124  
5400 Coraci Blvd #5204  
Port Orange, FL 32127  
guardiansafetytraining.com  
tdavenport24@gmail.com

**FDOT**



Figure 6H-20. Detour for a Closed Street (TA-20)



Typical Application 20

## Notes for Figure 6H-20—Typical Application 20 Detour for a Closed Street

**Guidance:**

1. This plan should be used for streets without posted route numbers.
2. On multi-lane streets, Detour signs with an Advance Turn Arrow should be used in advance of a turn.

**Option:**

3. Flashing warning lights and/or flags may be used to call attention to the advance warning signs.
4. Flashing warning lights may be used on Type 3 Barricades.
5. Detour signs may be located on the far side of intersections. A Detour sign with an advance arrow may be used in advance of a turn.
6. A Street Name sign may be mounted with the Detour sign. The Street Name sign may be either white on green or black on orange.

**Standard:**

7. When used, the Street Name sign shall be placed above the Detour sign.

**Support:**

8. See Figure 6H-9 for the information for detouring a numbered highway.



### Hold Harmless Agreement

To the fullest extent allowed by law the Worth Avenue Association shall protect, defend, reimburse, indemnify and hold harmless the Town of Palm Beach, and the Town's officers, agents, employees free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, attorneys or other professional fees, or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, cause or causes of action of every kind and character in connection with, or arising directly or indirectly out of or related to the Exotics on Worth event to be held on December 10, 2022 to include any event set-up required on December 10, 2022. Without limiting the generality of the foregoing, Worth Avenue Association Indemnity shall include all claims, damages, losses, or expense arising out of or related to personal injury, death, damages to property, defects in materials or workmanship, actual or alleged infringement of any patent, trademark, copyright, proprietary information, or applications of any thereof, or of any other tangible or intangible personal or property right, or any actual or alleged violation of any applicable statute, ordinance, administrative order, rule or regulation, or order of any court. Worth Avenue Association agrees to investigate, respond, adjust and provide a defense for, all and any such claims, demands and actions at Worth Avenue Association's sole expense and agrees to bear and remain liable for all such other costs and expenses relating thereto, even if such claim is groundless, false or fraudulent. Notwithstanding the foregoing, Worth Avenue Association Indemnity shall not extend to liability for damages to persons or property to the extent such damage was caused by any act, omission, or default of the Town, or by the Town's officers, agents and employees.

Worth Avenue Association acknowledges and agrees that Town would not enter into this agreement without this indemnification of Town by Worth Avenue Association, and that Town's entering into the agreement shall constitute good and sufficient consideration for this indemnification. Nothing in this agreement shall be construed to affect in any way the Town's rights, privileges, and immunities as set forth in Florida Statute 768.28.

Worth Avenue Association

Signature/Print Name

*Worth Avenue Association*  
*Worth Avenue Association*

Date

*Oct. 20, 2022*

Witness

*Marianna Abbate*

Signature/Print Name

Date

*10/20/22*



## Kelly Churney

---

**From:** Marianna Abbate <Marianna@luxuryprgroup.com>  
**Sent:** Thursday, October 20, 2022 7:48 AM  
**To:** Kelly Churney  
**Cc:** Pat Gayle-Gordon  
**Subject:** Re: Worth Avenue

\*\*\*\*\*Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.\*\*\*\*\*

Kelly,

Thank you so much for pointing this out. We will not be using tent structures. It has been corrected on the site plan.

Best,

Marianna

Get [Outlook for iOS](#)

---

**From:** Kelly Churney <KChurney@TownofPalmBeach.com>  
**Sent:** Wednesday, October 19, 2022 3:17:42 PM  
**To:** Marianna Abbate <Marianna@luxuryprgroup.com>  
**Cc:** Pat Gayle-Gordon <PGayle-Gordon@TownofPalmBeach.com>  
**Subject:** RE: Worth Avenue

Hi Marianna,

I also wanted to note that while your application indicates you will not be utilizing tent structures, your site plan outlines 4 tents to be used.

You will need to make sure that your tent vendor pulls the appropriate permits with our Planning, Zoning and Building Department.

Thanks,

*Kelly Churney*  
Deputy Town Clerk

**Town of Palm Beach**  
360 S. County Rd.  
Palm Beach, FL 33480  
561-838-5416  
[www.townofpalmbeach.com](http://www.townofpalmbeach.com)

---

**From:** Marianna Abbate <Marianna@luxuryprgroup.com>  
**Sent:** Wednesday, October 19, 2022 12:45 PM  
**To:** Kelly Churney <KChurney@TownofPalmBeach.com>

# TOWN OF PALM BEACH

Town Council Meeting on: November 8, 2022

---

## Section of Agenda

Regular Agenda - New Business

## Agenda Title

Review of a Stop Work Order Due to the Three Strike Rule at 266 Colonial Lane

## Presenter

Wayne Bergman, Director of Planning, Zoning and Building

## ATTACHMENTS:

- **Memorandum Dated October 24, 2022, From Wayne Bergman, Director of Planning, Zoning and Building**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: November 8, 2022

---

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: 266 Colonial Lane – Third Strike & Stop Work Order

Date: October 24, 2022

---



**FYI - This Memo is provided as Information to the Town Council**

As you know, the Town has a “Three Strike Rule” for construction parking and construction site management. The regulations and process are found in the Town’s “Department of Public Works, Engineering Division, Standards Applicable to Public Rights-of-Way and Easements Within the Town of Palm Beach” (commonly called the Right-of Way-Manual), dated May 1994, as revised through January 12, 2022. Chapter XII, Miscellaneous Provisions, contains the details of the Three Strike rules. The regulations spell out the process in which contractors can secure parking permits, the fees for various violations, and the process that must occur once a contractor receives Three Strikes – three different sets of tickets for construction violations. The applicable pages of the Right of Way Manual are attached.

266 Colonial Lane recently reached the level of Three Strikes for construction violations. The contractor is Bella Construction Corp. The first violation occurred on July 11, 2022 for construction parking without a permit, issued by Public Works. The second violation occurred on September 7, 2022 for construction parking without a permit, issued by Code Enforcement. The third violation occurred on October 17, 2022 for inadequate maintenance of traffic - failure to carry out permit terms & conditions, issued also by Public Works. Copies of all violations are attached. The Pending Stop Work Order Notice (attached) was sent to the contractor October 17, 2022.

The regulations allow a time frame for the violator to appeal the ticket(s). In this case, since the last violation was issued by Public Works, the appeal was filed to Public Works Director Paul Brazil. The regulations required Mr. Brazil to hear / review the appeal (if filed) and render a ruling. Mr. Brazil found in favor of the Town, and therefore upheld the Third Strike. This decision occurred on October 24, 2022. The Planning, Zoning & Building Department issued a STOP WORK ORDER for the construction project on October 27, 2022.

The contractor owes the Town \$1,050.00 in fines and fees, at this time.

The Town Council's process for this matter is contained within the Public Works "Right of Way Manual", as follows:

*"When the Town Council receives a written request to lift a stop work order the Town Council shall have the power to admonish the contractor; take such action as deemed necessary to effect the stop work order on a permanent basis by nullifying the existing building permit; cause the contractor and/or property owner to enter into a binding agreement to memorialize the understandings between the Town and the contractor and/or property owner relative to all conditions placed upon the lifting of the stop work order, if applicable; establish penalties for future right-of-way violations the amount for which shall be in the sole discretion of the Town Council; collect the "3 strike" fine, plus payment of any outstanding right-of-way fines and accumulated interest, as referenced herein below and to prohibit the issuance of any additional right-of-way permits for the duration of the work in question.*

*The fine for a third (3<sup>rd</sup>) and each subsequent strike shall be \$500 plus payment of any outstanding right of-way fines and accumulated interest unless the Town Council chooses to invoke the use of a binding agreement memorializing a penalty structure to be paid to the Town for all future right-of-way violations in excess of three (3) to be paid in accordance with the terms and conditions of the binding agreement between the Town and the contractor and/or property owner. All fines and penalties shall be paid in full prior to issuance of a Certificate of Occupancy for the construction associated with the activity that generated the fines, penalties, and interest."*

Any motion to resolve this matter should include "waiving the third strike" and "granting the ability for the contractor to apply for future right of way permits".

Attachments: Copies of the three violations  
Copy of the Pending Stop Work Order Notice  
Appeal Letter from the contractor  
Town Decision on the Appeal

Cc: Paul Brazil, Director of Public Works  
Police Chief Nicholas Caristo  
Debby Moody





# TOWN OF PALM BEACH

Public Works Department

October 24, 2022

Mr. Jeff Berkoff  
Quality Design-Build & Remodeling Contractors  
3626 Embassy Drive  
West Palm Beach, FL 33401

**Re: Third Strike 266 Colonial Lane**

Mr. Berkoff:

On October 18, 2022, we received your appeal to the third strike citation issued on October 17, 2022. After reviewing your appeal and the circumstances of the citation, your appeal is being denied. Please see the attached pictures of why the citation was issued. You state in your letter that the September 7, 2022, violation was the result of the material supplier delivery service doing a site survey prior to their delivery. Even though you were not aware of this visit you are responsible for your subcontractors.

The October 17, 2022 violation was issued for unloading on North Ocean Boulevard, when the Right-Of-Way Permit was for North Lake Way. Colonial Lane is one-way and would require the forklift to travel the wrong way on Colonial Lane. There was also a lack of flagging operation necessary to make this activity safe. Lastly, the permit was for delivery of a forklift and not for the unloading of other materials at North Lake Way and Colonial Lane intersection. As you can see from the attached pictures, materials were being staged on the road at this intersection.

Since the appeal is being denied, a Stop Work Order will be issued October 25, 2022. All requests to lift a Stop Work Order are decided by the Town Council. The next Town Council meeting will be held Tuesday, November 8, 2022. In order for this item to be considered at this meeting, you will need to submit a written request to Wayne Bergman, Director of Planning, Zoning & Building no later than Wednesday, November 2, 2022, prior to 5:00 p.m.

Sincerely,

  
Paul Brazil, P.E.  
Director of Public Works

cc: Wayne Bergman, Director of Planning, Zoning & Building  
Patricia Strayer, Town Engineer  
Debbie Moody, Planning, Zoning & Building Office Manager  
Nick Caristo, Chief of Police  
Craig Hauschild, P.E., Civil Engineer

MAILING ADDRESS: Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480 • (561) 838-5440  
LOCATION: Suite A • 951 Old Okeechobee Road • West Palm Beach, Florida 33401 • Fax No. (561) 835-4691



# Bella Construction Corp

Quality Design-Build & Remodeling Contractors

CGC 1512434

3626 EMBASSY DRIVE WEST PALM BEACH FL 33401

Ph: [561] 722-6402 \*\*\* [jb@bellaconst.net](mailto:jb@bellaconst.net)

October 18, 2022

Mr Paul Brazil  
Dir of Public Works  
Town of Palm Beach

RE: 3-strike rule – Stop work order pending 266 Colonial Ln B-21-87648

Dear Mr Brazil,

We kindly ask for an appeal regarding these recent violations.

When we began this project late last year, due to the nature of Colonial lane [1-way street & quite narrow], with considerable expense we created an 'on site parking & staging area' which included the entire front and east side of the property, graded and installed a gravel base, and can accommodate worker trucks & most deliveries. We built 2 temp large double gates that can open nearly the entire front when needed. The few 'large' truck deliveries deemed too big to fit [trusses for example] were broken into small loads and brought on medium flat bed trucks. Same with blocks, lintels, cement, & many other materials.

We have 2 prominent signs posted on site stating "Absolutely NO street parking- on site ONLY" Our project manager reiterated this rule weekly to any/all subs.

The first violation, back on 3-24-22, was from our Shell Contractor, S & D. The 2 guys from S & D were both stupid & lazy and disregarded our rules. We are sorry and paid those fines.

The info I have on these 2 recent violations [9-7-22 & 10-17-22] concern the same sub of a sub vendor of a sub [the delivery service [sub] for the roofing materials supplier [subs vendor] ordered by our roofing contractor [sub]. The 9-7-22 violation was the result of the material supplier delivery service doing a site survey prior to their delivery. Unfortunately, we did not know about this visit and on that day we had no work in progress or supervisor on the job site. The 10-17-22 violation appears to be this same delivery company transferring their delivery load from a large truck to a smaller truck in order to make the on site pull in possible. We had had a meeting with the roofing contractor [Right Call Roofing] 2 weeks ago, and had agreed upon a plan of using smaller trucks to bring the load- but had no clue they would do it in this way- and on N Ocean Blvd.

If you could please allow us some room on this issue it would be very much appreciated. This has been such a difficult job from day 1, Due to unknown site conditions & customer changes there were several revisions, which because of reviews & architect cooperation dragged out many months of little to no work. We have really been on track now since May and are hoping to complete this project before year end.

Once again, thanks for your time and sorry for these violations. We will double down going forward on the parking & delivery diligence for this job, promise.

Best Regards

Jeff Berkoff, Pres, Bella Construction Corp [561] 722-6402





## TOWN OF PALM BEACH

Planning, Zoning & Building Department

October 17, 2022

Via email: [jb@bellaconst.net](mailto:jb@bellaconst.net)

Bella Construction Corp  
% Jeffrey D Berkoff  
1327 N Palm Way  
Lake Worth, FL 33460

Re: 3-Strike Rule Citations – **STOP WORK ORDER PENDING** 266 Colonial Ln, B-21-87648

As you know, the Town of Palm Beach Standards Applicable To Public Rights-Of-Way And Easements Within The Town Of Palm Beach regulates the number of construction-related vehicles that can be parked on Town streets in conjunction with building project sites within the Town. Attached to all construction permits issued to a job is information regarding these regulations.

This letter is to serve as notice that on **three** separate occasions you have received parking citations:  
Strike 3 October 17, 2022 (PW-6901 - Inadequate Maintenance of Traffic, Failure to carry-out permit terms/conditions)  
Strike 2 September 7, 2022 (PD-00385 – Construction Parking without a permit)  
Strike 1 July 11, 2022 (PW-6373 – Construction parking without a permit)

Therefore, under the Town's rules (referred to as the "3-strike" rule), the Director of Public Works has notified the Planning, Zoning & Building Department of these violations, and requested that a **"Stop Work"** order be issued as allowed by Section 18-204 of Town Code.

Per Town Resolution No 001-2022, because you have received these strikes, a fine in the amount of \$500.00 is being imposed and is also payable immediate to the Town of Palm Beach. This fine is in addition to all right-of-way fines referenced above. Invoice #81126 is attached.

**An appeal to the Public Works Director needs to be submitted in writing within 10 days of the issuance of your strike. If an appeal is denied or is not filed in a timely fashion, a "Stop Work" order will be issued by the Building Official effective the end of the working day October 27, 2022. After that date, no work may be performed at the site under any permits issued by the Town of Palm Beach.**

All requests to lift a **"Stop Work"** order would need to be decided by the Town Council. The next Town Council meeting date is Tuesday, November 8, 2022. In order for this item to be considered at that meeting, you would need to submit a written request to me no later than **Wednesday, November 2, 2022, prior to 5:00 PM.**

Sincerely,

*Wayne Bergman*

Wayne Bergman  
Director, Building Official, Director, Planning, Zoning & Building Department

cc: Nonsuch Productions Ltd, % Brunton Strachan & Kahn, 4710 NW Boca Raton Blvd, Ste 101, Boca Raton FL 33431  
K. Blouin, Town Manager  
H. Paul Brazil, Public Works Director  
Nicholas Caristo, Police Chief  
Benjamin Alma, Parking and Code Enforcement Manager

Post Office Box 2029 \* 360 South County Road \* Palm Beach, FL 33480 \* (561) 838-5431





TOWN OF PALM BEACH  
Finance Department  
360 South County Road  
PO Box 2029  
Palm Beach, FL 33480  
(561) 838-5444

# INVOICE

81126

Page 1 of 1

|         |            |
|---------|------------|
| DATE    | 10/17/2022 |
| ACCOUNT | MI-000312  |
| AMT DUE | 500.00     |

BELLA CONSTRUCTION CORP  
1327 N PALM WAY  
LAKE WORTH, FL 33460

AMOUNT PAID \_\_\_\_\_



**PAY YOUR STATEMENT ONLINE AT: [HTTPS://TOWNOFPALMBEACH.COM/EDENAR](https://TOWNOFPALMBEACH.COM/EDENAR)**

TOWN OF PALM BEACH

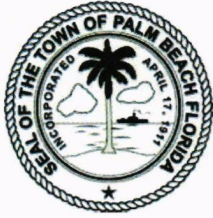
MAKE CHECKS PAYABLE TO TOWN OF PALM BEACH  
PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

| DESCRIPTION                                                        | AMOUNT                      |
|--------------------------------------------------------------------|-----------------------------|
| FINE 3-STRIKE RULE STRIKE 3<br>Fine for Strike 3 - 266 Colonial Ln | 500.00                      |
| Total Amount Due:                                                  | 500.00                      |
| ACCOUNT NO. MI-000312                                              | PAYABLE UPON RECEIPT 500.00 |

Please Remit to: TOWN OF PALM BEACH  
Finance Department  
360 South County Road  
PO Box 2029  
Palm Beach, FL 33480

11-8-22 TCM Backup

**Pay your Statement online at: <https://TownofPalmBeach.com/EDENAR>**  
**Log in or Register as a New User and connect to your account by entering your Account No and Invoice number.**



TOWN OF PALM BEACH  
Finance Department  
360 South County Road  
PO Box 2029  
Palm Beach, FL 33480  
(561) 838-5444

# INVOICE

79025

Page 1 of 1

|         |            |
|---------|------------|
| DATE    | 09/08/2022 |
| ACCOUNT | MI-000312  |
| AMT DUE | 250.00     |

BELLA CONSTRUCTION CORP  
1327 N PALM WAY  
LAKE WORTH, FL 33460

AMOUNT PAID \_\_\_\_\_



**PAY YOUR STATEMENT ONLINE AT: [HTTPS://TOWNOFPALMBEACH.COM/EDENAR](https://TOWNOFPALMBEACH.COM/EDENAR)**

TOWN OF PALM BEACH

MAKE CHECKS PAYABLE TO TOWN OF PALM BEACH  
PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

| DESCRIPTION                                                         | AMOUNT                      |
|---------------------------------------------------------------------|-----------------------------|
| FINE 3-STRIKE RULE STRIKE 2<br>Fine for 2 strikes - 266 Colonial Ln | 250.00                      |
| <div>Total Amount Due:</div>                                        | 250.00                      |
| Fine for 2 strikes - 266 Colonial Ln                                |                             |
| ACCOUNT NO. MI-000312                                               | PAYABLE UPON RECEIPT 250.00 |

Please Remit to: TOWN OF PALM BEACH  
Finance Department  
360 South County Road  
PO Box 2029  
Palm Beach, FL 33480

11-8-22 TCM Backup

**Pay your Statement online at: <https://TownofPalmBeach.com/EDENAR>**  
**Log in or Register as a New User and connect to your account by entering your Account No and Invoice number.**





PW- 6901

PUBLIC WORKS DEPARTMENT  
(561) 838-5440

## R.O.W. VIOLATION NOTICE

NAME: Bella Construction Corp. DATE: 10/17/22  
JOB ADDRESS: 266 Colonial

- |                                                                                                              |                                  |
|--------------------------------------------------------------------------------------------------------------|----------------------------------|
| <input type="checkbox"/> Working in right-of-way without permit                                              | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Failure to have permit on job                                                       | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Construction parking without permit*                                                | \$ 150 X _____ = _____           |
| <input checked="" type="checkbox"/> Inadequate Maintenance of Traffic                                        | \$ 150 X <u>1</u> = <u>\$150</u> |
| <input type="checkbox"/> Right-of-way littered by site dirt or debris                                        | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Failure to maintain safe sidewalk                                                   | \$ 150 X _____ = _____           |
| <input checked="" type="checkbox"/> Failure to carry-out permit terms/conditions<br><u>Loading on Nassau</u> | \$ 150 X <u>1</u> = <u>\$150</u> |
| <input type="checkbox"/> Storage of materials in right-of-way                                                | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Use of right-of-way as work area                                                    | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Damage to infrastructure in right-of-way                                            | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Dewatering without a permit                                                         | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Illegal discharges to Town sewers**                                                 | \$ 500 X _____ = _____           |
| <input type="checkbox"/> Other _____                                                                         | \$ _____ X _____ = _____         |
| <input type="checkbox"/> 2nd and added days of violation, double fine                                        | \$ _____ X _____ = _____         |

TOTAL FINE: \$300

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept., PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Public Works Office at 561-838-5440.

\* Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

\*\* Fine plus clean-up cost.

\*\*\* Includes but not limited to:

Dumpster in Right of Way - \$100 per incident.

Right of Way restoration - \$30 per day until restored.

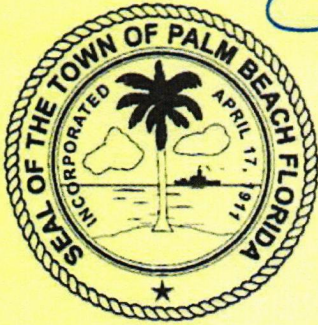
ISSUER

A. J. Purcell

low/PW

pink/issuer





CE 22-1605

PD-00385

## POLICE DEPARTMENT

(561) 838-5454

## R.O.W. VIOLATION NOTICE

NAME: Bella Construction Corp DATE: 9-7-2022JOB ADDRESS: 266 Colonial LN.

- |                                                                                                                                                    |                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <input type="checkbox"/> Working in right-of-way without permit                                                                                    | \$ 150 X _____ = _____            |
| <input type="checkbox"/> Failure to have permit on job                                                                                             | \$ 150 X _____ = _____            |
| <input checked="" type="checkbox"/> Construction parking without permit*<br>1 <sup>st</sup> = \$150 2 <sup>nd</sup> = \$250 and thereafter = \$500 | \$ 150 X <u>2</u> = <u>300.00</u> |
| <input type="checkbox"/> Inadequate Maintenance of Traffic                                                                                         | \$ 150 X _____ = _____            |
| <input type="checkbox"/> Right-of-way littered by site dirt or debris                                                                              | \$ 150 X _____ = _____            |
| <input type="checkbox"/> Failure to maintain safe sidewalk                                                                                         | \$ 150 X _____ = _____            |
| <input type="checkbox"/> Failure to carry-out permit terms/conditions                                                                              | \$ 150 X _____ = _____            |
| <input type="checkbox"/> Storage of materials in right-of-way                                                                                      | \$ 150 X _____ = _____            |
| <input type="checkbox"/> Use of right-of-way as work area                                                                                          | \$ 150 X _____ = _____            |
| <input type="checkbox"/> Damage to infrastructure in right-of-way                                                                                  | \$ 150 X _____ = _____            |
| <input type="checkbox"/> Dewatering without a permit                                                                                               | \$ 150 X _____ = _____            |
| <input type="checkbox"/> Illegal discharges to Town sewers**                                                                                       | \$ 500 X _____ = _____            |
| <input type="checkbox"/> Other _____                                                                                                               | \$ _____ X _____ = _____          |
| <input type="checkbox"/> 2nd and added days of violation, double fine                                                                              | \$ _____ X _____ = _____          |

TOTAL FINE: \$ 300.00

PTX905  
52B LMZ → FL Tigs.

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept., P.O. Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Police Department at 561-838-5454.

\*Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

\*\*Fine plus clean-up cost.

\*\*\*Includes but not limited to:

Dumpster in Right of Way \$100 per incident.

Right of Way restoration - \$30 per day until restored.

ISSUER: J. Felix / 9080

white/violator

yellow/PW

pink/issuer





PW- 6373

PUBLIC WORKS DEPARTMENT  
(561) 838-5440

## R.O.W. VIOLATION NOTICE

NAME: Bella Construction Corp DATE: 3/24/22JOB ADDRESS: 266 Colonial

- ☐ Working in right-of-way without permit \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- ☐ Failure to have permit on job \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- ☒ Construction parking without permit\* S+D shell center strike \$ 150 X 2 = \$300  
1<sup>st</sup> = \$150 2<sup>nd</sup> = \$250 and thereafter = \$500
- ☐ Inadequate Maintenance of Traffic \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- ☐ Right-of-way littered by site dirt or debris \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- ☐ Failure to maintain safe sidewalk \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- ☐ Failure to carry-out permit terms/conditions \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- ☐ Storage of materials in right-of-way \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- ☐ Use of right-of-way as work area \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- ☐ Damage to infrastructure in right-of-way \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- ☐ Dewatering without a permit \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- ☐ Illegal discharges to Town sewers\*\* \$ 500 X \_\_\_\_\_ = \_\_\_\_\_
- ☐ Other \_\_\_\_\_ \$ \_\_\_\_\_ X \_\_\_\_\_ = \_\_\_\_\_
- ☐ 2nd and added days of violation, double fine \$ \_\_\_\_\_ X \_\_\_\_\_ = \_\_\_\_\_

TOTAL FINE: \$300

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept., PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Public Works Office at 561-838-5440.

\* Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

\*\* Fine plus clean-up cost.

\*\*\* Includes but not limited to:

Dumpster in Right of Way - \$100 per incident.

Right of Way restoration - \$30 per day until restored.

ISSUER: Chet Purves

white/violator

yellow/PW

pink/issuer



# TOWN OF PALM BEACH

Town Council Meeting on: November 8, 2022

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## Section of Agenda

Regular Agenda - New Business

## Agenda Title

Review of a Stop Work Order Due to the Three Strike Rule at 1540 South Ocean Boulevard

## Presenter

Wayne Bergman, Director of Planning, Zoning & Building

## ATTACHMENTS:

- ▣ **Memorandum Dated: November 1, 2022, From Wayne Bergman, Director of Planning, Zoning & Building**



# TOWN OF PALM BEACH

Information for Town Council Meeting on: November 8, 2022

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To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: 1540 S. Ocean Blvd. – Third Strike & Stop Work Order

Date: November 1, 2022

---

## **FYI - This Memo is provided as Information to the Town Council**

As you know, the Town has a “Three Strike Rule” for construction parking and construction site management. The regulations and process are found in the Town’s “Department of Public Works, Engineering Division, Standards Applicable to Public Rights-of-Way and Easements Within the Town of Palm Beach” (commonly called the Right-of Way-Manual), dated May 1994, as revised through January 12, 2022. Chapter XII, Miscellaneous Provisions, contains the details of the Three Strike rules. The regulations spell out the process in which contractors can secure parking permits, the fees for various violations, and the process that must occur once a contractor receives Three Strikes – three different sets of tickets for construction violations. The applicable pages of the Right of Way Manual are attached.

1540 S. Ocean Blvd. recently reached the level of Three Strikes for construction violations. The contractor is Seagate Capital Construction. The first violation occurred on March 29, 2022 for right of way work without a permit and inadequate maintenance of traffic, issued by Public Works. The second violation occurred on October 19, 2022 for violation of construction hours, issued by Code Enforcement. The third violation occurred on October 24, 2022 for right of way work without a permit and inadequate maintenance of traffic, issued by Police. Copies of all violations are attached. The Pending Stop Work Order Notice (attached) was sent to the contractor October 26, 2022.

The regulations allow a time frame for the violator to appeal the ticket(s). In this case, since the last violation was issued by Police, the appeal was filed to Chief Nicholas Caristo. The regulations required Chief Caristo to hear / review the appeal (if filed) and render a ruling. Chief Caristo found in favor of the Town, and therefore upheld the Third Strike. This decision occurred on October 31, 2022. The Planning, Zoning & Building Department issued a STOP WORK ORDER for the construction project on November 2, 2022.

The contractor owes the Town \$1,050.00 in fines and fees, at this time.

The Town Council's process for this matter is contained within the Public Works "Right of Way Manual", as follows:

*"When the Town Council receives a written request to lift a stop work order the Town Council shall have the power to admonish the contractor; take such action as deemed necessary to effect the stop work order on a permanent basis by nullifying the existing building permit; cause the contractor and/or property owner to enter into a binding agreement to memorialize the understandings between the Town and the contractor and/or property owner relative to all conditions placed upon the lifting of the stop work order, if applicable; establish penalties for future right-of-way violations the amount for which shall be in the sole discretion of the Town Council; collect the "3 strike" fine, plus payment of any outstanding right-of-way fines and accumulated interest, as referenced herein below and to prohibit the issuance of any additional right-of-way permits for the duration of the work in question.*

*The fine for a third (3<sup>rd</sup>) and each subsequent strike shall be \$500 plus payment of any outstanding right of-way fines and accumulated interest unless the Town Council chooses to invoke the use of a binding agreement memorializing a penalty structure to be paid to the Town for all future right-of-way violations in excess of three (3) to be paid in accordance with the terms and conditions of the binding agreement between the Town and the contractor and/or property owner. All fines and penalties shall be paid in full prior to issuance of a Certificate of Occupancy for the construction associated with the activity that generated the fines, penalties, and interest."*

Any motion to resolve this matter should include "waiving the third strike" and "granting the ability for the contractor to apply for future right of way permits".

Attachments: Copies of the three violations  
Copy of the Pending Stop Work Order Notice  
Appeal Letter from the contractor  
Town Decision on the Appeal

Cc: Paul Brazil, Director of Public Works  
Police Chief Nicholas Caristo  
Debby Moody





PW- 6377

**PUBLIC WORKS DEPARTMENT**  
(561) 838-5440**R.O.W. VIOLATION NOTICE**NAME: Seagate Capital DATE: 3/29/22JOB ADDRESS: 1540 S Ocean

- |                                     |                                                                        |            |          |   |              |
|-------------------------------------|------------------------------------------------------------------------|------------|----------|---|--------------|
| <input type="checkbox"/>            | Working in right-of-way without permit                                 | \$ 150 X   | _____    | = | _____        |
| <input checked="" type="checkbox"/> | Failure to have permit on job                                          | \$ 150 X   | <u>1</u> | = | <u>\$150</u> |
| <input checked="" type="checkbox"/> | Construction parking without permit*                                   | \$ 150 X   | _____    | = | _____        |
|                                     | 1 <sup>st</sup> = \$150 2 <sup>nd</sup> = \$250 and thereafter = \$500 |            |          |   |              |
| <input checked="" type="checkbox"/> | Inadequate Maintenance of Traffic                                      | \$ 150 X   | <u>1</u> | = | <u>\$150</u> |
| <input type="checkbox"/>            | Right-of-way littered by site dirt or debris                           | \$ 150 X   | _____    | = | _____        |
| <input type="checkbox"/>            | Failure to maintain safe sidewalk                                      | \$ 150 X   | _____    | = | _____        |
| <input checked="" type="checkbox"/> | Failure to carry-out permit terms/conditions                           | \$ 150 X   | <u>1</u> | = | <u>\$150</u> |
|                                     | <i>Not parked in front of site</i>                                     |            |          |   |              |
| <input type="checkbox"/>            | Storage of materials in right-of-way                                   | \$ 150 X   | _____    | = | _____        |
| <input type="checkbox"/>            | Use of right-of-way as work area                                       | \$ 150 X   | _____    | = | _____        |
| <input type="checkbox"/>            | Damage to infrastructure in right-of-way                               | \$ 150 X   | _____    | = | _____        |
| <input type="checkbox"/>            | Dewatering without a permit                                            | \$ 150 X   | _____    | = | _____        |
| <input type="checkbox"/>            | Illegal discharges to Town sewers**                                    | \$ 500 X   | _____    | = | _____        |
| <input type="checkbox"/>            | Other _____                                                            | \$ _____ X | _____    | = | _____        |
| <input type="checkbox"/>            | 2nd and added days of violation, double fine                           | \$ _____ X | _____    | = | _____        |

TOTAL FINE: \$450

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept., PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Public Works Office at 561-838-5440.

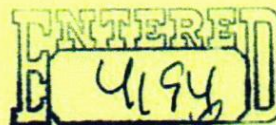
\* Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

\*\* Fine plus clean-up cost.

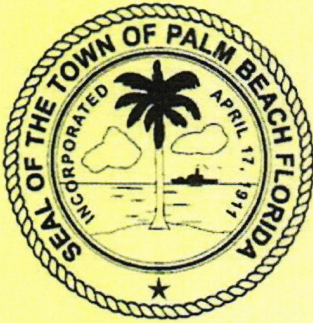
\*\*\* Includes but not limited to:

Dumpster in Right of Way - \$100 per incident.

Right of Way restoration - \$30 per day until restored.

ISSUER: Chat Purvis





PD- 01452

**POLICE DEPARTMENT**  
(561) 838-5454**R.O.W. VIOLATION NOTICE**NAME: Sengale Capital Construction LLC DATE: 10-17-22JOB ADDRESS: 1540 S. Ocean Blvd

- |                                                                                                                                         |                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| <input type="checkbox"/> Working in right-of-way without permit                                                                         | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Failure to have permit on job                                                                                  | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Construction parking without permit*<br>1 <sup>st</sup> = \$150 2 <sup>nd</sup> = \$250 and thereafter = \$500 | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Inadequate Maintenance of Traffic                                                                              | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Right-of-way littered by site dirt or debris                                                                   | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Failure to maintain safe sidewalk                                                                              | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Failure to carry-out permit terms/conditions                                                                   | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Storage of materials in right-of-way                                                                           | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Use of right-of-way as work area                                                                               | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Damage to infrastructure in right-of-way                                                                       | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Dewatering without a permit                                                                                    | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Illegal discharges to Town sewers**                                                                            | \$ 500 X _____ = _____           |
| <input checked="" type="checkbox"/> Other <u>Construction Hours</u>                                                                     | \$ <u>250</u> X <u>1</u> = _____ |
| <input type="checkbox"/> 2nd and added days of violation, double fine                                                                   | \$ _____ X _____ = _____         |

**TOTAL FINE:** \$250.00

Total fine to be paid within 10 working days to: Town of Palm Beach, **Finance Dept.**, P.O. Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Police Department at 561-838-5454.

\*Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

\*\*Fine plus clean-up cost.

\*\*\*Includes but not limited to:

Dumpster in Right of Way \$100 per incident.

Right of Way restoration - \$30 per day until restored.

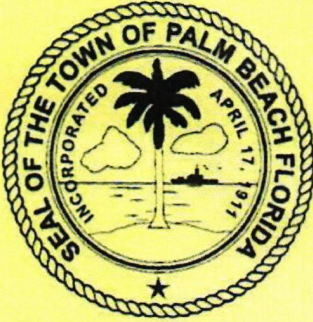
ISSUER J. Felix / 9080 CAD # 2062-292062

white/violator

yellow/PW

pink/issuer





PD-01454

**POLICE DEPARTMENT**  
(561) 838-5454**R.O.W. VIOLATION NOTICE**NAME: CAPITAL Construction Development DATE: 10-24-22JOB ADDRESS: 1540 S. Ocean Blvd

- |                                                                                                                                         |                                |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| <input checked="" type="checkbox"/> Working in right-of-way without permit                                                              | \$ 150 X <u>1</u> = <u>150</u> |
| <input type="checkbox"/> Failure to have permit on job                                                                                  | \$ 150 X _____ = _____         |
| <input type="checkbox"/> Construction parking without permit*<br>1 <sup>st</sup> = \$150 2 <sup>nd</sup> = \$250 and thereafter = \$500 | \$ 150 X _____ = _____         |
| <input checked="" type="checkbox"/> Inadequate Maintenance of Traffic                                                                   | \$ 150 X <u>1</u> = <u>150</u> |
| <input type="checkbox"/> Right-of-way littered by site dirt or debris                                                                   | \$ 150 X _____ = _____         |
| <input type="checkbox"/> Failure to maintain safe sidewalk                                                                              | \$ 150 X _____ = _____         |
| <input type="checkbox"/> Failure to carry-out permit terms/conditions                                                                   | \$ 150 X _____ = _____         |
| <input type="checkbox"/> Storage of materials in right-of-wy                                                                            | \$ 150 X _____ = _____         |
| <input type="checkbox"/> Use of right-of-way as work area                                                                               | \$ 150 X _____ = _____         |
| <input type="checkbox"/> Damage to infrastructure in right-of-way                                                                       | \$ 150 X _____ = _____         |
| <input type="checkbox"/> Dewatering without a permit                                                                                    | \$ 150 X _____ = _____         |
| <input type="checkbox"/> Illegal discharges to Town sewers**                                                                            | \$ 500 X _____ = _____         |
| <input type="checkbox"/> Other _____                                                                                                    | \$ _____ X _____ = _____       |
| <input type="checkbox"/> 2nd and added days of violation, double fine                                                                   | \$ _____ X _____ = _____       |

**TOTAL FINE:** 300

Total fine to be paid within 10 working days to: Town of Palm Beach, **Finance Dept.**, P.O. Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Police Department at 561-838-5454.

\*Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

\*\*Fine plus clean-up cost.

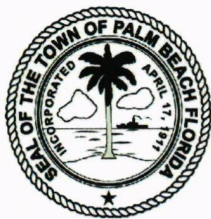
\*\*\*Includes but not limited to:

Dumpster in Right of Way \$100 per incident.

Right of Way restoration - \$30 per day until restored.

ISSUER P3 PR335 0197 2-22-297104





TOWN OF PALM BEACH  
Finance Department  
360 South County Road  
PO Box 2029  
Palm Beach, FL 33480  
(561) 838-5444

# INVOICE

81136

Page 1 of 1

|         |            |
|---------|------------|
| DATE    | 10/26/2022 |
| ACCOUNT | MI-000320  |
| AMT DUE | 500.00     |

SEAGATE CAPITAL CONSTRUCTION  
400 VILLAGE SQ  
Unit 3  
PALM BEACH GARDENS, FL 33410

AMOUNT PAID \_\_\_\_\_



**PAY YOUR STATEMENT ONLINE AT: [HTTPS://TOWNOFPALMBEACH.COM/EDENAR](https://TOWNOFPALMBEACH.COM/EDENAR)**

TOWN OF PALM BEACH

MAKE CHECKS PAYABLE TO TOWN OF PALM BEACH  
PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

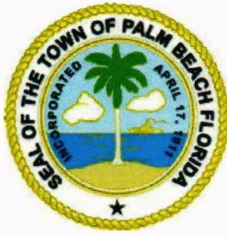
| DESCRIPTION                                                          | AMOUNT                      |
|----------------------------------------------------------------------|-----------------------------|
| FINE 3-STRIKE RULE STRIKE 3<br>FINE FOR STRIKE 3 - 1540 S OCEAN BLVD | 500.00                      |
| Total Amount Due:                                                    | 500.00                      |
| ACCOUNT NO. MI-000320                                                | PAYABLE UPON RECEIPT 500.00 |

Please Remit to: TOWN OF PALM BEACH  
Finance Department  
360 South County Road  
PO Box 2029  
Palm Beach, FL 33480

11-8-22 TCM Backup

**Pay your Statement online at: <https://TownofPalmBeach.com/EDENAR>**  
**Log in or Register as a New User and connect to your account by entering your Account No and Invoice number.**





## TOWN OF PALM BEACH

Planning, Zoning & Building Department

October 26, 2022

Via email: [ggraue@seagate-capital.com](mailto:ggraue@seagate-capital.com);  
[david@seagate-capital.com](mailto:david@seagate-capital.com); [skirsch@drifund.com](mailto:skirsch@drifund.com)

Seagate Capital Construction LLC  
% Garrett Graue  
400 Village Sq, Suite 3  
Palm Beach Gardens, FL 33410

Re: **STOP WORK ORDER PENDING** 3-Strike Rule Citations – 1540 S Ocean Blvd, B-21-91998

As you know, the Town of Palm Beach Standards Applicable To Public Rights-Of-Way And Easements Within The Town Of Palm Beach regulates the number of construction-related vehicles that can be parked on Town streets in conjunction with building project sites within the Town. Attached to all construction permits issued to a job is information regarding these regulations.

This letter is to serve as notice that on **THREE** separate occasions you have received parking citations:  
Strike 3 October 24, 2022 (PD 01454 Working in right-of-way without permit, Inadequate Maintenance of Traffic)  
Strike 2 October 19, 2022 (PD-01452 – Construction Hours)  
Strike 1 March 29, 2022 (PW-6377 –Failure to have permit on job, Inadequate Maintenance of Traffic, Failure to carry-out permit terms/conditions)

Therefore, under the Town's rules (referred to as the "3-strike" rule), the Director of Public Works has notified the Planning, Zoning & Building Department of these violations, and requested that a "Stop Work" order be issued as allowed by Section 18-204 of Town Code.

Per Town Resolution No 001-2022, because you have received these strikes, a fine in the amount of \$500.00 is being imposed and is also payable immediate to the Town of Palm Beach. This fine is in addition to all right-of-way fines referenced above. Invoice # 81136 is attached.

**An appeal to the Police Chief needs to be submitted in writing no later than October 31, 2022 (within 7 days). If an appeal is denied or is not filed in a timely fashion, a "Stop Work" order will be issued by the Building Official effective the end of the working day October 31, 2022. After that date, no work may be performed at the site under any permits issued by the Town of Palm Beach.**

All requests to lift a "Stop Work" order would need to be decided by the Town Council. The next Town Council meeting date is Tuesday, November 8, 2022. In order for this item to be

Post Office Box 2029 \* 360 South County Road \* Palm Beach, FL 33480 \* (561) 838-5430

considered at that meeting, you would need to submit a written request to me no later than **Wednesday, November 2, 2022, prior to 5:00 PM.**

Truly yours,

*Wayne Bergman*

Wayne Bergman  
Director, Building Official

cc: 1540SOCEAN LLC, 319 Clematis St, 808, West Palm Beach, FL 33401  
K. Blouin, Town Manager  
H. Paul Brazil, Public Works Director  
Nicholas Caristo, Police Chief  
Benjamin Alma, Parking and Code Enforcement Manager



October 31, 2022

Town of Palm Beach Police Department  
Attn: Nicolas P. Caristo, Chief of Police  
345 S County Road  
Palm Beach, FL 33480

Re: 1540 S Ocean Blvd.  
B-21-91998

Chief Caristo,

Our company is the General Contractor for a new home construction project located at 1540 S Ocean Blvd. I am writing to you to respectfully appeal the citation letter that we received on October 26, 2022. This citation was issued as a result of the site contractor sending a grapple truck to pickup debris on the East side of our property. My superintendent had previously notified the site contractor that we had room inside our property for their truck to park and then reach over our construction fence so the debris could be picked up from within our property rather than from the outside street. I checked the permit record and we have pulled 24 Right of Way permits during this project so we are familiar with the requirement and procedure for Right of Way permits and would have pulled the permit if necessary. Unfortunately the site contractor did not convey the information about parking inside our property to the driver who proceeded to pull up on the outside of the road to collect the debris. My superintendent was onsite during this time but at the opposite end of the property and therefore unaware that the truck was out front. As soon as my superintendent was notified that the site contractor driver was out front he immediately asked him to leave and reminded him that he needed a ROW permit for any activity in the road. I apologize for this violation as we are aware of the requirement for ROW permits and properly notified our site contractor if one was required. I'm respectfully asking for you to grant an appeal of this citation. Thank you for your consideration.

Thank you,

A handwritten signature in blue ink, appearing to read 'J. McAlees', with a stylized flourish at the end.

Joshua McAlees  
Principal

561.623.1046  
400 Village Square Crossing, Suite 3 | Palm Beach Gardens, FL 33410  
CGC-1531232



## Wayne Bergman

---

**From:** Nicholas Caristo  
**Sent:** Monday, October 31, 2022 1:16 PM  
**To:** Josh McAlees  
**Cc:** Wayne Bergman; Benjamin Alma  
**Subject:** RE: 1540 S Ocean Blvd.

Good afternoon Mr. McAlees,

I am in receipt of your appeal request.

Town Ordinance allows ten days after each violation to contest the violation. You have elected to contest R.O.W. Violation Notice #PD-01454, issued on October 24, 2022, for Working In Right-of-Way Without Permit and Inadequate Maintenance of Traffic.

After thorough review of the Town Ordinance and the Town's Right-of Way Manual along with stated violations, the request for dismissal of the violation PD-01454 is denied.

As previous stated in your prior appeal, with the recent changes in Town ordinances and the Town's commitment to strongly enforce construction site violations, I have an obligation to ensure consistencies in the enforcement.

Sincerely,

Nicholas Caristo  
Chief of Police

Palm Beach Police Department  
345 South County Road  
Palm Beach, FL 33480  
561-838-5454

---

**From:** Josh McAlees <josh@seagate-capital.com>  
**Sent:** Monday, October 31, 2022 12:51 PM  
**To:** Nicholas Caristo <NCaristo@PalmBeachPolice.com>  
**Cc:** Wayne Bergman <wbergman@TownOfPalmBeach.com>  
**Subject:** 1540 S Ocean Blvd.

\*\*\*\*\*Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.\*\*\*\*\*

Chief Caristo,  
Please see attached letter requesting an appeal of our recent Right of Way violation for 1540 S Ocean Blvd.

Thank you,

**JOSH McALEES**

# TOWN OF PALM BEACH

Town Council Meeting on: November 8, 2022

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## Section of Agenda

Ordinances - Second Reading

## Agenda Title

Proposed Ordinance to Amend the FY22 Budget

ORDINANCE NO. 017-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2021, and Providing an Effective Date.

## Presenter

Jane Le Clainche, Director of Finance

## ATTACHMENTS:

- ▣ **Ordinance No. 017-2022**
- ▣ **Exhibit A**
- ▣ **Exhibit B**
- ▣ **Exhibit C**



**ORDINANCE NO. 17-2022**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE TOWN'S BUDGETS ADOPTED FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2021, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it was necessary for the Town of Palm Beach to adopt budgets for the fiscal year commencing October 1, 2021; and

**WHEREAS**, the Town Council of the Town of Palm Beach, Florida, deems it necessary and appropriate to amend said budgets to provide appropriations adequate for the authorization of expenditures necessary for conducting Town operations for the fiscal year ending September 30, 2022; and

**WHEREAS**, the budget amendment is necessary for the General Fund, Par 3 Golf Course, and Building Funds; and

**WHEREAS**, said budget amendments are required to be approved by ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing recitals are hereby ratified and confirmed.

**Section 2.** The General Fund, Par 3 Golf Course, and Building Fund budgets for the fiscal year commencing October 1, 2021, are hereby amended, and adopted pursuant to Exhibits "A", "B", and "C" attached hereto and made a part of this ordinance.

**Section 3.** Effective Date. This ordinance shall take effect immediately upon passage and approval as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of the Palm Beach on first reading this 13th day of October, 2022, and for second and final reading on this 8<sup>th</sup> day of November, 2022.

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Danielle H. Moore, Mayor

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Margaret A. Zeidman, Town Council President

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Bobbie Lindsay, Council President Pro Tem

---

Julie Araskog, Town Council Member

ATTEST:

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Edward A. Cooney, Town Council Member

---

Pat Gayle-Gordon, Acting Town Clerk

---

Lewis S.W. Crampton, Town Council Member

**Town of Palm Beach, Florida**  
**General Fund**  
**Budget Amendment**

|                                           |                      |                      | <b>Ordinance No.</b> | <b>FY2022</b>       |
|-------------------------------------------|----------------------|----------------------|----------------------|---------------------|
|                                           |                      |                      | <b>17-2022</b>       | <b>Amended</b>      |
|                                           | <b>Budget FY2021</b> | <b>Budget FY2022</b> | <b>Amendment</b>     | <b>Budget</b>       |
| <b>Revenues</b>                           |                      |                      |                      |                     |
| Ad Valorem Taxes                          | \$57,134,058         | \$59,663,700         |                      | \$59,663,700        |
| Non Ad Valorem Taxes                      | 6,351,000            | 6,710,500            |                      | \$6,710,500         |
| Licenses & Permits                        | 4,245,100            | 4,419,233            |                      | \$4,419,233         |
| Intergovernmental                         | 956,000              | 1,121,700            |                      | \$1,121,700         |
| Charges for Services                      | 5,384,700            | 6,172,500            |                      | \$6,172,500         |
| Fines and Forfeitures                     | 916,000              | 1,025,500            |                      | \$1,025,500         |
| Investment Earnings                       | 904,715              | 359,811              |                      | \$359,811           |
| Miscellaneous Revenues                    | 494,500              | 499,500              |                      | \$499,500           |
| Interfund Transfers                       | 25,000               | 536,665              |                      | \$536,665           |
| Transfer From Fund Balance                | 1,304,500            | 5,431,464            |                      | \$5,431,464         |
| Transfer from Building Fund               | 3,200,000            | 3,200,000            | \$1,324,601          | \$4,524,601         |
| <b>Total Revenues</b>                     | <b>\$80,915,573</b>  | <b>\$89,140,573</b>  | <b>\$1,324,601</b>   | <b>\$90,465,174</b> |
| <b>Expenditures</b>                       |                      |                      |                      |                     |
| <b>Department</b>                         |                      |                      |                      |                     |
| Legislative                               | \$154,400            | \$152,500            |                      | \$152,500           |
| General Government                        | 863,542              | 1,004,050            |                      | \$1,004,050         |
| Town Manager                              | 802,615              | 947,587              |                      | \$947,587           |
| Town Clerk                                | 316,092              | 357,145              |                      | \$357,145           |
| Advice and Litigation                     | 390,000              | 365,000              |                      | \$365,000           |
| Human Resources                           | 700,508              | 729,523              |                      | \$729,523           |
| Information Systems                       | 2,935,478            | 3,072,318            |                      | \$3,072,318         |
| Finance                                   | 1,774,049            | 1,865,675            |                      | \$1,865,675         |
| Recreation and Tennis                     | 1,865,276            | 2,049,732            |                      | \$2,049,732         |
| Planning/Building/Zoning                  | 1,401,621            | 1,579,265            |                      | \$1,579,265         |
| Library                                   | 352,650              | 363,230              |                      | \$363,230           |
| Fire-Rescue                               | 14,621,091           | 15,346,841           |                      | \$15,346,841        |
| Police                                    | 16,906,530           | 16,877,684           |                      | \$16,877,684        |
| Public Works                              | 16,076,276           | 16,700,542           |                      | \$16,700,542        |
| Contingency                               | 600,000              | 600,000              |                      | \$600,000           |
| Transfer to Other Funds                   |                      |                      |                      | \$0                 |
| Transfer to CIP                           | 2,662,000            | 8,428,200            |                      | \$8,428,200         |
| Transfer to Coastal                       | 4,777,000            | 4,920,310            |                      | \$4,920,310         |
| Transfer to UU Fund                       | 165,000              | 176,550              |                      | \$176,550           |
| Transfer to Debt Service                  | 5,691,148            | 5,676,719            |                      | \$5,676,719         |
| Transfer to Risk Fund                     | 2,010,439            | 2,173,487            |                      | \$2,173,487         |
| Transfer to OPEB Trust Fund               | 429,858              | 334,215              |                      | \$334,215           |
| Extraordinary Transfer to Retirement Fund | 5,420,000            | 5,420,000            |                      | \$5,420,000         |
| <b>Total General Fund Expenditures</b>    | <b>\$80,915,573</b>  | <b>\$89,140,573</b>  | <b>\$0</b>           | <b>\$89,140,573</b> |
| <b>Revenues Over/(Under) Expenditures</b> | <b>\$0</b>           | <b>\$0</b>           | <b>\$1,324,601</b>   | <b>\$1,324,601</b>  |

**Par 3 Golf Course Fund (402)**  
**Revenue and Expense Summary**

|                                                            | FY2020           | FY2021           | FY2022           | Ordinance No.        | FY2022            |
|------------------------------------------------------------|------------------|------------------|------------------|----------------------|-------------------|
|                                                            | Actual           | Actual           | Budget           | 17-2022<br>Amendment | Amended<br>Budget |
| <b>Revenues</b>                                            |                  |                  |                  |                      |                   |
| Golf Teaching Services                                     | 49,554           | 78,475           | 60,000           |                      | 60,000            |
| Resident Pass Fees                                         | 16,900           | 24,730           | 10,000           |                      | 10,000            |
| Non-resident Pass Fees                                     | 3,000            | 5,432            | -                |                      | -                 |
| 12 Play Pass - Regular Rate                                | 2,880            | 6,546            | 1,500            |                      | 1,500             |
| 12 Play Pass - Resident Rate                               | 8,467            | 599              | 6,000            |                      | 6,000             |
| Greens Fees - Regular Rate                                 | 490,126          | 1,053,143        | 490,000          | 200,000              | 690,000           |
| Greens Fees - Resident Rate                                | 393,006          | 389,805          | 490,000          |                      | 490,000           |
| Greens Fees - Reg Weekends & Holidays                      | 76,020           | 98,012           | 150,000          |                      | 150,000           |
| Greens Fees - Resident Weekend & Holidays                  | 210,498          | 400,884          | 267,200          |                      | 267,200           |
| Merchandise Sales                                          | 356,230          | 501,073          | 440,000          | 255,000              | 695,000           |
| Food and Beverage Sales                                    | 47,106           | 66,405           | 80,000           |                      | 80,000            |
| Riding Cart Rental - Resident Rate                         | 303,211          | 540,797          | 290,000          | 100,000              | 390,000           |
| Riding Cart Rental - Regular Rate                          | -                | -                | 18,100           |                      | 18,100            |
| Pull Cart Rental                                           | 22,571           | 30,247           | 30,000           |                      | 30,000            |
| Club Rentals                                               | 62,889           | 95,937           | 80,000           |                      | 80,000            |
| Driving Range                                              | 83,678           | 129,439          | 115,000          |                      | 115,000           |
| Driving Range - 10 bucket program                          | 21,750           | 27,127           | 30,000           |                      | 30,000            |
| Programs and Special Events                                | 1,083            | 1,290            | 4,000            |                      | 4,000             |
| Golf Pro Administrative Fee                                | -                | -                | -                |                      | -                 |
| Golf Outings                                               | 41,244           | 80,373           | 85,000           |                      | 85,000            |
| Gift Certificates Sold                                     | 18,878           | 32,123           | 30,000           |                      | 30,000            |
| Gift Certificates Redeemed                                 | (10,235)         | (20,088)         | (30,000)         |                      | (30,000)          |
| Maint. And Improvement Fee                                 | 10,286           | 934              | -                |                      | -                 |
| Sales Tax Commission                                       | 330              | 360              | -                |                      | -                 |
| Golf Now Transaction Fee                                   | 10,926           | 1,992            | -                |                      | -                 |
| Electricity - Par 3                                        | 5,944            | 6,267            | 4,000            |                      | 4,000             |
| Interest Income                                            | 150              | 930              | -                |                      | -                 |
| Miscellaneous Revenue                                      | -                | 508              | -                |                      | -                 |
| <b>TOTALS</b>                                              | <b>2,288,505</b> | <b>3,652,363</b> | <b>2,730,800</b> | <b>555,000</b>       | <b>3,285,800</b>  |
| <b>Expenses</b>                                            |                  |                  |                  |                      |                   |
| Salaries and Wages                                         | 485,340          | 452,658          | 545,995          |                      | 545,995           |
| Employee Benefits                                          | 272,139          | 286,595          | 315,595          | 5,000                | 320,595           |
| Contractual                                                | 587,045          | 825,271          | 793,300          | 200,000              | 993,300           |
| Commodities                                                | 337,059          | 493,355          | 417,425          | 350,000              | 767,425           |
| Capital Outlay                                             | -                | -                | -                |                      | -                 |
| <b>TOTALS</b>                                              | <b>1,681,583</b> | <b>2,057,879</b> | <b>2,072,315</b> | <b>555,000</b>       | <b>2,627,315</b>  |
| Operating Revenues Over/(Under) Expenses                   | 606,922          | 1,594,484        | 658,485          | -                    | 658,485           |
| Transfer to Equipment Replace and Golf course Reserve Fund | (179,649)        | (40,539)         | (226,391)        |                      | (263,924)         |
| Assets                                                     | (500)            | (36,236)         | -                |                      | -                 |
| Contingency                                                | -                | -                | (103,616)        |                      | (93,223)          |
| Transfer to Debt Service                                   | (199,813)        | (194,813)        | (191,100)        |                      | (194,813)         |
| Transfer to General Fund                                   | (25,000)         | (25,000)         | (25,000)         |                      | (25,000)          |
| <b>Total Revenues Over/(Under) Expenses</b>                | <b>201,959</b>   | <b>1,297,897</b> | <b>112,378</b>   | <b>-</b>             | <b>81,525</b>     |

**Building Fund (405)**  
**Revenue and Expense Summary**

|                                           | FY2020<br>Actual | FY2021<br>Actual  | FY2022<br>Budget | Ordinance No.<br>17-2022<br>Amendment | FY2022<br>Amended<br>Budget |
|-------------------------------------------|------------------|-------------------|------------------|---------------------------------------|-----------------------------|
| <b><u>Revenues</u></b>                    |                  |                   |                  |                                       |                             |
| Town Plan Review & Town Inspection        | 6,806,918        | 9,847,393         | 5,930,200        |                                       | 5,930,200                   |
| Permit Processing                         | 21,190           | 41,993            | 40,000           |                                       | 40,000                      |
| Permit Penalty                            | 25,888           | 23,500            | 45,000           |                                       | 45,000                      |
| Reinspection Fees                         | 1,510            | 2,010             | 2,000            |                                       | 2,000                       |
| Contractor Registration Fees              | 6,725            | 10,200            | 7,000            |                                       | 7,000                       |
| Dune Vegetation Fee                       |                  | 100               |                  |                                       | -                           |
| Permit Revision Fee                       | 178,600          | 184,100           | 180,000          |                                       | 180,000                     |
| Flood Plain Management Fee                | 11,250           | 21,150            | 10,000           |                                       | 10,000                      |
| Right of Way Permits                      | 1,026,273        | 430,666           | 600,000          |                                       | 600,000                     |
| Building Inspection Fund Fees             | 10,602           | 14,815            | 10,000           |                                       | 10,000                      |
| Radon Gas                                 | 7,143            | 9,952             | 10,000           |                                       | 10,000                      |
| ROW Violations                            | 63,475           | 47,951            | 15,000           |                                       | 15,000                      |
| Building Permit Search Fee                | 55,650           | 107,400           | 50,000           |                                       | 50,000                      |
| Interest Earnings                         |                  | 2,251             |                  |                                       |                             |
| Miscellaneous Revenue                     | 7,500            | 570               | 4,919            |                                       | 4,919                       |
| Transfer from Equipment Replacement Fund  |                  | 26940             |                  |                                       |                             |
| <b>TOTALS</b>                             | <b>8,222,724</b> | <b>10,770,991</b> | <b>6,904,119</b> | <b>-</b>                              | <b>6,904,119</b>            |
| <b><u>Expenses</u></b>                    |                  |                   |                  |                                       |                             |
| Salaries and Wages                        | 998,913          | 1,312,099         | 1,599,288        |                                       | 1,599,288                   |
| Employee Benefits                         | 622,438          | 714,318           | 737,555          |                                       | 737,555                     |
| Contractual                               | 764,630          | 675,214           | 967,500          |                                       | 967,500                     |
| Commodities                               | 23,737           | 33,183            | 32,000           |                                       | 32,000                      |
| Capital Outlay                            | -                | -                 | -                |                                       | -                           |
| Transfer for Services to the General Fund | -                | 3,200,000         | 3,200,000        | 1,324,601                             | 4,524,601                   |
| <b>TOTALS</b>                             | <b>2,409,718</b> | <b>5,934,814</b>  | <b>6,536,343</b> | <b>1,324,601</b>                      | <b>7,860,944</b>            |
| <b>Operating Revenues Over/(Under)</b>    |                  |                   |                  |                                       |                             |
| Expenses                                  | 5,813,006        | 4,836,177         | 367,776          | (1,324,601)                           | (956,825)                   |
| Depreciation                              | (98,323)         | (7,930)           | (343,148)        |                                       | -                           |
| Pension/OPEB Expense                      |                  | (2,181,541)       |                  |                                       |                             |
| Capital Expenses                          | -                | -                 | -                |                                       | -                           |
| Contingency                               | -                | -                 | (166,817)        |                                       | (166,817)                   |
| Other                                     | -                | -                 | -                | -                                     | -                           |
| <b>TOTAL REVENUES OVER/(UNDER)</b>        |                  |                   |                  |                                       |                             |
| <b>EXPENSES</b>                           | <b>5,714,683</b> | <b>2,646,706</b>  | <b>(142,189)</b> | <b>(1,324,601)</b>                    | <b>(1,123,642)</b>          |
| Beginning Net Assets                      | -                | -                 | 2,646,706        | -                                     | 2,646,706                   |
| <b>ENDING NET ASSETS</b>                  | <b>-</b>         | <b>2,646,706</b>  | <b>2,504,517</b> | <b>-</b>                              | <b>1,523,064</b>            |