

TENTATIVE:
SUBJECT TO
REVISION



TOWN OF PALM BEACH

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

OCTOBER 13, 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. RECOGNITIONS

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

Danielle H. Moore, Mayor

VI. BOARDS AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

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

Pat Gayle-Gordon, Acting Town Clerk

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

Pat Gayle-Gordon, Acting Town Clerk

VII. COMMENTS OF MAYOR DANIELLE H. MOORE

VIII. COMMENTS OF TOWN COUNCIL MEMBERS

IX. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

X. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

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: If needed

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
 - b. Review of Proposed North County Road Alignment

C. New Business

1. Discussion Regarding Limiting the Number of Restaurants in a One Block Area
Julie Araskog, Town Council Member
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
3. Exterior Construction Waiver for Gucci Store on Worth Avenue
Wayne Bergman, Director of Planning, Zoning and Building
4. Waiver of Town Code Section 18-237, For Building Permit Extension at 230 Atlantic Avenue
Wayne Bergman, Director of Planning, Zoning and Building
5. Review of Stop Work Order Due to Three-Strike Rule at 251 Tangier Avenue
Wayne Bergman, Director of Planning, Zoning & Building

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

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

XIII. ANY OTHER MATTERS

XIV. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: Please submit written comments/materials to 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) 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).

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: October 13, 2022

Section of Agenda

Recognitions

Agenda Title

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

Presenter

Danielle H. Moore, Mayor

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda

BOARDS AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

Agenda Title

Presentations by the Applicants and Appointment to the Investment Advisory Committee

Presenter

Pat Gayle-Gordon, Acting Town Clerk

ATTACHMENTS:

- ▣ **Memorandum Dated October 3, 2022, from Pat Gayle-Gordon, Acting Town Clerk**
- ▣ **Attendance Record**
- ▣ **Member Roster**
- ▣ **Status Sheet**
- ▣ **Sample Ballot**
- ▣ **Application - Jacqueline de Sanctis**

TOWN OF PALM BEACH

Information for Town Council Meeting on October 13, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Pat Gayle-Gordon, Acting Town Clerk

RE: Investment Advisory Committee Appointment of One Member

DATE: October 3, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached application and appoint one (1) regular member to the Investment Advisory Committee. This member will fill the remainder of the term created due to the resignation of Michael Greenwald and which expires on May 1, 2024.

GENERAL INFORMATION

The Town Clerk's office has received one (1) application seeking **NEW APPOINTMENT** from the following:

Jacqueline de Sanctis – 2190 Ibis Isle Road, Unit 4, Palm Beach, FL;

Attachments

cc: Jane Le Clainche, Director of Finance

Investment Advisory Committee

Attendance

2022

Meeting Date	2/18/2022	5/20/2022	8/19/2022	
Members				
Chris Storkerson, CH	Present	Present	Present	
Kathleen Anderson, V-CH	Present	Present	Present	
David McDonald	Present	Present	Present	
Michael Greenwald	Exc. Absence	Present	resigned	
Llyod McAdams	Present	Present	Present	

Voting Conflicts

Members				
Meeting Date	2/18/2022	5/20/2022	8/19/2022	
Chris Storkerson, CH	none	none	none	
Kathleen Anderson, V-CH	none	none	none	
David McDonald	none	none	none	
Michael Greenwald	none	none	0	
Lloyd McAdams	none	none	none	

TOWN OF PALM BEACH
INVESTMENT ADVISORY COMMITTEE
As of October 1, 2022

TRUSTEES:

TERM:

Town Resident

Mr. Chris Storkerson
302 N. Woods Road
Palm Beach, FL 33480
Ph: 561-863-5060 H
Ph: 561-802-2033 W
PH: 561-319-9499 C
cs102@ntrs.com

First Appointed 4/2013
Term Expires 4/2023
(5 terms)

Town Resident

Ms. Kathleen Anderson
2660 South Ocean Blvd Apt 401
Palm Beach, Florida 33480
Kma2658@aol.com
Ph: 609-915-9318

First Appointed 12/2017
Term Expires 5/2024
(1 term)

*Town Resident
Member*

Mr. David McDonald
234 Merrain Road
Palm Beach, Florida 33480
Ph: 646-709-4215
Dgmcdonald1@gmail.com

First Appointed 11/2018
Term Expires 5/2023
(2 terms)

*Town Resident
Member*

Vacant

*Town Resident
Member*

Mr. Lloyd McAdams
243 Tangier Avenue
Palm Beach, FL 33480
Ph: 561-670-2082
Ph: 310-463-7263
Lmcadams@pacificincome.com

First Appointed 4/2021
Term Expires 5/2023

INVESTMENT ADVISORY COMMITTEE

Next appointment: Thursday, October 13, 2022, Town Council meeting

Openings advertised via news release: August 19, 2022

Deadline to submit applications: Friday, September 30, 2022

Number of openings: 1 Regular Member

Applicants

<u>NAME</u>	<u>SEEKING</u>
Jacqueline de Sanctis	New Appointment
	New Appointment

Current members and open seats

<u>NAME</u>	<u>TERM EXPIRES</u>
<u>Regular Members</u>	
Chris Storkerson	5/2023
Kathleen Anderson	5/2024
David McDonald	5/2023
VACANT	5/2024
Lloyd McAdams	5/2023

Highlighted in yellow=term currently expiring

*=Applied for reappointment

**=Termed out

BALLOT FOR APPOINTMENT OF **REGULAR** MEMBER(S)
TO THE **INVESTMENT ADVISORY COMMITTEE (IAC)**
Town Council Meeting on **October 13, 2022**

Position to be filled: 1 Regular Member

Please circle 1 from the list of names appearing below

Individual Who Has Submitted Application

Jacqueline de Sanctis

Signature of Town Council Member: _____
Town Council Member

Application for Service

Profile

Jacqueline

First Name

E

Middle Initial

de Sanctis

Last Name

2190 Ibis Isle Road

Home Address

Unit 4

Suite or Apt

Palm Beach

City

FL

State

33480

Postal Code

jdesanctis@me.com

Email Address

Mobile: (917) 742-0742

Primary Phone

Alternate Phone

Question applies to multiple boards

I am a resident of the Town of Palm Beach (Initial below)

JD

Question applies to multiple boards

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida's Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

Question applies to multiple boards

VERIFIED 10/22/08/19 - KMC

Please upload proof of residency

Which Boards would you like to apply for?

Investment Advisory Committee: Submitted

In what area of town do you live?☒ South

Interests/Experience

Question applies to Investment Advisory Committee

Why are you interested in serving on the Investment Advisory Committee?

I am taking a break for working full time for almost 25 years in the investment management business and I thought maybe my skill-set and experience could be applicable to the position.

Question applies to Investment Advisory Committee

How many meetings of the Investment Advisory Committee have you attended in the past two (2) years? *

☒ 0

Please indicate if there are any periods of time for which you will be unavailable for meetings.

At present, none.

Question applies to multiple boards

If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

N/A

Question applies to Investment Advisory Committee

Please describe your current or prior investment experience, and describe any fixed investment experience you may have.

Worked in asset management firms/banks with large fixed income platforms.

Are you a member of any of the following organizations? (Check all that apply)

None Selected

Present Occupation

Unemployed

No. of years

3 months

Jacqueline E de Sanctis

Past occupation(s)

Asset Management - Sales and Client Service

No. of years

24

Please provide details regarding your educational background:

Masters, Classical Studies, University of St Andrews, Scotland.

Jacqueline_Elizabeth_de_Sanctis_-
Resume_2022_updated.pdf

Upload a Resume

Have you ever been convicted or pled guilty or nolo contendere to a crime other than minor traffic violations?

☐ Yes ☒ No

If you are currently serving on a Town board, commission, or committee, please identify in the space below and check the "I Agree" box indicating that you will resign from that position if you are appointed to the position you are seeking in this application.

I agree that I will resign from the board, commission, or committee if I am appointed to the position I am seeking in this application.

☒ I Agree

To enable Town Council to consider potential conflicts of interest, please list the family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

James Bishop, Panther National

Demographics

Some boards and commissions require membership to be racially, politically or geographically proportionate to the general public. The following information helps track our recruitment and diversity efforts.

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Female

Physically Disabled

☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application of dismissal after appointment.

☒ I Agree

Question applies to Investment Advisory Committee

Please attach proof of Town of Palm Beach residency (as listed on page 1) with this application.

Please note that Board/Commission applications will expire on December 15 of each year.

INVESTMENT ADVISORY COMMITTEE

The Investment Advisory Committee consists of five members serving two year terms, appointed by the Town Council. Members of the Committee shall be residents of the Town and shall have prior fixed income investment experience. The Committee acts in an advisory capacity and shall make recommendations to the Town Council on matters relating to Town's investment policy and the investment of the Town's surplus funds. The Committee shall hold at least four meetings per year and more if it is deemed necessary. The Town of Palm Beach will not do business directly or indirectly with a Committee member or a Committee member's employer or business while they are serving on the Committee and for at least two years after the member's term has expired.

Jacqueline Elizabeth de Sanctis

2190 Ibis Isle Road #4 Palm Beach, FL 33480
917.742.0742 jdesanctis@me.com

EXPERIENCE

Cliffwater LLC

Managing Director, Head of Institutional Business Development

**West Palm Beach, FL
December 2020 – June 2022**

- Hired to help scale the advisory business (\$96BN AUA) and the asset management business (\$9BN AUM) in the institutional market globally
- Brought Cliffwater to 15 finals presentations for alternatives consulting since joining the firm
- Raised \$25M in assets for the Cliffwater Private Credit Interval Fund (CCLFX)

ClearSky

Managing Director, Head of Investor Relations

**Juno Beach, FL
December 2019 – December 2020**

- Hired to grow and cultivate new business opportunities from institutional investors
- Developed and implemented a marketing strategy to identify and develop new business opportunities for the fund
- Had \$100M in the pipeline at final due diligence for ClearSky Power and Tech Fund II until NextEra initiated a lawsuit against ClearSky founders in November of 2020

NEUBERGER BERMAN LLC

Managing Director, Client Relationship Manager

**Los Angeles, CA
August 2016 – September 2019**

- Hired to grow and cultivate new business opportunities from Corporates, Endowments & Foundations on the West Coast
- Developed and implemented a marketing strategy to identify and develop new business opportunities for the firm
- Successfully cultivated new business opportunities in the first two years from leading prospects resulting in \$6M in RRR and six new client relationships for NB

NEUBERGER BERMAN LLC

Managing Director, East Coast Consultant Relations

**New York, NY
August 2014 – August 2016**

- Actively managed relationships with research and field consultants regarding the full breadth of firm investment capabilities; Fixed Income, Equities and Alternative Investments
- Successful track record of securing “buy” ratings and revenue generation from leading consultants in the eastern region
- Responsible for direct management and oversight of 13 Institutional Business Development Analysts and Associates that are tasked with supporting the senior consultant relations and sales relationship managers within the North America Institutional Business Development Team
- Spearheaded the design and implementation of an Analyst and Associate “Training Program” for the North America Institutional Business Development Team

NEUBERGER BERMAN LLC

Senior Vice President, West Coast Consultant Relations

**Los Angeles, CA
July 2010 - July 2014**

- Actively managed relationships with research and field consultants regarding the full breadth of firm investment capabilities; Fixed Income, Equities and Alternative Investments
- Successful track record of securing “buy” ratings and revenue generation from leading consultants in the western region
- Worked closely with NB sales teams across regions and channels to cultivate relationships, develop business, and help service clients tied to all consultants on the west coast
- Participated in coordinating the messaging, branding and positioning of key NB products with global consultants
- Hosted a series of investor roundtables for west coast institutional clients & consultants to identify and develop new business opportunities

RCM CAPITAL MANAGEMENT LLC

Director, International Equity Product Specialist

**San Francisco, CA
August 2008 – July 2010**

- Responsible for supporting Allianz and RCM US based sales of RCM’s global and international equity capabilities out of London (\$5.2 Billion) and RCM’s Asia Pacific capabilities out of Hong Kong (\$8.6 Billion)
- Recruited by RCM in San Francisco to help raise their profile and expand US institutional business of Global and Asian Equities through consultants, public funds, corporates, endowments & foundations
- Established and executed strategy with RCM Consultant Relations Team for RCM’s flagship Global Equity Strategy
- Represented the portfolio managers as the US “expert” in client reviews and new business presentations across client channels for RCM’s Global and Asian Equities

- Oversaw business and operational management within the US market with respect to overseas RCM products
- Developed and maintained credible, compelling, and timely product communications for Allianz and RCM
- Worked closely with the investment teams in London and Hong Kong for product integrity

CREDIT SUISSE ASSET MANAGEMENT LIMITED
Client Portfolio Manager, Emerging Market Equities

London/Zurich
August 2006 – June 2008

- Product Specialist for Emerging Market Equities managed out of New York, London and Singapore
- Client facing specialist for \$10.2 billion in assets across regional, country and sector strategies
- Coordinated efforts with internal Credit Suisse marketing and sales teams globally to both broaden and grow the firm's emerging market equity business
- Directed and implemented product road-shows, client servicing, marketing materials and new product launches

CREDIT SUISSE ASSET MANAGEMENT LIMITED
Head of UK Consultant Relationships

London, UK
September 2005 – August 2006

- Relationship manager responsible for maintaining and developing key relationships with global and local consultants
- Presented Credit Suisse Asset Management capabilities to investment consultants for business development and revenue generation
- Developed and executed multi-strategy campaigns to market Credit Suisse products to the institutional marketplace
- Member of internal Global and European Consultant Committees
- Championed CS investment products across the asset management sales/marketing channels in the UK and Europe
- Represented CS at industry and consultant-sponsored conferences in the UK

CREDIT SUISSE ASSET MANAGEMENT LLC
Senior Relationship Manager, Consultant Development

New York, NY
July 2001 – August 2005

- Relationship manager responsible for global, national and regional consultants
- Presented investment management capabilities across a myriad of traditional and alternative asset classes to research and field consultants for revenue generation/client retention
- Developed and executed multi-strategy campaigns to market CSAM products to the consultant community
- Represented CSAM at industry and consultant-sponsored conference

JPMORGAN INVESTMENT MANAGEMENT
Consultant Sales Team

New York, NY
December 1999 – July 2001

- Organized and conducted meetings between consultants and portfolio managers
- Pioneered new relationships with regional consulting firms
- Identified potential sales opportunities through investment consultants
- Responded to inquiries from consultants on investment management services
- Initiated and oversaw the writing of "FOCUS," a quarterly publication for investment consultants

CALLAN ASSOCIATES, INC.
Investment Analyst, Global Manager Research

San Francisco, CA
February 1998 – November 1999

- Interviewed investment managers as part of due diligence for clients
- Participated in weekly Manager Search call to review investment managers with Plan Sponsor and GMR consultants
- Conducted analysis and created reports comparing investment manager capabilities
- Monitored investment portfolio statistics for U.S. and International equity managers
- As part of an eight-person equity research team, placed equity assets of \$6.5B in 1998 and \$3.4B in 1999
- Executed performance measurement and style analysis on all asset classes and styles for ICG clients

EDUCATION

UNIVERSITY OF ST ANDREWS
Master of Arts in Classical Studies with Honours

St. Andrews, Scotland
1998

ADDITIONAL INFORMATION

Held Series 7, 31 & 66 licenses (expired June 2021)
 Possess European Economic Community Passport – Republic of Ireland

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda

BOARDS AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

Agenda Title

Presentations by the Applicants and Appointments to the Planning and Zoning Commission

Presenter

Pat Gayle-Gordon, Acting Town Clerk

ATTACHMENTS:

- ▣ **Memorandum Dated October 3, 2022, from Pat Gayle-Gordon, Acting Town Clerk**
- ▣ **Attendance Record**
- ▣ **Member Roster**
- ▣ **Status Sheet**
- ▣ **Sample Ballot**
- ▣ **Application - Katherine "KT" Catlin**
- ▣ **Application - Eric Christu**
- ▣ **Application - William J. Gilbane**
- ▣ **Application - Martin Klein**
- ▣ **Application - Michael Spaziani**

TOWN OF PALM BEACH

Information for Town Council Meeting on October 13, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Pat Gayle-Gordon, Acting Town Clerk

RE: Planning and Zoning Commission Appointment of Two (2) Regular Members

DATE: October 3, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint two (2) regular members to the Planning and Zoning Commission. These members will fill the vacancies created due to the term expirations of Michael Vincent John Spaziani and Eric Christu, who are both eligible for reappointment.

GENERAL INFORMATION

The Town Clerk's office has received two (2) applications seeking **REAPPOINTMENT** from:

1. Eric Christu - 1500 North Ocean Blvd., Palm Beach, FL;
2. Michael Vincent John Spaziani – 3300 S. Ocean Blvd., #106S, Palm Beach, FL.

The Town Clerk's office has received one (1) application for **PROMOTION TO REGULAR MEMBER** from:

1. William Gilbane – 675 N. Lake Way, Palm Beach, FL.

The Town Clerk's office has received two (2) applications seeking **NEW APPOINTMENT** from the following:

1. Katherine "KT" Catlin – 266 Fairview Road, Palm Beach, FL;
2. Martin Klein – 1060 N. Ocean Boulevard, Palm Beach, FL.

Attachments

cc: Wayne Bergman, Director of Planning, Zoning and Building



TOWN OF PALM BEACH
PLANNING & ZONING COMMISSION

ATTENDANCE RECORD 2022

	1/18/2022	2/15/2022	3/15/2022	4/19/2022	5/17/2022	6/21/2022	7/19/2022	8/16/2022	9/20/2022	10/18/2022	11/15/2022	12/20/2022
<u>MEMBERS</u>												
Gail Coniglio	X	P	X	P	X	P	X	P	X			
Richard Kleid	X	P	X	P	X	U	X	E	X			
Rick Pollock	X	E	X	P	X	U	X	P	X			
Michael Spaziani	X	P	X	P	X	U	X	P	X			
Eric Christu	X	P	X	P	X	E	X	P	X			
Marilyn Beuttenmuller	X	P	X	P	X	P	X	P	X			
Jorge Sanchez	X	P	X	P	X	U	X	P	X			
<u>ALTERNATE MEMBERS</u>												
William Gilbane	X	P	X	P	X	P	X	P	X			
Nicki McDonald	X	P	X	P	X	P	X	P	X			
John Tatooles	X	P	X	P	X	P	X	P	X			

LEGEND P=PRESENT
E=EXCUSED
U=UNEXCUSED
X=COMMISSION DID NOT MEET



PLANNING & ZONING COMMISSION MEMBERS

<u>NAME AND ADDRESS</u>	<u>EMAIL ADDRESS</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>
Gail Coniglio, Chair 1139 N. Ocean Blvd Palm Beach, FL 33480	gailconig1@aol.com 561-644-0892 (h)	09/14/2021 (3 yr term)	09/30/2024 (Term 1)
Rick Pollock, Vice Chair 218 Seaspray Ave. Palm Beach, FL 33480	rexrmp@gmail.com 202-256-5980 (w) 561-655-0901 (h)	10/13/2020 (3 yr term) 10/10/2017 (3 yr term) 12/9/2014 (3 yr term)	09/30/2023 (Term 2) 09/30/2020 (Term 1) 09/30/2017 (Term 1 Alternate)
Richard M. Kleid 2660 S. Ocean Blvd Palm Beach, FL 33480	kleid561@aol.com 561-588-7631 (h)	09/14/2021 (3 yr term) 10/09/2018 (3 yr term)	09/30/2024 (Term 2) 09/30/2021 (Term 1)
Michael Vincent John Spaziani 3300 S. Ocean Blvd., #106S Palm Beach, FL 33480	spazian@aol.com 561-655-8009 (h) 561-655-8009 (w)	10/10/2019 (3 yr term) 05/08/2018 (3 yr term) 10/10/2017 (3 yr term)	09/30/2022 (Term 1) 09/30/2019 (Term 0)** 09/30/2020 (Term 2 Alternate)
**to complete the remainder of L. Crampton's unexpired 3 yr term which is less than 50% and as such will count as Term 0.			
Eric Christu 1500 N. Ocean Blvd. Palm Beach, FL 33480	ericchristu@aol.com 561-758-7544 (h) 561-650-8556	05/13/2020 10/10/2019 (3 yr term) 12/13/2016 (3 yr term)	09/30/2022 (Term 1)** 05/13/2020 (Term 2 Alternate) 09/30/2019 (Term 1 Alternate)
** to complete the remainder of R. Sammons' unexpired term which is greater than 50% and as such will count as Term 1.			
Marilyn N. Beuttenmuller 1555 N. Lake Way Palm Beach, FL 33480	marilynbpb@gmail.com 561-844-0935 (h)	10/13/2020 (3 yr term) 05/08/2018 (3 yr term)	09/30/2023 (Term 1) 09/30/2020 (Term 1 Alternate)
Jorge Sanchez 239 Southland Rd. Palm Beach, FL 33480	jorge@smila.net 561-842-2982 (h) 561-655-9006 (w)	10/13/2020 (3 yr term) 05/13/2020	09/30/2023 (Term 1) 10/13/2020 (Term 1 Alternate)

Alternate Commission Members

William J. Gilbane 675 N. Lake Way Palm Beach, FL 33480	billy@billygilbane.com 646-453-9440 (h) 212-312-1603 (w)	10/13/2020 (3 yr term)	09/30/2023 (Term 1)
Nicki McDonald 234 Merrain Rd. Palm Beach, FL 33480	nickimcd@msn.com 917-880-4030 (c)	03/02/2021 (3 yr term)	03/02/2024 (Term 1)
John J. Tatoes 122 Ocean View Rd. Palm Beach, FL 33480	jjt5959@gmail.com 561-629-5279 (h) 312-485-5252 (c)	03/02/2021 (3 yr term)	03/02/2024 (Term 1)

PLANNING AND ZONING COMMISSION

Next appointment: Thursday, October 13, 2022, Town Council meeting

Openings advertised via news release: August 19, 2022

Deadline to submit applications: Friday, September 30, 2022

Number of openings: 2 Regular Members

Applicants

<u>NAME</u>	<u>SEEKING</u>
Eric Christu	Reappointment
Michael Vincent John Spaziani	Reappointment
William Gilbane	Promotion
Katherine "KT" Catlin	New Appointment
Martin Klein	New Appointment
	New Appointment

Current members and open seats

<u>NAME</u>	<u>TERM EXPIRES</u>
<u>Regular Members</u>	
Gail Coniglio, Chair	9/30/2024
Rick Pollock, Vice Chair	9/30/2023
Richard M. Kleid	9/30/2024
Michael Vincent John Spaziani*	9/30/2022
Eric Christu*	9/30/2022
Marilyn Beuttenmuller	9/30/2023
Jorge Sanchez	9/30/2023
<u>Alternates</u>	
William J. Gilbane	9/30/2023
Nicki McDonald	3/02/2024
John J. Tatooles	3/02/2024

Highlighted in yellow=term currently expiring

***=Applied for reappointment**

****=Termed out**

BALLOT FOR APPOINTMENT OF **REGULAR** MEMBER(S)
TO THE **PLANNING & ZONING COMMISSION (PZC)**
Town Council Meeting on **October 13, 2022**

Positions to be filled: 2 Regular Members

Please circle 2 from the list of names appearing below

Regular Members Applying for Reappointment
(Listed Alphabetically)

Eric Christu

Michael Vincent John Spaziani

Alternate Member Applying for Promotion

William J. Gilbane

Others Who Have Submitted Applications
(Listed Alphabetically)

Katherine “KT” Catlin

Martin Klein

Signature of Town Council Member: _____
Town Council Member

Application for Service

Profile

Katherine

First Name

"KT"

Middle Initial

Catlin

Last Name

266 Fairview Road

Home Address

Suite or Apt

Palm Beach

City

FL

State

33481

Postal Code

kcatlin@hotmail.com

Email Address

Home: (561) 842-7084

Primary Phone

Home: (908) 229-9151

Alternate Phone

Question applies to multiple boards**I am a registered voter in the Town of Palm Beach (Initial below)**

KTC

Question applies to multiple boards

Appointment to the Architectural Commission (ARCOM), Landmarks Preservation Commission, Planning and Zoning Commission, Recreation Advisory Commission, & Underground Utilities Task Force (UUTF) requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the required copy of the voter registration card shall be grounds for rejection of the application.

Question applies to multiple boards**I am a resident of the Town of Palm Beach (Initial below)**

yes

Question applies to multiple boards

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida's Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

Question applies to multiple boards[VERIFIED - KMC](#)

Please upload proof of residency

Question applies to multiple boards

Upload a Voter Registration Card (Front)

Upload a Voter Registration Card (Back)

Which Boards would you like to apply for?

Planning and Zoning Commission: Submitted

In what area of town do you live?

☒ North

Interests/Experience

Question applies to Planning and Zoning Commission

Why are you interested in serving on the Planning and Zoning Commission?

I believe with my background I will provide insight/opinions/even questions that will make a difference.

Question applies to Architectural Review Commission (ARCOM)

Why are you interested in serving on the Architectural Commission?

I have been an alternate member for 5 years and am interested in continuing to server the Town of Palm Beach and it's residents as a full voting member. Committees, Councils and Commissions where volunteers from the community serve are critical to the culture & beauty of Palm Beach.

Question applies to Planning and Zoning Commission

Why are you interested in serving on the Landmarks Preservation Commission?

I have not applied specifically for Landmarks - I might consider it and it is only my questioning of my own knowledge of historic homes and buildings that holds me back here...I am a fast learner and no doubt could mange and I believe there are probably may more qualified than I for LPC

Question applies to Code Enforcement Board

Why are you interested in serving on the Code Enforcement Board?

I believe my extensive background as put forth in my resume will bring a broad and unique perspective to the board. Many residents have come to me expressing frustration with Code Enforcement in Town. It has been my personal belief that the best way to have a positive impact on anything is to get involved.

Question applies to Architectural Review Commission (ARCOM)

How many meetings of the Architectural Commission have you attended in the last year?

Question applies to Code Enforcement Board

How many meetings of the Code Enforcement Board have you attended in the last year?

0

Question applies to Planning and Zoning Commission

How many meetings of the Planning and Zoning Committee have you attended in the last year?

0

Question applies to Planning and Zoning Commission

Are you willing and available to attend meetings of the Planning and Zoning Commission as described below? Please select all that apply. *

- ☒ Meetings which last a full day (9:30 a.m. to 5:00 p.m., or even later)?
- ☒ Meetings on consecutive dates?
- ☒ Meetings which might be scheduled for multiple dates within the same month
- ☒ Meetings scheduled year-round

Please indicate if there are any periods of time for which you will be unavailable for meetings.

I do travel several times a year for work. These national meetings I am not able to change obviously however, I am in control of my everyday schedule. I have demonstrated my ability and willingness to attend meeting with my attendance record on ARCOM. I may have missed 2 in the 5 years I served.

Question applies to multiple boards

If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

ARCOM 5 years - termed out as an Alt

Question applies to Code Enforcement Board

Do you have any personal experience with the Code Enforcement Board in the Town of Palm Beach or other jurisdictions? (Please explain)

no

Question applies to Architectural Review Commission (ARCOM)

Do you have any personal experience with requesting approvals from the Town's Architectural Commission? (Please explain)

I do not have experience requesting approvals however I have served as an alternate on the commission for 5 years

Do you have any experience in requesting comprehensive plan amendments or zoning approvals from the Town of Palm Beach or other jurisdictions? (Please explain.)

No however I have served on ARCOM and have experience with County as it relates to the construction industry. I have also appeared on occasion in front of planning boards (in NJ). I have 33 years in the Residential Construction and Real Estate field and have touched if even briefly on most aspects. I have also taught Urban Development for NAR in NJ. for the Graduate Realtors Institute. Realtors were the primary participants and the course was an advanced course taken by both agents looking to grow their knowledge and individuals seeking their Brokers License

Are you a member of any of the following organizations? (Check all that apply)

- ☒ Palm Beach Civic Association
- ☒ Preservation Foundation of Palm Beach

Present Occupation

EO Gold Coast Builders Assoc.

No. of years

3.5

Past occupation(s)

I have been in the workforce for over 50 years. Starting as an executive in the retail industry I was in the buying line for such noted companies as Hahne's Department Store, Bamberger's, Stern's and JW Rhodes. I moved from the merchandising side of the business to operations and training. I left retail and went to work as a sales associate for Schlott Realtors in 1989. I have over 30 year Real Estate sales/training and management for many of the top companies, Weichert, Re Max and Coldwell Banker and Century 21. My specialty has always been new construction. I have remained an active participant in the Housing Industry. Currently I am the Executive Officer for Gold Coast Builders Association and sit on the National Association of Home Builders, Remodeler's Council Board of Trustees.

No. of years

37+

Please provide details regarding your educational background:

Fairleigh Dickinson University; Madison, NJ, BA 1974 Licensed NJ Real Estate Broker 1994 Institute of Residential Marketing (MIRM Candidate) Certified New Homes Sales Professional 1994 Certified New Homes Marketing Professional 2001 Certified Luxury Home Marketing Specialist 2004 Graduate Realtor Institute (GRI) 1994 Landmark Education Introduction Leader 2008 Continuing Education Over 300 hours

Question applies to Architectural Review Commission (ARCOM),Underground Utilities Task Force (UUTF)

Do you have a degree in, or have you taken courses in, any of the following fields of study:
(Check as many as are applicable) *

- ☒ Architecture
- ☒ Landscape Architecture/Design
- ☒ Architectural History
- ☒ History
- ☒ Design
- ☒ Building Construction

Question applies to Landmarks Preservation Commission,Code Enforcement Board

Do you have a degree in, or have you taken courses in, any of the following fields of study:
(Check as many as are applicable) *

- ☒ Architecture
- ☒ Law
- ☒ Building Construction

Question applies to Planning and Zoning Commission

Do you have a degree in, or have you taken courses in, any of the following fields of study:
(Check as many as are applicable) *

- ☒ Architecture
- ☒ Law
- ☒ Urban and Regional Planning
- ☒ Building Construction and/or Development
- ☒ Geography

Question applies to Architectural Review Commission (ARCOM)

Are you currently a Registered Architect in the State of Florida?

☐ Yes ☒ No

Question applies to Architectural Review Commission (ARCOM)

Are you currently a Registered Architect in another state?

☐ Yes ☒ No

Question applies to Architectural Review Commission (ARCOM)

If So, in which state are you currently registered?

[Exec_Resume.docx](#)

Upload a Resume

Have you ever been convicted or pled guilty or nolo contendere to a crime other than minor traffic violations?

☐ Yes ☒ No

If you are currently serving on a Town board, commission, or committee, please identify in the space below and check the "I Agree" box indicating that you will resign from that position if you are appointed to the position you are seeking in this application.

I agree that I will resign from the board, commission, or committee if I am appointed to the position I am seeking in this application.

☒ I Agree

Question applies to Architectural Review Commission (ARCOM)

Why do you feel you are qualified to serve on the Town's Architectural Commission?

I have an extensive background in "Housing/Building/Real Estate" that allows me to objectively review the projects presented. I am also a Full Time resident and am the 3rd generation of my family to call Palm Beach Home. Having served for 5 years and have demonstrated my ability to work in a professional manner with both the applicants and my fellow commissioners. I am diligent in my preparation and I believe fair in my evaluations. I firmly believe it is important to preserve the ambiance, culture and beauty of our town and I fully understand that additions/renovations/restorations and new construction are always going to occur. It has been a privilege to work with all involved to strike a balance that works to enhance the beauty of our town while protecting its history.

Question applies to Code Enforcement Board

Why do you feel you are qualified to serve on the Town's Code Enforcement Board?

My diverse background has trained me to review , understand, assess and make critical decisions. These are all skills that will play well on Code Enforcement. I am known to be someone who treats everyone equally and endeavors to move conversations forward in a positive manner. These are all qualities that will contribute to the board.

Question applies to Planning and Zoning Commission

Why do you feel that you are qualified to serve on the Town's Planning and Zoning Commission?

I have a very extensive understanding of the construction/housing industry. I'm a resident and acutely aware of the challenges of the island and the delicate balance we deal with as a barrier island. I am not anti growth and believe it needs to be done in a manner that preserves the beauty of the town. That is accomplished by careful evaluation of the way we use our land. There is a balance to be struck between growth and preservation. No matter where one stands unless we properly plan and zone for our future we will continually be faced with requests for Variance etc. Not that those requests will go away completely. I get that and have the ability to understand the process, I have taught urban Development courses and know how critical planning for the future and making needed adjustments is.

Question applies to multiple boards

In the event you are applying to be a Regular Member and you are not successful, will you accept appointment as an Alternate Member should the Town Council wish to appoint you as an Alternate Member?

☒ Yes ☐ No

To enable Town Council to consider potential conflicts of interest, please list the family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Ralph & Blanche Del Deo - retired and live on Fairview, parents Dr Campazzi - Campazzi Concierge Medical Practice, brother-in -law

Demographics

Some boards and commissions require membership to be racially, politically or geographically proportionate to the general public. The following information helps track our recruitment and diversity efforts.

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Female

Physically Disabled

☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application of dismissal after appointment.

☒ I Agree

Question applies to Architectural Review Commission (ARCOM)

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

Please note that the Board/Commission applications will expire on December 15 of each year.

ARCHITECTURAL COMMISSION (ARCOM)

ARCOM reviews and approves modifications to any existing structures visible from public rights-of-way, new construction, and landscaping. The seven regular members and three alternate members are Town registered voters appointed by the Town Council. Regular members are appointed for three-year terms and no member may serve more than two consecutive terms. Members are appointed on the basis of experience in art, architecture, community planning, land development, real estate, landscape architecture, or other relevant business, profession, or civic interest. At least two members, but not more than three members, shall be registered architects in the state. In the event there are, in the discretion of the town council, no bona fide applications who are registered architects in the State of Florida, the town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats.

Question applies to Code Enforcement Board

Please attach proof of residency (as listed above) with this application.

Please note that Board/Commission applications will expire on December 15 of each year.

CODE ENFORCEMENT BOARD

Hears cases involving violations of the Town Code and ordinances and imposes administrative fines and other noncriminal penalties where a pending or repeated violation exists. Members must be residents and are appointed by Town Council on the basis of experience or interest in the fields of zoning and building control. The Board includes, whenever possible, an architect, business person, engineer, general contractor, realtor, subcontractor, general member, or person with experience in the field of public health. In addition, the Town Council may appoint two alternate members for the purpose of serving in the absence of any of the board members. Members (and alternate members) shall be appointed for terms of three years. A member of the code enforcement board shall not be appointed for more than two consecutive three-year terms, but shall be eligible for reappointment upon the lapse of nine months after the expiration of the member's second consecutive three-year term.

Question applies to Planning and Zoning Commission

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

Please note that Commission applications will expire on December 15 of each year.

PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission acts in an advisory capacity to the Town Council in all matters relating to municipal planning and development. The Commission is required to follow the concepts and contents of the Town's comprehensive land use plan in all planning, zoning and development related deliberations and decisions. The Commission shall also have such powers and duties as may be prescribed by Ordinance. The members of the Commission must be registered voters in the Town of Palm Beach. The seven regular members serve for terms of three years. Three alternate members of the Zoning Commission may be appointed by the Town Council who serve when called upon by the Chair of the Commission in the absence of any regular member.

KATHERINE (K.T.) CATLIN GRI, CSP, CMP, CLHMS

265 Fairview Rd, Palm Beach Florida 333480
Mobile (908) 229-9150

SALES & MARKETING EXECUTIVE

Results driven sales and marketing executive, consistently successful in the design and execution of strategic business plans, and initiatives that exceed projected profitability goals and successfully gain the competitive market advantage. A true ground zero strategist consistent in identifying “gaps” in the product, market and serviceability chain -- and devising innovative approaches to improve pricing, sales, processes and performance -- that directly impact customer satisfactions levels and bottom-line profitability goals.

AREAS OF EXPERTISE • QUALIFICATIONS • ACHIEVEMENTS

Revenue Generation / Profit & Loss	Target Market / Market Trends	Traffic / Lead Generation
Budgets, Capital & Operating Expense	Demographics / Focus Groups	Sales Recruitment & Staffing
Cost Avoidance / Cost Containment	Competitive Product/Market Analysis	Training & Professional Development
Product & Pricing Strategies	Market Penetration / Absorption Rate	Team Building / Leadership

Former Instructor With NJ Association of Realtors. Facilitate Classroom Training For The Graduate Realtor Institute, Former Instructor/Moderator For the Local and National Association Of Home Builder's New Homes Sales Professional Certification Program, And A Series Of Core Selling Programs

Numerous Industry And Corporate Awards For Excellence In Training And Sales Management Including Multi Million Dollar Club Award, Million Dollar Club Award, President's Circle And Sales Director Of The Year

PROFESSIONAL EXPERIENCE

EO at Gold Coast Builders Association of FL

2019 - Present

The Gold Coast Builders Association of FL is a local professional trade organization affiliated with the Florida Home Builders Association (FHBA) and the National Association of Home Builders (NAHB). Responsibilities included running of the daily operations, coordination and involvement with state and national offices, coordination of advocacy efforts at the local level, development and delivery of educational programs, and events, budgeting, fund raising and among other varied duties.

Owner KT Consulting & Associates LLC. Palm Beach FL. 2018 to Present

KT consulting and Associates, LLC specializes in marketing strategies, solutions and consultations for Housing Professionals and Property Owners. We create marketing teams and plans for properties not yet on the market, review and identify alternatives to current marketing plans. Properly marketed properties historically sell faster for more money and lower carrying costs.

Professional Experience Continued....

Broker Associate

2017 – Present

Paragano Real Estate Management Inc, Short Hills NJ

Paragano Real Estate Management, Inc. is a family owned and operated Real Estate development, investment and property Management Company, specializing in custom new homes, self-storage facilities, commercial property management, leasing and construction, including the development of over 450 custom built homes, multi-family properties and over one million square feet of office, industrial and retail space, purchased, managed and/or renovated.

Director Sales & Marketing

Sales Manager, Licensed Real Estate Broker

1989 – 2002

Weichert Realtors; Chester, NJ (1996-2002)
Coldwell Banker Schlott Realtors; Pluckemin, NJ (1989-1996)

Exceptional entrepreneurial leadership style successful driving revenue growth through strategic business and market planning, innovative and competitive talent acquisition and comprehensive training, development and team building strategies. Recognized as an industry top performer and leading corporate Sales Director – expert managing pre-construction start-ups, initial and on-going marketing programs, business management and business/customer relationship management for multiple residential communities.

Credited with proactive internal communications leadership efforts, sales and organizational program development, aggressive contract/proposal negotiations and a solid customer solution orientation. Individual productivity exceeds

\$7 million year over year with direct impact and accountability for \$30 million of completed business transactions over the past 24 months.

- Partnered with relatively new builder to develop target specific sales and marketing plan to aggressively penetrate new market in a highly competitive demographic. Award winning campaign earned numerous industry accolades and brand recognition for the builder; improved sales pace 100%, drove transactional value up 93% and value added revenues grew 230%.
- Initiated and developed the Home Sale Contingency Program to assist customers in the liquidation of their current properties. Program resulted in \$50,000 revenue in the first 12 months.
- Collaborated with the executive committee throughout a needs assessment and performance improvement strategy, and successfully championed the design and implementation of the Broker Outreach Program to provide marketing support to key builders targeting high profile realtors, and which became the basis for the New Homes and Lands marketing program incorporated region wide.
- Successful execution of the Broker Outreach Program combined with a formal region wide sales training initiative resulted in the total reorganization of the division from a purely sales operation into a fully integrated sales and marketing support division.
- Earned 20+ Sales and Management Awards During This Period Including:
Million Dollar Club Gold Level; Multi-Million Dollar Circle Award; Ambassador's Club;
President's Circle; Industry Sales & Marketing Awards; National Membership Recruitment;
Special Achievement Awards and Sales Director of the Year

Retail Operations & Merchandising

1972 – 1999

Additional Work Experience

Prior to entering Real Estate worked for several large retailers including Hahne's, Sterns & Bamberger's/Macy's. Positions included Visual merchandising, Advertising, Senior Level Store Line Management, Merchandise Buyer numerous classifications, Controller's division Store Auditor & Trainer and Controller for Macy's Menlo Park Branch Store.

LOCAL / CIVIC / INDUSTRY ACHIEVEMENTS

Alternate Member Town of Palm Beach Architectural Review Commission 2017 - Present

NAHB Remodelers Council Board of Trustees 2021 - Present

NAHB Custom Home Committee Board 2019 - 2020

Chairperson for NAHB/NSMC Sales and Marketing Ideas Magazine with a distribution to over 17,000 industry professionals. Took magazine from staple to perfect bound in 1 year resulting in increased advertising revenue and distribution.

Judge for Greater Atlanta Home Builders Industry Professionalism Awards categories included Personal Achievement, Remodeling and Product Evaluation.

EDUCATION & CERTIFICATIONS

Fairleigh Dickinson University; Madison, N.J. Bachelor of Arts – Fine Arts

Licensed NJ Real Estate Broker

Institute of Residential Marketing (MIRM Candidate)

Certified New Homes Sales Professional

Certified New Homes Marketing Professional

Certified Luxury Home Marketing Specialist (CLHMS)

Extensive Local, State & National Trade Affiliations – Sample Listings Includes:

Hunterdon Somerset, NJ State and National Boards of Realtors; (HSAR), (NJAR), (NAR)

Past member Legislative Committee, RPAC Committee, Elected Board of Trustees

Community, State and National Home Builders Associations; (CBA), (NJBA), (NAHB)

Board of Trustees (CBA PAC); Board of Directors (NJBA),

Past Member Public Relations Committee (NJBA); Sales and Marketing Council (CBA-SMC)

and National Sales & Marketing Council (NSMC), Past Publications Committee Chairperson (NSMC)

Professional Developments And Continuing Education
Includes 3 State And 2 National Conventions Annually
Details Provided Upon Request

KATHERINE (K.T.) CATLIN

265 Fairview Rd, Palm Beach Florida 333480
Residence/Business/Mobile (908) 229-9150

EDUCATION & CERTIFICATIONS

Fairleigh Dickinson University; Madison, NJ, BA 1974
Licensed NJ Real Estate Broker 1994
Institute of Residential Marketing (MIRM Candidate)
Certified New Homes Sales Professional 1994
Certified New Homes Marketing Professional 2001
Certified Luxury Home Marketing Specialist 2004
Graduate Realtor Institute (GRI) 1994
Landmark Education Introduction Leader 2008

Continuing Education Over 300 hours

LOCAL, STATE & NATIONAL TRADE AFFILIATIONS

Local Associations:

Hunterdon Somerset Association of Realtors (HSAR)
Community Builder's Association (CBA)
Sales & Marketing Council (CBA)

State Associations:

New Jersey Association of Realtor (NJAR)
New Jersey Builders Association (NJBA)

National Associations:

National Association of Realtors (NAR)
National Association of Home Builders (NAHB)
National Sale & Marketing Council (NSMC)
Institute for Luxury Home Marketing (CLHM)

Committees:

NJBA Legislative Committee 2011
NCJAR Board of Trustees 2003 - 2005
NCJAR PAC committee member 2001- 2002
NCJAR PAC Chairperson 2003- 2005
NCJAR Legislative committee member 2001-2004
GRI Instructor 1995 – 1996
NJBA Board of Trustees 2006
CSP Instructor 1995 - 2004
CBA PAC Board of Trustees 1993 – Present
NAHB/NSMC Publications Committee 2002 –2004
NAHB/NSMC Publications Committee Chairperson 2003
NAHB/NSMC Membership / Local Council Committee 2002

NJBA PR Committee 2000 – 2004
NJBA Sales & Marketing Committee 1993-96, 2002
NJBA Associate Committee 1993 – 1999
NJBA PAC Auction Committee 2000 - 2006
Musconetcong Watershed 1998 - 2001
Membership Committee Somerset County Board of Realtors (SCBR) 1994
Chairperson and Instructor SCBR Orientation Committee 1994 -1996
Committee (SCBR) 1993
Associate Vice President CBA 1993 & 1994
CBA Tradeshow Chairperson 1998, 2001
CBA PAC Auction Chairperson 1996 & 1999
Chair Person CBA Sales & Marketing Council 1994, 2002

Visionary & Strategic Planning

AWARDS

NSMC National Membership Recruitment Certificate of Achievement 2001
CBA Membership Recruitment Award 2000
CBA Associate Appreciation Award 2000, 2001
CBA Sales Director of the Year 1998
CBA Special Achievement in New Home Sale 1997
CBA Kathy Hughes Memorial Award, 1995
CBA Million Dollar Sales Club 1993-2001
NJBA Million Dollar Sales Club 1995 - 2001
NJBA Chairman's Award PR Committee 2001
NJBA Associate Hall of Fame 2002
NJAR Million Dollar Sales Club 1992 – 95, 1997 – 2002
NJAR Distinguished Sales Club
Weichert Ambassador Club 1999 – 2001
Weichert Realtors Marketing Club, 1996
Weichert Realtors Sales & Marketing Club, 1997- 2001
Coldwell Banker Million-Dollar Club, 1989-1991
Coldwell Banker Multi-Million Dollar Club, 1992
Coldwell Banker Presidents Circle, 1993
Coldwell Banker New Homes Special Achievement Award 1992 &1993

Application for Service

Profile

Eric

First Name

C.

Middle Initial

Christu

Last Name

1500 N. Ocean Blvd

Home Address

Suite or Apt

Palm Beach

City

FL

State

33480

Postal Code

ericchristu@aol.com

Email Address

Mobile: (566) 758-7544

Primary Phone

Business: (561) 650-8556

Alternate Phone

Question applies to multiple boards

I am a registered voter in the Town of Palm Beach (Initial below)

ECC

Question applies to multiple boards

Appointment to the Architectural Commission (ARCOM), Landmarks Preservation Commission, Planning and Zoning Commission, Recreation Advisory Commission, & Underground Utilities Task Force (UUTF) requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the required copy of the voter registration card shall be grounds for rejection of the application.

Question applies to multiple boards

VERIFIED - KMC

Upload a Voter Registration Card (Front)

Question applies to multiple boards

Upload a Voter Registration Card (Back)

Which Boards would you like to apply for?

Planning and Zoning Commission: Submitted

In what area of town do you live?☒ North

Interests/Experience

Question applies to Planning and Zoning Commission

Why are you interested in serving on the Planning and Zoning Commission?

I wish to continue my service on the Commission as a voting member as I believe this is an important time for planning issues in the Town and I hope to continue to offer my expertise in planning and zoning. As a full-time resident with children attending school on Palm Beach, I am absolutely committed to carrying out the mission of the Commission in a thoughtful and diligent manner.

Question applies to Planning and Zoning Commission

Why are you interested in serving on the Landmarks Preservation Commission?

N/A

Question applies to Planning and Zoning Commission

How many meetings of the Planning and Zoning Committee have you attended in the last year?

All scheduled meetings.

Question applies to Planning and Zoning Commission

Are you willing and available to attend meetings of the Planning and Zoning Commission as described below? Please select all that apply. *

- ☒ Meetings which last a full day (9:30 a.m. to 5:00 p.m., or even later)?
- ☒ Meetings on consecutive dates?
- ☒ Meetings which might be scheduled for multiple dates within the same month
- ☒ Meetings scheduled year-round

Please indicate if there are any periods of time for which you will be unavailable for meetings.

None.

Question applies to multiple boards

If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

Town of Palm Beach Planning and Zoning Commission 2017 to present - alternate member. I have also served as a Chair Person of a Florida Bar Committee, as past President of the Federal Bar, and on numerous local Bar Committees and charitable organizations for the past 20 years.

Question applies to Planning and Zoning Commission

Do you have any experience in requesting comprehensive plan amendments or zoning approvals from the Town of Palm Beach or other jurisdictions? (Please explain.)

I have experience with handling and litigating zoning issues in the Town of Palm Beach, and the municipalities of Manalapan and Ocean Ridge. These have included handling zoning approval matters for clients, as well as litigating zoning issues.

Are you a member of any of the following organizations? (Check all that apply)

- ☒ Palm Beach Chamber of Commerce
- ☒ Palm Beach Civic Association
- ☒ Preservation Foundation of Palm Beach

Present Occupation

Attorney

No. of years

38

Past occupation(s)

N/A

No. of years

N/A

Please provide details regarding your educational background:

- J.D., Georgetown University Law Center, Washington, D.C. - B.A. with Honors, University of Minnesota, Minneapolis, MN

Question applies to Planning and Zoning Commission

Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check as many as are applicable) *

- ☒ Law

Upload a Resume

Have you ever been convicted or pled guilty or nolo contendere to a crime other than minor traffic violations?

- ☐ Yes ☒ No

If you are currently serving on a Town board, commission, or committee, please identify in the space below and check the "I Agree" box indicating that you will resign from that position if you are appointed to the position you are seeking in this application.

I agree that I will resign from the board, commission, or committee if I am appointed to the position I am seeking in this application.

☒ I Agree

Question applies to Planning and Zoning Commission

Why do you feel that you are qualified to serve on the Town’s Planning and Zoning Commission?

In addition to my current service and experience on the Commission. I have been and remain interested and focused on planning and growth issues in the Town and spend considerable time following Town developments in these areas so as to better serve on the Commission and to better understand the issues facing the Town and its residents. I am particularly focused on the current zoning code review process as well as the impact of House Bill 59 on our Comprehensive Plan. I have a solid understanding of the Town's Comprehensive Plan as well as related statutory enactments and applicable case law. I have experience in handling matters under Chapter 163 of the Florida Statutes, including the Bert Harris Act. I have handled matters involving plats and zoning issues in the Town of Palm Beach and have familiarity with the Town Ordinances and Comprehensive Plan. I feel that with this background and being a long-term resident, I am qualified to continue to serve.

Question applies to multiple boards

In the event you are applying to be a Regular Member and you are not successful, will you accept appointment as an Alternate Member should the Town Council wish to appoint you as an Alternate Member?

☒ Yes ☐ No

To enable Town Council to consider potential conflicts of interest, please list the family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Spouse - Maura Ziska Christu, Esq. / Children - Caroline Christu and Ella Christu

Demographics

Some boards and commissions require membership to be racially, politically or geographically proportionate to the general public. The following information helps track our recruitment and diversity efforts.

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Physically Disabled

☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application of dismissal after appointment.

☒ I Agree

Question applies to Planning and Zoning Commission

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

Please note that Commission applications will expire on December 15 of each year.

PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission acts in an advisory capacity to the Town Council in all matters relating to municipal planning and development. The Commission is required to follow the concepts and contents of the Town's comprehensive land use plan in all planning, zoning and development related deliberations and decisions. The Commission shall also have such powers and duties as may be prescribed by Ordinance. The members of the Commission must be registered voters in the Town of Palm Beach. The seven regular members serve for terms of three years. Three alternate members of the Zoning Commission may be appointed by the Town Council who serve when called upon by the Chair of the Commission in the absence of any regular member.



ERIC C. CHRISTU

PARTNER

EChristu@shutts.com

1-561-650-8556 - [West Palm Beach](#)

525 Okeechobee Boulevard, Suite 1100, West Palm Beach, FL 33401

Eric Christu is a partner in the West Palm Beach office of Shutts & Bowen LLP, where he is Chair of the Intellectual Property Practice Group. Eric and the Shutts IP Practice Group handle all aspects of patent, trademark, copyright, trade secrets, and other intellectual property matters.

A Martindale-Hubbell AV® rated attorney, Eric has regularly been named one of the *Best Lawyers in America*® and was one of the first to be designated by The Florida Bar as Board Certified in Business Litigation. Eric specializes in complex commercial and business disputes, with a focus on intellectual property, construction and real estate issues. He also regularly handles matters involving banking, corporate, and probate disputes in state and federal courts. His active trial practice includes recent cases involving complex intellectual property issues, partnership disputes, and probate & trust litigation.

Eric has served as a member of the *Ad Hoc* Advisory Committee on Court-Annexed Mediation for the Southern District of Florida, past-President of the Palm Beach County Federal Bar Association, and past-Chair of the Florida Bar Business Litigation Certification Committee.

Practice Areas

Creditors' Rights and Bankruptcy

Intellectual Property

Litigation

Securities Fraud Litigation

Construction

Accolades

- Florida Bar Board Certified in Business Litigation (since 1996)
- Martindale-Hubbell AV® Preeminent™ Rated
- "Top Lawyer," *Palm Beach Illustrated*, 2021
- "Top Lawyer," *Jupiter Magazine*, 2022
- *Best Lawyers in America*®, Commercial Litigation, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023
- *Florida Super Lawyers*, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022
- *South Florida Legal Guide*, Top Lawyers in South Florida, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016

Education

- Georgetown University Law Center, J.D., 1984
- University of Minnesota, B.A. with honors, 1981

Bar Admissions

Florida

Colorado

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. District Court for the Southern District of Florida
- U.S. District Court for the Middle District of Florida
- U.S. Bankruptcy Court for the Southern District of Florida

Professional and Civic

- Palm Beach Civic Association, Director
- Palm Beach County Federal Bar Association, Past President

Eric C. Christu

- Florida Bar Business Litigation Certification Committee, Past Chair
- American Bar Association's Forum on the Construction Industry, Past Member, Division Steering Committee
- U.S. District Court for the Southern District of Florida, ad hoc Advisory Committee on Court-Annexed Mediation (2009-2014)
- Member – American Intellectual Property Law Association (AIPLA)
- Town of Palm Beach Planning and Zoning Commission - Voting Member (Current)

Application for Service

Profile

William

First Name

J.

Middle Initial

Gilbane

Last Name

675 N Lake Way

Home Address

Suite or Apt

Palm Beach

City

FL

State

33480

Postal Code

billy@billygilbane.com

Email Address

Mobile: (646) 453-9440

Primary Phone

Alternate Phone

Question applies to multiple boards

I am a registered voter in the Town of Palm Beach (Initial below)

WJG

Question applies to multiple boards

Appointment to the Architectural Commission (ARCOM), Landmarks Preservation Commission, Planning and Zoning Commission, Recreation Advisory Commission, & Underground Utilities Task Force (UUTF) requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the required copy of the voter registration card shall be grounds for rejection of the application.

Question applies to multiple boards

VERIFIED - KMC 9/6/22

Upload a Voter Registration Card (Front)

Question applies to multiple boards

Upload a Voter Registration Card (Back)

Which Boards would you like to apply for?

Planning and Zoning Commission: Submitted

In what area of town do you live?

☒ North

Interests/Experience

Question applies to Planning and Zoning Commission

Why are you interested in serving on the Planning and Zoning Commission?

I have been serving for the past three years as an alternate and have really enjoyed the work and look forward to assisting with the upcoming code reform and FEMA implications. My political science background paired with my business experience in design construction and development would be a value add to the Town.

Question applies to Planning and Zoning Commission

Why are you interested in serving on the Landmarks Preservation Commission?

I am applying for Planning and zoning

Question applies to Planning and Zoning Commission

How many meetings of the Planning and Zoning Committee have you attended in the last year?

All but one when I had COVID

Question applies to Planning and Zoning Commission

Are you willing and available to attend meetings of the Planning and Zoning Commission as described below? Please select all that apply. *

- ☒ Meetings which last a full day (9:30 a.m. to 5:00 p.m., or even later)?
- ☒ Meetings on consecutive dates?
- ☒ Meetings which might be scheduled for multiple dates within the same month
- ☒ Meetings scheduled year-round

Please indicate if there are any periods of time for which you will be unavailable for meetings.

Question applies to multiple boards

If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

Question applies to Planning and Zoning Commission

Do you have any experience in requesting comprehensive plan amendments or zoning approvals from the Town of Palm Beach or other jurisdictions? (Please explain.)

I have planning and zoning experience from my work at my family business Gilbane Inc.(construction and real estate development) I also have a home in the north end which I have entirely renovated and am particularly sensitive to the demands in the north end and upcoming issues related to developemnt there.

Are you a member of any of the following organizations? (Check all that apply)

- ☒ Palm Beach Chamber of Commerce
- ☒ Palm Beach Civic Association
- ☒ Citizens' Association of Palm Beach
- ☒ Preservation Foundation of Palm Beach

Present Occupation

Investor and Board Member

No. of years

3

Past occupation(s)

Gilbane Inc. - Board Member Gilbane Building Company Senior Executive

No. of years

16

Please provide details regarding your educational background:

Brown University BA New York University MS

Question applies to Planning and Zoning Commission

Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check as many as are applicable) *

- ☒ Architecture
- ☒ Law
- ☒ Social Sciences
- ☒ Urban and Regional Planning
- ☒ Building Construction and/or Development

Upload a Resume

William J. Gilbane

Have you ever been convicted or pled guilty or nolo contendere to a crime other than minor traffic violations?

☐ Yes ☒ No

If you are currently serving on a Town board, commission, or committee, please identify in the space below and check the "I Agree" box indicating that you will resign from that position if you are appointed to the position you are seeking in this application.

I agree that I will resign from the board, commission, or committee if I am appointed to the position I am seeking in this application.

☒ I Agree

Question applies to Planning and Zoning Commission

Why do you feel that you are qualified to serve on the Town's Planning and Zoning Commission?

I believe my current experience on the planing and zoning board combined with my previous work in construction and development - particularly with FAR and FEMA could benefit the Town.

Question applies to multiple boards

In the event you are applying to be a Regular Member and you are not successful, will you accept appointment as an Alternate Member should the Town Council wish to appoint you as an Alternate Member?

☒ Yes ☐ No

To enable Town Council to consider potential conflicts of interest, please list the family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Mr. and Mrs. Thomas F. Gilbane Jr. Mr. and Mrs. Robert V. Gilbane Mr. and Mrs. Thomas F. Gilbane III

Demographics

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Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Physically Disabled

☐ Yes ☒ No

William J. Gilbane

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application of dismissal after appointment.

☒ I Agree

Question applies to Planning and Zoning Commission

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

Please note that Commission applications will expire on December 15 of each year.

PLANNING AND ZONING COMMISSION

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WILLIAM J. GILBANE III

+1.646.453.9440 (m) • 675 N Lake Way Palm Beach, Florida 33480
williamgilbane@gmail.com

High-energy, growth-driven, and charismatic C-level executive and Board Candidate with exceptional talents in rainmaking, building relationships, galvanizing stakeholders around common interests, negotiating through major conflict, and closing large deals. Long history in the construction and infrastructure development industries. Strong team leader with keen strategic, commercial, and financial acumen who creates an award-winning organizational culture that attracts and retains top talent while also driving top performance.

CAREER HIGHLIGHTS

- Led \$1.5B+ New York City division of Gilbane Building Company (one of the largest family-run construction management firms in the US), overseeing operations, sales, and client relations
 - Drove transformative growth for the division: doubled revenue YoY for seven consecutive years by diversifying the commercial portfolio and spearheading a strategic acquisition
 - Long track record of successful public-private partnerships
 - Team-builder and deliberate culture-creator, repeatedly earning Crain's Best Places to Work in NYC
 - Set strategy for and succeeded at negotiations with labor unions and aggressive litigation
 - Navigated complex family-business organizational dynamics; "gets" family business
-

PROFESSIONAL EXPERIENCE

EQUITIX NORTH AMERICA

Equitix is a leading investor, developer and long-term fund manager of core infrastructure and renewable energy assets in the UK, Europe and North America. Equitix has raised £7 billion of equity. The investment strategy for the funds focuses on small to mid-sized infrastructure projects across a wide range of sectors but with a focus on social infrastructure, renewable energy and utilities.

2020 - Present

Advisory Board Chair – Miami, Florida & London

GILBANE BUILDING COMPANY

2003 - 2020

One of the largest family-owned construction and real estate development firms in the United States, owned by Gilbane, Inc. with \$6B+ in annual revenues and 3,200+ employees.

Divisional CEO & President – New York City, New York

2011 – 2020

Led operations, sales, and client relations. Set and executed business strategy for the region, oversaw 500+employees delivering general contracting and construction management services to clients.

Strategic Achievements

- Led labor strategy resulting in creation of merit shop construction practices
- Created litigation strategy and successfully resolved \$42M litigation with Labor Unions
- Managed risk mitigation strategy for new geographic and market sector growth
- Notable projects include: Crown Building (730 Fifth Avenue for OKO Group), the Onodaga Lakeview Ampitheater, and 130 Williams Street for The Lightstone Group

Commercial Achievements

- Grew the unit from smallest to largest at Gilbane in 7-year period (positioning Gilbane as leading builder in region) by:
 - doubling sales annually
 - negotiating and closed over \$10B worth of deals over 7 years; largest single deal at approx. \$1B
 - diversifying portfolio (expanding into healthcare, education, transportation, infrastructure, sports & entertainment markets)
- Developed profitable insurance and bonding programs
- Effectively leveraged political drivers as Principal in Charge on several high-profile projects in combination with technical components of the development to achieve success
- Led robust Client Satisfaction Program to drive repeat business and fuel employee training
- Led & integrated M&A - Gotham Construction, a \$200M and 60+ employee business
- Achieved ENR New York Contractor of the Year and Coro New York Civic Builder awards

Operational Achievements

- Developed and scaled private sector developer focused business, expanding presence nationally
- Stood up Operational Excellence Department, (what does this mean?) becoming best-in-class unit recognized for credibility, performance, and innovation;
- Reduced safety incidents by 20% YOY over 6 years even in nonunion market; transferred safety best practices across all of Gilbane
- Oversaw 80+ projects on average and completed 20 annually across New York and New Jersey
- Created Support Operations Department to prequalify new non-union subcontractors, mitigating both new risks and opportunities unique to these businesses

Team & Culture Achievements

- Shaped culture strategy
- Named Crain's Best Places to Work in New York City for 5 consecutive years
- Grew and developed team of A Players from 82 to over 500 people in under seven years
- Instrumental in creating best-in-class family governance program for Gilbane

Senior Director, Business Development, New York, NY

2009 – 2011

Built New York Division business development, marketing and communications departments;
Key rainmaker for all Pursuits

Project Manager, New York, NY & Providence, RI

2003 – 2009

Managed high-profile projects such as \$480M Corporation Kings County Hospital Center; \$325M Newark Prudential Center Arena; and \$48M Lower Manhattan Development Corporation

BOARD AFFILIATIONS

Independent Director, BOD, Gilbane, Inc.. 2020 - Present

Member, Young Presidents Organization (YPO)

2017 – Present

Membership Committee 2017-2020

Member, BOD, The Housing Works Board

2016 – Present

Chair, Membership Committee

Member, BOD, New York Building Congress

2016 – 2020

Trustee, Citizens Budget Commission

2009 – Present

Membership Committee for 2 yrs

Governor, New York Building Foundation

2009 – 2020

Fundraising Committee 5 years

Member, BOD, The Everson Museum of Art

2016 – 2019

Facilities Committee for 3 years

Member, BOD, ACE Mentor Program of America

2010 – 2018

Strategic Planning Committee & Finance Committee for 1 yr

Director, Construction Management Association of America

2013 – 2016

EDUCATION & CERTIFICATIONS

National Association of Corporate Directors, Washington, DC

2020

NACP Directorship Training

Kellogg School of Management, Evanston, IL

2018

Governing Family Enterprises Program

New York University, New York, NY

2013

M.S., Construction Management

Brown University, Providence, RI

1999

B.A., Political Science

Town of Palm Beach

Submit Date: May 29, 2022

Application for Service

Profile

Martin

First Name

I

Middle Initial

Klein

Last Name

1060 North Ocean Blvd.

Home Address

Suite or Apt

Palm Beach

City

FL

State

33480

Postal Code

martin@miklein.com

Email Address

Home: (561) 881-8000

Primary Phone

Mobile: (917) 453-9800

Alternate Phone

Question applies to multiple boards

I am a registered voter in the Town of Palm Beach (Initial below)

MIK

Question applies to multiple boards

Appointment to the Architectural Commission (ARCOM), Landmarks Preservation Commission, Planning and Zoning Commission, Recreation Advisory Commission, & Underground Utilities Task Force (UUTF) requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the required copy of the voter registration card shall be grounds for rejection of the application.

Question applies to multiple boards

Voter Card Verified - 6/1/22 - KMC

Question applies to multiple boards

~~Which Boards would you like to apply for?~~

Planning and Zoning Commission: Appointed

In what area of town do you live?☒ North

Interests/Experience

Question applies to Planning and Zoning Commission

Why are you interested in serving on the Planning and Zoning Commission?

I am interested in working with the town Council and the newly engaged consultants on overall zoning code reform and to preserve the quality of our life in Palm Beach and in planning for the next generation.

Question applies to Planning and Zoning Commission

Why are you interested in serving on the Landmarks Preservation Commission?

I am interested in working with the Town Council and the newly engaged consultants on overall zoning code reform and to preserve the quality of our life in Palm Beach and in planning for the next generation.

Question applies to Planning and Zoning Commission

How many meetings of the Planning and Zoning Committee have you attended in the last year?

All

Question applies to Planning and Zoning Commission

Are you willing and available to attend meetings of the Planning and Zoning Commission as described below? Please select all that apply. *

- ☒ Meetings which last a full day (9:30 a.m. to 5:00 p.m., or even later)?
- ☒ Meetings on consecutive dates?
- ☒ Meetings which might be scheduled for multiple dates within the same month
- ☒ Meetings scheduled year-round

Please indicate if there are any periods of time for which you will be unavailable for meetings.

None

Question applies to multiple boards

If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

Planning and Zoning Commission-20 years. Code Enforcement Board-6 years Palm Beach County Land Development and Regulation Advisory Board 12 years

Question applies to Planning and Zoning Commission

Do you have any experience in requesting comprehensive plan amendments or zoning approvals from the Town of Palm Beach or other jurisdictions? (Please explain.)

Yes. See attached.

Are you a member of any of the following organizations? (Check all that apply)

- ☒ Palm Beach Chamber of Commerce
- ☒ Palm Beach Civic Association
- ☒ Citizens' Association of Palm Beach

Present Occupation

Attorney

No. of years

40 years

Past occupation(s)

No. of years

Please provide details regarding your educational background:

See attached resume

Question applies to Planning and Zoning Commission

Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check as many as are applicable) *

- ☒ Law

Upload a Resume

Have you ever been convicted or pled guilty or nolo contendere to a crime other than minor traffic violations?

☐ Yes ☒ No

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I agree that I will resign from the board, commission, or committee if I am appointed to the position I am seeking in this application.

☒ I Agree

Question applies to Planning and Zoning Commission

Why do you feel that you are qualified to serve on the Town’s Planning and Zoning Commission?

20 years of experience. See attached.

Question applies to multiple boards

In the event you are applying to be a Regular Member and you are not successful, will you accept appointment as an Alternate Member should the Town Council wish to appoint you as an Alternate Member?

☐ Yes ☒ No

To enable Town Council to consider potential conflicts of interest, please list the family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Diane Klein-Fashion consultant Michele Levbarg Klein-The Real Real

Demographics

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Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Physically Disabled

☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application of dismissal after appointment.

☒ I Agree

Question applies to Planning and Zoning Commission

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MARTIN I. KLEIN

1060 North Ocean Blvd., Palm Beach, Florida 33480 / (561) 881-8000 / martin@miklein.com

Senior legal counsel and corporate advisor for global clients, including luxury brands, financial institutions and real estate developers. Provides strategic guidance for a broad range of commercial and civil matters. Expertise in corporate restructuring/reorganization, bankruptcy, real estate development, finance, litigation, employment, discrimination and international law. Widely published and cited globally on bankruptcy matters and creditor's rights. Notable board appointments at public companies, non-profit organizations and municipalities.

EXPERIENCE

Martin I. Klein, PC, New York, NY and Palm Beach, FL

Founder/Managing Partner (1995 to present)

- Advise clients, provide proactive strategic legal guidance and manage cases for commercial matters including corporate restructuring/reorganization, bankruptcy, real estate development, finance, litigation, employment, discrimination and international law.
- Work with a broad range of clients, including global real estate developers, leading financial institutions, media and apparel companies and large corporations; collaborate with investment bankers, finance teams and specialized legal counsel.
- Serve as general counsel for the North American business of a leading global luxury apparel company and regularly advise a leading shopping center developer; former general counsel for a global real estate development firm and a NYSE-listed consumer products company; former personal counsel to a leading global financial innovator.
- Represent secured and unsecured creditors, debtors, creditors committees and reorganization trustees in Chapter 7 and 11 cases (and in Chapter X, XI and XII cases under the former Bankruptcy Act); negotiate/draft reorganization and liquidation plans, financings and asset purchases/sales and lead clients through all aspects of bankruptcy court proceedings.
- Regularly contacted and cited by major domestic and international print and broadcast media as noted legal source on bankruptcy matters and creditor's rights.

Shea & Gould, New York, NY

Partner (1993 to 1995)

- Handpicked to lead the bankruptcy department of a former leading global full-service law firm.
- Advised and represented public and private high-profile real estate and financial services clients in a wide range of corporate matters, including bankruptcy, restructuring, debt and equity reorganization and other financial and strategic transactions, governance and shareholder issues.

Dreyer & Traub, New York, NY

Partner (1980 to 1993)

- Established, led and grew the bankruptcy and commercial litigation departments of a leading real estate law firm, significantly increasing revenue.
- Advised high-profile financial, business and real estate clients and served on firm's Management Committee.
- Represented US and European banks in major restructurings (\$100 million+) and notable corporate clients in confidential industry-related investigations, criminal and civil proceedings.

BOARD/APPOINTED POSITIONS

Global Aviation Holdings, Peachtree City, GA

Chairman of the Board (January 2014 to present)

Director (2013 to present)

- Recruited to lead an organizational restructuring/recovery initiative and CEO search (on behalf of shareholders), at the largest commercial provider of air transportation for the US Military and a leading provider of commercial passenger charter and air cargo transportation.
- Oversee liquidation of \$75 million in assets and company wind-down (1,000 employees); serve as Chairman of the Compensation Committee and Member of the Audit and Governance Committees.

City of New York, New York, NY*Administrative Law Judge, Environmental Control Board (2007 to 2010)*

- Conducted hearings and adjudicated violations of city and state statutes and ordinances.
- Reviewed and adjudicated appeals of ECB decisions for the Appeal Section.

Central Synagogue, New York, NY*Honorary President and Trustee (1999 to 2018)**President (1995 to 1999)*

- Led a major non-profit organization, overseeing business strategy, operations/administration, finance and fundraising for a 7,000-member congregation (one of the largest/oldest in the US); previously served as Vice President and Treasurer.
- Significantly increased congregation membership and enrollment in the early childhood and religious schools; led organization through a \$50 million reconstruction and organizational recovery project following a fire disaster.
- Led monthly Board of Trustee meetings and various weekly committee meetings.

Palm Beach County Citizen's Committee on Airport Noise*Member (2022-*

Review airport noise conditions for County and consider potential noise mitigation

Planning and Zoning Commission of The Town of Palm Beach, Palm Beach, FL*Member (1994 to 2002, 2009 to 2014)**Chairman (1998 to 2000; 2017-2020)*

- Reviewed plans for town residential and commercial projects.
- Analyzed population density, determined short/long-term town planning goals and identified community needs and zoning/development priorities.

Palm Beach County Land Development Regulation Advisory Board, Palm Beach, FL*Member (2004 to 2013)*

- Conducted periodic review and updates to the County's Unified Land Development Code and Comprehensive Plan.
- Advised the Board of County Commissioners on land use regulations to protect the health, safety and welfare of the county residents.

Chock Full O'Nuts Corporation (NYSE), New York, NY*Director and Chairman of Audit Committee (1987 to 1994)***Regency Equities Corporation (OTC), Beverly Hills, CA***Director (1978 to 1979)***PUBLICATIONS**

- *Author, The New York State Bar Journal, Philadelphia Law Journal, Florida Bar Journal, Los Angeles Law Journal and Commercial Law Journal (1977 to present)* Widely published in leading law journals on financial, real estate, bankruptcy and commercial law.
- *Member of the Board of Editors, The Florida Bar Journal (1994 to 2013)*
- *Columnist, New York Law Journal (1995 to 2009)* Wrote monthly column on bankruptcy issues.
- *Member of the Board of Editors, The Bankruptcy Strategist (1995 to 2008)*

SELECTED ACADEMIC/SPEAKING ENGAGEMENTS

- *Adjunct Associate Professor of Law, Benjamin Cardozo School of Law of Yeshiva University.*
- *Lecturer, Columbia University School of Law, American Law Institute-American Bar Association Committee on Continuing Education (ALI-ABA), The Practising Law Institute (PLI) and Mathematica.*
- *Presenter, Joint Conference of INSOL International and The European Insolvency Practitioners Association, Florence, Italy (1995).*

SELECTED PROFESSIONAL MEMBERSHIPS

- **American Bar Association**
Chairman, Subcommittee on Bankruptcy Court Litigation
Business Bankruptcy Committee
- **The Florida Bar**
Judicial Evaluation Committee
Board of Editors, Florida Bar Journal
- **The Association of the Bar of New York**
Committee on State Legislation
- **United States District Court, Eastern District of New York**
Panel of Mediators
Panel of Arbitrators
- **United States Bankruptcy Court, Southern District of New York**
Panel of Mediators
- **Civil Court, City of New York**
Small Claims Arbitrator
- **American Arbitration Association**
Panel of Commercial Arbitrators
- **The English Law Society**
- **The Society of Practitioners of Insolvency** (United Kingdom)

LICENSURE

- Bar admission in New York, Florida, District of Columbia and California.
- Solicitor of the Senior Courts of London and Wales (United Kingdom).

ADDITIONAL INFORMATION

- Early legal experience in bankruptcy, real estate, intellectual property and litigation at mid-sized New York law firms.
- *Former Legislative Aide*, **Senator Jacob K. Javits** and the **US Senate Committee on Labor and Public Welfare** (91st and 92nd Congresses); primary staff responsibility for proposed revisions to the Fair Labor Standards Act (Minimum Wage Law Amendments enacted in 1974); instrumental in drafting the Occupational Safety and Health Act (OSHA), the Employment Retirement Income Security Act and various health, education and anti-poverty legislation.
- Conversational French and Italian.

EDUCATION

American University Law School, Washington, DC
Juris Doctor (1972), Awards for excellence in Constitutional Law and Criminal Law

Lehigh University, Bethlehem, PA
Bachelor of Arts, International Relations (1969)

Application for Service

Profile

Michael

First Name

V

Middle Initial

Spaziani

Last Name

3300 South Ocean Boulevard

Home Address

106S

Suite or Apt

Palm Beach

City

FL

State

33480

Postal Code

spazian@aol.com

Email Address

Mobile: (561) 655-8009

Primary Phone

Alternate Phone

Question applies to multiple boards

I am a registered voter in the Town of Palm Beach (Initial below)

Palm Beach

Question applies to multiple boards

Appointment to the Architectural Commission (ARCOM), Landmarks Preservation Commission, Planning and Zoning Commission, Recreation Advisory Commission, & Underground Utilities Task Force (UUTF) requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the required copy of the voter registration card shall be grounds for rejection of the application.

Question applies to multiple boards

[KMC - verified](#)

Upload a Voter Registration Card (Front)

Question applies to multiple boards

Upload a Voter Registration Card (Back)

Which Boards would you like to apply for?

Planning and Zoning Commission: Submitted

In what area of town do you live?

None Selected

Interests/Experience

Question applies to Planning and Zoning Commission

Why are you interested in serving on the Planning and Zoning Commission?

I love to contribute my time to serve the Town in any capacity. By molding the rules and regulations, its heart warming to see the outcome. The Town is so fantastic and I just love being a part of it.

Question applies to Planning and Zoning Commission

Why are you interested in serving on the Landmarks Preservation Commission?

Not applicable

Question applies to Planning and Zoning Commission

How many meetings of the Planning and Zoning Committee have you attended in the last year?

All except one-June

Question applies to Planning and Zoning Commission

Are you willing and available to attend meetings of the Planning and Zoning Commission as described below? Please select all that apply. *

- ☒ Meetings which last a full day (9:30 a.m. to 5:00 p.m., or even later)?
- ☒ Meetings on consecutive dates?
- ☒ Meetings which might be scheduled for multiple dates within the same month
- ☒ Meetings scheduled year-round

Please indicate if there are any periods of time for which you will be unavailable for meetings.

My schedule is open to serve. I think I speak for others in the commission but a few months off in the summer would be very nice, as most are out of town.

Question applies to multiple boards

If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

Planning and Zoning Commission- 9 years Recreational Advisory Commission- 3 years Chairman- 10 years.

Question applies to Planning and Zoning Commission

Do you have any experience in requesting comprehensive plan amendments or zoning approvals from the Town of Palm Beach or other jurisdictions? (Please explain.)

I have been personally involved with the development and passing of the Plan through the P&Z Commission for two of the last Comprehensive Reviews. I work hard to preserve the wishes and directions of our past leaders.

Are you a member of any of the following organizations? (Check all that apply)

None Selected

Present Occupation

Real Estate Appraiser/Broker

No. of years

38

Past occupation(s)

High School Teacher/Coach Real Estate Instructor Professional Photographer Advertising Musician

No. of years

Please provide details regarding your educational background:

Harvard University, 2004, AMD, Real Estate Management and Development University of Florida, MBA/MAI Real Estate Appraisal Program Pennsylvania State University, BS, Education

Question applies to Planning and Zoning Commission

Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check as many as are applicable) *

- ☒ Architecture
- ☒ Landscape Architecture/Design
- ☒ Law
- ☒ Social Sciences
- ☒ Urban and Regional Planning
- ☒ Building Construction and/or Development
- ☒ Geography

[Upload a Resume](#)

Have you ever been convicted or pled guilty or nolo contendere to a crime other than minor traffic violations?

☐ Yes ☒ No

If you are currently serving on a Town board, commission, or committee, please identify in the space below and check the "I Agree" box indicating that you will resign from that position if you are appointed to the position you are seeking in this application.

I agree that I will resign from the board, commission, or committee if I am appointed to the position I am seeking in this application.

☒ I Agree

Question applies to Planning and Zoning Commission

Why do you feel that you are qualified to serve on the Town’s Planning and Zoning Commission?

I have almost ten years on the P&Z Board and have contributed to the review of the Comprehensive Plan twice and to a myriad of changes and alterations to the code over those years.

Question applies to multiple boards

In the event you are applying to be a Regular Member and you are not successful, will you accept appointment as an Alternate Member should the Town Council wish to appoint you as an Alternate Member?

☐ Yes ☒ No

To enable Town Council to consider potential conflicts of interest, please list the family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Not applicable

Demographics

Some boards and commissions require membership to be racially, politically or geographically proportionate to the general public. The following information helps track our recruitment and diversity efforts.

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Physically Disabled

☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application of dismissal after appointment.

☒ I Agree

Question applies to Planning and Zoning Commission

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

Please note that Commission applications will expire on December 15 of each year.

PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission acts in an advisory capacity to the Town Council in all matters relating to municipal planning and development. The Commission is required to follow the concepts and contents of the Town's comprehensive land use plan in all planning, zoning and development related deliberations and decisions. The Commission shall also have such powers and duties as may be prescribed by Ordinance. The members of the Commission must be registered voters in the Town of Palm Beach. The seven regular members serve for terms of three years. Three alternate members of the Zoning Commission may be appointed by the Town Council who serve when called upon by the Chair of the Commission in the absence of any regular member.



MICHAEL VINCENT JOHN SPAZIANI
COMMERCIAL AND RESIDENTIAL REAL ESTATE APPRAISER

2875 SOUTH OCEAN BOULEVARD, SUITE 200
PALM BEACH, FLORIDA 33480
PHONE 561-655-8009; EMAIL: SPAZIAN@AOL.COM

Would you hire an attorney or doctor without a legal or medical degree?
Of course not!

Hire an appraiser with professional degrees in real estate with over 38 years and
4.2 billion dollars of asset valuation experience

Michael Vincent John Spaziani, BA, MBA, AMD, MSA, MNAA

Harvard University, 2004, Graduate School of Design, AMD
Real Estate-Advanced Management and Development

University of Florida, 1990, Masters of Arts Business Administration
MAI Program/Real Estate & Urban Analysis

Pennsylvania State University, 1977, Bachelor of Science

State Certified General Real Estate Appraiser RZ1167

State Licensed Real Estate Broker BK 462488

Our Firm specializes in Commercial Properties and Multi-Million Dollar Estates

SUMMARY OF QUALIFICATIONS

Michael Vincent John Spaziani, BS, MBA, AMD, MSA, MNAA
State Certified General Real Estate Appraiser RZ1167
State Licensed Real Estate Broker BK 462488

EDUCATION

Harvard University, 2004, AMD
Graduate School of Design
Real Estate-Advanced Management & Development

University of Florida, 1990, MBA
Masters of Arts Business Administration
MAI Appraisal Program sponsored by the Appraisal Institute

Pennsylvania State University, 1977, BS
Bachelor of Science

PROFESSIONAL EXPERIENCE

Michael Vincent John Spaziani, P.A. 1993-Present
Commercial and Residential Real Estate Appraiser

Andrew V Santangini, MAI, 1988-1993
Commercial and Residential Real Estate Appraiser

Martha Gottfried, Inc. 1984-1988
Real Estate Sales and Residential Real Estate Appraiser

PROFESSIONAL MEMBERSHIP

MNAA- National Association of Appraisers #51317006
Commercial Real Estate Appraiser

MSA-Master Senior Appraiser #11439
National Association of Master Appraisers
Commercial Real Estate Appraiser

CA-S-Certified Appraiser Senior #5315
American Association of Certified Appraisers
Commercial Real Estate Appraiser

MAI Candidate-Appraisal Institute
Demonstration Report-Passed
Educational Course Work-Passed
Experience Credit-Passed
Commercial Real Estate Appraiser

COMMUNITY ACTIVITIES

Town of Palm Beach, Florida
Planning & Zoning Commissioner-11 years
Recreational Advisory Board- Chairman-9 years
Harvard Faculty Club, Cambridge, MA
Harvard Club of Palm Beach
Harvard College Admissions-Interviewer
Harvard Club of New York

REFERENCES

Andrew V Santangini, MAI
1109 NW 23rd Avenue, Gainesville, Florida 352-376-3351

REAL ESTATE APPRAISAL EXPERIENCE

Estate Homes \$1,000,000+	Motels
Retail Shopping Center	High-rise office buildings
Subdivisions	Recreational Vehicle Parks
Vacant Commercial/Residential Land	Industrial
Multi-Family Buildings	Retail Buildings
Condominiums	Restaurants
Mobile Home Parks	

REAL ESTATE EDUCATION

Harvard University Graduate School of Design, 2004
Real Estate-Advanced Management and Development
Thesis: Ro-what factors affect the rate the most

University of Florida-Warrington Business Graduate School, 1990

Real Estate Law
Real Estate Market Analysis
Real Estate Valuation
Real Estate Finance
Real Estate Valuation 11
Real Estate Investments
Real Estate Soils and Land Analysis
Real Estate Financial Analysis
Real Estate Case Studies and Report Writing
Building Construction Materials
Building Construction Management
Growth Management
Thesis: Functional Obsolescence between Metal and CBS Industrial Buildings

EXTRACURRICULAR ACTIVITIES

Swimming, Tennis

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda Minutes

Agenda Title
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

Presenter

ATTACHMENTS:

- ▣ **September 13, 2022, Town Council Meeting Minutes**
- ▣ **September 14, 2022 Town Council Development Review Meeting Minutes**
- ▣ **September 14, 2022, Special Town Council Meeting Minutes**
- ▣ **September 22, 2022, Special Town Council Meeting Minutes**



MINUTES OF THE TOWN COUNCIL MEETING HELD ON SEPTEMBER 13, 2022

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of September 13, 2022 was called to order at 9:30 a.m. All Council Members were found to be present except Council Member Araskog.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Acting Town Clerk Gayle-Gordon gave the Invocation and Chair Zeidman led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

The following modification was made to the Agenda:

Addition of sub-item XI.B.3.c as follows:

RESOLUTION NO. 123-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a \$250,000 Donation from the Preservation Foundation of Palm Beach for the Establishment of a Phipps Ocean Park Project Account.

IV. APPROVAL OF AGENDA

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve the Agenda, as amended. On roll call, the Motion passed 4-0 with Council Member Araskog absent.

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

VI. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore recognized the following employee milestones: Kathleen Ruderman, Police Department, 20 years of service; Kelsey Mazzola, Fire Department, 5 years of service; Austin Bradshaw, Fire Department, 5 years of service; Kraig Lake, Information

Technology, 5 years of service; and Christopher Murphy, Police Department, 5 years of service. She commended Larry Menniti (PD) on his retirement after 17 years of service.

She announced that the Town of Palm Beach received the 2022 Achievement of Excellence in Procurement Award by the National Procurement Institute. She congratulated the Procurement Department, especially Dean and Duke on their excellent work.

Mayor Moore spoke regarding the need for the Town to make an appointment to the Palm Beach County Citizens' Committee on Airport Noise (CCAN). Council Member Crampton volunteered to be appointed.

She thanked and congratulated the Police Chief and Police Department on their recent assistance with issues at the beach.

Mayor Moore announced that she will be attending the Florida League of Cities Legislative Affairs Utilities Committee meeting in Orlando.

VII. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Crampton inquired regarding Police Department promotions in the near future, to which Chief Caristo responded that the next department meeting will be held in December.

At this time Council Member Araskog joined the meeting via Zoom.

Council Member Cooney spoke regarding reality television shows being filmed on the island and expressed the importance of ensuring the Town's regulations are in place involving filming. Town Attorney Randolph stated that the Town does have regulations in place on this issue. Mayor Moore requested that the ordinance be distributed to Town Council and the potential for discussion at tomorrow's meeting. Town Manager Blouin spoke regarding the filming permits and stated that if there are any problems with film production, then those issues need to be reported in order to be resolved. Council Member Araskog read the applicable section of the code regarding filming.

Council President Zeidman spoke regarding the upcoming joint meeting with the Planning & Zoning Commission (P&ZC) in October regarding the zoning code update. She spoke regarding a meeting she held with the P&ZC, Town staff and the Zoning Code consultants. She spoke regarding a mediation she recently attended at the Town Attorney's Office. She requested that an item be placed on a future agenda to discuss what can be done with derelict vessels.

VIII. COMMUNICATIONS FROM CITIZENS

Diane Buhler, Friends of Palm Beach, spoke regarding the issue of fishermen and others who are leaving trash in the parking lot adjacent to the new gateway at the Southern Boulevard bridge and spoke regarding the necessity for trash bins in the parking lot.

Director of Public Works, H. Paul Brazil spoke regarding the possibility of an interlocal agreement with Florida Department of Transportation to assist with maintenance. Ms. Buhler announced two upcoming beach cleanup events. In response to a question from Council Member Crampton regarding obtaining a permit for her organization, to which she responded. Council President Zeidman expressed appreciation for the work that Ms. Buhler and her organization is doing and addressed the question of the Police Department allowing her organization to ride their ATV on the beach. Council Member Araskog requested that Public Works place trash bins at the parking lot by the gateway at the Southern bridge, to which Mr. Brazil responded.

Colin Goldsmith, Royal Palm Beach, expressed appreciation for the ordinance change regarding Thanksgiving hours. He requested a meeting with Town staff on additional ideas to ensure that rules are being followed. He spoke regarding having a responsible vendor program. Council Member Araskog spoke regarding this going to Council prior to Ordinances, Rules and Standards Committee (ORS). Mayor Moore spoke regarding this going to staff first.

IX. APPROVAL OF CONSENT AGENDA

The following changes were made to the Consent Agenda:

1. Item No. IX.B.1 RESOLUTION NO. 110-2022 was pulled and heard as Item No. XI.A.1;
2. Item No. IX.B.2 RESOLUTION NO. 111-2022 was pulled and heard as Item No. XI.A.2.

Council President Pro Tem Lindsay mentioned a minor revision of the minutes to change language to say, “dedicated utility easements on private property.”

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

A. MINUTES

1. Town Council Meeting Minutes
 - a. August 9, 2022 Town Council Meeting Minutes
 - b. August 10, 2022 Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of August 24, 2022.
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 110-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town of Palm Beach Master Fee Schedule by Modifying Parking Placard and Paid Parking Fees, and Providing an Effective Date. – ***Pulled and Heard as Item No. XI.A.1.***
Jane Le Clainche, Director of Finance
2. RESOLUTION NO. 111-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town of Palm Beach Master Fee Schedule by Modifying Parking Fines, and Providing an Effective Date. – ***Pulled and Heard as Item No. XI.A.2.***
Jane Le Clainche, Director of Finance
3. RESOLUTION NO. 112-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2022-19, Street Sweeping and Bike Trail Sweeping to Bright Star Property Maintenance Services in the Annual Amount of \$97,160 and Establishing a Five-Year Award in the Amount of \$534,590, Based on Satisfactory Performance, Mutual Agreement and Budget Authorization.
Dean Mealy, Procurement and Contract Manager
4. RESOLUTION NO. 113-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Awarding of a Purchase Order for Milling and Paving, Town of Palm Beach Undergrounding Phases 2 and 3 South and Via Palma Roadway and Drainage Improvements to Ranger Construction Industries, Inc. in the Amount of \$1,690,811.32 and Establishing a Project Budget of \$1,944,432.
Dean Mealy, Procurement and Contract Manager
5. RESOLUTION NO. 114-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Proposed Fixed Costs for Property, Liability, Workers' Compensation, Automobile and Ancillary Coverages for FY 2023 in the Amount of \$1,086,742 and Variable Costs in the Amount of \$1,100,000; Approving A Non-Exclusive Insurance Broker Services Agreement With Relation Insurance Service of Florida, Inc. "Relation", in the Amount of \$45,000; Approving A Non-Exclusive Insurance Broker Services Agreement with Arthur J. Gallagher Risk Management Services, Inc., "AJG," In The Amount Of \$7,500; Approving A Third Party Administration Services Agreement with Preferred Governmental Claim Solution "PGCS" In The Amount Of \$54,827; Conditioning All Matters Contained Herein Subject to Approval of The Fiscal Year 2023 Budget; and Authorizing the Town Manager To Execute the Non-Exclusive Insurance Broker Services Agreements with Relation, AJG and PGCS on Behalf of the Town.
Dean Mealy, Procurement and Contract Manager

6. RESOLUTION NO. 115-2022 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order To Tyler Technologies In The Annual Amount Of \$96,500 And Establishing A Three-Year Contract Award Of \$318,450 Contingent Upon Satisfactory Vendor Performance, Mutual Agreement And Budget Authorization.
Dean Mealy, Procurement and Contract Manager
7. RESOLUTION NO. 116-2022 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order To Government Jobs Inc. D/B/A NEOGOV In The Annual Amount Of \$80,000 And Establishing A Three-Year Contract Award Of \$240,000 Contingent Upon Satisfactory Vendor Performance, Mutual Agreement And Budget Authorization.
Dean Mealy, Procurement and Contract Manager
8. RESOLUTION NO. 117-2022 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving Purchase Orders To Sentinel Technologies, Inc. In A Not-To-Exceed Amount Of \$200,000.
Dean Mealy, Procurement and Contract Manager
9. RESOLUTION NO. 118-2022 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order To Superion LLC. D/B/A/ Central Square In The Annual Amount Of \$210,000 And Establishing A Three-Year Contract Award Of \$693,000 Contingent Upon Satisfactory Vendor Performance, Mutual Agreement And Budget Authorization.
Dean Mealy, Procurement and Contract Manager
10. RESOLUTION NO. 119-2022 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order To Municipal Code Corporation In The Annual Amount Of \$50,000 And Establishing A Three-Year Contract Award Of \$160,000 Contingent Upon Satisfactory Vendor Performance, Mutual Agreement And Budget Authorization.
Dean Mealy, Procurement and Contract Manager
11. RESOLUTION NO. 120-2022 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order To Electronic Data Collection CRP In The Amount Of \$48,775 And Establishing A Three-Year Award In The Amount Of \$160,000 Contingent Upon Satisfactory Performance, Mutual Agreement And Budget Authorization.
Dean Mealy, Procurement and Contract Manager

12. RESOLUTION NO. 121-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2022-20, Par 3 Clubhouse Renovation to Hedrick Brothers Construction Company in the Amount of \$151,453 and Establishing a Project Budget of \$166,500 and Approving an Allocation from the Par 3 Golf Fund Contingency in the Amount of \$100,000.
Dean Mealy, Procurement and Contract Manager

C. OTHER

1. Acceptance of Donation from the Palm Beach Police & Fire Foundation
Nicholas Caristo, Chief of Police
2. Request to Consider Ordinance No. 015-2022 at Public Hearing Prior to 5:00 p.m.
Wayne Bergman, Director of Planning, Zoning and Building
3. Endorse Viking Yacht Service Center Environmental Enhancement and Seagrass Restoration Project and Approve Waivers to Town Code for Construction Hours and Noise
H. Paul Brazil, P.E., Director of Public Works
4. Mayoral Letter of Approval for Edward Byrne Memorial Justice Assistance Grant (JAG) Funds Disbursement
Nicholas Caristo, Chief of Police

V. PRESENTATIONS

- A. Town's 100-Year Anniversary as ICMA-recognized City
Kirk Blouin, Town Manager

Sarah Hannah-Spurlock of the City of Fort Lauderdale, representing International City/County Management Association (ICMA), made a presentation to the Town Council on the Town's 100-year Anniversary as an ICMA recognized city.

X. COMMITTEE REPORTS

- A. Report of the Public Works Committee Meeting Held on Thursday, August 11, 2022
Bobbie Lindsay, Chair

Chair Lindsay provided the Committee report for the August 11, 2022, Public Works Committee meeting. She spoke regarding returning water updates to the Town Council. She spoke regarding information that was presented at a recent meeting on the water pipe infrastructure in the Town and provided an update on the items that Council had requested staff to further research. She spoke regarding

municipalities moving toward a proactive policy on pipe replacement in the future. She spoke regarding the City of West Palm Beach's infrastructure replacement and spoke regarding a discussion on the various membrane technologies. She spoke regarding a review of horizontal wells and a high level review of a transmission pipeline in the intracoastal waterway. She addressed a discussion on desalination plants. Council President Zeidman requested obtaining forensic data from the City of Palm Beach on payments made for water. Discussion ensued regarding the items that are continued to being studied. Council President Zeidman spoke regarding holding a meeting with the residents and costing out the options prior to that meeting and spoke regarding having the Finance Committee review the costs. Mayor Moore spoke regarding the City of West Palm Beach Water Panel. Council Member Crampton spoke in support of staff putting together a plan for a pipe replacement program. He spoke in support of also looking at creatively partnering with the City of West Palm Beach. Town Manager Blouin spoke regarding working with the City and options for pipe replacement and moving toward membrane technology and Mr. Brazil provided additional information. Council Member Araskog spoke in support of the Finance Committee meeting on this issue prior to any public workshops. Discussion ensued regarding the Town's relationship and collaboration with the City of West Palm Beach on the water issue. The Town Council provided consensus to have staff conduct further research on the options with the City of West Palm Beach membrane technology, Lake Worth Beach membrane technology, and the intracoastal waterway distribution system. Discussion ensued regarding the Finance Committee looking at funding.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to accept the Public Works Committee report. On roll call, the Motion passed unanimously.

Director Brazil provided information on work being done by the Town's lobbyist and Kimley-Horn on researching grant funding for the water projects and looking at alternatives to water sources. Discussion ensued regarding solidifying the options that are feasible prior to the Finance Committee meeting.

The Town Council recessed at 11:25 AM and reconvened at 11:45 AM.

XI. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

1. **RESOLUTION NO. 110-2022** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town of Palm Beach Master Fee Schedule by Modifying Parking Placard and Paid Parking Fees, and Providing an Effective Date. – ***Pulled from Consent Agenda***
Jane Le Clainche, Director of Finance

Mayor Moore expressed concern over the price increase for placards. She spoke regarding using a step approach.

Council Member Cooney expressed concern over the increase in placard as well as the increase in ticket prices.

Council President Pro Tem Lindsay inquired about giving discounts on placard price for residents, to which Town Attorney Randolph responded. Ms. Le Clainche provided additional information.

Council Member Crampton spoke regarding the paid parking program and expressed concern over too much of an increase. He spoke in support of setting aside some of the funds generated through the parking program to solve additional parking problems.

Council President Zeidman spoke in support of increasing the prices for the placards and for tickets. She stated that fees for parking go toward maintenance of our streets and safety. She spoke in support of assisting businesses and their employees through the placard program.

Town Manager Blouin provided background information on the item.

Council Member Araskog stated that she believes the placard prices are too low and spoke in support of the proposed increases.

Council President Pro Tem Lindsay spoke regarding the placard amounts not being substantial when they're broken down. She spoke in support of looking at giving discounts to residents on the placard and she spoke regarding using some of the revenue to go towards improvements on Worth Avenue.

Mayor Moore expressed concern over the increases due to the impact on the employees of the businesses.

Council Member Cooney spoke in support of looking at additional parking options and exploring public-private partnerships to look into parking options.

Town Manager Blouin spoke regarding working with businesses and community organizations on expanding parking options.

Jimmy Zisson, Palm Beach, spoke regarding only requiring visitors to pay for parking and to exempt residents and employees from the paid parking. Mr. Blouin explained the Town's ability to reduce parking fees for residents. Ms. Sisson spoke in support of imposing a 2% land transfer tax. Mr. Randolph explained that State statute would not allow the Town to do so.

Motion was made by Council Member Crampton and seconded by Council Member Araskog to approve Resolution No. 110-2022. On roll call, the Motion passed unanimously.

2. RESOLUTION NO. 111-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town of Palm Beach Master Fee Schedule by Modifying Parking Fines, and Providing an Effective Date. – ***Pulled from Consent Agenda***
Jane Le Clainche, Director of Finance

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 111-2022. On roll call, the Motion passed 4-1 with Council Member Cooney dissenting.

B. Old Business

1. Town-Wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status
H. Paul Brazil, P.E., Director of Public Works

Patricia Strayer, Town Engineer, provided a brief update on the undergrounding project.

Council Member Crampton inquired about the shortfall for the project and any projected increases to the shortfall, to which Ms. Strayer and Mr. Blouin responded. Ms. Le Clainche provided additional information.

Council Member Araskog commended Ms. Strayer and staff on their work on the approved easements on various phases.

2. Evaluation of Alternatives to Relocate Garbage and Recycling Pickup at Lake Drive Park - Update
H. Paul Brazil, P.E., Director of Public Works

Director Brazil provided background information on the item, explained the alternatives for a pilot program and answered Council Members' questions.

Mayor Moore expressed concern over the possibility of impacting other residents and impacting the functionality of the Town Marina.

Council Member Crampton inquired from Mr. Brazil regarding the least impactful option. Mr. Brazil responded. Mr. Crampton spoke in support of spending money on the option to shield the residents from noise and an unsightly area.

Council President Pro Tem Lindsay spoke regarding the history of the issue. She spoke regarding the issue with the placement of the trash bins. She spoke in support of doing the proposed pilot program in order to address the issues that have been raised. She spoke in support of increasing the distance by the proposed 180' and spending the money to do the pilot program. She spoke in support of completing any construction quickly in order for the pilot program to be in place by the time season starts.

Council Member Araskog expressed concern over the pilot program impacting operations and the cost and was concerned about the Town Council making a decision prior to neighboring residents being in Town. She spoke in support of making the changes that Director Brazil mentioned.

Council President Zeidman spoke regarding a neighboring condo board having expressed some support for the changes which would move geographically the trash compactor closer to their building but at quite a distance away. She stated that this proposed pilot program is an enhancement over what is currently in place and spoke in support of making this move on a trial basis. She stated that the project should be conducted when residents of the neighboring building are in town and for 2 months to adequately evaluate. She agreed that staff should move forward with the trial prior to season to work out any issues and continue into season when residents return.

Discussion ensued regarding the vehicle needed and costs involved.

Frank Slattery, Palm Beach, spoke in support of the change in location and the pilot program.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to proceed with the pilot program and we are ready to go on November first and then we run the pilot program for at least a couple of months and get the feedback from the neighborhood. On roll call, the Motion passed unanimously.

The Town Council meeting recessed at 1:06 PM and reconvened at 2:10 PM.

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

C. New Business

2. Short-Term and Long-Term Planning for Sargassum Removal from Beaches

TIME CERTAIN: 2:00 PM

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

Director Brazil provided background information on the item and presented the short-term and long-term solutions. Rob Weber, Coastal Program Manager, presented current conditions. Director Brazil answered Council Members questions.

Council President Pro Tem Lindsay spoke regarding the large amount of sargasso that has been on the beach this year and stated that she has never seen it at that level. She also spoke regarding the brown color of the water.

Council Member Araskog spoke regarding the possibility of working with other municipalities on trying to institute a tax or fees for the users of the port and/or jetties in order to provide funding for addressing the sargassum issue.

Council President Zeidman spoke regarding the importance of having a proactive approach to this issue and continue to monitor it. She spoke in support of adding the proposed area. In response to a question by Council President Zeidman, Director Brazil spoke regarding having a contract in place in order to do the proposed pilot project if necessary.

Council President Pro Tem Lindsay spoke in support of the proposed project. In response to questions from Ms. Lindsay, Director Brazil spoke regarding removal of the sargassum vs. burying. He spoke regarding the budget for the project.

In response to a question from Council Member Cooney, Mr. Brazil spoke regarding working the neighbor at the location where the work would be staged.

Dr. Brian LaPointe, Florida Atlantic University, provided background information on why this issue is occurring. He explained how the sargassum is forming and growing and outlined a sargassum management plan. He spoke regarding the use of heavy equipment on the beaches. He answered Council Members' questions. He spoke regarding monitoring the sargassum collected for heavy metals and other organisms prior to it being buried. He spoke regarding the ability to assist the Town with monitoring the nutrient content of the sargassum that is picked up.

In response to a question from Dragana Connaughton, Dr. LaPointe spoke regarding the best way to address the removal of sargassum and expressed concern over burying the sargassum due to excessive amounts of arsenic that can be contained in sargassum. He also spoke regarding approaches that are occurring in other municipalities, such as installing a sea fence. Ms. Connaughton spoke in support of the Town having a biologist working on this issue and that there is a proactive approach.

Ronald Matzner, Palm Beach, Executive Board of Citizens Association, spoke regarding the large mounds of sargassum on the beach in June and spoke in support of the proposed project and requested if there will be any other plans to include the South end beaches in the future.

Diane Buhler, Friends of Palm Beach, expressed concern over burying the sargassum due to the plastics that are contained in the sargassum.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to authorize staff to get hourly rate contract regarding special projects or clean-ups to be done and include raking from Angler Avenue North in program budget. On roll call, the Motion passed unanimously.

Mayor Moore emphasized the importance of working with Dr. LaPointe on the monitoring of the sargassum content. Discussion ensued and it was the consensus that Town staff would be moving forward with working with Dr. LaPointe on the monitoring.

3. Phipps Ocean Park Project Update
Carolyn Stone, Assistant Town Manager

Assistant Town Manager Stone provided background information on the project.

a. Status on Project Plans, Grant and Management Agreements
Amanda Skier, President and CEO, Preservation Foundation of Palm Beach

Amanda Skier provided an update on the project, budget changes and proposed donor terms.

Town Attorney Randolph answered a question by Mayor Moore regarding naming a portion of the park to someone out of the Phipps family.

Council Member Crampton inquired about the invasive species removal, to which Mr. Brazil responded. He spoke in support of the request from the Preservation Foundation that the large gifts be granted in perpetuity.

Council Member Araskog expressed concern over the gifts being granted in perpetuity due to future individuals not being able to be recognized. She expressed concern over the amount for the invasive species removal. Mr. Brazil addressed Ms. Araskog's questions regarding the invasive species removal. Assistant Town Manager Stone addressed Ms. Araskog's questions regarding the donor terms and agreements.

Council President Pro Tem Lindsay spoke regarding the proposal for the invasive species removal and spoke in support of the proposal.

Director Brazil provided further information on methods of the invasive species removal in response to Mayor Moore. He also spoke regarding planting sea oats and other native plants to stabilize the dunes to ensure to control future invasives.

Ms. Skier spoke regarding the donor naming in perpetuity in response to Ms. Araskog and spoke regarding a proposed donor wall and specific features that will be named for certain donors. Council Member Araskog requested further information on this prior to anything being set.

b. Estimated Budget Increases Associated with Invasive Removals

Motion was made by Council Member Crampton and seconded by Council Member Cooney to authorize Public Works to spend \$300K for removal of invasive species at Phipps Ocean Park. On roll call, the Motion passed unanimously.

c. RESOLUTION NO. 123-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a \$250,000 Donation from the Preservation Foundation of Palm Beach for the Establishment of a Phipps Ocean Park Project Account.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 123-2022. On roll call, the Motion passed unanimously.

D. New Business

1. Proposed 2023 Town Council Meeting Schedule
Kirk Blouin, Town Manager

Council President Zeidman expressed concern over short timeframes for a few of the proposed dates. Discussion ensued regarding consolidating the August meeting dates.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve the 2023 Town Council Meeting schedule. On roll call, the Motion passed unanimously.

2. Short-Term and Long-Term Planning for Sargassum Removal from Beaches
TIME CERTAIN: 2:00 PM
H. Paul Brazil, P.E., Director of Public Works

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

3. Review of a Stop Work Order Due to the Three Strike Rule at 246 Seaspray Avenue
Wayne Bergman, Director of Planning, Zoning and Building

Director of Planning, Zoning and Building Bergman provided background information on the item.

Kevin Bradman, homeowner, provided information on the infractions.

In response to a question from Ms. Araskog, Town Engineer Strayer and Director Brazil addressed the issue of limited construction parking permits.

Michael Conville, Beacon Construction, spoke regarding accommodations his company attempted to make for construction parking.

Ms. Strayer addressed the issue of the long timeline for approval of construction parking permit applications in response to a question from Council President Pro Tem Lindsay.

Mayor Moore spoke in support of lifting the stop work order and allowing him to complete the project.

Council President Zeidman expressed appreciation for the letter written by the owner and spoke in support of lifting the stop work order.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to authorize staff to lift stop work order and grant the ability for the Contractor to apply for right-of-way permits. On roll call, the Motion passed unanimously.

4. Review of a Stop Work Order Due to the Three Strike Rule at 756 Hi Mount Road
Wayne Bergman, Director of Planning, Zoning and Building

Director of Planning, Zoning and Building Bergman provided background information on the item.

Renee Alonso, President of Alonso and Associates, explained the citations that were issued and that one of the citations was issued to a sub-contractor and not to his company.

Mayor Moore expressed concern that the company has already been before Council for a three-strike violation and that the project is not close to

completion and inquired about any other remedies that the Town Council could do to address additional stop work orders from this company. Mr. Randolph and Mr. Brazil responded. Discussion ensued on the possibility of enforcing a steep fine for any future stop work orders. Mr. Brazil and Mr. Blouin spoke regarding following the policy in place and that any additional fines could be brought back to Council in an amended policy.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to direct staff to lift 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. First 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 Araskog and seconded by Council Member Crampton to approve Ordinance No. 004-2022 on first reading. On roll call the Motion passed unanimously.

XIII. ANY OTHER MATTERS

There were none.

XIV. ADJOURNMENT

The Town Council Meeting of September 13, 2022 was adjourned at 4:34 PM by Motion but without benefit of a Roll Call.

APPROVED:

Margaret A. Zeidman, Council President

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

Date



TOWN OF PALM BEACH

Minutes of the Development Review
Town Council Meeting
Held on September 14, 2022

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order September 14, 2022 at 9:46 a.m. On roll call, all elected officials were found to be present, with Council Member Council Member Araskog participating on Zoom.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore acknowledged that 21 years had passed since the 9/11 tragedy. She recognized all the people who sacrificed so that other citizens could enjoy the freedoms that we have today. She also recognized how blessed we are to live in the United States of America.

Mayor Moore also recognized the passing of Queen Elizabeth and passed on condolences to the Royal family.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Zeidman announced on September 29, 2022, 4:00 p.m., at The Beach Club, the Community Safety Program would be restarted. She announced that all residents would be welcomed.

Ms. Zeidman announced the 10:00 am presentation by Sean Suder and indicated that a joint meeting with the Planning and Zoning Commission meeting and ZoneCo. would occur at the October 12, 2022 Town Council Development Review meeting. She also announced the upcoming discussion on House Bill 423 after the 10:00 a.m. presentation by Sean Suder. Finally, she announced the first reading of the budget at 5:01 p.m., following the Development Review meeting.

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:

Addition of Discussion on Resolution No. 122-2022, which opposed House Bill 423

Deferral of ZON-22-021, 160 Seaview Avenue to the October 12, 2022 meeting

Deferral of ZON-22-100, 800 S. County Road to the October 12, 2022 meeting

Deferral of ZON-22-017, 1237 N. Lake Way to the October 12, 2022 meeting

Deferral of ZON-22-078 231 Bradley Place to the October 12, 2022 meeting

Deferral of ZON-22-088 240 Oleander Avenue to the October 12, 2022 meeting

Deferral of ZON-22-105 150 Seminole Avenue to the October 12, 2022 meeting

Deferral of ZON-22-123, 218 Phipps Plaza to the October 12, 2022 meeting

Addition of the First Reading of Ordinance No. 016-2022, which amends Chapter 50, Floods

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

VII. PRESENTATIONS

A. Code Review Update with Sean S. Suder, ZoneCo
TIME CERTAIN - 10:00 A.M.

Sean Suder, ZoneCo, provided background information on the work that has been done so far, reported on what has been done since the last update and explained the plans to move forward with the code review update.

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

Mayor Moore inquired about how Mr. Suder felt the process was going, to which he

responded.

Council President Zeidman asked when Joe Nickel would become involved in the process, to which Mr. Suder responded. He provided additional information on the rest of the process in response to Ms. Zeidman.

VIII. DISCUSSION ITEMS

A. Update on House Bill 423

John C. Randolph, Town Attorney

Town Attorney Randolph provided brief information on the backup materials included in the packet. Wayne Bergman, Director of Planning, Zoning and Building, provided additional information on House Bill 423 and explained the implications for the Town, such as removing ARCOM from approving demolition applications. He spoke regarding House staff comments, specifically addressing the Town of Palm Beach. He spoke regarding Resolution No. 122-2022, which opposed House Bill 423.

Town Attorney Randolph spoke regarding a letter drafted to the Legislative Delegation which opposed this House Bill. He spoke regarding the bill not necessarily needing to be repealed, but rather “grandfathered” in the Town of Palm Beach and other Certified Local Governments (CLG).

Mayor Moore spoke regarding working with the Palm Beach League of Cities. She encouraged Director Bergman to reach out to other cities with preservation codes, such as St. Augustine.

Council Member Cooney expressed frustration for the bill and the Town’s inability to participate in the process. He also encouraged contact with Coral Gables and Miami Beach. He asked about the resolution and the approach being taken to amend the bill, to which Mr. Bergman responded.

Council President Pro Tem Lindsay spoke in support of the approach of working with other CLG’s around the State.

Council Member Cooney spoke regarding also contacting the Florida Trust for Historic Preservation and stated that this issue was not a priority for them right now.

Council Member Crampton spoke in support of Mayor Moore sending the drafted letter; working with various associations to try to develop a coalition; if a coalition was formed, hiring a lobbyist; publishing a letter in the Shiny Sheet and the communications sent by the Citizen’s Association and Civic Association; and encouraging residents to write a letter to the Legislative Delegation.

Council President Zeidman spoke regarding the Civic Association’s intent on filming an interview with Sue Patterson on this issue. She stated that many had asked how the Town did not know the elements of the bill before it went to the House and Senate for a vote. She provided background on the passage of this bill. She stated that this bill addressed changes to the building code and that it had gone through two committees before it went to the House and Senate for passage. It passed in the house by a 138-0 vote, and in the Senate by a 38-0 vote. President Zeidman then read the bullets

provided by the Florida League of Cities, all of which dealt with the building code elements.

Council Member Araskog spoke regarding the letter to be sent. She spoke regarding focusing on cities that had a 40-year landmarking program. Town Attorney Randolph clarified the certified local governments. He also spoke about initially requesting the repeal of the bill. In response to a question from Ms. Araskog, Mr. Bergman spoke about taking demolition permits to ARCOM.

Sue Patterson, Chair of the Landmarks Preservation Commission, spoke in support of the proposed resolution. She spoke regarding assisting with getting information out to the community about landmark preservation and about opposing this bill.

Council President Pro Tem Lindsay spoke regarding needing to amend the letter included in the packet if the Town was requesting for the bill to be rescinded, and to also consult with the Town's lobbyist to ensure his support of that approach.

Aimee Sunny, Preservation Foundation of Palm Beach, expressed appreciation for the Town's landmarks program and spoke in support of the Mayor and Town Council moving forward on this issue.

Council Member Araskog spoke in support of Town Attorney Randolph also reaching out to his counterparts at other CLG's in addition to Mr. Bergman.

Town Attorney Randolph spoke regarding amending the resolution to include a section regarding sending the resolution to the Governor and/or Legislative Delegation.

James Green, Attorney for several property owners impacted by HB 423, spoke in support of the Mayor and Town Council consider adding a risk of flooding in determining if a property should be landmarked, as Coral Gables or Miami Beach has done. Council President Zeidman expressed support for looking into what Coral Gables and Miami Beach has done in this regard.

B. Consider Resolution No. 122-2022, Opposing House Bill 423

Motion made by Council Member Crampton and seconded by Council Member Araskog to approve Resolution No. 122-2022 as amended. Motion carried unanimously, 5-0.

The Town Council recessed at 11:06 a.m. and reconvened at 11:22 a.m.

Deputy Town Clerk Churney administered the oath at this time and throughout the meeting as needed.

IX. DEVELOPMENT REVIEWS

The following items are out of order of the agenda.

B. Time Extensions and Waivers

1. Time Extension for 175 Worth Avenue

M. Timothy Hanlon provided the information on the proposed time extension.

Director Bergman requested two conditions be placed on the approval, which included to exclude work around the holidays as well as providing the opportunity to stop work should he receive valid complaints. Mr. Hanlon had no objections to these conditions.

Juan Pretel, Director of Findlay Galleries, spoke in support of the proposed time extension with the following limits: working hours between 9:00 am – 6:00 pm; work to be ended by December 20; and the work would only be low-level noise.

Mr. Hanlon stated that the working hours and noise level would be acceptable. He stated that the owner anticipated being done by that date. However, if there were issues with supply chain, etc., then it might not be possible.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to approve the time extension until December 20 with the following conditions: if the work is not completed by December 20, an additional 7 working days of work would be granted in January; work to be suspended during the Thanksgiving holiday weekend; hours for work would be 9:00 am – 6:00 pm, Mondays – Friday; and any complaints from the neighbors would be referred to the Director of Planning, Zoning and Building. Motion carried unanimously, 5-0.

2. Time Extension for 150 Worth Avenue

Director Bergman provided the information on the proposed time extension.

Yvonne Jones, General Manager of The Esplanade, provided additional details on the proposed time extension.

Council Member Araskog requested that Director Bergman confirm that the proposed project was a life-safety issue and requested confirmation that the areas where stucco was falling had been closed off. Director Bergman provided confirmation.

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

Council Member Cooney indicated that Mr. Bergman thought they needed additional time for the repairs. He wondered if they should include this in an approval. Ms. Jones indicated that she would return to Council if additional time was needed.

Motion made by Council Member Crampton and seconded by Council Member Crampton to approve the time extension for 150 Worth Avenue until December 31, except for Thanksgiving and Christmas holidays. Motion carried unanimously, 5-0.

A. Declaration of Use Agreements

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

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

Maura Ziska, attorney for Day School, provided an overview of the modifications to the Declaration of Use Agreement.

Mayor Moore expressed concern over items not being added to the agreement. Ms. Ziska responded.

Council Member Cooney spoke in support of working with the Council and staff on including items that would alleviate neighbors' concerns.

Council Member Araskog spoke regarding several items that she felt should be added to the proposed agreement.

Council Member Crampton requested confirmation from Town staff on what the Council would be asked to approve.

Council President Zeidman spoke regarding the consideration of this declaration of use agreement as an opportunity to place protections for the neighbors.

Council President Pro Tem Lindsay spoke in support of dealing with some of these issues in this declaration of use agreement.

Ms. Ziska addressed the various items that were requested to be included. She expressed concern that they would like to begin the construction and use the parking lot. Town Attorney Randolph responded to this concern.

Council Member Araskog requested further clarification of who would be using the parking lot and the allowable times. Fanning Hearon, Head of School Palm Beach Day Academy, responded and explained the use and hours of the parking lot.

Mayor Moore spoke regarding there not being that many spectators at the sporting events at the school. She spoke in support of the proposed hours and uses and of the proposed revisions to the declaration of use.

Anne Pepper, 333 Seaspray Avenue, spoke regarding her concerns for light pollution, control of the gate, shared parking, where the vans/busses were parked, and keeping the student capacity in the agreement.

James Green, Attorney representing several neighbors to the north of the Day School, asked to make three photographs part of the record. He spoke regarding Court documents that he had filed and planned on filing in opposition to this project. He requested a stay further consideration pending his seeking of injunctive relief.

Caroline Forrest, parent of students and architect for the project, expressed appreciation to the Mayor and Town Council for their consideration of this proposed parking and spoke regarding the need for additional parking.

Council Member Crampton asked for clarification on Attorney Green's request of stay for any proceedings. Town Attorney Randolph provided further explanation. Ms. Ziska provided additional information.

Council President Pro Tem Lindsay expressed concern over the picture from Mr. Green, which showed two busses parked on the grass lot and was not comfortable with the expanding parking without the protections put into place.

Discussion ensued regarding the situation surrounding the busses parked in the field.

Council Member Crampton stated that the school needed to wait to park in the lot until items are ironed out with the neighbors.

Jennifer Hofmeister-Drew, Planner III, indicated that staff was the entity that alerted Code Enforcement and explained that these changes for the declaration of use agreement could put into place protections for the neighbors. She spoke regarding temporary parking being permitted during the building permit phase.

Mayor Moore clarified that the school would not be able to use the field until construction was complete. Ms. Hofmeister-Drew stated that this type of parking could be considered construction staging but would not be permissible until a building permit was filed.

Council Member Cooney suggested allowing additional parking for the extra events in the year.

Mr. Hearon requested a compromise, such as all-day parking on Seaview or parking allowed on Seaspray for the teachers.

Council Member Crampton recommended discussing the issue at the next Business and Administrative Committee meeting.

Council President Pro Tem Lindsay recommended using Wells Fargo for temporary parking. Ms. Forrest stated that the school had repeatedly reached out to several businesses but had not received a favorable response.

Jay Marcus, resident, stated that the Wells Fargo parking lot backed up to a residential neighborhood. He stated that he was not in favor of all-day parking for teachers on Seaview Avenue.

Ms. Pepper spoke regarding the possibility of the school paying for parking placards so that they could park on Seaview Avenue. Discussion ensued regarding having temporary parking placards for teacher parking while construction was occurring.

The Town Council provided consensus to defer further consideration of the

declaration of use agreement to incorporate the comments that were agreed upon.

Motion by Council President Pro Tem Lindsay and seconded by Council Member Crampton to defer the item to the October 12, 2022 Town Council Meeting. Motion carried unanimously, 5-0.

B. Time Extensions and Waivers

1. Time Extension for 175 Worth Avenue

This item was heard out of order of the agenda.

2. Time Extension for 150 Worth Avenue

This item was heard out of order of the agenda.

C. Variances, Special Exceptions, and Site Plan Reviews

3. **Old Business**

- a. **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 shall be deferred to the October 12, 2022 meeting pending ARCOM decision.

This item was deferred to the October 12, 2022 meeting at the approval of the agenda.

- b. **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.]

This item was deferred to the October 12, 2022 meeting at the approval of the agenda.

- c. **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 shall be deferred to the October 12, 2022 meeting pending ARCOM decision.

This item was deferred to the October 12, 2022 meeting at the approval of the agenda.

- d. **ZON-22-071 (ARC-22-105) 124 COCOANUT ROW (COMBO) VARIANCES** The applicant, Nedim Soylemez and Rebecca Ann Soylemez, has filed an application requesting Town Council review for a variance (1) to exceed maximum cubic content ratio (CCR), (2) to exceed maximum building height, and (3) to exceed maximum overall building height, in conjunction with the construction of a new two-story residence. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

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

Maura Ziska, attorney for the applicant, provided an overview of the project and explained the zoning relief requested.

Ben Sachs, Workshop/APD, presented the architectural plans for the new residence.

Bradley Falco, Planner II, provided staff comments.

Council Member Crampton inquired if there was artificial turf on the roof of the pergola, to which Mr. Sachs responded.

Council Member Araskog expressed concern for the artificial turf and inquired about the Ficus material, to which Mr. Sachs responded.

Mayor Moore requested clarification of what exactly was under the purview of Town Council for this item, to which Mr. Murphy responded. Council President Zeidman requested confirmation of the Town Code requiring certain types of Ficus needing to be removed.

Council President Pro Tem Lindsay stated that artificial turf could be approved as hardscape. She provided background on why certain types of Ficus were not allowed.

Council President Zeidman spoke in support of ensuring that the Architectural Review Commission (ARCOM) was made aware of the Ficus ordinance requirements.

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 Crampton that Variance ZON-22-071 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 carried, 4-1, with Council Member Araskog dissenting.

- e. **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 (1) 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 in order 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.] Item will be deferred pending Architectural Review Commission action and the Town Council portion of the application will be re-noticed to include an additional variance, requested by the applicant.

This item was deferred to the October 12, 2022 meeting at the approval of the agenda.

- f. **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] Item shall be deferred to the October 12, 2022 meeting pending ARCOM decision.

This item was deferred to the October 12, 2022 meeting at the approval of the agenda.

- g. **ZON-22-105 (ARC-22-148) 150 SEMINOLE AVE (COMBO) – VARIANCES** 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 Town Council review and approval for variances (1) to maintain an existing nonconforming rear yard setback of 4.9 ft and (2) to maintain an existing nonconforming side-yard setback of 5.1 ft, related to the renovation of an existing nonconforming single family residence with more than 50% demolition of a nonconforming structure as part of a renovation. The Architectural Commission will perform design review of the application. [The Architectural Commission deferred the project to the September 28, 2022. Carried 7-0] Item shall be deferred to the October 12, 2022 meeting pending ARCOM decision.

This item was deferred to the October 12, 2022 meeting at the approval of the agenda.

The Town Council recessed at 12:58 p.m. and reconvened at 1:55 p.m.

4. New Business

- c. **ZON-22-101 (ARC-22-136) 980 S OCEAN BLVD (COM BO)– SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicant, 980 South Ocean (Emma), LLC; 980 South Ocean (Ian), LLC; 980 South Ocean (Jane), LLC (JANE HOLZER), has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review for the construction of a new two-story residence on non-conforming portions of platted lots that is 120 feet in width where 125 foot minimum is required, and 19,409 square feet in lot area where 20,000 square foot minimum is required, in the R-A Zoning District. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred this

item to the September 28, 2022, meeting with the request to restudy the elements discussed by the Commissioners.]

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

Maura Ziska, attorney for the applicant, provided an overview of the project and explained the zoning relief requested.

Mindy Schwab, Dailey Janssen Architects, presented the architectural plans for the new residence.

Council Member Araskog inquired about the hedges in the front. Ms. Schwab responded.

Council President Zeidman asked staff for confirmation that the Code indicated that any Ficus Nitida or Ficus Benjamina needed to be eliminated when building a new home.

Bradley Falco, Planner II, provided staff comments. Mr. Murphy noted that ARCOM was comfortable allowing the project to proceed to the Town Council for approval, prior to their approval.

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 Crampton that Special Exception ZON-22-101 and Site Plan Review ZON-22-101 be approved as said applications meet the criteria set forth in Sections 134-229 and 134-329, respectively, of the Town Code, and based upon the finding that such approval will not adversely affect the public interest and that the Council certified that the specific 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.

- d. **ZON-22-103 (ARC-22-144) 164 SEMINOLE AVE (COM BO)—VARIANCES.** The applicant, JPBK PROPERTIES #2 LLC (James Held), has filed an application requesting Town Council review and approval for Variances (1) to exceed the maximum angle of vision and (2) to allow a generator on the roof a building for a new one-story single-family residence with related landscape and hardscape improvements. The Architectural Commission will perform design review of the application. [The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0] [The Architectural Review Commission approved the project with a condition related to the architecture. Carried 7-0]

Mayor Moore and Council Member Cooney declared ex parte communications.

Maura Ziska, attorney for the applicant, provided an overview of the project and explained the zoning relief requested.

Daniel Kahan, Smith and Moore Architects, presented the architectural plans for the new residence.

Mayor Moore believed the proposed home was very similar to the owner's previous home on Jungle Road, which received awards for the design.

James Murphy, Assistant Director of PZB, provided staff comments.

Council Member Araskog stated she thought the home was a great use of space and commended the architect on his design.

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

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Cooney that Variance ZON-22-103 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.

- e. **ZON-22-108(ARC-22-161) 335 COCOANUT ROW (COMBO) VARIANCES.** The applicant, N&R335, LLC (Robert F. Kassatly), has filed an application requesting Town Council review and approval for Variances (1-2) to reduce the lot area and lot width from the minimum size requirements in the R-C zoning district, (3-4) to reduce both side (east) and (west) setback and (5) to reduce the minimum landscape open space requirement, in order to allow for the construction of new two-story residence on a substandard sized lot. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0] [The Architectural Review Commission approved this project as presented. Carried 7-0]

Maura Ziska, attorney for the applicant, provided an overview of the project and explained the zoning relief requested.

Mayor Moore declared ex parte communications.

Kyle Fant, Bartholomew + Partners, presented the architectural plans for the new residence.

Mr. Falco provided staff comments.

Council Member Cooney spoke in support of this project. He inquired about the curb cut on the property, to which Mr. Fant responded.

Council Member Araskog asked about the hardship for the variance, to which Ms. Ziska responded. Council Member Araskog asked about staff's recommendation to add more greenspace. Ms. Ziska responded.

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

Motion made by Council Member Crampton and seconded by Council Member Cooney that Variance ZON-22-108 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; with the condition to work with staff to decrease the variance request to provide more landscaping space. Motion carried unanimously, 5-0.

- f. **ZON-22-111 239 S COUNTY RD STE 2A AND 1D-SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW** The applicant, Palm Beach Club Services LLC (Franck Savoy, COO), has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan Review to allow a professional office (4,875 SF) in excess of 3,000 SF in the C-TS district in an existing two-story office building.

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

Maura Ziska, attorney for the applicant, provided an overview of the project and explained the zoning relief requested.

Director Bergman provided staff comments.

David Tyson, Palm Beach Club Services, discussed the staff that would be parking in the lot on site in response to a question from Council Member Cooney.

Council Member Cooney expressed concern for the impression that this project was an extension of the Carriage House Club.

Mr. Tyson spoke of the changes that had been made once the management team understood that the building could not be used for the Carriage House. He spoke about the intended use of the proposed space, which exclusively would be for office professionals.

Council Member Araskog asked about the business description, which noted training. Mr. Tyson responded. Council Member Araskog expressed concern over the possibility of the expansion of the club and spoke regarding the possibility of putting a declaration of use in place to outline conditions for the space. Town Attorney Randolph responded to her concerns.

Director Bergman responded to questions from Council Member Crampton regarding the use. He spoke regarding this project being a separate consideration from the Carriage House but stated that perhaps a new declaration of use should be put into place to ensure that the use remained what was entailed in the application. Mr. Tyson explained the satellite kitchen concept.

Mayor Moore expressed concern that this project was not a separate use and that it was a continuation of the club.

Council President Pro Tem Lindsay inquired about how many employees would be working in the office, to which Mr. Tyson responded. She spoke in support of having provisions, such as a declaration of use, in place to ensure that the use would be for what had been outlined for the office only and not for the club members. Mr. Ziska and Mr. Tyson provided confirmation. Mr. Tyson further explained his company's services.

Council President Zeidman inquired about the use of the existing space as well as the number of parking spaces the applicant had for the space being used. Mr. Tyson was unsure on the number of allowable spots he had. Discussion ensued regarding the allowable parking spaces.

Mr. Murphy provided further information on the parking requirements.

Council Member Cooney expressed concern over the club not being able to operate without the satellite kitchen in place when it is opened. Director Bergman provided information on space at Phipps Plaza that was mentioned in the backup. Mr. Tyson provided further information on how that space would be used.

Council Member Crampton spoke regarding drafting a declaration of use agreement. Council President Pro Tem Lindsay spoke in support of Ms. Ziska working with Town staff on the declaration of use agreement.

Council Member Araskog inquired about the leases, to which Mr. Tyson responded. She also inquired about the officers of this entity being the same as those who set up the Carriage House LLC. She spoke in support of the applicant bringing back the declaration of use prior to approval of the special exception or approving a special exception of a smaller space.

Council President Zeidman called for public comment.

Anne Pepper, 333 Seaspray Avenue, expressed objections for the proposed application.

Ms. Ziska responded to Ms. Pepper's objections and provided further clarification of the proposed project.

John Schaefer, 200 Phipps Plaza, expressed objections for the proposed application.

Mayor Moore inquired about the donation to redo Phipps Park. Mr. Tyson responded.

Jay Marcus expressed concern over the proposed project.

Ms. Ziska addressed concerns raised by Mr. Marcus.

Discussion ensued regarding the proposed declaration of use. Ms. Ziska confirmed that the language that has been presented will be included.

Council Member Araskog expressed concern over the employees being employed under the same entity as the Carriage House. She stated that she did not feel that it was a separate project. She spoke in support of holding off on the project until January when more of the residents would be in Town. She requested that the Town Attorney research that it was a separate entity. Mr. Randolph addressed her concern. Ms. Araskog expressed further concerns over the proposed application.

Motion made by Council Member Crampton and seconded by Council Member Araskog to direct staff to develop a declaration of use agreement for this facility, using a process that involved both the ownership of the facility and residents of the neighborhood and return to the Town Council for consideration of approval at the January 11, 2023 Meeting. Motion carried unanimously, 5-0.

- 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.] Item shall be deferred to the October 12, 2022 meeting pending LPC decision.

This item was deferred to the October 12, 2022 meeting at the approval of the agenda.

- h. **ZON-22-112 350 WORTH AVE—SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW AND VARIANCES** The applicant, the

Everglades Club Inc (Scott Lese GM), has filed an application requesting Town Council review and approval for Special Exception With Site Plan Review to allow the private Club which is a special exception use to renovate the existing tennis courts and to install seven (7) new tennis court lights, including variances (1) to exceed the maximum height allowed for tennis court lighting and (2) to reduce the required height of landscaping screening required for tennis court and lighting.

Mayor Moore, Council Members Araskog and Crampton declared ex parte communications.

Maura Ziska, attorney for the applicant, provided an overview of the project and explained the zoning relief requested.

Jason Drobot, Brasseur and Drobot Architects, presented the architectural modifications for the proposed changes.

Council Member Crampton asked about the next-door resident and her concern. Mr. Drobot responded.

Council Member Cooney asked if the club would be accepting of a 9:00 p.m. shut off for the light.

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

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that Variance ZON-22-112 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 Member Crampton that Special Exception ZON-22-112 and Site Plan Review ZON-22-112 be approved as said applications meet the criteria set forth in Sections 134-229 and 134-329, respectively, of the Town Code, and find that approval of the Site Plan will not adversely affect the public interest and that the specific 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 lights will be shut off at 9:00 p.m. Motion carried unanimously, 5-0.

- i. **ZON-22-114 977 S OCEAN BLVD-SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW** The applicant, 195 Pheston Associates Palm Beach LLC (Charles Holzer Mgr), has filed an application requesting Town Council review and approval for a modification to a previously approved Special Exception with Site Plan Review to allow the construction of a below grade storage and mechanical space on a non-conforming lot.

Raphael Saladrigas, StudioSR, provided an overview of the project.

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

Maura Ziska, attorney for the applicant, provided an overview of the project and explained the zoning relief requested.

Mr. Saladrigas presented the architectural modifications for the proposed changes.

James Murphy, Assistant Director of PZB, provided staff comments.

Council President Zeidman called for public comment.

John Eubanks, attorney representing Bill Koch, thanked the professionals for working with him on the changes.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Cooney that Special Exception ZON-22-114 and Site Plan Review ZON-22-114 be approved as said applications meet the criteria set forth in Sections 134-229 and 134-329, respectively, of the Town Code, and finding that approval of the Site Plan will not adversely affect the public interest and that 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 conditions outlined by Mr. Eubanks. Motion carried unanimously, 5-0.

- j. **ZON-22-117 288 S COUNTY RD - SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW AND VARIANCE** The applicant, La Goulue Palm Beach (Ed Carter), has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan Review for outdoor café seating (28 seats) on the public right-of-way in conjunction to an existing restaurant; including a variance request in order to provide 4 ft of unobstructed sidewalk where 5 ft is required within the sidewalk along Royal Palm Way.

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

Maura Ziska, attorney for the applicant, provided an overview of the project and explained the zoning relief requested.

Council Member Araskog spoke regarding complaints she had received from customers during COVID seating, about the small space between the tables and the planters due to it being adjacent to Royal Palm Way. She inquired if smaller tables and chairs or smaller planters could be used to allow for more space. Ms. Ziska responded.

Council President Zeidman shared the same concerns as Council Member Araskog. She spoke in support of there being five (5) feet of sidewalk and expressed concern over the four top table on the corner of the restaurant.

James Murphy, Assistant Director of PZB, provided staff comments.

Mayor Moore asked if there were any incidents for outdoor seating in this location, to which Mr. Bergman responded. Mayor Moore stated that although she initially had concern, she no longer had the same concern after two years of operation.

Council Member Cooney expressed concern over the outdoor space.

Council Member Araskog further expressed concern over the spacing and the size of the tables and chairs.

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 Crampton that Special Exception ZON-22-117 and Site Plan Review ZON-22-117 be approved as said applications meet the criteria set forth in Sections 134-229 and 134-329, respectively 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 there is a clear 5 foot sidewalk area and deleting the eastern end table. Motion carried unanimously, 5-0.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that Variance ZON-22-117 shall be denied for the reason that the application does not meet 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.

- k. **ZON-22-119 (COA-22-041) 209 PHIPPS PLZ (COMBO) - VARIANCES** The applicant, 209 Phipps Plaza LLC (Greg and Francine Purcell), has filed an application requesting Town Council review and approval for a variance to reduce the required front yard setback variance for the installation of a 2nd floor awning. Landmarks Preservation Commission will perform design review of the application. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject, landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

Council Member Araskog declared ex parte communications.

Maura Ziska, attorney for the applicant, provided an overview of the project

and explained the zoning relief requested.

Patrick Segraves, SKA Architect + Planner, presented the architectural modifications proposed for the existing landmarked building.

James Murphy, Assistant Director of PZB, provided staff comments.

Council Member Cooney complimented the professionals in the construction and spoke in support of the project.

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

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that Variance ZON-22-119 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.

- j. **ZON-22-125 (ARC-22-115) 233 BAHAMA LN (COMBO) - SITE PLAN REVIEW AND VARIANCES** The applicants, Richard and Lori Jabara, have filed an application requesting Town Council review and approval for Site Plan Review for a structure on a nonconforming lot deficient in required depth in the R-B zoning district and variances (1) to maintain landscape open space below current requirements and (2) to reduce the required rear (north) setback to construct a new landing; related to the renovation of an existing nonconforming residence with more than 50% demolition. The Architectural Commission will perform the design review of the application. [Architectural Review Commission: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

There were no ex parte communications declared at this time.

Maura Ziska, attorney for the applicant, provided an overview of the project and explained the zoning relief requested.

Rafael Rodriguez, StudioSR, presented the architectural modifications for the proposed changes.

James Murphy, Assistant Director of PZB, provided staff comments.

Council Member Cooney spoke in support of the project.

Council Member Araskog spoke regarding the possibility of the addition of more greenspace on the site, to which Mr. Murphy responded. In response to a question from Ms. Araskog, Mr. Murphy explained the request for the landing. Council Member Araskog spoke in support landing being reduced.

Mr. Rodriguez responded.

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

Motion made by Council Member Crampton and seconded by Council Member Cooney that Variance ZON-22-125 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.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay that Site Plan Review ZON-22-125 be approved as said applications meet the criteria set forth in 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.

- k. **ZON-22-130 400 ROYAL PALM WAY 3rd FLOOR-SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE** The applicant, Kinsale Partners LLC (Tom Quick, Managing Partner), has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review for a bank and financial institution on the third floor of an existing four-story office building with a drive thru facility in the in the C-OPI office district, including a variance to not provide 6 parking spaces required with the change of use from office to bank.

Mayor Moore and Council Member Araskog declared ex parte communications.

Maura Ziska, attorney for the applicant, provided an overview of the project and explained the zoning relief requested.

Mayor Moore inquired if teller services would be provided. Ms. Ziska responded. Mayor Moore wondered if the other location on Royal Palm Way would be closed, to which Ms. Ziska responded no.

Council Member Cooney inquired about the ingress and egress of the parking lot. Ms. Ziska responded.

Council Member Araskog asked Ms. Ziska to review the allowable parking spaces. Ms. Ziska responded. Council Member Araskog asked about the hardship for the variance. Ms. Ziska responded.

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 Crampton that Special Exception ZON-22-130 and Site Plan Review ZON-22-117 be approved as said applications meet the criteria set forth in Sections 134-229 and 134-329, respectively 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.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that Variance ZON-22-130 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.

1. **ZON-22-133 425 SEABREEZE AVE-VARIANCE** The applicant, Marion M. Murphy as Trustee of the Timothy Henry Murphy 2021 Irrevocable Trust dated 10,'28,'21, has filed an application requesting Town Council review and approval for a Variance from Chapter 50, Floods for the required floor elevation of 5.92 feet North American Vertical Datum ("NAVD") in lieu of the 7-foot NAVD minimum required, for a two-story Landmarked structure. Landmarks Preservation Commission approved the COA application (COA-21-007).

There were no ex parte communications declared at this time.

Maura Ziska, attorney for the applicant, provided an overview of the project and explained the zoning relief requested.

James Murphy, Assistant Director of PZB, provided staff 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 Variance ZON-22-133 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.

- m. **ZON-22-134 225 EL PUEBLO WAY-VARIANCE** The applicant, 255 El Pueblo LLC (Averell Mortimer, Manager), has filed an application

requesting Town Council review and approval for a Variance from Chapter 50, Floods for the required floor elevation of 5.8 feet North American Vertical Datum (“NAVD”) in lieu of the 7-foot NAVD minimum required, for a two-story Historically significant structure. Landmarks Preservation Commission approved the HSB application (HSB-22-009).

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Cooney that Variance ZON-22-134 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.

X. ORDINANCES

A. **First Reading**

1. Proposed Ordinance to Transmit a New Property Rights Comprehensive Plan Element to the State Department of Economic Opportunity (DEO)

ORDINANCE NO. 015-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, amending the Town of Palm Beach Comprehensive Plan by creating a Property Rights Element in order to meet updated statutory requirements; maintaining internal consistency within the comprehensive plan; providing for incorporation of recitals; providing for severability; providing for the repeal of ordinances or parts thereof in conflict; providing for codification; and providing an effective date.
Town Attorney Randolph read the title of the ordinance.

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

Motion made by Council Member Crampton and seconded by Council Member Cooney to adopt Ordinance No. 015-2022 on first reading. Motion carried unanimously, 5-0.

2. Proposed Ordinance to amend Chapter 50, Floodplain Variances

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.

Director Bergman provided background information on the ordinance and read the title of the ordinance.

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

Motion made by Council Member Araskog and seconded by Council Member Cooney to adopt Ordinance No. 016-2022 on first reading. Motion carried unanimously, 5-0.

XI. ANY OTHER MATTERS

Council Member Araskog requested that an item be placed on the following month's agenda regarding limiting the number of restaurants approved in a block area.

XII. ADJOURNMENT

The meeting adjourned at 4:48 p.m. on September 14, 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

Town Manager's Office

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON WEDNESDAY, SEPTEMBER 14, 2022

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting of September 14, 2022, was called to order at 5:01 p.m. On roll call, all council members were found to be present with Council Member Araskog participating via Zoom.

II. PLEDGE OF ALLEGIANCE

Council President Zeidman led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion was made by Council Member Crampton and seconded by Council Member Cooney to approve the agenda. On roll call, the Motion passed unanimously.

IV. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

There were no comments from the public.

V. PUBLIC HEARING ON PROPOSED MILLAGE RATE, TENTATIVE FY23 BUDGETS AND NON-AD VALOREM ASSESSMENTS

President Zeidman read the required legal verbiage into the record.

A. Notice of Proposed Property Taxes

B. Proposed Operating Millage Rate

C. Reasons for Proposed Operating Millage Rate Increase over the Rolled-Back Millage Rate

Mr. Kirk Blouin, Town Manager, explained that the FY23 General Fund budget increased \$8,051,366 or 9.03% from the FY22 budget. The increase is partially the

result of an additional transfer to the Capital Improvement Fund for the reconstruction of the North Fire-Rescue Station in the amount of \$2,000,000 and funding of \$1,500,000 for the interconnect traffic signal system and \$1,000,000 for crosswalk improvements. In addition, sewage treatment and disposal costs increased by over \$1 million and commodity and other contractual services increased significantly due to inflationary causes. Salaries and benefit costs increased due to the addition of 9.6 FTEs and merit and COLA increases for other employees. Property tax revenue increased by \$5,756,000 in part to cover \$2,500,000 for the traffic signal and crosswalk improvements, and the balance to cover salary, benefit, contractual and commodity cost increases.

D. Comments and Questions from Public

There were no comments from the public.

E. Discussion and Adoption (with changes, if any) of Proposed Operating Millage Rate for FY23.

1. RESOLUTION NO. 100-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting the Proposed Millage Rate Necessary to Fund the Tentative General (Operating) Fund Budget for the 2022 - 2023 Fiscal Year.

Town Manager Blouin read Resolution No. 100-2022 by title into the record.

Councilmember Crampton commented that the millage rate was a 7.02% reduction from last year's millage rate.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 100-2022. On roll call, the Motion passed unanimously.

F. Non-Ad Valorem Assessments

1. Commercial Solid Waste Fee Assessments
[H. Paul Brazil, Director of Public Works]
 - a. RESOLUTION NO. 101-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Collection and Disposal of Commercial Solid Waste; Establishing the Solid Waste Cost and Rate of Assessment; Imposing Solid Waste Service Assessments Against Certain Assessed Property Located Within the Town of Palm Beach; Approving the Updated Solid Waste Assessment Roll; Confirming the Preliminary Rate Resolution; Providing for Severability and Providing an Effective Date.

Mr. H. Paul Brazil, Director of Public Works, provided the following current and proposed rates for Commercial Solid Waste collection:

	<u>FY22</u>	<u>FY23</u>
Apartments	\$12.80/Unit/Month	\$13.10/Unit/Month
Low Volume (5 day)	\$0.029/SF/Year	\$0.029/SF/Year
Medium Volume (5 day)	\$0.190/SF/Year	\$0.191/SF/Year
High Volume (5 day)	\$0.832/SF/Year	\$0.837/SF/Year
Low Volume (7 day)	\$0.035/SF/Year	\$0.035/SF/Year
Medium Volume (7 day)	\$0.235/SF/Year	\$0.238/SF/Year
High Volume (7 day)	\$1.030/SF/Year	\$1.041/SF/Year

Director Brazil stated that two (2) customers have contacted the Town. The first being 139 N. County Road to correct a mailing address and the second, 106 Hammon Avenue to dispute the total number of units. Both queries have been forwarded to the Solid Waste Authority (SWA) and after investigation by the SWA, adjustments will be made, if necessary.

Town Manager Blouin read Resolution No. 101-2022 by title into the record.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 101-2022. On roll call, the Motion passed unanimously.

2. Worth Avenue Commercial District Improvement Project
[Jane Le Clainche, Director of Finance]

- a. RESOLUTION NO. 102-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Provision of the Worth Avenue Improvement Project; Providing Authority and Definitions; Approving the Final Assessment Rolls; Providing for the Continued Collection of the Improvement Assessments to Fund the Worth Avenue Improvement Project and Imposition of the Maintenance Assessments to Fund the Related Maintenance Services; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing for the Effect of this Resolution; Providing Severability and an Effective Date.

Ms. Jane Le Clainche, Director of Finance, explained that Resolution No. 102-2022 adopts the annual rate resolution for the proposed improvement, which is a debt service and maintenance assessment, for the Worth Avenue Commercial District for 2023. The total gross assessment is \$1,150,266.79.

There were no public comments.

Town Manager Blouin read Resolution No. 102-2022 by title into the record.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to approve Resolution No. 102-2022. On roll call, the Motion passed unanimously.

3. Via Fontana Underground Conversion Project
[Jane Le Clainche, Director of Finance]

- a. RESOLUTION NO. 103-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Provision of the Underground Utility Improvements within the Via Fontana Assessment Area; Approving the Updated Assessment Roll; Providing for the Continued Collection of the Assessments to Fund the Underground Utility Improvements Within the Via Fontana Assessment Area; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing Severability and an Effective Date.

Director Le Clainche stated that staff recommends approval of Resolution No. 103-2022, which is the annual rate resolution for the proposed assessments of Via Fontana underground assessment area. The gross assessments total \$14,499.42.

There were no public comments.

Town Manager Blouin read Resolution No. 103-2022 by title into the record.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 103-2022. On roll call, the Motion passed unanimously.

4. Everglades Island Underground Conversion Project
[Jane Le Clainche, Director of Finance]

- a. RESOLUTION NO. 104-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Provision of the Underground Utility Improvements within the Everglades Island Assessment Area; Approving the Updated Assessment Roll; Providing for the Continued Collection of the Assessments to Fund the Underground Utility Improvements Within the Everglades Island Assessment Area; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing Severability and an Effective Date.

Director Le Clainche stated that staff recommends approval of Resolution No. 104-2022 which is the annual rate resolution for the assessments for the Everglades Island Underground Assessment area. This the final assessment and the gross total is \$43,175.95.

There were no public comments.

Town Manager Blouin read Resolution No. 104-2022 by title into the record.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 104-2022. On roll call, the Motion passed unanimously.

5. Peruvian Avenue 400 Block Streetscape Project
[Jane Le Clainche, Director of Finance]

- a. RESOLUTION NO. 105-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Provision of the Peruvian Avenue Improvement Project; Providing Authority and Definitions; Approving the Final Assessment Rolls; Providing for the Continued Collection of the Improvement Assessments to Fund the Peruvian Avenue Improvement Project and Imposition of the Maintenance Assessments to Fund the Related Maintenance Services; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing for the Effect of this Resolution; Providing Severability and an Effective Date.

Director Le Clainche explained that Resolution No. 105-2022 is the assessment resolution for proposed debt service and maintenance assessment for the Peruvian Avenue 400 Block Streetscape Project. The gross total assessment is \$131,235.76.

There were no public comments.

Town Manager Blouin read Resolution No. 105-2022 by title into the record.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to approve Resolution No. 105-2022. On roll call, the Motion passed unanimously.

6. Town Wide Underground Utility Project Assessments
[Jane Le Clainche, Director of Finance]

- a. RESOLUTION NO. 106-2022 A Resolution of the Town Council of the

Town of Palm Beach, Palm Beach County, Florida, Relating to the Provision of the Underground Utility Improvements within the Townwide Underground Utility Assessment Area; Approving the Updated Assessment Roll; Providing for the Continued Collection of the Assessments to Fund the Underground Utility Improvements Within the Townwide Underground Utility Assessment Area; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing Severability and an Effective Date.

Director Le Clainche stated that staff recommends adoption of Resolution No. 106-2022 which is the annual rate resolution for the proposed assessments for the Town-wide Underground Utility Assessment Area. The total gross assessments are \$3,688,181.88.

There were no public comments.

Town Manager Blouin read Resolution No. 106-2022 by title into the record.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 106-2022. On roll call, the Motion passed unanimously.

7. Nightingale La Puerta Underground Conversion Project
[Jane Le Clainche, Director of Finance]

- a. RESOLUTION NO. 107-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Relating to the Provision of the Underground Utility Improvements within the Nightingale-La Puerta Assessment Area; Approving the Updated Assessment Roll; Providing for the Continued Collection of the Assessments to Fund the Underground Utility Improvements Within the Nightingale – La Puerta Assessment Area; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing Severability and an Effective Date.

Director Le Clainche stated that staff recommends adoption of Resolution No. 107-2022 which is the annual rate resolution for the assessments of the Nightingale-La Puerta underground assessment area. The total gross assessments for this area are \$40,334.16.

There were no public comments.

Town Manager Blouin read Resolution No. 107-2022 by title into the record.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 107-2022. On roll call, the Motion passed unanimously.

8. Lake Towers Underground Conversion Project
[Jane Le Clainche, Director of Finance]

- a. RESOLUTION NO. 108-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Provision of the Underground Utility Improvements Within the Lake Towers Assessment Area; Approving the Updated Assessment Roll; Providing for the Continued Collection of the Assessments to Fund the Underground Utility Improvements Within the Lake Towers Assessment Area; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing Severability and an Effective Date.

Director Le Clainche stated that staff recommends adoption of Resolution No. 108-2022 which is the annual rate resolution for the proposed assessment of the Lake Towers assessment area. The total gross assessments are \$11,606.68.

There were no public comments.

Town Manager Blouin read Resolution No. 108-2022 by title into the record.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 108-2022. On roll call, the Motion passed unanimously.

G. Discussion and Adoption (with changes, if any) of a Tentative Operating Budget, Debt Service Budget, and Budgets for Other Funds for FY23.

1. RESOLUTION NO. 109-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting the Tentative General (Operating) Fund, Debt Service Fund and Budgets for Other Funds for the 2022-2023 Fiscal Year.

There were no public comments.

Town Manager Blouin read Resolution No. 109-2022 by title into the record.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Resolution No. 109-2022. On roll call, the Motion passed unanimously.

H. Second and Final Public Hearing to Adopt the Final Millage Rate and Budgets will be on Thursday, September 22, 2022, at 5:01 p.m., in the Town of Palm Beach Council Chambers.

Council President Zeidman announced that the final public hearing to adopt the final millage rate and budgets will be on Thursday, September 22, 2022, at 5:01 P.M. in the Town Council Chambers.

VI. ANY OTHER MATTERS

There were none.

VII. ADJOURNMENT

The Special Town Council Meeting of September 14, 2022, adjourned at 5:21 p.m. without benefit of a Motion.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

Date



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON THURSDAY, SEPTEMBER 22, 2022

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting called to order at 5:01 p.m. in the Town Council Chambers. On roll call, all council members were found to be present, except Council President Pro Tem Lindsay.

II. PLEDGE OF ALLEGIANCE

President Zeidman led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion made by Council Member Araskog and seconded by Council Member Cooney to approve the agenda. On roll call, the Motion passed 4-0 with Council President Pro Tem Lindsay absent.

IV. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT

There were no comments from the public.

V. PUBLIC HEARING ON FINAL MILLAGE RATE AND FY23 BUDGET

A. Proof of Publication

Acting Town Clerk Gayle-Gordon stated that notice of the meeting was published in the Palm Beach Post on Monday, September 19, 2022. Proof of Publication was received by the Town Clerk's Office and provided to the Town Council for review.

B. Announcement of Proposed Operating Millage Rate

President Zeidman stated that at the September 14, 2022, Public Hearing, the Mayor and

Town Council tentatively approved the proposed millage rate: General Fund Operating Millage 2.6932 mills. The Town of Palm Beach Fiscal Year 2023 General proposed operating millage rate of 2.6932 mills represents an 8.4% increase from the “rolled-back millage rate” of 2.4843 mills.

Council Member Crampton mentioned that the proposed millage rate is a 7% decrease from the millage rate set for the previous year. Council Member Araskog thanked the newspaper for making that clear.

C. Reasons for Proposed Operating Millage Rate Increase from the Rolled-Back Millage Rate

Town Manager Blouin stated that the FY23 General Fund budget increased \$8,051,366 or 9.03% from the FY22 budget. The increase is partially the result of an additional transfer to the Capital Improvement Fund for the reconstruction of the North Fire-Rescue Station in the amount of \$2,000,000 and funding of \$1,500,000 for interconnect traffic signal system and \$1,000,000 for crosswalk improvements. In addition, sewage treatment and disposal costs increased by over \$1,000,000 and commodity and other contractual services increased significantly due to inflationary causes. Salaries and benefit costs increased due to the addition of 9.6 full time equivalent employees and merit and COLA increases for employees. Property tax revenue increased by \$5,756,000 in part to cover \$2,500,000 for the traffic signal and crosswalk improvements, and the balance to cover salary, benefit, contractual and commodity cost increases.

D. Comments and Questions from Public

There were no comments from the public.

- E. RESOLUTION NO. 124-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting the Final Millage Rate and Levying Ad Valorem Taxes for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Setting Forth Certain Information Regarding the Rolled-Back Millage Rate; Directing the Town Manager or the Finance Director to Adjust the Adopted Millage Rate in the Event of Changes in the Assessment Roll and Taxable Value; Providing an Effective Date.

Town Manager Blouin read Resolution No. 124-2022 by title which sets a final millage rate of 2.6932 mills for the General Operating Fund.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to approve Resolution No. 124-2022. On roll call, the Motion passed 4-0 with Council President Pro Tem Lindsay absent.

- F. RESOLUTION NO. 125-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting a Final Budget and Appropriating Funds for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Providing for an Effective Date.

There were no public comments.

Town Manager Blouin read Resolution No. 125-2022 by title which approves the final budgets of all Town funds for FY2023.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Resolution No. 125-202. On roll call, the Motion passed 4-0 with Council President Pro Tem Lindsay absent.

VI. ANY OTHER MATTERS

There were none.

VII. ADJOURNMENT

Motion was made by Council Member Crampton and seconded by Council Member Araskog to adjourn the Special Town Council Meeting of September 22, 2022, at 5:08 p.m. On roll call, the Motion passed 4-0 with Council President Pro Tem Lindsay absent.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda

Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of September 28, 2022.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated October 4, 2022 from Wayne Bergman, Director of Planning, Zoning and Building**
- **Minutes of the Architectural Review Commission Meeting of September 28, 2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Approval of the Architectural Commission Meeting Minutes of September 28, 2022

Date: October 4, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of September 28, 2022.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items that were considered at the regularly scheduled meeting of September 28, 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

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, SEPTEMBER 28, 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.

I. CALL TO ORDER

Chair Smith called the meeting to order at 9:05 a.m. Mr. Smith announced that the meeting would stop at 1:00 p.m. due to Hurricane Ian.

II. ROLL CALL

Jeffrey W. Smith, Chairman	PRESENT
Richard F. Sammons, Vice Chairman	ABSENT (Unexcused)
John David Corey, Member	PRESENT
Maisie Grace, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Thomas Kirchhoff, Member	PRESENT
Kenn Karakul, Member	PRESENT
Dan Floersheimer, Alternate Member	ABSENT (Unexcused)
Elizabeth Connaughton, Alternate Member	ABSENT (Unexcused)
Joshua L. Martin, Alternate Member	ABSENT (Unexcused)

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

III. PLEDGE OF ALLEGIANCE

Chairman Smith led the Pledge of Allegiance.

IV. APPROVAL OF THE MINUTES FROM THE AUGUST 24, 2022 MEETING

Motion made by Ms. Grace and seconded by Mr. Karakul to approve the minutes from the August 24, 2022 meeting as presented. Motion carried 6-0.

V. **APPROVAL OF THE AGENDA**

Motion made by Ms. Grace and seconded by Mr. Karakul to approve the agenda as presented. Motion carried 6-0.

VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**

Ms. Churney administered the oath at this time and throughout the meeting as necessary.

VII. **COMMENTS FROM THE ARCHITECTURAL COMMISSION MEMBERS**

Maggie Zeidman, Town Council President, thanked the members and staff for being present during the conditions brought by the impending storm.

Mr. Smith polled the members on which day would work best for them to continue the meeting, in the event they did not get through all the items on their agenda. The members discussed dates of September 30, October 3, and October 4. After some discussion, the members decided that Tuesday, October 25, 2022 would work the best with everyone's schedules.

Motion made by Mr. Corey and seconded by Mr. Karakul to resume the Architectural Review Commission (ARCOM) meeting and hear all remaining matters on Tuesday, October 25, 2022 at 9 a.m. Motion carried 6-0.

VIII. **PROJECT REVIEW**

A. **CONSENT AGENDA OF MINOR PROJECTS**

1. **ARC-21-005 210 PALMO WAY—EXTENSION OF TIME** An application has been filed requesting a One (1) year Extension of Time for a previously issued Architectural Commission Approval for the construction of a new two-story residence. (ITEM WAS APPROVED AT THE SEPTEMBER 29, 2021, ARCOM MEETING).

Please note: This item was withdrawn at Item V., Approval of the Agenda.

2. **ARC-22-158 155 BRAZILIAN AVE.** The applicants, Lorraine Gerrity, have filed an application requesting Architectural Commission review and approval for the modification of windows and doors including the blocking of windows on a street facing façade to an existing two-story residence.

This item was pulled from consent and was not approved with the consent agenda.

3. **ARC-22-170 1340 S OCEAN BLVD.** The applicant, Greene Family Trust, has filed an application requesting Architectural Commission review and approval for hardscape, landscape and landscape lighting modifications to a

previously approved hardscape and landscape plan.

4. **ARC-22-190 120 CLARENDON AVE.** The applicant, 120 Clarendon Avenue, LLC, Andrew Unanue, Manager 120 Clarendon Avenue LLC, have filed an application requesting Architectural Commission review and approval for the installation of two rolling vehicular gates.
5. **ARC-22-192 1025 N LAKE WAY** The applicants, David and Jennifer Fischer, have filed an application requesting Architectural Commission review and approval for fenestration alterations and landscape, hardscape, and equipment modifications to a previously approved new two-story single-family residence.
6. **ARC-22-194 688 ISLAND DR.** The applicant, Jayne Keith, has filed an application requesting Architectural Commission review and approval for a ground floor addition to an existing one-story single-family residence with minor landscape alterations.

Motion made by Ms. Grace and seconded by Mr. Karakul to approve the consent agenda as amended. Motion carried 5-0. *Please note: Mr. Smith abstained from voting due to a conflict with the item at 1025 N. Lake Way.*

Please note: This approval did not include the following projects: ARC-22-158, 155 Brazilian Avenue, which was heard immediately following the vote.

ITEMS PULLED FROM CONSENT

2. **ARC-22-158 155 BRAZILIAN AVE.** The applicants, Lorraine Gerrity, have filed an application requesting Architectural Commission review and approval for the modification of windows and doors including the blocking of windows on a street facing façade to an existing two-story residence.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Mses. Grace and Shiverick.

Ms. Shiverick indicated that she was in favor of the changes, however, she asked for the item to be pulled due to the shed roof windows. She requested that mullions be added to the windows under the shed roof.

Yiannis Varnava, Yiannis Varnava Design Studio, agreed with Ms. Shiverick's suggestion and stated he would make the change.

Ms. Shiverick suggested a mullion pattern for the windows.

Mr. Smith thought the existing roof was more attractive than the proposed. He questioned the change.

Mr. Varnava stated that the roof was approved through a staff approval prior to his involvement with the project.

**Motion made by Mr. Corey and Mr. Karakul to approve the project with the addition of mullions to the windows under the shed roof.
Motion carried 6-0.**

B. MAJOR PROJECTS – OLD BUSINESS

1. **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 07/27/22*).

Please note: This item was deferred to the October 26, 2022 meeting at Item V., Approval of the Agenda.

2. **ARC-22-143 (ZON-22-093) 1356 N OCEAN BLVD. (COMBO)** The applicant, Pippasbeachclub LLC (Gary and Kelly Pohrer), has filed an application requesting Architectural Commission review and approval for a new beach cabana structure, requiring special exception and site plan review, and variances for (1) height, (2 + 3) setbacks, and (4) pool equipment location. Town Council will review the special exception with site plan review and variances portion of the application. (*contd. from 07/27/22*).

Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members.

Peter Papadopoulos, Smith and Moore Architects, presented the architectural modifications for the beach cabana project.

Maura Ziska, attorney for the owners, explained the remaining variances that were needed for the project. She advocated for a positive recommendation to the Town Council.

Mr. Corey was appreciative that the professional removed some of the variances. He believed the beach cabana would be a nice addition to the area

but was not in favor of the proposed pool. He thought the site was too small for the pool.

Ms. Grace thought the changes were positive. She was in favor of the project.

Ms. Shiverick liked the reduction in hardscape. She thought the pool was acceptable. She liked the old roof of the Regency style beach cabana. Mr. Papadopoulos explained the current design with the Regency roof could be difficult.

Mr. Kirchhoff was in favor of the new style and the removal of the hardscape. He supported the pool design as well.

Motion made by Ms. Grace and seconded by Mr. Karakul to approve the project as presented. Motion carried 5-1, with Mr. Corey dissenting.

Motion made by Ms. Grace and seconded by Ms. Shiverick that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried 6-0.

3. **ARC-22-142 232 MOCKINGBIRD TRAIL** 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*).

Please note: This item was deferred to the October 26, 2022 meeting at Item V., Approval of the Agenda.

4. **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*).

Please note: This item was deferred to the October 26, 2022 meeting at Item V., Approval of the Agenda.

5. **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)*.

Please note: This item was deferred to the October 26, 2022 meeting at Item V., Approval of the Agenda.

6. **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)*.

Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Mr. Corey and Ms. Grace.

Daniel Clavijo, SKA Architect + Planner, presented the architectural modifications for the proposed project.

Keith Williams, Nievera Williams Design, indicated that the landscape design had not changed since the last presentation.

Mr. Karakul inquired about the spheres on top of the gate. Mr. Williams indicated he would eliminate the spheres.

Ms. Shiverick thought the changes were good. She thought the front entry still needed a restudy. She questioned the door and lanterns. She asked if any interest could be added to the front entrance, possibly the addition of railings. She recommended adding shutters to the single window about the garage. Mr. Clavijo responded and addressed the comments on the front door, shutters and lanterns.

Mr. Kirchhoff thought the design could be improved. He questioned the doors on the second floor, over the three arched windows on the front façade. He also questioned the balcony designs. He questioned the right-wing roof, the rear columns and windows and wondered if the area needed a railing. Mr. Clavijo responded and explained the design. Mr. Kirchhoff provided suggestions for the balconies.

Mr. Smith inquired about a balcony over the garage, to which Mr. Clavijo confirmed there was not a proposed balcony in that location.

Ms. Grace thought the changes were moving in the right direction. She inquired about the material for the window frames. Mr. Clavijo responded. She questioned the color of the garage door. She liked Ms. Shiverick's suggestion for the additional shutter on the window above the garage. She

agreed the front door, lanterns, and balconies needed to be addressed. She inquired about the width of the driveway opening. Mr. Williams responded. Ms. Grace also wondered if the windows could be recessed into the wall space. Mr. Clavijo responded and explained the window design. Ms. Grace also questioned the hardscape proposed for the front of the site. Mr. Williams indicated that gardens were proposed next to the front door.

Mr. Corey thought the changes were good. He agreed with many of the other comments. He suggested lightening up the front door. He was not in favor of the metal balcony but did support the wood balcony. He suggested recessing the garage wing as well as changing the plane of the front façade. He also suggested adding wing walls around the front door. Mr. Corey suggested adding some interest in the landscape plan.

Mr. Clavijo inquired about possible design directions for the next presentation. There was a short discussion on these suggestions.

Please note: There was a technical issue at 10:04 a.m. and the meeting had to take a recess. The meeting resumed at 10:09 a.m.

Mr. Smith called for public comment. No one indicated a desire to speak.

Mr. Williams discussed the proposed landscaping plan and discussed the symmetry in the plan.

Ms. Grace suggested changing the garage to a pecky cypress material.

Motion made by Ms. Shiverick and seconded by Ms. Grace to defer the project to the October 26, 2022 meeting with the direction that the professional restudy the design in accordance with the comments from the Commissioners. Motion carried 6-0.

7. **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).*

Please note: This item was deferred to the October 26, 2022 meeting at Item V., Approval of the Agenda.

8. **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.

Please note: This item was deferred to the October 26, 2022 meeting at Item V., Approval of the Agenda.

9. **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*).

Please note: This item was deferred to the October 26, 2022 meeting at Item V., Approval of the Agenda.

10. **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.

Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members.

M. Timothy Hanlon, attorney for the applicant, presented the new variances requested that were a result of the architectural changes made since the last presentation. He thanked Mr. Sammons for working with the applicant on the proposed changes.

Pablo Garcia, Gensler, presented the architectural modifications proposed for the multi-family residence.

Jonathan Haigh, Kimley Horn, discussed the landscape and hardscape changes proposed for the site.

Mr. Karakul was in favor of the landscape plan. He believed the central piece of the front façade was still awkward and did not have an authentic feel. He questioned the scale of the design.

Mr. Corey asked about the balustrade and why they remained in the design. Mr. Garcia responded and discussed the efforts to keep the balustrade. Mr. Corey did not believe the overall design worked. He was not in favor of the fire escape on the rear of the building and recommended using the area for a greenspace. He also questioned the new balcony in its proposed location. He asked about the design of the garage door on the south side. Mr. Garcia responded and explained the design. Mr. Corey also had problems with the proportions of the front entrance façade; he suggested some design alternatives for this area. Mr. Corey suggested some consistency with the fenestration. Mr. Garcia discussed the design of the balcony as well as the fire escape stairs.

Mr. Kirchhoff provided suggestions for the front door design. He did like the details on top of the pediment on the front façade. He stated he would support a variance to enclose the stairwell for the fire escape.

Ms. Grace appreciated the changes, especially to the fenestration. She appreciated the low hedges that would not grow past the balustrades. She supported the exterior fire escape and was in favor of the detailing at the top of the pediment. She inquired if similar trees could be added to the south side of the property. She also asked about the material for the door on the south side. Mr. Garcia responded. Mr. Haigh also discussed the suggestion for the additional trees and the restrictions for these plantings.

Mr. Kirchhoff wanted to express his appreciation for the changes but thought the front façade needed additional restudy.

Ms. Shiverick thanked the applicant for the inspiration photographs and appreciated the applicant's efforts to save the building. She suggested adding more verticality to the front door and window. Mr. Garcia responded. She thought a tile border, as shown in the inspiration photographs, could be added for interest.

Mr. Kirchhoff thought one metal door and window opening would be preferred.

Mr. Karakul wondered if the project could be partially approved, with the front façade returning after a restudy. Mr. Smith agreed.

Mr. Smith called for public comment.

Bill and Anne Metzger, 277 Esplanade Way, expressed their appreciation that the balustrade would remain. Ms. Metzger inquired about the plantings near the balustrade. Mr. Haigh responded and discussed the plantings proposed.

Motion made by Ms. Grace and seconded by Mr. Karakul that implementation of the proposed variances, including the two new variances, will not cause negative architectural impact to the subject property. Carried 5-1, with Mr. Corey dissenting.

Motion carried by Mr. Karakul and seconded by Mr. Kirchhoff to approve the project as presented, except for the front door entrance façade, which shall return to the October 26, 2022 meeting. Motion carried 5-1, with Mr. Corey dissenting.

11. **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*).

Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members.

Maura Ziska, attorney for the architect, presented the variance request for the project and advocated for a positive recommendation to the Town Council.

Gregory Bonner, B1 Architect, presented the architectural modifications for the proposed new residence.

Dustin Mizell, Environment Design Group, discussed the landscape and hardscape changes proposed for the site.

Ms. Grace understood the request for the one-car garage due to the limited parking on the street; she wondered if a portion of the fountain could be eliminated for overflow parking. She questioned the proposed windows and suggested using a vertical panel for the glass. She recommended using a lighter window frame. She questioned the blue color proposed and wondered if it was too bright. Mr. Bonner stated there was an alternate rendering that

eliminated the shutters on the front. Ms. Grace was in favor of the shutters and recommended adding them to the rear of the building.

Mr. Corey questioned the design proposed and thought it was not appropriate for the area. He thought the home was too tall and the proportions were all too big for the area. He suggested a restudy of the home.

Ms. Shiverick thought the home was too dissimilar in many ways to the other homes in the area. She thought the home was loom over many of the homes on the street and would look out of place. She recommended breaking up the mass of the home.

Mr. Kirchhoff agreed with the other Commissioners. He thought the home was too big, symmetrical, and overbearing for the street.

Mr. Smith called for public comment. No one indicated a desire to speak.

Motion made by Ms. Grace and seconded by Mr. Corey to defer the project to the October 26, 2022 meeting for a restudy of the project in accordance with the comments from the Commissioners. Motion carried 6-0.

12. **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.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members.

Roger Janssen, Dailey Janssen Architects, presented the architectural modifications proposed for the new residence.

John Lang, Lang Design Group, indicated that the landscape and hardscape changes had not changed from the last presentation.

Mr. Kirchhoff was in favor of the changes.

Mr. Karakul liked the original proposal better and thought it was more interesting. He was not in favor of the flat roof and the addition of the limestone.

Mr. Corey thought the siting of the home was fine but thought there were many missed opportunities with the prominent corner. He thought the one-story home should be the focus of the home. He was not in favor of the large, glass panes. He also thought the home was a bit cold and needed more interest.

Mr. Smith was not in favor of the addition of the stone as well as the cupula. He was not in favor of the flat roof. He thought the front door needed a restudy.

Mr. Karakul was in favor of the shutters.

Ms. Grace was in favor of the new entry and the removal of the louvered paneling around the columns. She was not in favor of the addition of the limestone and the large glass pane windows.

Mr. Kirchhoff was in favor of the flat roof. He was not in favor of the popup roof over the front door. Also, he was not in favor of the limestone that was added.

Ms. Shiverick wondered if the proposed home fit into the area. She thought the design needed to be cleaned up to fit into the area with the other homes. Mr. Janssen responded and discussed the landscaping proposed.

Mr. Corey wondered if this home would be a disservice to the area. He did not believe the design fit into the area.

Mr. Karakul thought the home has personality and style. He believed the home would fit into the area.

Mr. Smith called for public comment. No one indicated a desire to speak.

Motion made by Mr. Corey and seconded by Ms. Shiverick to defer the project to the October 26, 2022 for a major restudy, pulling in consistent details from surrounding homes.

Mr. Janssen objected to the motion since direction was provided at the last meeting. He did not believe a major restudy was warranted.

Motion carried 4-2, with Messrs. Karakul and Smith dissenting.

13. **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 08/24/22*).

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Ms. Grace and Mr. Karakul.

Patrick Segraves, SKA Architect + Planner, presented the architectural modifications for the proposed project.

Dustin Mizell, Environment Design Group, discussed the landscape and hardscape changes proposed for the site.

Ms. Grace asked staff to repeat their concerns. Mr. Hodges discussed the issue with the property on Root Trail. Ms. Grace thought the windows were out of proportion. She thought the front door seemed too plain. She thought the east side of the home appeared as a greenhouse.

Mr. Segraves discussed the issue of the rear wall on Root Trail. He added that the issue was not an architectural issue, but more of a legal issue.

Maura Ziska, attorney for the applicant, discussed the issue between the two properties and indicated there would be an opening for the neighbor to maintain their property. She indicated that the issue was not in the purview of ARCOM.

Ms. Shiverick thought the home should be cleaned up, updated, and maintain the original charm of the home. She supported the addition to the rear of the home. She thought the proposed changes were drastic, in terms of construction, as well as style. She was not in favor of the proposed roofs, the contemporary fenestration, and the number of doors.

Mr. Segraves inquired about the east porch and wondered if the Commissioners would support the design.

Ms. Shiverick expressed concern for changing the style of the home. Ms. Shiverick supported the sunroom but was not in favor of the floor to ceiling windows, type of mullions and windows proposed. Ms. Shiverick also thought it would be hard to support a solar roof without seeing the material sample. Mr. Segraves responded.

Mr. Kirchhoff supported the owner trying to save the home. He agreed with Ms. Shiverick and was not in favor of the proposed windows. However, he did support the sunroom but questioned the design. He also questioned the front entry element.

Mr. Corey was supportive of the addition. However, Mr. Corey thought the professional should use the elements on the existing home to try to enhance the design of the new home.

Ms. Grace stated she could support the sunroom if all the other windows on the home were consistent.

Mr. Smith thought the new design lost some of the charm of the existing home. He was in favor of the addition and sunroom; however, he recommended using consistent fenestration.

Mr. Smith called for public comment.

John Eubanks, attorney for John and Margaret Brady at 155 Root Trail, discussed the issues with the masonry wall in the rear of his clients' property, which was adjacent to the subject property.

Mr. Smith stated that the issue was not under the purview of ARCOM. Mr. Smith asked that the applicant work with staff on the issue.

Motion made by Mr. Corey and seconded by Ms. Grace to defer the project to the October 26, 2022 meeting in accordance with the comments from the Commissioners. Motion carried 6-0.

14. **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.

Please note: This item was deferred to the October 26, 2022 meeting at Item V., Approval of the Agenda.

15. **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.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members.

Ben Sachs, Workshop/APD, presented the architectural modifications proposed for the existing residence.

Mario Nievera, Nievera Williams Design, discussed the landscape and hardscape changes proposed for the site.

Ms. Grace thanked the professional for the restorations since the last presentation. She indicated she preferred a smaller front entry, and she thought the added quoins were acceptable. She asked about the removal of the shutters. Mr. Sachs responded. She stated she preferred the shutters and was in favor of the original staircase in the rear of the property. She asked about the removal of a gutter. Mr. Sachs responded.

Ms. Shiverick was in favor of the changes but agreed with Ms. Grace about the portico. She was in favor of the smaller portico as she believed it related better to the wings of the home.

Mr. Karakul did not believe the proposed portico was that much bigger than the previously proposed. Mr. Sachs responded and showed the Commissioner the plans.

Mr. Karakul thought the proportions of the portico were fine. He was in favor of the addition of the side lights and supportive of the project.

Mr. Kirchhoff liked the newly proposed entry.

Mr. Smith agreed and did not see a large difference between the two porticos.

Mr. Smith called for public comment. No one indicated a desire to speak.

A small discussion ensued about the pediment.

Mr. Corey inquired if the pediment was existing on the main home. Mr. Sachs responded. Mr. Corey wondered if the pediment was necessary and recommended eliminating it.

Mr. Karakul thought the pediment added some charm to the design.

Mr. Kirchhoff thought the pediment was important but asked the professional to check the pitch of the element.

Motion made by Ms. Shiverick and seconded by Ms. Shiverick to approve the project as presented with the condition that the professional change the portico to the smaller portico design. Motion failed 2-4, with Messrs. Corey, Kirchhoff, Karakul and Smith dissenting.

Motion made by Mr. Karakul and seconded by Mr. Kirchhoff to approve the project as presented. Motion tied 3-3, with Mr. Corey and Mses. Grace and Shiverick dissenting.

Motion made by Mr. Karakul and seconded by Ms. Shiverick to approve the project as presented with the condition that the front pediment design shall return to the October 26, 2022 meeting for approval. Motion carried 5-1, with Mr. Corey dissenting.

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.

Ms. Pardue indicated that the architect could not make the meeting due to the storm and asked for the project to be deferred.

Motion made by Mr. Corey and seconded by Mr. Karakul to the October 25, 2022 meeting. Motion carried 6-0.

Please note: A short break was taken at 11:59 a.m. The meeting resumed at 12:09 p.m.

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.

Ms. Pardue indicated that the architect could not make the meeting due to the storm and asked if the landscape architect could present the project. It was the Commission's preference to defer the project.

Motion made by Ms. Grace and seconded by Mr. Karakul to the October 25, 2022 meeting. Motion carried 6-0.

3. **ARC-22-151 221 EL VEDADO RD.** The applicant, Byron and Tina Trott, have filed an application requesting Architectural Commission review and approval for substantial site modifications to an existing landscape and hardscape plan including new driveway, motorcourt and remodel of an existing mechanical equipment yard area.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Ms. Grace and Mr. Karakul.

Mario Nievera, Nievera Williams Design, discussed the landscape and hardscape changes proposed for the site.

Ms. Grace thought the changes were positive. She inquired about the piers for the gate. Mr. Nievera responded and explained the design. Ms. Grace inquired about the material for the hardscape in the front of the property. Mr. Nievera stated it was existing gravel.

Motion made by Mr. Karakul and seconded by Mr. Corey to approve the project as presented.

Mr. Smith called for public comment. No one indicated a desire to speak.

Motion carried 6-0.

4. **ARC-22-156 (ZON-22-156) 12 SLOANS CURVE DRIVE (COMBO)**
The applicant, Gary L & Joanne Wachman, has filed an application requesting Architectural Commission review and approval for a rear balcony expansion and aluminum picket to glass railing on an existing townhome, including a variance to exceed the maximum allowable lot coverage for a townhouse unit in a PUD development. This is a combination project that shall also be reviewed by Town Council as it pertains to the variances and Site Plan Review.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: There were no disclosures at this time.

Zack Palmisciano, Design Floor & Home, presented the architectural modifications proposed for the balcony expansion.

Ms. Grace inquired if the board/association made the decision to approve the change for other units in order to create uniformity. Mr. Palmisciano

responded. Ms. Grace thought the variance request was acceptable and suggested that the board require that all units change to glass balconies in the future.

Mr. Smith asked about the design of the plate glass on the first and second floor and the rooms behind the glass. Mr. Palmisciano responded.

Mr. Corey inquired about the sliding doors on the first floor and wondered if the second floor sliding doors could match. Mr. Palmisciano responded and provided explanation on the existing doors on the second floor. Mr. Palmisciano recommended moving the sliding door between the two panes of fixed glass. Mr. Corey supported the project.

Motion made by Mr. Karakul and seconded by Mr. Kirchhoff to approve the project as presented.

Mr. Smith called for public comment. No one indicated a desire to speak.

Motion carried 5-1, with Ms. Grace dissenting.

Motion made by Mr. Corey and seconded by Mr. Karakul that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried 6-0.

5. **ARC-22-163 (ZON-22-124) 357 N LAKE WAY (COMBO)** The applicant, Scott Hesse and Whitney Hesse, has filed an application requesting Architectural Commission review and approval for the renovation to an existing two-story residence, which includes a substantial second story addition and ground floor addition to the existing footprint, raising the existing non-conforming first floor slab (6.36' NAVD) to meet minimum FEMA requirements (7' NAVD), a new pool, hardscape, and landscape, requiring variances to setbacks, and required two-car garage. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members.

Dan Kahan, Smith and Moore, presented the architectural plans proposed for the renovation of the existing home.

Keith Williams, Nievera Williams Design, discussed the landscape and hardscape changes proposed for the site.

Mr. Corey thought the changes were superb. He was in favor of the modular style of the home and thought all the materials were successful. He asked about the location of the outdoor kitchen. Mr. Williams responded.

Ms. Shiverick thought the changes were wonderful. She inquired about the different fences and asked for clarification on the design. Mr. Williams responded.

Ms. Grace thought the project was interesting and very good.

Mr. Karakul agreed with his other Commissioners and was in favor of the changes.

Mr. Smith was sad to see the original home changed.

Mr. Kirchhoff thought the changes were good and supported the project.

Motion made by Mr. Kirchhoff and seconded by Mr. Karakul to approve the project as presented.

Mr. Smith called for public comment. No one indicated a desire to speak.

Motion carried 6-0.

Motion made by Ms. Shiverick and seconded by Mr. Kirchhoff that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried 6-0.

6. **ARC-22-182 (ZON-22-113) 380 S COUNTY RD (COMBO)** The applicant, Le bar a vin (Ann DesRuisseaux), has filed an application requesting Architectural Commission review and approval for the construction of new 370 SF Covered Dining Area, a new 519 SF back of house addition to an existing bar/lounge under the existing second floor footprint to an existing two-story building, including variances from setback requirements, drive aisle widths, open space requirements, height of rooftop mechanical equipment and to reduce the required parking. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members.

Ann DesRuisseaux, owner, provided a history of the project and an overview of the proposed changes.

Nelo Freijomel, Spina O'Rourke, presented the architectural modifications proposed for the existing commercial building.

Mr. Smith inquired if the awning was a striped awning. Mr. Freijomel stated that the project was previously approved with a striped awning. Mr. Smith thought the awning was too similar to the establishment across the street. Ms. DesRuisseaux stated they would be happy to change the awning to any color.

Mr. Corey inquired about the Foxtail palms on S. County Road and Peruvian Avenue; he asked whether they would be removed with the outdoor seating. Mr. Freijomel stated that they would be happy to add more Foxtail palms on the corner. Mr. Corey was in favor of the changes and thought the proposed was a good solution to a challenging building. He recommended using a white awning.

Mr. Smith inquired about the mechanical equipment on the roof and asked to see the plan for these items. Mr. Freijomel showed the plan that outlined the mechanical equipment. Mr. Smith asked about the removal of the awning on the southwest corner. Mr. Freijomel responded.

Mr. Kirchhoff supported the project but questioned the seating on the north side of the building. Ms. DesRuisseaux responded and discussed the need for the private seating.

Ms. Grace inquired if the restaurant would remain open during the construction. Ms. DesRuisseaux responded and discussed the construction schedule.

Mr. Corey asked about the option of covering the south door with the awning and allowing more greenscape at the corner of the building. Mr. Freijomel responded and explained the reason for the proposed design.

Ms. Shiverick inquired about the extension of six feet on the first floor and the use of the extra space. Mr. Freijomel and Ms. DesRuisseaux responded and discussed the reason for the extra space. Ms. Shiverick asked if the establishment had approval for outdoor seating.

Maura Ziska, attorney for the applicant, indicated that they would be asking for approval from the Town Council.

Ms. Grace asked if the trash would be included in the new enclosed area. Ms. DesRuisseaux responded.

Mr. Smith called for public comment. No one indicated a desire to speak.

Motion made by Mr. Karakul and seconded by Ms. Shiverick to approve the project with the condition that the awnings shall be white, and the applicant shall try to add more trees and greenery on the southeast corner. Motion carried 6-0.

Motion made by Mr. Karakul and seconded by Mr. Corey that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried 6-0.

Please note: The meeting recessed at 1:11 p.m. The meeting will resume at 9:00 a.m. on October 25, 2022.

7. **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.

Please note: This item will be heard on October 25, 2022

8. **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.

Please note: This item will be heard on October 25, 2022

9. **ARC-22-198 265 LA PUERTA WAY** The applicant, John and Christie Fennesbreque, has filed an application requesting Architectural Commission review and approval for a new two-story residence with associated hardscape, landscape, and new swimming pool.

Please note: This item will be heard on October 25, 2022

10. **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.

Please note: This item will be heard on October 25, 2022

11. **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.

Please note: This item will be heard on October 25, 2022

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*).

Please note: This item will be heard on October 25, 2022

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.*

Please note: This item was withdrawn at Item V., Approval of the Agenda.

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.

Please note: This item will be heard on October 25, 2022

4. **ARC-22-174 223 WORTH AVE.** The applicant, Jerome Baumoechl Architect, Inc. (Jerome I. Baumoechl, 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.

Please note: This item will be heard on October 25, 2022

5. **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.

Please note: This item will be heard on October 25, 2022

6. **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.

Please note: This item will be heard on October 25, 2022

- E. **MINOR PROJECTS – NEW BUSINESS**
NONE

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

1. Public
There were no comments heard at this time.
2. Staff
There were no comments heard at this time.
3. Commission
There were no comments heard at this time.

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

XI. **ADJOURNMENT**

Motion made by M and seconded by M to adjourn the meeting at p.m. The meeting was adjourned without the benefit of a roll call.

The next meeting will be held on Wednesday, October 26, 2022 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully Submitted,

Jeffrey W. Smith, Chairman
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda

Resolutions

Agenda Title

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.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated September 30, 2022 from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 097-2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 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 Approving the Award of a Blanket Purchase Order to Jacober Creative Design and Marketing Services in the Amount of \$268,000 for FY23 – **Resolution No. 097-2022**

DATE: September 30, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council Approve Resolution No. 097-2022, Approving the Award of a Blanket Purchase Order to Jacober Creative Design and Marketing Services in the Amount of \$268,000 for FY23.

GENERAL INFORMATION

Town Procurement and Contract Management issued RFP No. 2020-21 for Marina Marketing Services in August 2020 for a three-year term. Jacober Creative Design Services was awarded the RFP by Resolution No. 109-2020.

Jacober Creative Design and Marketing Services is the firm the Town has engaged for all marketing and public relations related to the Palm Beach Marina. This award includes funds for overall marketing strategy, social media content, public relations, photography and video production. A new campaign will be launched for the FY24 season including website design and content.

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 Account number: 401.35.509.575.30.48.05 in the Marina Fund.

USER DEPARTMENT CONCURRENCE

This item has been reviewed by the Assistant Town Manager 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. 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 JACOBBER CREATIVE DESIGN AND MARKETING
SERVICES IN THE AMOUNT OF \$268,000 FOR FY23**

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. 097-2022, approving the award of a Blanket Purchase Order to Jacobber Creative Design and Marketing Services in the Amount of \$268,000 for FY23.

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 13th day of October, 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: October 13, 2022

Section of Agenda

Resolutions

Agenda Title

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.

Presenter

Pat Gayle-Gordon, Acting Town Clerk

ATTACHMENTS:

- ▢ **Memorandum Dated September 26, 2022, from Pat Gayle-Gordon, Acting Town Clerk**
- ▢ **Resolution No. 126-2022**
- ▢ **2023 Municipal Election Agreement**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Pat Gayle-Gordon, Acting Town Clerk

Re: Agreement between the Town of Palm Beach and the Supervisor of Elections for the
Vote Processing Equipment Use and Election Services for the March 14, 2023
Resolution No. 126-2022

Date: September 26, 2022

STAFF RECOMMENDATION

Staff recommends the Town Council enter into an agreement with the Supervisor of Elections (SOE) for the Vote Processing Equipment Use and Election Services Agreement, for the purpose of utilizing the vote processing equipment owned by Palm Beach County, Florida.

GENERAL INFORMATION

The SOE provided an Agreement to the Town of Palm Beach. The SOE shall provide the Town of Palm Beach such necessary vote processing equipment and election services according to the terms and conditions stated in the agreement, for the purposes of conducting a Municipal Election to be held on March 14, 2023, and the March 28, 2023 Run-Off Election, if necessary. Along with the necessary voting equipment and election services to facilitate any early voting sites, polling locations and polling places as may be necessary and agreed upon by the parties.

TOWN ATTORNEY REVIEW

This item has been reviewed and approved by the Town Attorney.

Attachments

PGG

cc: John C. Randolph, Town Attorney
Carolyn Stone, Assistant Town Manager

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.

WHEREAS, Staff recommends that the Town Council enter into an agreement with the Supervisor of Elections for the Vote Processing Equipment Use and Election Services Agreement, for the purpose of utilizing the voting equipment owned by Palm Beach County, Florida

WHEREAS the Town of Palm Beach is statutorily obligated to conduct an election that requires the use of the voting equipment to count ballots: and

WHEREAS the voting equipment requires specially trained and knowledgeable individuals to program, operate and maintain said equipment, and

WHEREAS Palm Beach County Board of County Commissioner has authorized the Supervisor of Elections to provide any necessary terms and condition for the use of such voting equipment and,

WHEREAS the Palm Beach County Supervisor of Elections can provide the necessary personnel to program, operate and maintain said equipment for the March 14, 2023 Municipal Election, and a Run-Off Election, if necessary.

WHEREAS the Supervisor of Elections shall provide the Town of Palm Beach such necessary vote processing equipment and election services according to the terms and conditions stated in the Agreement, for the purposes of conducting a Municipal Election to be held on March 14, 2023, and a Run-Off Election, if necessary, along with the necessary vote processing equipment and election services to facilitate any early voting sites, polling locations and polling places as may be necessary and agreed upon by the parties.

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

Section 1: The Mayor is hereby authorized and directed to execute the Agreement for 2023 Vote Processing Equipment Use and Election Services Agreement on behalf of the Town of Palm Beach.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of October, 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



2023 MUNICIPAL ELECTION VOTE PROCESSING EQUIPMENT USE AND ELECTIONS SERVICES AGREEMENT

This Vote Processing Equipment Use and Elections Services Agreement (hereinafter referred to as the “Agreement”) is hereby entered into by and between the **Palm Beach County Supervisor of Elections Office** (hereinafter referred to as “SOE”) and **Town of Palm Beach**, Florida (hereinafter referred to as “MUNICIPALITY”).

WITNESSETH:

WHEREAS, pursuant to Section 101.34, Florida Statutes, SOE is the legal custodian of certified vote processing equipment owned by Palm Beach County, Florida, and is hereby charged with the responsibility for custody and maintenance of said equipment; and,

WHEREAS, MUNICIPALITY desires, or is otherwise statutorily obligated, to conduct an election that requires the use of vote processing equipment to count ballots; and,

WHEREAS, all vote processing equipment requires specially trained and knowledgeable individuals to program, operate and maintain said equipment; and,

WHEREAS, the Palm Beach County Board of County Commissioners has authorized SOE to provide any necessary terms and conditions for the use of such voting equipment; and,

WHEREAS, SOE can provide the necessary personnel to program, operate and maintain said equipment; and,

WHEREAS, MUNICIPALITY hereby acknowledges full responsibility for all applicable requirements under the Florida Election Code and any provision of the City Charter or municipal ordinances which may not be addressed or included in this Agreement.

NOW THEREFORE, in consideration of the premises and of the mutual promises, terms and conditions stated herein, SOE and MUNICIPALITY agree as follows:

ARTICLE 1 – RECITALS

The above recitals are true and correct and incorporated herein.

ARTICLE 2 – AGREEMENT

SOE shall provide MUNICIPALITY such necessary vote processing equipment and election services according to the terms and conditions stated in this Agreement, for the purposes of conducting a Municipal Election to be held on March 14, 2023, and a Run-Off Election, if necessary, along with the necessary vote processing equipment and election services to facilitate any early voting sites, polling locations and polling places as may be necessary and agreed upon by the parties.

Wendy Sartory Link Palm Beach County Supervisor of Elections

ARTICLE 3 – OPERATION AND PROGRAMMING SERVICES

3.1 Municipal Services. For each election, MUNICIPALITY shall pay SOE for election operations.

3.2 Vote-By-Mail Ballots. MUNICIPALITY shall pay SOE for vote-by-mail operations and materials.

3.3 Repairs. For any election, all maintenance, repairs or other troubleshooting services for vote processing equipment, including any tabulators, check-in devices, and other voting equipment, will be performed exclusively by SOE and such services are included in all stated charges. However, SOE does reserve the right to seek reimbursement from MUNICIPALITY for any repairs or maintenance caused by any neglect or unauthorized acts by any employee or representative of MUNICIPALITY.

ARTICLE 4 – OTHER ELECTION CHARGES

4.1 Precinct Services. For each election, MUNICIPALITY shall pay SOE for precinct preparation and poll worker training.

4.2 Other. For each election and upon proper notice to MUNICIPALITY, MUNICIPALITY shall pay SOE for any other election services not contemplated herein which may be needed to conduct an orderly election.

ARTICLE 5 – TERM

For each election, the terms of this Agreement begin with ballot layout and conclude when ballots have been processed, election results have been certified, all vote processing equipment has been returned to the SOE's warehouse and an audit, if applicable, has been completed. In the event of an election contest or challenge, SOE agrees to cooperate in providing any public records which the SOE maintains or otherwise controls.

ARTICLE 6 – APPLICABLE REQUIREMENTS OF FLORIDA'S ELECTION CODE

MUNICIPALITY shall properly call the election in accordance with any Florida Statutes, applicable charter provisions or city ordinances. MUNICIPALITY agrees that the Municipal Clerk is responsible for the conduct of the city's elections and for ensuring compliance with all applicable Florida Statutes, including the Florida Election Code and any municipal charter provisions and ordinances. Any obligations or duties not set forth in this Agreement shall be the sole responsibility of MUNICIPALITY.

ARTICLE 7 – NOTICE AND ADVERTISEMENT OF ELECTIONS

7.1 Uniform Municipal Election. MUNICIPALITY shall prepare and arrange for publication of all legal advertising required by state and federal statutes, city charter and city ordinances, unless MUNICIPALITY has already coordinated publication with SOE. MUNICIPALITY agrees that all advertisements of elections conducted in Palm Beach County shall be published in both English and Spanish and that MUNICIPALITY shall be responsible for the accurate and complete translation of any such notices.

Wendy Sartory Link Palm Beach County Supervisor of Elections

SOE shall, if available, provide samples of required advertising upon request. SOE may also coordinate with MUNICIPALITY to translate and publish notices on behalf of MUNICIPALITY. MUNICIPALITY is responsible for the cost of translation and publication of required notices.

7.2 Run-Off Election. In the event of a run-off election, MUNICIPALITY shall prepare and arrange for publication of all legal advertising required by state and federal statutes, city charter and city ordinances. MUNICIPALITY agrees that all advertisements of elections conducted in Palm Beach County shall be published in both English and Spanish and that MUNICIPALITY shall be responsible for the accurate and complete translation of any such notices. SOE shall, if available, provide samples of required advertising upon request.

ARTICLE 8 – QUALIFYING OF CANDIDATES

MUNICIPALITY is the qualifying officer for all municipal candidates and is therefore responsible for all associated duties including collecting petitions, collecting filing fees, and posting notices or advertisements required by municipal charters/ordinances not already required by statute.

MUNICIPALITY may provide qualifying packets to candidates. MUNICIPALITY shall accept and process all qualifying papers and fees. For audio ballots, MUNICIPALITY shall collect pronunciation guides from candidates at the time of qualifying and shall submit them to SOE at the close of qualifying.

If petitions are part of qualifying process, MUNICIPALITY shall pay SOE Ten Cents (\$.10) per name, or such other amount as determined per Florida Statutes or the Florida Administrative Code, checked to verify any signatures on qualifying petitions. SOE agrees to verify any signatures for any qualifying petitions timely submitted by MUNICIPALITY in the order such petitions are received.

SOE is responsible for verifying petition signatures once MUNICIPALITY has delivered them off to SOE's Main Office, certifying the total number of valid signatures, and returning the petitions to the clerk, who will determine whether the total number of valid signatures is sufficient for the candidate to qualify, and posting legal notices required by Florida Law.

In no event shall SOE issue any recommendations or make any legal determinations as to the qualifications of eligibility of any candidate for municipal office.

ARTICLE 9 – PRINTING OF BALLOTS AND BALLOT SERVICES

9.1 Uniform Municipal Election.

MUNICIPALITY shall furnish, immediately upon the conclusion of the qualifying period, and at least ninety-five (95) days before Election Day, all ballot information in English, including the name of the candidates as they are to appear on the ballot, the name of MUNICIPALITY, the name of the election, the title of office or referendum title, explanation, and questions.

SOE reserves the right to not administer a municipal election if MUNICIPALITY does not provide all ballot information by the 95-day deadline

SOE agrees to provide the layout of the ballot(s) based on the information furnished by MUNICIPALITY and deliver ballot layout to the approved printer. Both SOE and MUNICIPALITY must sign off on ballot proof(s) prior to finalizing.

MUNICIPALITY shall confirm the number of ballots needed. SOE shall place an order for sufficient quantity of Election Day ballots with a third-party printer as selected exclusively by SOE.

SOE will provide all necessary translations of ballots, in accordance with Section 203 of the Voting Rights Act, as well as Creole translations for the ExpressVote machine. MUNICIPALITY shall be responsible for all translation costs.

The SOE will be responsible for layout out and ordering test ballots. Once test ballots are received from the printer, SOE will test all vote processing equipment in accordance with the standards established by the Florida Division of Elections and any applicable Florida Statutes. Upon receipt of the printed ballots from the printer, SOE shall receive, securely store, and account for all ballots until disbursed to poll workers. SOE shall also control and limit all access to un-voted ballots while in possession of SOE.

The SOE will be responsible for delivery of Early Voting and Election Day ballots to polling locations, as well as Mailing Vote-By-Mail ballots to voters with valid requests on file.

9.2 Run-Off Election.

In the event of a run-off election, MUNICIPALITY will be responsible for providing all information stated in 9.1. MUNICIPALITY must approve ballot content and layout prior to printing.

MUNICIPALITY will be responsible for reimbursing SOE for any costs incurred.

ARTICLE 10 – POLL WORKERS

10.1 Selection and Training of Poll Workers. SOE will hire and train all poll workers in accordance with the Florida Election Code and other guidelines, procedures or regulations as followed or adopted for the conduct of elections in Palm Beach County. The clerk for MUNICIPALITY, or a representative, shall be in attendance for poll worker training sessions. Poll workers shall undergo job specific training and complete required number of training hours as specified by SOE poll worker department management. All necessary supplies and ballots will be provided by SOE and stored in precinct cabinets or transported in poll worker clerk bags.

10.2 Uniform Municipal Election. MUNICIPALITY shall pay poll workers directly for their services.

10.3 Run-Off Election. In the event of a run-off election, MUNICIPALITY shall pay poll workers directly for their services.

10.4 Uniform Municipal Election in Conjunction with County-Wide Election. SOE shall pay poll workers directly for their services. (Most likely to occur every four years during a March Presidential Preference Primary but may apply in similar instances in which a county-wide election occurs, upon which municipalities choose to “piggyback.”)

ARTICLE 11 – SELECTION OF POLLING PLACES

MUNICIPALITY is ultimately responsible for securing its own ADA-compliant polling location(s) for stand-alone municipal elections. If MUNICIPALITY is having an election in conjunction with a county or state-wide election, SOE will secure all polling locations.

Upon request, SOE will provide MUNICIPALITY with the list of the polling locations that are currently assigned to MUNICIPALITY’S precincts.

MUNICIPALITIES are encouraged to use the same polling locations for stand-alone municipal elections as the SOE does for county-wide elections, to avoid voter confusion and unnecessary expense. If a different location is used, SOE must be informed at least sixty (60) days in advance of Election Day and a Department of Justice survey must be performed.

MUNICIPALITY will be responsible for all costs incurred with Polling Place changes, including the mailing of Polling Place change notices to voters.

MUNICIPALITY is responsible for coordinating Monday (the day before Election Day) set-up and 5:30 a.m. access on Election Day.

ARTICLE 12 - POLL WATCHERS

12.1 Standalone, Uniform, or Runoff Municipal Election. MUNICIPALITY is responsible for collecting the Designation of Poll Watchers form and submitting it to SOE for processing. SOE will make the required identification badges and provide them to MUNICIPALITY.

MUNICIPALITY will be responsible for all costs associated with the preparation of the badges.

MUNICIPALITY will create a master poll watcher list to be supplied to their poll workers on Election Day.

12.2 Uniform Municipal Election in Conjunction with County-Wide Election. MUNICIPALITY is responsible for collecting the Designation of Poll Watchers form and submitting it to SOE, for those poll watchers specific to a municipal race or question. SOE will be responsible for collecting Designation forms for county-wide or multi-municipality races or initiatives.

SOE will create a master poll watcher list to be supplied to their poll workers on Election Day.

MUNICIPALITY may be responsible for costs associated with the preparation of municipal race or initiative petition poll watcher badges.

ARTICLE 13 – SAMPLE BALLOTS

13.1 Uniform Municipal Election.

MUNICIPALITY shall review the sample ballot(s) and confirm the accuracy of the election date, office, candidate name(s), polling locations, polling places and all other information contained therein. At MUNICIPALITY’S option and expense, SOE shall coordinate the mailing of the sample ballots to all registered voters in the municipality prior to the election.

13.2 Run-Off Election.

In the event of a run-off election, SOE **shall not** create or mail sample ballots.

ARTICLE 14 – TRANSPORTATION OF ELECTIONS EQUIPMENT AND SUPPLIES

14.1 Uniform Municipal Election.

SOE will be responsible for delivery and pick up of any vote processing equipment. Election equipment will be delivered by SOE, or a third-party representative of SOE on an agreed upon date, up to eight (8) days prior to the election. SOE, or a third-party representative of SOE, will pick up voting equipment on an agreed upon date. SOE shall have full discretion and authority to hire and employ any outside third parties to assist with or perform delivery and pick up of voting equipment.

MUNICIPALITY shall coordinate with Voting Equipment Center manager (Hector Lugo) and Polling Location(s) regarding delivery and security of voting equipment.

14.2 Run-Off Election.

SOE will maintain responsibility for transportation of equipment and supplies as stated in 14.1. MUNICIPALITY shall reimburse SOE for any and all costs incurred for equipment delivery and pickup.

14.3 MUNICIPALITY is not permitted to deliver any election equipment.

ARTICLE 15 – LOCATION AND STORAGE OF VOTING EQUIPMENT

All voting equipment shall be stored, maintained, and located in a well-protected, secure, temperature-controlled, indoor room or facility. Once the voting equipment is delivered to a voting site, no equipment shall be relocated without the prior written approval of SOE.

ARTICLE 16 – CANVASSING OF ELECTION RESULTS

16.1 Canvassing Board Duties. At least one member of the Canvassing Board must be present at the Logic and Accuracy Testing, though all three must certify the accuracy of the testing.

A member of the Canvassing Board must be present at all times ballots are being processed; that is, when ballots are being opened, duplicated, and tabulated. A majority of the Canvassing Board must be present during any Canvassing procedure which requires a vote.

The Canvassing Board must be present at the Voting Equipment Center until all ballots have been collected and canvassed on Election Night.

A majority of the Canvassing Board must certify the results of the election, though three signatures is preferable. The Supervisor and SOE staff will ascertain the results and provide them to the Canvassing Board for certification.

At least three members must be present for a recount if one is necessary.

A majority of the Canvassing Board must be present at all times during the post- election Audit. The SOE staff will complete the Audit process.

16.2 County Canvassing Board. If MUNICIPALITY is using the County Canvassing Board (as defined by Section 101.141, Florida Statutes), SOE shall schedule and coordinate the date(s) on which the Canvassing Board is to assemble to canvass the election. SOE shall notice and advertise, as needed, the dates of any canvassing board meetings.

MUNICIPALITY **must** utilize the County Canvassing Board in the event of a county-wide election or an election which encompasses more than one municipality (i.e., Congressional elections, etc.).

16.3 Municipal Canvassing Board. If MUNICIPALITY is using its own, separate Canvassing Board, MUNICIPALITY shall coordinate with SOE and schedule the date(s) on which MUNICIPALITY'S Canvassing Board is to assemble to canvass the results of the election. Supervisor of Elections will not be a member of the MUNICIPALITY'S Canvassing Board. The Supervisor of Elections may be a substitute member. MUNICIPALITY shall notice and advertise in both English and Spanish, as needed, the dates of any Canvassing Board meetings. MUNICIPALITY shall convene the Canvassing Board to determine which voted ballots are to be tabulated. MUNICIPALITY shall provide for collection of results from each precinct.

ARTICLE 17 – AUDITS

MUNICIPALITY agrees to pay SOE for any additional costs as may be necessary, including overtime expenses, for conducting an audit, if necessary.

ARTICLE 18 – POST-ELECTION RECORDS RETENTION

SOE shall process affirmation forms and sort, inventory, and pack all election materials for pickup by SOE for retention and disposition. SOE shall store or cause to be stored all necessary election records and ballots until expiration of retention period as prescribed by applicable Florida Statutes and Rules. The MUNICIPALITY is responsible for maintaining candidate qualifying documents and certified results in accordance with Florida Law.

ARTICLE 19 – VOTER HISTORY

MUNICIPALITY and SOE will make mutually acceptable arrangements for recording and maintaining voter history. MUNICIPALITY is responsible for determining whether voters are eligible electors, pursuant to municipal charters and ordinances.

ARTICLE 20 – OTHER NECESSARY COSTS

Any additional costs or fees that may be incurred by SOE in compliance with the Florida Election Code and as a direct result of a municipal election, that are not specified in this Agreement, shall be paid for by MUNICIPALITY at rates and fees as established by SOE. Examples of such additional costs or reimbursements include, but are not limited to, the following:

A. Recounts. Any expenditure for conducting a recount, including any overtime expenses for reprogramming voting equipment, and other expenses as may be necessary to conduct a recount; and,

B. Attorneys' Fees and Costs. Actual attorneys' fees and costs incurred by SOE for research or representation on any election-related matter shall be invoiced by SOE for reimbursement by MUNICIPALITY.

ARTICLE 20 – HOLD HARMLESS COVENANT

MUNICIPALITY shall at all times hereafter indemnify, hold harmless and, at SOE's option, defend or pay for an attorney selected by SOE to defend SOE, its officers, agents and employees against any and all claims, damages, injuries, losses, liabilities and expenditures of any kind, including attorneys' fees, court costs and expenses arising out of or resulting from any or all acts of omission or commission of or by the MUNICIPALITY, its officers, agents or employees with respect to any election conducted pursuant to this Agreement. MUNICIPALITY also agrees to indemnify SOE against any administrative challenges, civil suits or other legal challenges or appeals that may arise, including all attorneys' fees and costs, from the contest of election results or the validation of any candidate qualifications arising from MUNICIPALITY'S actions.

The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth at Sec. 768.28, Florida Statutes. In no case shall such limits for SOE or MUNICIPALITY extend beyond \$200,000 for any one person or beyond \$300,000 for any judgment which, when totaled with all other judgments, arises out of the same incident or occurrence. Furthermore, nothing herein shall be construed as consent by SOE, as a state agency or subdivision of the State of Florida, to be sued by third parties in any matter arising out of any contract.

These provisions shall not be construed to constitute agreement by either party to indemnify the other for such others' negligent, willful, or intentional acts or omissions.

ARTICLE 22 – ENTIRETY AND AMENDMENTS

The Agreement embodies this entire agreement between SOE and MUNICIPALITY and supersedes all prior agreements and understandings relating to the conduct of elections. No modification, amendment or alteration to this Agreement shall be effective of binding unless submitted in writing and executed by the duly authorized representatives of both SOE and MUNICIPALITY.

ARTICLE 23 – EFFECTIVE DATE

The effective date of this Agreement shall be the latest date of execution by duly authorized representatives of SOE and MUNICIPALITY as shown on the signature page hereto.

IN WITNESS WHEREOF, we, the undersigned, do hereby state that we have the authority to bind and obligate as promised herein, SOE and MUNICIPALITY for purposes of executing this agreement on the dates set forth below.

SUPERVISOR OF ELECTIONS:

MUNICIPALITY:

Signature

Wendy Sartory Link

Name (Printed or Typed)

Palm Beach County Supervisor of Elections

Title

Date

Signature

Danielle H. Moore

Name (Printed or Typed)

Mayor

Title

Date

Wendy Sartory Link Palm Beach County Supervisor of Elections

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda

Resolutions

Agenda Title

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.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated Sept. 27, 2022, From Wayne Bergman, Director of Planning, Zoning & Building**
- ▣ **Resolution No. 127-2022**
- ▣ **Exhibit A - Public Works Right of Way Manual - Re: Construction Parking and Construction Site Mgmt**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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



Re: Changes to the Public Works Right of Way Manual to Include Fourth and Fifth Strikes
Under the "Three Strike Program" – Resolution No. 127-2022

Date: September 27, 2022

GENERAL INFORMATION

After nine months of the new Three Strike program, which added construction site violations to the right of way parking violation program, the Town Council heard their first "Fourth Strike" case on September 14, 2022. This contractor appeared once before the Town Council earlier this year, then received a Fourth Strike, which once again stopped the work and required the contractor to appear again before the Town Council. The Town Council requested during that hearing that staff prepare amendments to the program to provide stiffer fines and/or penalties for any strike beyond the third strike.

Staff proposed a few ideas, dealing with increased fines, longer mandatory work stoppages, and the elimination of future right of way parking permits. Staff settled on a larger fine and increased mandatory work stoppages.

For your consideration is Resolution No. 127-2022. This Resolution amends the Town Public Works Right of Way Manual at Chapter XII, Miscellaneous Provisions, Construction Parking & Construction Site Management by having any "Fourth Strike" require a mandatory one month of work stoppage and the payment of a \$2,500 fine; and any "Fifth Strike" require a mandatory two-month work stoppage and the payment of a \$5,000 fine.

This proposal was reviewed by PZB, Police and Public Works and is a collaborative attempt to provide reasonable fines and penalties for the rare case wherein a contractor might exceed the Third Strike. The draft documents were also reviewed by Skip Randolph for form, content, and legal sufficiency. Resolution No. 127-2022 is ready for your consideration and adoption, as this Resolution provides the technical changes to the Public Works Right of Way Manual to incorporate the additional fines and penalties under the program.

cc: James Murphy, Assistant Planning, Zoning and Building Director
John Randolph, Town Attorney
Chief Nicholas Caristo
Paul Brazil, Director of Public Works

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

WHEREAS, the Town Council has adopted the Department of Public Works, Engineering Division Standards Applicable to Public Rights of Way and Easements (aka "Right of Way Manual") by Ordinance 11-94 on July 12, 1994; and

WHEREAS, the Right of Way Manual is reviewed from time to time and may be modified by Resolution of the Town Council; and

WHEREAS, the Town has determined that new fines and penalties for a fourth and fifth strike shall be created.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. The Right of Way Manual is hereby amended at Chapter XII, Miscellaneous Provisions, Construction Parking, as provided on Exhibit "A", attached.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of October 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

EXHIBIT “A”

Town Public Works Right of Way Manual

Chapter XII, Miscellaneous Provisions

Construction Parking & Construction Site Management

Construction parking on public streets and construction site management shall be controlled in order to protect the public's health, safety and welfare. The rules and procedures outlined below are commonly referred to as the Town's "3-Strike Rule".

All vehicles belonging to personnel working on or visiting a construction site from the date of the issuance of a building permit, to the date of the issuance of the certificate of occupancy, shall be parked on the construction site at all times. If the site cannot accommodate such vehicles, then the contractor may initiate car and/or truck pooling, apply for up to, but not more than, three (3) right-of-way permits for parking construction vehicles on the street in front of the construction site or, utilize both options in order prevent unnecessary congestion adjacent to the construction site.

The following rules and procedures shall govern the 3-Strike Rule:

1. Owner/contractor may apply for up to, but not more than, three (3) right-of-way permits for the temporary parking of construction-related vehicles.
2. Contractor will be asked if right-of-way parking permits are anticipated at time of initial building permit application. If anticipated at that time, or any subsequent time, a parking plan must be provided on an application form as prescribed by the Town, at a legible scale, as determined by the Town which clearly illustrates the entire construction site.
3. Applications must include a notarized signature from the property owner acknowledging understanding of the 3-strike rule in its entirety. A notarized power of attorney signature will be accepted by the Town, provided it specifies that the owner has been personally informed of the entire 3-strike rule.
4. The Public Works Department will review all such applications upon payment of the following fee(s) (see Appendix C). Public Works shall determine whether or not to approve the application, and if approved, whether 1, 2, or 3 right-of-way permits are issued.
5. The contractor must apply for a permit(s) from Public Works within seventy-two (72) hours in advance of the short-term use of the public right-of-way. Only extreme extenuating circumstances will be considered otherwise.
6. As a condition of approval, contractor is required to provide the Town with tag numbers of all vehicles authorized by the contractor to work at the site and is responsible for updating for any reason that may cause a change in the tag number list for a job site. The Director of Public Works or the Director's designees, which may include code enforcement officers, parking enforcement officers, and police officers, are authorized to enforce all "3-strike rule" provisions and to issue citations for violations of these provisions. Parking permit must be displayed on the dashboard of the vehicle. Failure to comply will result in a strike.
7. Owner/contractor must designate a private employee to act as a traffic monitor at each site to enforce Town rules when on-street construction parking is allowed. The traffic monitor must be present whenever work is occurring. Failure to do so constitutes a strike.

8. If the Town finds that there is no dedicated traffic monitor at a construction site, all right-of-way permits shall be immediately revoked and one (1) strike will be assessed.
9. When car or truck pooling is utilized, no substitute on-street parking spaces in the Town can be utilized for said purpose. Failure to comply will result in a strike.
10. Worth Avenue right-of-way permits shall be limited to two (2) vehicles for purposes of loading or unloading and for essential construction activities. Parking of construction vehicles that are not actively involved in the loading and unloading process will not be permitted. Failure to comply will result in a strike.
11. Only original Town-issued permits are valid. Permits may be transferred between vehicles but are valid only for the construction site for which they are issued. Failure to comply will result in a strike.
12. Copying, forging or duplication of a right-of-way permit is prohibited. All right-of-way permits will be immediately revoked if the Town determines that duplication or abuse has occurred.
13. Additional permits may be issued for the three (3) week period prior to the estimated date of issuance of the certificate of occupancy in the event said vehicles cannot be accommodated on site. The number of permits granted shall be determined by the Director of Public Works, or his designee.
14. Property owners and their contractors shall be responsible for the implementation, installation, and maintenance of all required demolition and construction screening, perimeter landscaping, screening of on-job toilet facilities, following the truck logistics and staging plan, and any and all site conditions required by Chapter 18, Buildings and Building Regulations, including Sections 18-2 (Landscaping; maintenance where used for screening), 18-3 (On-job toilet facilities, required), 18-86 (Construction staging and truck logistics plan), 18-111 (Compliance with the Town's right of way manual), and 18-201 (Construction screening). Any Town-documented lack of the required item(s) or lack of maintenance of the item(s) will constitute one (1) strike, and the Town will concurrently prosecute the violation(s) through the Code Enforcement process.
15. Property owners and their contractors shall be responsible for compliance with the noise regulations and the hours for construction work, found in Chapter 42, Environment, Sections 42-197 through 42-199. Any Town-documented violation of these sections will constitute one (1) strike, and the Town will concurrently prosecute the violation(s) through the Code Enforcement process.
16. Failure to comply with the aforementioned conditions may result in the suspension, fines, or in the case of repeat offenses, the cancellation of the violator's building permit.
17. Penalty for parking in the right-of-way in violation of this section shall be \$150 per day/per vehicle for the first offense, \$250 per day/per vehicle for the second offense, and \$500 thereafter.
18. Said penalty may be appealed in writing within seven (7) calendar days of the date of issuance to either the Chief of Police or the Director of Public Works (dependent upon the Department issuing the ticket), who shall, thereafter, act on said appeal. If the appeal is upheld, then the 1st, 2nd, or 3rd strike, as applicable, shall be removed from the record. Construction may continue until the appeal has been acted upon.
19. When a 3rd strike has been issued, and if an appeal is denied or is not filed in timely fashion, the Planning, Zoning & Building Department shall issue a Stop Work Order halting all continued activity at the site.

20. All requests to lift the stop work order must be decided by the Town Council, upon written application to the Planning, Zoning & Building Department, no less than seven (7) days prior to a regularly scheduled monthly Town Council (Development Review) meeting.
21. 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; and/or collect any unpaid penalties.
22. If a Stop Work Order is lifted, no additional right-of-way permits for the duration of the work in question shall be issued unless specifically approved by the Town Council.

All vehicles belonging to personnel working on or visiting a construction site from the date of the issuance of the permit, to the date of the issuance of the certificate of occupancy, shall be parked on the construction site at all times. If the site is limited, then the contractor must initiate "car and/or truck pooling." A site plan may be required to illustrate that the site is being fully and efficiently used for construction material storage and parking. Additionally, contractor is required to provide to the Town the tag numbers of all vehicles authorized by the contractor to work at the site. The Director of Public Works or the Director's designees, which may include code enforcement officers, parking enforcement officers, and police officers, are authorized to enforce the provisions of this paragraph on construction parking and to issue citations for violations of these provisions.

All contractor's equipment shall be parked on the construction site. If the contractor cannot park his/her equipment on the site, or in the event all vehicles described herein cannot be parked on the site, a right-of-way permit will be required to park said equipment or vehicles in the public right-of-way. The contractor must apply for a permit or permits from the Public Works Director within seventy-two (72) hours in advance of the short-term use of the public right-of-way. (Only extreme extenuating circumstances will be considered.)

Parking permits will be issued for Worth Avenue for up to two (2) vehicles for purposes of loading or unloading and for essential construction activities. Parking of construction vehicles that are not actively involved in the loading and unloading process will not be permitted.

Parking permits for other areas in the Town will be issued for up to three (3) vehicles to park within the rights-of-way in the event it is determined that said vehicles cannot be accommodated on site. In addition, one permit shall be provided to the owner of the property. Only original permits are valid, no copies are allowed. Permits may be transferred between vehicles but are valid only for the construction site for which they are issued. Additional permits may be issued for the three (3) week period prior to the issuance of the Certificate of Occupancy in the event said vehicles cannot be accommodated on site. The number of permits granted shall be determined by the Director of Public Works.

Failure to comply with the aforementioned conditions may result in suspension, fines, or in the case of repeat offenses, the cancellation of the violator's building permit. Penalty for parking in the right-of-way in violation of this section shall be \$150 per day/per vehicle for the first offense, \$250 per day/per vehicle for the second, and \$500 thereafter. Said penalty may be appealed in writing within seven (7) calendar days of the date of issuance to the Chief of Police or the Director of Public Works (dependent upon the Department issuing the ticket), who shall act on said appeal. If the appeal is upheld, then the 1st, 2nd, or 3rd strike, as applicable, shall be removed from the record. Construction may continue until the appeal has been acted upon.

Once a contractor has accumulated three (3) violations or “strikes” at a single site that have either exceeded the appeal period or the appeal(s) have been adjudicated in favor of the Town, as described in the Town Right of Way Manual, the Director of Planning, Building, and Zoning (PZ&B) shall have issued a “stop work” order as allowed in Section 18-204 of the Town Code.

If after issuing the stop work order and reviewing the case, the Director of PZ&B concludes there are no mitigating circumstances that caused the contractor to receive any of the three (3) strikes, the Director of PZ&B must forward the matter to the Town Council at their next available meeting should the contractor and/or the property owner request in writing that the Town Council give consideration to lifting the stop work order.

If after issuing the stop work order and reviewing the case, the Director of PZ&B is convinced that mitigating circumstances caused the contractor to receive any one of the 3 strikes, the Director of PZ&B may waive that strike causing the contractor to have 2 strikes, but only upon payment of a fine of \$250, plus payment of any outstanding right-of-way fines, accumulated interest, and subject to the Director of PZ&B being satisfied that there will be strict future compliance with the Town regulations and/or the Right-of-Way Manual by the contractor at the job site in question. Periodically, as often as determined appropriate by the Town Manager, the Director of PZ&B shall provide a report to the Town Manager delineating the mitigating circumstance(s) that gave cause for him or her to remove a strike incurred by a contractor under this section.

If there is another strike received by the contractor on the same job site that results in a total of 3 or more strikes at a given job site, the Chief of Police or the Director of Public Works (dependent upon the Department issuing the ticket) will notify the Director of PZ&B of the situation upon passage of the time allowed for appeal. The Director of PZ&B must suspend the work activity on the site via issuance of a “stop work” order as allowed in Section 18-204 of the Town Code, subject to reinstatement only by application of the building permit applicant to the Town Council at their next regularly scheduled meeting.

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 as outlined below, 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 (3rd) ~~and each subsequent~~ strike shall be \$500; the fine and penalty for a fourth (4th) strike shall be a fine of \$2,500 and a mandatory thirty (30) day shutdown of the construction project; the fine and penalty for a fifth strike shall be a fine of \$5,000 and a mandatory sixty (60) day shutdown of the construction project. 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.

Before issuance of a building permit, a Power of Attorney or notarized owner’s signature is required as the owner’s acknowledgement of the “3 strike” rule.

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda

Resolutions

Agenda Title

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.

Presenter

Jane Le Clainche, Director of Finance

ATTACHMENTS:

- ▣ **Memorandum Dated September 30, 2022, from Jane Le Clainche, Director of Finance**
- ▣ **Resolution No. 128-2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jane Le Clainche, Director of Finance

Re: Designation of Town Depositories and Parties Authorized to Sign
Checks or Warrants on Behalf of the Town for Fiscal Year 2023
Resolution No. 128-2022

Date: September 30, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 128-2022 designating the Town depositories and authorized parties to sign checks and warrants on behalf of the Town for fiscal year 2023.

GENERAL INFORMATION

Pursuant to sections 2-36 and 2-517 of the Town of Palm Beach Code of Ordinances, the Town Council must annually designate Town depositories and authorized parties to sign checks and warrants on behalf of the Town.

TOWN ATTORNEY REVIEW

Town Attorney review is not necessary for this resolution since it is the standard resolution used every year and was previously approved by the Town Attorney.

jl

Attachment

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.

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

Section 1. Pursuant to Section 2-517 of the Town Code of Ordinances, the Town Council hereby designates the following financial institutions as depositories for Fiscal Year 2023:

- 1) TD Bank, N.A. (Checking and Merchant Accounts)
- 2) Florida League of Cities (Excess Funds)
- 3) PFM Asset Management LLC (Excess Funds)
- 4) FL PALM (Public Assets for Liquidity Management)
- 5) TD Wealth Management (Custody Account)
- 6) Salem Trust (Custody Account)
- 7) BankUnited (Money Market and Certificates of Deposit Accounts)
- 8) Qualified Public Depositories per Florida State Statute 280.02

Section 2. Pursuant to Section 2-36 of the Town Code of Ordinances, funds may be withdrawn from the Town's bank accounts referenced in Section 1, upon checks, warrants, or wire transfers duly signed by the Town Manager and the Town's Finance Director.

In the absence of or as may be designated by the Town Manager, one of the Deputy Town Managers may sign checks, warrants, or wire transfers in the place and instead of the Town

Manager.

In the absence of or as may be designated by the Finance Director, the Assistant Finance Director, or the Budget Analyst may sign checks, warrants, or wire transfers in the place and instead of the Finance Director.

The Town Manager and Deputy Town Managers are not authorized to countersign each other's signatures; nor are the Finance Director, the Assistant Finance Director, and the Budget Analyst authorized to countersign each other's signatures.

Section 3. To open a new account, all current authorized account signatures will sign the appropriate paperwork. To close an existing account, the financial institution will be notified by letter signed by the Finance Director or Town Manager.

Section 4. Pursuant to Section 2-36 of the Town Code of Ordinances, funds may be withdrawn from the Town bank account designated for the payment of liability, property and worker's compensation claims upon checks, warrants, or wire transfers duly signed by two designated staff members of the Town's contracted third party claims administrator.

Section 5. The Town Clerk is hereby directed to furnish a certified copy of this Resolution to TD Bank, N.A., Florida League of Cities, N.A., PFM Asset Management LLC, Florida Education Investment Trust Fund, TD Wealth Management, Salem Trust, BankUnited, and any additional Qualified Public Depositories utilized by the Town.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of October, 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: October 13, 2022

Section of Agenda

Resolutions

Agenda Title

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.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated September 22, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 129-2022**
- ▣ **Attachment - Resolution No. 07-2022 - S. Palm Beach**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2022

TO: Mayor and Town Council

VIA: Kirk. W. Blouin, Town Manager

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

RE: Access Easement Agreement for 2022/2023 Dune Restoration
Resolution No. 129-2022

DATE: September 22, 2022

STAFF RECOMMENDATION

Town staff recommends that the Town Council adopt Resolution No. 129-2022 authorizing the Town to enter into a temporary Access Easement Agreement between the Towns of South Palm Beach and Lantana to effectuate completion of a Dune Restoration Project in Reach 9.

GENERAL INFORMATION

At the November 9, 2021 regular Town Council meeting, Town Council directed staff to proceed with completing the work in Reach 4 and to assist the Town of South Palm Beach with additional dune restoration in Reach 9.

Beach access in the Town of South Palm Beach does not readily exist for dune restoration. South Palm Beach has negotiated terms with the Town of Lantana to utilize an access point at Lantana's Municipal Beach. This includes sand to be brought in to make a sand ramp over the seawall and sand to be placed on the beach to provide a sufficient footprint for the off-road vehicles to haul sand to South Palm Beach. Any sand placed and graded in Reach 9 will be paid for by the Town of South Palm Beach. Because the work is to be completed with a Town of Palm Beach contractor, Lantana has requested that we be a participant in the easement agreements and not just the Town of South Palm Beach. This work was initially scheduled for the spring of 2022 but has been postponed due to unfavorable shoreline conditions. Construction of the work, which may occur between November 1, 2022 and February 28, 2023, is contingent on sufficient dry beach present for construction vehicles to traverse. Should conditions not improve, the work will not be able to be performed.

The performance of the beaches in Reach 8 are improved with healthier beaches in Reach 9 to the south. It is important that the Town of Palm Beach continue to work with our municipal neighbors to enhance storm protection throughout Palm Beach island.

TOWN ATTORNEY REVIEW

The Town Attorney has coordinated directly with the legal representatives for both the Town of South Palm Beach and the Town of Lantana regarding the access easement agreement. This Resolution has been drafted by the Town Attorney.

FUNDING/FISCAL IMPACT

Sand placed in Reach 9 will be reimbursed 100% by the Town of South Palm Beach.

Attachments

cc. John Randolph, Town Attorney
Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager

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.

WHEREAS, the Town, as part of its 2022/2023 Dune Restoration Project, has agreed to assist the Town of South Palm Beach in the deposition of sand on a portion of its beach abutting the beaches of the Town; and

WHEREAS, the deposition of such sand benefits the Town in its beach restoration project; and

WHEREAS, the Town traverses properties of the Town of Lantana in order to accomplish this work; and

WHEREAS, an easement is required from the Town of Lantana in order to traverse its property.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Palm Beach, as follows:

Section 1. Amendment No. 1 to the Interlocal Agreement for Dune Restoration Project – Reach 9 attached hereto is hereby approved.

Section 2. The Town Council authorizes Mayor Moore to execute the agreement on behalf of the Town.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of October 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

RESOLUTION NO. 07-2022

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTH PALM BEACH, FLORIDA, APPROVING AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT FOR DUNE RESTORATION PROJECT – REACH 9 WITH THE TOWN OF PALM BEACH AND AUTHORIZING THE MAYOR TO EXECUTE SUCH AMENDMENT; AND PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town of South Palm Beach, Florida (the “Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town and the Town of Palm Beach entered into the Interlocal Agreement for Dune Restoration Project – Reach 9 on February 9, 2021 (the “Interlocal”); and

WHEREAS, the Interlocal expired on June 1, 2021; however, the parties wish to extend the Interlocal through February 23, 2023 (due, in part, to weather delays and Sea Turtle Season) for further dune restoration in the Town of South Palm Beach and the Town of Lantana as set forth in the Temporary Access Easement Agreement – 2022 Dune Restoration Project, dated February 9, 2022 (the “Easement”) (the “Project”); and

WHEREAS, the Interlocal allows for the extension of the term by written amendment; and

WHEREAS, the Council finds that amending the Interlocal, as described above, serves a public purpose, and is in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH PALM BEACH, FLORIDA:

Section 1. Recitals. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. Approval. The Town Council hereby approves Amendment No. 1 to the Interlocal Agreement for Dune Restoration Project – Reach 9 (“Amendment No. 1”) in a form substantially similar to the form attached hereto as **Exhibit A** which is incorporated herein by this reference.

Section 3. Execution. The Town Council hereby authorizes the Mayor to execute Amendment No. 1.

Section 4. Severability. If any clause, section, or other part or application of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated, and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 5. Conflicts. All Resolutions or parts of Resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

Section 6. Effective Date. This Resolution shall take effective immediately upon its adoption.

Council Member Gottlieb offered the foregoing Resolution, and moved its adoption. The motion was seconded by Council Member LeRoy, and upon being put to a vote, the vote was as follows:

	AYE	NAY	ABSENT
Bernice Fischer, Mayor	☒	☐	☐
Robert Gottlieb, Vice-Mayor	☒	☐	☐
C.W. (Bill) LeRoy, Council Member	☒	☐	☐
Raymond McMillan, Council Member	☒	☐	☐
Monte Berendes, Council Member	☒	☐	☐

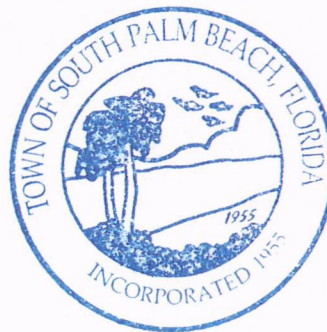
The Mayor thereupon declared this Resolution approved and adopted by the Town Council of the Town of South Palm Beach on this 15th day of March, 2022.

TOWN OF SOUTH PALM BEACH, FLORIDA

Bernice Fischer
Bernice Fischer, Mayor

Attest:

Yude Davenport
Yude Davenport, CMC
Town Clerk/
Assistant to the Town Manager



Approved as to Legal Sufficiency:

Aleksandr Boksner
Aleksandr Boksner, Town Attorney

Prepared by and Return to:
Glen J. Torcivia, Town Attorney
Torcivia, Donlon, Goddeau & Rubin, P.A.
701 Northpoint Parkway, Suite 209
West Palm Beach, FL 33407

**AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT FOR
DUNE RESTORATION PROJECT – REACH 9**

THIS AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT FOR DUNE RESTORATION PROJECT – REACH 9 (this “Amendment”) is made and entered into as of this 15th day of March, 2022, by and between the **Town of Palm Beach, a Florida municipal corporation** (hereinafter, referred to as “Palm Beach”), and the **Town of South Palm Beach, a municipal corporation** (hereinafter referred to as “South Palm Beach”).

WITNESSETH:

WHEREAS, Palm Beach and South Palm Beach entered into the Interlocal Agreement for Dune Restoration Project – Reach 9 on February 9, 2021 (the “Interlocal”); and

WHEREAS, the Interlocal expired on June 1, 2021; however, the parties wish to extend the Interlocal through February 28, 2023 (due, in part, to weather delays and Sea Turtle Season) for further dune restoration in the Town of South Palm Beach and the Town of Lantana as set forth in the Temporary Access Easement Agreement – 2022 Dune Restoration Project, dated February 9, 2022 (the “Easement”) (the “Project”); and

WHEREAS, the Interlocal allows for the extension of the term by written amendment.

NOW THEREFORE in consideration of the mutual promises contained herein, the sufficiency of which is hereby acknowledged by each party hereto, Palm Beach and South Palm Beach agree to amend the Interlocal as follows:

1. **Recitals.** The above recitals are true and correct and are incorporated herein by reference.
2. **Term.** The Interlocal Term is hereby extended through February 28, 2023.
3. **Funding.** The funding for the Project as set forth in the Easement (incorporated herein as if set forth in full) shall be paid as follows:

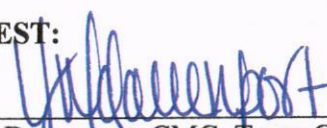
- a. Not to Exceed Amounts. South Palm Beach shall pay Palm Beach for the total costs of the Project a not to exceed amount of THREE HUNDRED SEVENTY-EIGHT THOUSAND NINE HUNDRED SEVENTY-SEVEN & 27/100 Dollars (\$378,977.27). Further, South Palm Beach shall pay Palm Beach for the Project costs of the sand to be deposited in the Town of Lantana a not to exceed amount of EIGHTY-FIVE THOUSAND TWO HUNDRED SIXTY-NINE & 89/100 Dollars (\$85,269.89).
- b. Invoicing. Palm Beach shall provide an invoice to South Palm Beach that indicates the number of cubic yards of sand deposited in South Palm Beach and, separately, in the Town of Lantana, when those cubic yards were deposited, all associated costs, and applicable unit prices.

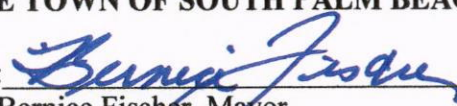
4. **Entire Agreement.** Palm Beach and South Palm Beach agree that the Interlocal and this Amendment set forth the entire agreement between the parties, and that there are no promises or understandings other than those stated herein. None of the provisions, terms and conditions contained in this Amendment may be added to, modified, superseded or otherwise altered, except by written instrument executed by the parties hereto. All other terms and conditions of the Interlocal remain in full force and effect.

IN WITNESS WHEREOF, Palm Beach and South Palm Beach have made and executed this Amendment as of the date first above written.

THE TOWN OF SOUTH PALM BEACH

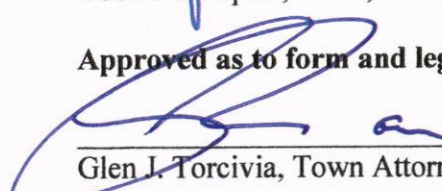
ATTEST:


Yude Davenport, CMC, Town Clerk

By: 

Bernice Fischer, Mayor

Approved as to form and legal sufficiency:


Glen I. Torcivia, Town Attorney

**STATE OF FLORIDA
COUNTY OF PALM BEACH**



The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 17 day of March, 2022, by Bernice Fischer, Mayor and Yude Davenport, Town Clerk, on behalf of the Town of South Palm Beach, Florida.



(SEAL)

NOTARY PUBLIC

Sandra Fein

Signature of Notary Public

Personally Known ☒ OR Produced Identification _____.
Type of Identification Produced _____.

THE TOWN OF PALM BEACH

ATTEST:

By: _____
Danielle H. Moore, Mayor

Pat Gayle-Gordon, Acting Town Clerk

Approved as to form and legal sufficiency:

John C. Randolph, Town Attorney

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this _____ day of _____, 2022, by Danielle H. Moore, Mayor and Pat Gayle-Gordon, Acting Town Clerk, on behalf of the Town of Palm Beach, Florida.

NOTARY PUBLIC

(SEAL)

Signature of Notary Public

Personally Known _____ OR Produced Identification _____.
Type of Identification Produced _____.

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda

Resolutions

Agenda Title

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.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated September 28, 2022 from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 130-2022**
- ▣ **Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 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 Approving a Change Order to Kimley-Horn and Associates, Inc. in the Amount of \$100,000 related to the Water Feasibility Study – **Resolution No. 130-2022**

DATE: September 28, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council Approve Resolution No. 130-2022, Approving a Change Order to Kimley-Horn and Associates, Inc. in the Amount of \$100,000 related to the Water Feasibility Study.

GENERAL INFORMATION

The proposal from Kimley-Horn and Associates is to provide the Town with continued engineering services related to the Water Feasibility Study. The original resolution approving engineering services was issued under Resolution No. 029-2020 and Purchase Order No. 200720 in the amount of \$316,300. Town Council has approved two change orders in the amount of \$100,000 each. The first was October 1, 2020, and the second one was on May 12, 2022. This change order, if approved, would bring the total to \$616,300.

FUNDING/FISCAL IMPACT

Funding for this program is from the Capital Improvement 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. 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**

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. 130-2022, 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.

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 13TH day of *October* 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 29, 2022

Mr. Dean Mealy
Town of Palm Beach
951 Old Okeechobee Road
Suite A
West Palm Beach, FL 33401

RE: *Water Supply Feasibility Study – Post Study Support Services Proposal*

Dear Dean,

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services for continuing support related to the Water Supply Feasibility Study for the Town of Palm Beach. Our project understanding, scope of services, and fee follows.

Project Understanding

The Town of Palm Beach recently explored options for providing residents and business owners of the Town potable water upon expiration of the current Retail Water Service and Franchise Agreement with the City of West Palm Beach. Multiple options were explored and ultimately results and data were provided to the Town to assist in the decision-making process. The Town has requested that Kimley-Horn provide additional support services to continue assisting the Town as they work through the decision-making process.

Scope of Services

Kimley-Horn will provide additional professional engineering services that consist of the following items:

- Update of the Lake Worth Beach Water Supply Alternative for the supply of only membrane treated water. The update of this alternative will consist of the following:
 - o Meet with Lake Worth Beach utility department staff to discuss concepts of providing the Town with only membrane treated water.
 - o Draft a narrative of describing a feasible concept for Lake Worth Beach to supply only membrane treated water to the Town.
 - o Prepare a conceptual drawing representing the concept for Lake Worth Beach to supply only membrane treated water to the Town.
 - o Prepare an opinion of probable construction cost for the improvement required for Lake Worth Beach to supply only membrane treated water to the Town.
 - o Follow-up meeting with the City of Lake Worth Beach and Town of Palm Beach to discuss the approach and conceptual drawing. Included in this item is updating the narrative and conceptual plan per the feedback from the meeting.

- Further the review of the concept of installing a transmission watermain within the Intracoastal Waterway (ICW) to serve the Town from Lake Worth Beach. The additional items that will be completed for the review include the following:
 - o Meet with FDOT to determine requirements and limitations for installing the watermain via horizontal direction drill (HDD) under the Southern Blvd Bridge, the Flagler Bridge, and the Royal Poinciana Bridge.
 - o Meet with an HDD contractor to discuss approach and constructability of installing watermain with entry/exit points within the ICW.
 - o Review available record drawings at each of the FDOT Bridge crossings to gain an understanding of existing utility crossings and bridge infrastructure that will need to be considered.
 - o Review available right-of-way and assess easement needs in the upland areas at each of the existing ICW watermain crossings within the Town for isolation valves and connections to the existing distribution system.
 - o Draft a narrative summarizing the approach for the installation and the findings from the meetings and records review.
 - o Update the conceptual drawing for the watermain installation within the ICW that represents the approach at each bridge and the known utility crossings.
 - o Update the conceptual opinion of probable construction cost for the watermain installation along the ICW.
- Prepare material for the October grant meeting with SFWMD, West Palm Beach and Palm Beach which will consist of the following:
 - o Prepare a narrative for that describes the concept of constructing a membrane plant on the City of West Palm Beach water treatment plant property.
 - o Prepare a conceptual plan that depicts a membrane plant on the City of West Palm Beach water treatment plant property.
 - o Coordinate a meeting with the City of West Palm Beach and Town of Palm Beach, in advance of the meeting with the SFWMD, to discuss the approach and conceptual drawing. Included in this item is updating the narrative and conceptual plan per the feedback from the meeting.
- Attend November Town Council Meeting and present a summary on the findings of the items listed above. We will prepare a PowerPoint presentation for the meeting.
- Prepare for, attend, and present at two community meetings. The purpose of these meetings is to provide the community with information related to the study and answer questions. We will prepare a PowerPoint presentation for each of the meetings. It is our understanding that the Town will advertise the meetings through their normal communication channels and will provide the meeting facility.

Additional Services

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

Information Provided by the Town

We shall be entitled to rely upon the accuracy of information provided by others in the performance of professional services.

Schedule

We will provide our services as expeditiously as practical to meet a mutually agreed upon schedule.

Fee and Billing

Kimley-Horn will perform the scope of services described in the statement of work for the lump sum fee of \$99,600. Labor fees are based upon our contract with the Town as referenced below. All permitting, application, and similar project fees will be paid directly by the Town. Fees will be invoiced monthly based upon the percentage of services performed as of the invoice date.

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, 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" or "CLIENT" shall refer to The Town of Palm Beach.

We appreciate the opportunity to propose these services to you.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



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

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ESTIMATE FOR ENGINEERING SERVICES

PROJECT:		Water Supply Feasibility Study - Support Services						SHEET 1 of 1					
CLIENT:		Town of Palm Beach						FILE NO.					
ESTIMATOR:		JRL/KMS						DATE: 09/28/22					
								ALLOCA 0.0000					
DESCRIPTION:		DIRECT LABOR (MAN-HOURS)											
See Scope of Services		Principal	Chief Engineer	Project Manager	Senior Reg. Prof	Eng. Prof.	Eng. Int.	Analyst	Admin/Clerical	Senior Designer	SUB	EXP	LINE TOTAL
Post Study Support Services													
Review Lake Worth Beach - all membrane treated water													\$0
Meeting with Lake Worth Beach Utility Dept Staff		3.0	3.0				3.0		1.0			\$44	\$2,268
Narrative for approach of all membrane treatment option		6.0	3.0				12.0		4.0				\$4,541
Prepare Conceptual Drawing		6.0	3.0				12.0						\$4,181
Prepare Opinion of Probable Construction Cost		4.0	4.0				12.0		1.0				\$3,959
Follow-up meeting with Lake Worth Beach		3.0	3.0										\$1,750
													\$0
Review Watermain installation within ICW													\$0
Meeting with FDOT			3.0				3.0		1.0			\$26	\$1,355
Meeting with HDD contractor to discuss approach		3.0					3.0						\$1,279
Review record drawings at FDOT Bridges to gain an understanding of existing utility crossings		2.0	4.0				8.0						\$2,761
Review available ROW to assess easement needs at the five watermain crossings		2.0	4.0				8.0						\$2,761
Update Narrative for the approach for the watermain installation		8.0	4.0				12.0		4.0				\$5,423
Update Conceptual Drawing		6.0	4.0				12.0						\$4,466
Update Opinion of Probable Construction Cost		6.0	4.0				12.0		1.0				\$4,556
													\$0
Prepare Material SFWMD Grant Meeting													\$0
Prepare Narrative for WPB Membrane Plant		6.0	3.0				12.0		4.0			\$24	\$4,566
Prepare Conceptual Plan for Membrane Treatment at WPB Plant		4.0	3.0				12.0						\$3,584
Follow Up Meeting with Lake Worth Beach		3.0	3.0										\$1,750
													\$0
November Council Meeting - Prep and Presentation													\$0
Council Prep		8.0	16.0				24.0		8.0			\$3	\$10,742
Council Presentation		12.0	6.0				6.0						\$6,058
Public Workshop 1 - Prep and Presentation													\$0
Workshop Prep		8.0	16.0				24.0		8.0			\$3	\$10,742
Workshop Presentation		12.0	6.0				6.0						\$6,058
Public Workshop 2 - Prep and Presentation													\$0
Workshop Prep		8.0	16.0				24.0		8.0			\$3	\$10,742
Workshop Presentation		12.0	6.0				6.0						\$6,058
													\$0
													\$0
TOTAL HOURS		122.0	114.0	0.0	0.0	0.0	211.0	0.0	40.0	0.0	0	\$102.14	\$99,600
LABOR (\$/HOUR)		\$298.33	\$285.00	\$201.30	\$195.00	\$160.00	\$128.00	\$111.21	\$90.09	\$157.43	1.00	1.0	
ALLOCATION		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	
TOTALS		\$36,396	\$32,490	\$0	\$0	\$0	\$27,008	\$0	\$3,604	\$0	\$0	\$102	\$99,600

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda

Resolutions

Agenda Title

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.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated September 29, 2022 from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 131-2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 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 Approving a Blanket Purchase Order to Gov Connection in the Amount of \$200,000 for FY23 – **Resolution No. 131-2022**

DATE: September 29, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 131-2022, approving a Blanket Purchase Order to Gov Connection in the Amount of \$200,000 for FY23.

GENERAL INFORMATION

The Office of Information Technologies uses Gov Connection to purchase servers and server components, computers and peripherals, software, networking equipment and supplies. All purchases are made and secured with pricing from the OMNIA Partners #R210402 Contract.

FUNDING/FISCAL IMPACT

Funding for this program is from the IT Operational Budget.

USER DEPARTMENT CONCURRENCE

This item has been reviewed by the Information Technology Division 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. 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**

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. 131-2022, approving a Blanket Purchase Order to Gov Connection in the Amount of \$200,000 for FY23.

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 13TH day of *October* 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: October 13, 2022

Section of Agenda

Resolutions

Agenda Title

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.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated September 29, 2022 from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 132-2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 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 Approving a Blanket Purchase Order to Insight Public Sector in the Amount of \$200,000 for FY23 – **Resolution No. 132-2022**

DATE: September 29, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 132-2022, approving a Blanket Purchase Order to Insight Public Sector in the Amount of \$200,000 for FY23.

GENERAL INFORMATION

The Office of Information Technologies uses Insight Public Sector purchases servers and server components, computers and peripherals, software, networking equipment and supplies. All purchases are made and secured with pricing from the OMNIA Partners IT Products and Services #4400006644 contract.

FUNDING/FISCAL IMPACT

Funding for this program is from the IT Operational Budget.

USER DEPARTMENT CONCURRENCE

This item has been reviewed by the Information Technology Division 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. 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**

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. 132-2022, approving a Blanket Purchase Order to Insight Public Sector in the Amount of \$200,000 for FY23.

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 13TH day of *October* 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: October 13, 2022

Section of Agenda

Resolutions

Agenda Title

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.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated September 29, 2022 from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 133-2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 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 Approving 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 – **Resolution No. 133-2022**

DATE: September 29, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 133-2022, Approving 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.

GENERAL INFORMATION

The purchase order issued to Kimley-Horn and Associates Inc. to support PZB site civil plan review assistance requires a change order in the amount of \$9,800. The newly requested amount exceeds the Town Manager's Award Authority.

FUNDING/FISCAL IMPACT

Funding for this program is from the Building Fund.

USER DEPARTMENT CONCURRENCE

This item has been reviewed by the PZB 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. 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**

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. 133-2022, Approving 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.

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 13TH day of October 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: October 13, 2022

Section of Agenda

Resolutions

Agenda Title

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.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated September 28, 2022 from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 134-2022**
- ▣ **Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 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 Approving 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 – **Resolution No. 134-2022**

DATE: September 28, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council Approve Resolution No. 134-2022, Approving 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.

GENERAL INFORMATION

The Town completed a Stormwater Pump Station Assessment of the D-8 Pump Station in 2015 and has been working towards completing the improvements identified in the report. The improvements to the D-8 Pump Station have been reviewed with Town staff and based on current condition of the pump station, the Town desires to implement additional improvements to improve the operation and maintainability of the pump station until it is scheduled for a future major rehabilitation.

The proposal from Mook, Roos & Associates is to provide the Town with engineering services. The original resolution approving engineering services was issued under Resolution No. 150-2019 and Purchase Order No. 200486 in the amount of \$135,773. One change order was approved in the amount of \$8,898.

FUNDING/FISCAL IMPACT

Funding for this program is from the Capital Improvement 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. 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**

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. 134-2022, approving 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.

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 13TH day of *October* 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

**Proposal to Provide Professional Services for the
D-8 Stormwater Pump Station Rehabilitation Project**

A. Project Description:

The Town completed a Stormwater Pump Station Assessment of the D-8 Pump Station in 2015 and has been working towards completing the improvements identified in the report. The improvements to the D-8 Pump Station have been reviewed with Town staff and based on the current condition of the pump station the Town desires to implement additional improvements to improve the operation and maintainability of the pump station until it is scheduled for a future major rehabilitation. Mock•Roos will assist the Town with the engineering services as outlined in **B. Scope of Services** below

B. Scope of Services:

1. Coordinate with and attend an onsite kick-off meeting with Town staff and the design team to confirm the proposed improvements, project component sizes, and take measurements for the proposed improvements that are to be designed.
2. Incorporate the engineering improvements identified below into a final 100% submittal. The final 100% design submittal is anticipated to include drawings, specifications, and an engineer's opinion of probable construction cost. Attend one (1) review meeting with the Town and address one (1) round of minor comments. The following engineering improvements are anticipated:
 - a. (Kimley Horn) Relocate the air intake from the north wall of the generator room to the west wall of the existing generator room
 - i. Ventilation calculations to verify the blower design point is not impacted.
 - ii. Ventilation calculations to size new silencer
 - iii. Add a mechanical sheet that depicts a mechanical demo plan, mechanical plan, and a mechanical section of the improvements (existing blower, ductwork, silencer, and intake hood)
 - iv. Revise structural plan sheets, both demolition and proposed improvements, to show the masonry infill of the existing wall opening for the existing intake
 - v. Revise structural plan sheets, both demolition and proposed, to show the new wall opening for the new relocated intake
 - vi. Provide a new structural detail for the intake hood
 - b. (Kimley Horn) Design a removeable hoist beam installed over the existing axial flow pumps within the pump bay
 - i. Complete structural calculations for the removable hoistbeams
 - ii. Revise structural plan sheets, both demolition and proposed improvements, to show the new removable beams
 - iii. Add detail for removable hoist beam wall connection
 - iv. Select hoist beam and trolley and update specification
 - c. (Kimley Horn) Revise plan to remove north and south walls at wetwell bay and revise duty pump hoist to span between the electrical and generator building

Proposal to Provide Professional Services for the D-8 Stormwater Pump Station Rehabilitation Project

- i. Complete structural calculations for the removable hoist beams
 - ii. Revise structural plan sheets to show the north and south masonry walls removed and the new hoist beam span
 - iii. Update detail for hoist beam wall connection
- d. (Kimley Horn) Add aluminum framing and grating over top of the wetwell opening
 - i. Revise structural plan sheets, both demolition and proposed improvements, to remove the reinforced concrete slab that was designed to span the existing wetwell opening
 - ii. Prepare structural calculations for the aluminum framing beams, connections and grating
 - iii. Revise structural plan sheets, both demolition and proposed improvements, to show the aluminum framing beams, connections and grating
 - iv. Revise structural plan sheets, both demolition and proposed improvements, to show framed grating opening for ladder access
 - v. Provide structural details for grating and framing connections
- e. (Kimley Horn) Revise the ladder detail to include square treads and round bar risers and include a concrete landing elevated above the wetwell floor up to the sediment wall
 - i. Add wetwell plan view that depicts the concrete landing and existing sediment.
 - ii. Design concrete landing reinforcement and connection of existing wetwell and sediment wall
- f. (Mock•Roos) Standardize lock and key requirements with other pump stations based on Town selected door hardware and lock sets
 - i. Coordinate with the Town on hardware that is preferred and add design to drawings for new hardware and lock sets
- g. (Mock•Roos) Recommend/Design minor site improvements to facilitate improved access for the installation and removal of the trailer mounted generator.
 - i. Revise the design to include the installed/asbuilt location of the Phase 5 N electrical equipment
 - ii. Review access for a trailer mounted generator with AutoCAD AutoTURN using a vehicle that approximates the dimensions of the Town's generator trailer
- h. (Mock•Roos) Remove the 750KW generator remote radiator and add a new connection to the existing water service for flushing. Based on a preliminary review of the heat exchanger water requirements (~75gpm), a minimum 2.5" service would be recommended to provide potable cooling water. As such, potable water will not be provided for cooling the generators and the design and calculations associated with providing the new service have been removed. Valving for flushing is to be manually operated
 - i. Revise the drawings to remove the air-cooled remote radiator and piping for the 750 KW generator. The remote radiator and piping for the 110KW generator is to remain
 - ii. Design and route a new connection from the existing water service to facilitate the flushing of the heat exchangers on the 750KW and 110KW generators
 - iii. Design a new connection/valving for the 110KW generator to operate air cooled or via well water with the ability to flush it with potable water

Proposal to Provide Professional Services for the D-8 Stormwater Pump Station Rehabilitation Project

- i. (C&W Engineering) Revise drawings to relocate the generator receptacle to the west side of the D-8 Pump Station near the E-5 control panel. Update electrical drawings and design to reflect the design decisions described above including the electrical design to relocate the fan motor and feed from MCC-2 as the air intake of this fan may be relocated from the north to west wall of the generator room

Complete ventilation, structural and electrical calculations and prepare revise drawings, engineers opinion of probable construction cost, and specifications to accommodate the proposed improvements

3. Coordinate with and provide the services of Structural and Electrical Engineering Subconsultants to assist with performing the Scope of services identified above
 - a. Coordinate with subconsultants on the design deliverables for the project, provided update base files, provide comments on preliminary designs prior to submittal to Town, and attend a review meeting with the Town
 - b. Update Engineers Opinion of Probable Construction Cost including subconsultants costs.
 - c. Update project specifications and incorporate new subconsultant specifications

C. Additional Services:

1. Any design changes, schedule changes, drawing changes, or other project changes requested by Client will be considered Additional Services.
2. Additional Services can be provided upon Mock•Roos receiving signed authorization from Client.

D. Assumptions:

1. It is assumed that the plans to be provided will be for the purposes of maintaining the existing structural elements. The scope in this task does not include a load analysis, structural analysis, or certification that the structure meets any current design codes.
2. It is anticipated that the project will require staff level approval and not additional ARCOM approval.
3. Based on the current scope of services the following items have not been included:
 - no survey is anticipated to be required
 - easement research and acquisition will not be required
 - no evaluation of the existing drainage basin or the operation of the existing drainage system is anticipated to be required
 - design revisions to accommodate raising improvements to two (2) feet above the 100-yr flood elevation for grant coordination
 - design, permitting, and coordination with WPB for a new 2.5" or larger water service connection to the existing watermain.

**Proposal to Provide Professional Services for the
D-8 Stormwater Pump Station Rehabilitation Project**

4. Town to coordinate and obtain easements for existing pump station and proposed improvements.

E. Fee and Rates:

1. Mock•Roos will complete these services on an hourly basis at Mock•Roos' hourly rates, plus reimbursable expenses.
2. The total fee to provide the Scope of Services is anticipated to be \$59,970, with the following breakdown by consultant: Mock•Roos \$20,770, Kimley Horn \$36,200, and C&W Engineering \$3,000.
3. Mock•Roos will not provide services in excess of the anticipated fee without signed authorization from Client.
4. Mock•Roos can provide Additional Services at the Mock•Roos rates in effect at that time, plus reimbursable expenses or for an agreed upon lump sum fee.

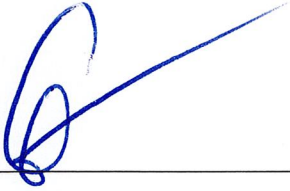
F. Conditions:

1. All terms become valid upon Mock•Roos receiving one complete copy of this proposal within 30 days of its date.
2. In case of discrepancies, the terms of this proposal supersede those of previous agreements.

G. Acceptance and Authorization to Proceed:

1. This proposal is acceptable and Mock•Roos has authorization to proceed with the Scope of Services. This authorization becomes valid upon Mock•Roos receiving a Purchase Order for these services.

MOCK•ROOS

Signed:  _____

Name: Garry G. Gruber, P.E.

Title: Senior Vice President

Date: September 22, 2022

Town of Palm Beach D-8 Pump Station Rehabilitation - Engineering Services (PA# B9035.20)							
Task Description	Labor Categories						
	Project Director	Senior Project Manager	Senior Engineer	Project Engineer III	Senior Administrative Assistant	Subconsultant	Total
Labor Hourly Billing Rate	\$195.00	\$175.00	\$170.00	\$150.00	\$70.00		
Design and Bid Phase							
1 Kick-off Meeting and Site Visit		2		4	2	\$2,780	\$ 3,870
2 Design of Proposed Improvements	2	4	22	40	4	\$32,395	\$ 43,505
2a (KH) Relocate the air intake						\$7,304	\$ 7,304
2b (KH) Addition of removable hoist beam						\$7,752	\$ 7,752
2c (KH) Revise plans to remove proposed N and S pump bay wall and revise duty pump hoist						\$4,849	\$ 4,849
2d (KH) Add aluminum framing and grating over existing wetwell opening						\$6,444	\$ 6,444
2e (KH) Revise ladder detail and add concrete landing in wetwell						\$4,046	\$ 4,046
2f (MR) Standardize Locks		1	4	8		\$0	\$ 2,055
2g (MR) Site Access Improvements		1	4	16		\$0	\$ 3,255
2h (MR) Remote Radiator Modifications and Flushing Water	2	2	14	16	4	\$0	\$ 5,800
2i (CW) Generator Receptacle Relocation Design						\$2,000	\$ 2,000
3 Coordinate Subconsultants	4	16	20	4	14	\$4,025	\$ 12,585
3a Coordination on Drawings	2	4	4	4	2		\$ 2,510
3b Update Engineers Opinion of Probable Construction Cost		4	8		4		\$ 2,340
3c Update Specifications	2	8	8		8		\$ 3,710
<i>Subtotal</i>	\$ 2,340	\$ 7,350	\$ 14,280	\$ 13,800	\$ 2,660	\$39,200	\$ 59,960
*(MR) Mock•Roos, (KH) Kimley horn, (CW) C&W Engineering						Expenses	\$ 10
						Design and Bid Services Total	\$59,970

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda

Resolutions

Agenda Title

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.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated September 30, 2022 from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 135-2022**

Information for Town Council Meeting on October 13, 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 the Award of a Blanket Purchase Order to Vetted Security Solutions in the Amount of \$100,000 and Authorize 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 - Resolution **No. 135-2022**

DATE: September 30, 2022

STAFF RECOMMENDATION

Staff recommends Town Council approve the Award of a Blanket Purchase Order to Vetted Security Solutions in the Amount of \$100,000 and Authorize 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.

SUMMARY EXPLANATION/BACKGROUND

The Town Council Awarded Resolution No. 048-2022 to Vetted Security Solutions as a Sole Source Provider for License Plate Recognition hardware and software.

During the past year, the Town has utilized Vetted Security Solutions with above satisfactory performance.

Of the \$100,000 requested Blanket Purchase Order amount, there is currently \$44,337.38 trailer purchase requirement for LPR on the Southern Bridge.

FISCAL IMPACT/FUNDING SOURCE

The funding for this program is from Police Department Operating Budget. The License Plate Recognition project for the Southern Bridge will require an authorization of a transfer of \$44,337.38 from the Equipment Replacement Fund Contingency.

USER DEPARTMENT CONCURRENCE

The Police Department and IT Division are 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. 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**

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. 135-2022, 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.

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 13th day of October, 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: October 13, 2022

Section of Agenda

Resolutions

Agenda Title

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.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated September 29, 2022 from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 136-2022**

Information for Town Council Meeting on October 13, 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 the Award of a Piggyback Contract Award to Convergent Technologies for Public Safety Camera System, Establish a Blanket Purchase Order in the Amount of \$200,000 and Authorize a Transfer of \$100,00 from the Equipment Replacement Fund Contingency for the Pending Work on the Southern Bridge - **Resolution No. 136-2022**

DATE: September 29, 2022

STAFF RECOMMENDATION

Staff recommends Town Council approve the Award of a Piggyback Contract to Convergent Technologies for the Public Safety Camera System, Establish a Blanket Purchase Order in the Amount of \$200,000 and Authorize a Transfer of \$100,00 from the Equipment Replacement Fund Contingency for the Pending Work on the Southern Bridge.

SUMMARY EXPLANATION/BACKGROUND

The recommendation to Piggyback the Convergent Technologies Contract will provide the necessary platform for Police and IT to secure proposals for design, buildout and maintenance.

In an outreach to other Public Safety Agencies, IT and Procurement Departments for their awarded vendor for Camera System along with the requirement of the Genetec software, it was noted that City of West Palm Beach had awarded a contract to Convergent Technologies.

During the past year, the Town has utilized the piggyback contract for Convergent Technologies with above satisfactory performance.

Of the \$200,000 requested Blanket Purchase Order amount, there is currently \$100,000 of camera work for the Southern Bridge to be awarded as part of this approval.

METHOD OF PROCUREMENT

The contract award will be from a Piggyback Contract established for the City of West Palm Beach.

FISCAL IMPACT/FUNDING SOURCE

The funding for this program is from Police Department Operating Budget. The camera project for the Southern Bridge will require an authorization of a transfer of \$100,000 from the Equipment Replacement Fund Contingency.

USER DEPARTMENT CONCURRENCE

The Police Department and IT Department are 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. 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 CONVERGINT 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**

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. 136-2022, 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 \$100,00 from the Equipment Replacement Fund Contingency for the Pending Work on the Southern Bridge.

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 13th day of October, 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: October 13, 2022

Section of Agenda

Resolutions

Agenda Title

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.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▢ **Memorandum dated October 4, 2022 from Dean Mealy, Procurement and Contract Manager**
- ▢ **Resolution No. 138-2022**

Information for Town Council Meeting on October 13, 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 Waiver of Work Hours for the PAR 3 Restroom Renovation - Resolution **No. 138-2022**

DATE: October 4, 2022

STAFF RECOMMENDATION

Staff recommends Town Council approve a Waiver of Work Hours for the PAR 3 Restroom Renovation to Hedrick Brothers Construction.

SUMMARY EXPLANATION/BACKGROUND

The Town Council Awarded Resolution No. 121-2022 for the restroom renovation of the PAR 3 restrooms to Hedrick Brothers Construction at the September Town Council Meeting. A waiver of weekend work hours was not included as part of the submittal.

It is the purpose of this request to include a waiver of weekend work hours.

USER DEPARTMENT CONCURRENCE

The Recreation Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

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

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**

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. 138-2022, approving the waiver of work hours to include weekend work for the PAR 3 restroom renovation for the awarded contractor, Hedrick Brothers Construction.

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 13TH day of *October* 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: October 13, 2022

Section of Agenda

Consent - Other

Agenda Title

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

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated September 29, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Road Closure**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: 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

DATE: September 29, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the authorization of the Cocoanut Road closure for the construction of a private sewer lateral, which falls in the middle of the roadway.

GENERAL INFORMATION

The residents of 8 S. Lake Trail need to replace their sanitary sewer lateral. The required Right-of-Way Permits for the proposed work have been applied for. To complete the work, the contractor has requested a road closure of Cocoanut Row. The proposed work would be conducted from October 17, 2022 thru October 21, 2022 (5 days per permit request) and entail a connection from the alley way of 8 S. Lake Trail to the Town's sewer manhole, located adjacent to the center line of the northbound travel lane of Cocoanut Row. The depth of the connection is below the water table. Dewatering operations are associated with the permit. Work would be performed during normal work hours. The contractor will work from 9:00 a.m. to 4:00 p.m. with steel plates being placed across the excavation at the conclusion of each day.

The detour is from Cocoanut Row down Barton to South County (signalized intersection Barton / South County), South County to Clarke Avenue (flagging operation intersection of Clarke / South County), Clarke Avenue back to Cocoanut Row. The applicant will augment the detour with two (2) off-duty officers on either side of the Cocoanut Row excavation. Access will be maintained for residents directly adjacent to the work site.

Attachment

cc: Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Michael Roach, P.E., Project Engineer
Craig Hauschild, Planning, Zoning & Building, Civil Engineer

TOWN OF PALM BEACH



TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda

Consent - Other

Agenda Title

Status Report of Delinquent Accounts and Request for Authorization to Write-off Uncollectible Accounts.

Presenter

Jane Le Clainche, Director of Finance

ATTACHMENTS:

- ▣ **Memorandum Dated September 30, 2022, from Jane Le Clainche, Director of Finance**
- ▣ **Delinquent Account Listing**
- ▣ **EMS Write off Listing**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jane Le Clainche, Director of Finance

Re: Status Report of Delinquent Accounts and Request for Authorization to Write-off Uncollectible Accounts

Date: September 30, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council authorize staff to write off the balances identified in the report and summarized below:

Type of Charge	Write off Amount	FY2022 Revenue Collected	% of Write off vs. Total Revenue
EMS Charges	\$126,311	\$430,561	29.34%
Fire False Alarms - Contractors	\$444	\$22,914	.02%
Parking Tickets (FY2019)			
Tickets	\$45,905	\$685,837	.07%
Penalties	\$53,580	\$202,390	26.5%
Total	\$226,240	\$1,341,702	16.8%

GENERAL INFORMATION

Status of Delinquent Accounts - Year End Update

Attached is the September 30, 2022, Status of Delinquent Accounts report for your review. This report includes outstanding code enforcement liens, false alarm fees and fire prevention fees. The total amount of delinquent accounts on this report equals \$3,206,917.40. Most of the balance is made up of code enforcement liens. The numerous small amounts under code enforcement liens represent code enforcement administrative fees.

Overall, aside from the code enforcement liens, the alarms and fire contractor accounts are mostly current and collection letters have been sent to the parties involved.

EMS Collections

Fire-Rescue is requesting the authority to write off \$126,310.88 in uncollectible EMS fees. The Town has contracted with EMS Management and Consultants, Inc. (EMSMC) to bill and collect EMS fees. The Town has also contracted with Security Collection Agency to collect the delinquent EMS and other outstanding accounts. EMSMC sends the uncollectible accounts to SCA on a monthly basis.

The total amount due on EMS accounts is shown below.

Total amount due on EMS accounts as of September 19, 2022: \$234,922.61

Total amount of delinquent accounts as of September 19, 2022: \$139,662.72

The collection rate for the FY2021 dates of service is currently 70%, the collection rate for the FY2022 dates of service is currently 58%

Total revenue from EMS fees for FY2022: \$430,561

Fire False Alarms – Contractor

Fire False Alarms, Contractor write-offs total \$443.93. The balance consists of three accounts, Bugs Exterminators, Lexicon Builders and Xfinity/Comcast. Two accounts were turned over to the Code Enforcement Board for failure to pay the false alarm fire fees, Bugs Exterminating is no longer in Business, Lexicon Builders no response and Xfinity all mail has been returned.

Parking Tickets

Revenues from parking tickets and associated penalties for FY22 were \$133,537.54 higher than FY21.

Last year, Town Council authorized staff to write off unpaid tickets issued during fiscal year 2018. We are requesting that the Town Council authorize staff to write off outstanding parking tickets and penalties issued prior to September 30, 2019, totaling \$99,485. This total consists of original tickets issued in the amount of \$45,905 and \$53,580 in penalties. These tickets have been sent to the collection agency and all efforts have been made to collect these tickets. The collection agency will continue to pursue these outstanding tickets.

The chart below compares FY2021 vs. FY2022 write off and receivable balances.

Comparison of FY2021 vs. FY2022 Receivable Report

Write off Amounts

Type of Charge	FY2021	FY2022
EMS Charges	\$136,395	\$126,311
Parking Tickets	\$124,014	\$99,485
Fire False Alarms	\$580	\$444

Balance of Delinquent Accounts

Type of Charge	FY2021	FY2022
Code Enforcement Liens	\$3,130,813	\$3,205,750
Fire Prevention Fees	\$7,009	\$0
False Alarm Accounts	\$690	\$990
EMS Charges	\$183,372	\$139,663
Parking Tickets		
Tickets	\$267,715	\$348,495
Penalties	\$278,179	\$355,565

Revenues from above sources

Type of Charge	FY2021	FY2022
Code Enforcement Liens	\$214,375	\$418,025
EMS Fees	\$358,282	\$430,561
Parking Tickets and Penalties	\$754,690	\$888,227
Fire Prevention Fees	\$76,271	\$176,534
False Alarm Revenues	\$50,525	\$51,939

**Town of Palm Beach
Delinquent Accounts
9/30/2022**

Name	Address	Case Number	Date of Violation	Principal Due	Penalty/ Interest Due	Total Due	Date of Lien	Action Taken
<u>Code Enforcement Liens</u>								
Susan Gibson - Case 2	226 Pendleton Ave	Case #07-2277	10/17/2007	\$0.00	\$1,362,750.00	\$1,362,750.00	8/11/2010	Daily Running Fine of \$250.00 started 10/18/07
Susan C Lee	287 Pendleton Ave	Case #10-2706	04/10/2010	\$0.00	\$1,136,250.00	\$1,136,250.00	6/2/2010	Daily Fine of 250.00 started 4/10/10
Susan Gibson	226 Pendleton Ave	Case #16-1116	03/16/2017	\$0.00	\$198,150.00	\$198,150.00	5/2/2017	\$150 CEB on 3/16/17 - \$100 per day
Husnija Spahic	2840 S. Ocean Blvd #223	Case #18-400	08/16/2018	\$0.00	\$365,000.00	\$365,000.00	10/2/2018	\$250 per day starting 9/16/18
Lorraine Charman	425 Chilean Ave	Case #21-511	07/15/2021	\$0.00	\$10,000.00	\$10,000.00		New amt granted - has 30 days to paid or return to 36000.00
301 Via Linda LLC	301 Via Linda	Case #21-615	09/17/2021	\$150.00	\$14,100.00	\$14,250.00		Daily Running Fine \$100.00 to start 10/18/21
Landscape Design	255 Southland Rd	Case #21-1055	10/21/2021	\$150.00	\$125.00	\$275.00		10/21/21 assess Admin Fee and fine
PB Capital Royalty	250 Seminole Ave	Case #21-1329	02/17/2022	\$150.00	\$0.00	\$150.00		12/17/22 Admin Fee
Robert Lazarowitz/Cobey Rapaport	620 N Lake Way	Case #21-1346	03/18/2022	\$150.00	\$38,250.00	\$38,400.00		B/O 3/18/22 assess \$150.00 Admin Fee-daily fine \$250.00
Frank Auburt Jewelry	250 Worth Ave	Case #22-183	04/21/2022	\$0.00	\$5,000.00	\$5,000.00		new fine - has 30 days to pay or returned to 17500.00
Greenz Pro Landscaping	2299 Ibis Isle	Case #22-632	05/19/2022	\$150.00	\$250.00	\$400.00		05/19/22 CEB Admin Fee and Fine
Greenz Pro Landscaping	132 El Brillo Way	Case #22-750	05/19/2022	\$150.00	\$250.00	\$400.00		05/19/22CEB Admin Fee and Fine
Style Paris	337 Worth Ave	Case #22-611	05/19/2022	\$0.00	\$750.00	\$750.00		Daily Running Fine - compliance on 6/21/22
Valentino	204 Worth Ave	Case #22-570	05/19/2022	\$150.00	\$24,250.00	\$24,400.00		CEB Admin Fee - Daily Running Fine
Valentino USA LLD	205 Worth Ave	Case #21-1550	05/19/2022	\$150.00	\$24,250.00	\$24,400.00		CEB Admin Fee - Daily Running Fine
Infinite haulers	400 blk So Ocean	Case #22-910	06/16/2022	\$150.00	\$125.00	\$275.00		6/16/22 Admin Fee and Fine
Lopez Group	300 Arabian Rd	Case #22-776	06/16/2022	\$150.00	\$125.00	\$275.00		6/16/22 Admin Fee and Fine
100 Royal Palm Way Assoc	100 Royal Palm Way	Case #22-181	06/16/2022	\$0.00	\$250.00	\$250.00		6/16/22 Admin Fee and Fine
Paradise Lost	227 Sunrise Ave	Case #22-615	06/16/2022	\$150.00	\$6,000.00	\$6,150.00		6/16/22 Admin Fee \$250.00 daily running fine
Lifestyle Holdings	135 Peruvian Ave	Case #22-768	06/16/2022	\$0.00	\$15,500.00	\$15,500.00		Daily running fine failure to obtain permit
Starway Logistics	100 Blk Bradley Place	Case #22-921	07/21/2022	\$150.00	\$125.00	\$275.00		7/21/22 Admin Fee and Fine
Lea Butler	168 Reef Road	Case #21-1540	09/15/2022	\$150.00	\$0.00	\$150.00		7/21/22 CEB Admin Fee
Greenz Pro Landscaping	142 Casa Bendita	Case #22-1280	09/15/2022	\$150.00	\$400.00	\$550.00		9/15/22 Admin Fee and Fine
Melisa Ceriale	230 S Ocen Blvd	Case #22-1301	09/15/2022	\$150.00	\$250.00	\$400.00		9/15/22 Admin Fee and Fine
Garden Couture	102 Reef Road	Case #22-1486	09/15/2022	\$150.00	\$0.00	\$150.00		Admin fee not paid
Marrano Holdings	269 Jamaica Lane	Case #22-1623	09/15/2022	\$150.00	\$0.00	\$150.00		09/15/22 Admin Fee
Thomas Campaniello	304 S County Rd	Case #22-1046	09/15/2022	\$150.00	\$0.00	\$150.00		09/15/22 Admin Fee
400 Seaspray Ave LLC	400 Seapray Ave	Case #22-1054	09/15/2022	\$150.00	\$0.00	\$150.00		09/15/22 Admin Fee
PTMJM Florida Invest	240 Oleander Ave	Case #22-1170	09/15/2022	\$150.00	\$0.00	\$150.00		09/15/22 Admin Fee
Global One Investment	2285 Ibis Isle	Case #22-1303	09/15/2022	\$150.00	\$0.00	\$150.00		09/15/22 Admin Fee
120 Dunbar Road Trust	120 Dunbar Rd	Case #22-1371	09/15/2022	\$150.00	\$0.00	\$150.00		09/15/22 Admin Fee
Platinum Palm Beach	1435 N Ocean Way	Case #21-1334	09/15/2022	\$150.00	\$0.00	\$150.00		09/15/22 Admin Fee
Platinum Palm Beach	1435 N Ocean Way	Case #22-760	09/15/2022	\$150.00	\$0.00	\$150.00		09/15/22 Admin Fee
Total CEB Fines				\$3,600.00	\$3,202,150.00	\$3,205,750.00		
<u>Alarm Accounts</u>								
Lori Hines	166 Everglades Ave	AL-003840		\$600.00	\$390.48	\$990.48		Code Enforcement Account
Total Alarm Calls				\$600.00	\$390.48	\$990.48		
<u>Fire False Alarm Calls Contractors</u>								
	<u>Account Number</u>	<u>Date</u>					<u>Inspection</u>	
Bugs Exterminators	AL-004203			\$75.00	\$101.92	\$176.92		Code Enforcement Account - no reponse to billing statements
Lexicon Builders	AL-004304			\$75.00	\$71.20	\$146.20		Code Enforcement Account - no reponse to billing statements
Xfinity/Comcast	AL-004347			\$75.00	\$45.81	\$120.81		Cert Letter sent 09/22
Gregory Giuliano Const	AL-004360			\$75.00	\$34.82	\$109.82		Cert Letter sent 09/22
COD Mechanical	AL-004381			\$75.00	\$24.83	\$99.83		Cert Letter sent 09/22
Total False Alarm Calls				\$375.00	\$278.58	\$653.58		
Total monies due to Town				\$4,275.00	\$3,202,642.40	\$3,206,917.40		

CREDIT TRANSACTIONS BY DEPOSIT DATE

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PALM BEACH FIRE RESCUE

CREDIT	DOS	INC NUMBER	RUN NUMBER	CHECK NUMBER	DEPOSIT DATE	AMOUNT
Write off-Bad Debt						
Write off-Bad Debt	2015-03-17	15000645	15-289681		2015-10-31	-\$710.00
Write off-Bad Debt	2015-02-04	15000262	15-623883		2015-12-31	-\$680.00
Write off-Bad Debt	2016-03-10	16000529	16-415567		2017-01-31	-\$275.00
Write off-Bad Debt	2016-06-09	16001113	16-549200		2017-02-28	-\$100.00
Write off-Bad Debt	2017-02-12	17000324	17-183486		2017-10-31	-\$823.20
Write off-Bad Debt	2017-02-15	17000351	17-183497		2017-10-31	-\$231.94
Write off-Bad Debt	2015-07-25	15001539	15-714169		2018-06-04	-\$475.00
Write off-Bad Debt	2017-11-07	17002190	17-1514313		2018-06-30	-\$786.00
Write off-Bad Debt	2018-01-23	18000197	18-156833		2018-08-31	-\$808.80
Write off-Bad Debt	2018-02-08	18000325	18-230827		2018-10-31	-\$805.20
Write off-Bad Debt	2018-07-18	120635	18-964496		2019-01-31	-\$776.40
Write off-Bad Debt	2019-05-21	19001091	19-697917		2019-11-30	-\$990.40
Write off-Bad Debt	2018-10-14	121117	18-1461981		2020-01-31	-\$537.60
Write off-Bad Debt	2019-03-12	122319	19-336484		2020-02-29	-\$250.00
Write off-Bad Debt	2019-12-01	19002344	19-1660398		2020-05-31	-\$784.80
Write off-Bad Debt	2020-02-20	124825	20-235215		2020-06-30	-\$853.20
Write off-Bad Debt	2019-11-14	19002192	19-1588344		2020-07-31	-\$704.05
Write off-Bad Debt	2019-05-17	19001060	19-677929		2020-07-31	-\$858.00
Write off-Bad Debt	2020-02-16	124779	20-202825		2020-07-31	-\$311.67
Write off-Bad Debt	2020-02-01	20000259	20-120844		2020-08-31	-\$769.20
Write off-Bad Debt	2020-01-17	20000134	20-43856		2020-08-31	-\$786.00
Write off-Bad Debt	2019-07-28	19001528	19-1035477		2020-09-04	-\$374.00
Write off-Bad Debt	2019-03-31	122473	19-424849		2020-09-04	-\$270.00
Write off-Bad Debt	2019-05-17	19001055	19-677925		2020-09-04	-\$300.00
Write off-Bad Debt	2017-02-18	17000377	17-249684		2020-09-30	-\$69.20
Write off-Bad Debt	2020-03-23	125084	20-396306		2020-09-30	-\$840.00
Write off-Bad Debt	2019-07-28	19001528	19-1035477		2020-10-05	\$274.00
Write off-Bad Debt	2019-07-28	19001528	19-1035477		2020-10-05	-\$274.00
Write off-Bad Debt	2019-03-31	122473	19-424849		2020-10-05	\$220.00
Write off-Bad Debt	2019-03-31	122473	19-424849		2020-10-05	-\$220.00
Write off-Bad Debt	2019-05-17	19001055	19-677925		2020-10-05	\$200.00
Write off-Bad Debt	2019-05-17	19001055	19-677925		2020-10-05	-\$200.00
Write off-Bad Debt	2017-02-18	17000377	17-249684		2020-10-22	\$44.20
Write off-Bad Debt	2017-02-18	17000377	17-249684		2020-10-22	-\$44.20

CREDIT TRANSACTIONS BY DEPOSIT DATE

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PALM BEACH FIRE RESCUE

<u>CREDIT</u>	<u>DOS</u>	<u>INC NUMBER</u>	<u>RUN NUMBER</u>	<u>CHECK NUMBER</u>	<u>DEPOSIT DATE</u>	<u>AMOUNT</u>
Write off-Bad Debt	2019-10-05	19001926	19-1377330		2020-10-31	\$804.00
Write off-Bad Debt	2019-11-23	19002264	19-1625149		2020-10-31	\$762.00
Write off-Bad Debt	2019-12-05	19002373	19-1688177		2020-10-31	\$831.60
Write off-Bad Debt	2019-12-14	19002435	19-1764081		2020-10-31	\$798.00
Write off-Bad Debt	2020-03-07	124960	20-321326		2020-10-31	\$781.20
Write off-Bad Debt	2020-03-22	125080	20-395234		2020-10-31	\$98.06
Write off-Bad Debt	2020-03-22	125080	20-395234		2020-10-31	-\$98.06
Write off-Bad Debt	2020-03-25	125101	20-403387		2020-10-31	\$801.60
Write off-Bad Debt	2020-03-31	125139	20-430952		2020-10-31	\$524.21
Write off-Bad Debt	2020-04-03	125164	20-450241		2020-10-31	\$225.00
Write off-Bad Debt	2020-04-06	125179	20-463367		2020-10-31	\$808.80
Write off-Bad Debt	2020-04-06	125179	20-463367		2020-10-31	-\$808.80
Write off-Bad Debt	2020-06-02	125546	20-730429		2020-10-31	\$774.00
Write off-Bad Debt	2020-06-02	125549	20-730431		2020-10-31	\$762.00
Write off-Bad Debt	2020-01-24	20000190	20-82645		2020-10-31	\$382.60
Write off-Bad Debt	2020-01-24	20000190	20-82645		2020-10-31	-\$382.60
Write off-Bad Debt	2019-07-28	19001528	19-1035477		2020-11-19	\$174.00
Write off-Bad Debt	2019-07-28	19001528	19-1035477		2020-11-19	-\$174.00
Write off-Bad Debt	2019-07-28	19001528	19-1035477		2020-11-21	\$74.00
Write off-Bad Debt	2019-07-28	19001528	19-1035477		2020-11-21	-\$74.00
Write off-Bad Debt	2019-11-23	19002264	19-1625148		2020-11-30	\$762.00
Write off-Bad Debt	2019-12-13	19002430	19-1764069		2020-11-30	\$250.00
Write off-Bad Debt	2019-07-13	19001422	19-965500		2020-11-30	\$360.25
Write off-Bad Debt	2020-02-09	20000326	20-161803		2020-11-30	\$523.69
Write off-Bad Debt	2020-02-27	124883	20-276092		2020-11-30	\$50.00
Write off-Bad Debt	2020-03-07	124971	20-321331		2020-11-30	\$668.04
Write off-Bad Debt	2020-03-07	124971	20-321331		2020-11-30	-\$668.04
Write off-Bad Debt	2020-04-20	125250	20-528467		2020-11-30	\$774.00
Write off-Bad Debt	2020-04-27	125302	20-560919		2020-11-30	\$109.49
Write off-Bad Debt	2020-04-28	125309	20-570396		2020-11-30	\$225.00
Write off-Bad Debt	2020-04-28	125313	20-570397		2020-11-30	\$793.20
Write off-Bad Debt	2020-04-28	125313	20-570397		2020-11-30	-\$793.20
Write off-Bad Debt	2020-05-02	125337	20-583081		2020-11-30	\$828.00
Write off-Bad Debt	2020-05-07	125361	20-606192		2020-11-30	\$799.20
Write off-Bad Debt	2020-05-08	125365	20-612919		2020-11-30	\$810.00
Write off-Bad Debt	2020-05-14	125400	20-641950		2020-11-30	\$768.00

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PALM BEACH FIRE RESCUE

<u>CREDIT</u>	<u>PATIENT NAME</u>	<u>DOS</u>	<u>INC NUMBER</u>	<u>RUN NUMBER</u>	<u>CHECK NUMBER</u>	<u>DEPOSIT DATE</u>	<u>AMOUNT</u>
Write off-Bad Debt		2020-05-24	125478	20-683371		2020-11-30	\$806.40
Write off-Bad Debt		2020-05-29	125516	20-715201		2020-11-30	\$882.00
Write off-Bad Debt		2020-05-30	125522	20-715204		2020-11-30	\$796.80
Write off-Bad Debt		2020-05-31	125528	20-715205		2020-11-30	\$774.00
Write off-Bad Debt		2020-05-31	125528	20-715205		2020-11-30	-\$774.00
Write off-Bad Debt		2020-06-03	125556	20-737147		2020-11-30	\$805.20
Write off-Bad Debt		2019-07-28	19001528	19-1035477		2020-12-17	\$74.00
Write off-Bad Debt		2019-07-28	19001528	19-1035477		2020-12-17	-\$74.00
Write off-Bad Debt		2019-03-31	122473	19-424849		2020-12-17	\$150.00
Write off-Bad Debt		2019-03-31	122473	19-424849		2020-12-17	-\$150.00
Write off-Bad Debt		2019-11-11	19002171	19-1588262		2020-12-31	\$277.16
Write off-Bad Debt		2020-08-10	125996	20-1098904		2020-12-31	\$810.00
Write off-Bad Debt		2020-09-02	126136	20-1210487		2020-12-31	\$766.80
Write off-Bad Debt		2020-10-10	136371	20-1424967		2020-12-31	\$776.40
Write off-Bad Debt		2020-10-10	136371	20-1424967		2020-12-31	\$776.40
Write off-Bad Debt		2020-10-10	136371	20-1424967		2020-12-31	-\$776.40
Write off-Bad Debt		2020-10-17	136397	20-1478112		2020-12-31	\$802.80
Write off-Bad Debt		2020-10-17	136397	20-1478112		2020-12-31	\$802.80
Write off-Bad Debt		2020-10-17	136397	20-1478112		2020-12-31	-\$802.80
Write off-Bad Debt		2020-01-03	20000028	20-294		2020-12-31	\$930.00
Write off-Bad Debt		2020-03-14	125021	20-357837		2020-12-31	\$240.00
Write off-Bad Debt		2020-03-14	125030	20-357838		2020-12-31	\$687.05
Write off-Bad Debt		2020-04-12	125208	20-488187		2020-12-31	\$424.24
Write off-Bad Debt		2020-05-28	125502	20-706296		2020-12-31	\$776.40
Write off-Bad Debt		2020-05-29	125515	20-715200		2020-12-31	\$409.70
Write off-Bad Debt		2020-05-29	125515	20-715200		2020-12-31	-\$409.70
Write off-Bad Debt		2020-05-30	125521	20-715203		2020-12-31	\$250.00
Write off-Bad Debt		2020-06-14	125629	20-786248		2020-12-31	\$900.00
Write off-Bad Debt		2020-06-21	125686	20-819590		2020-12-31	\$771.60
Write off-Bad Debt		2020-06-22	125699	20-826865		2020-12-31	\$787.20
Write off-Bad Debt		2020-06-23	125703	20-834555		2020-12-31	\$823.20
Write off-Bad Debt		2020-07-04	125769	20-882346		2020-12-31	\$885.60
Write off-Bad Debt		2020-07-13	125830	20-932955		2020-12-31	\$775.20
Write off-Bad Debt		2020-02-01	20000259	20-120844		2021-01-15	\$137.45
Write off-Bad Debt		2017-02-15	17000351	17-183497		2021-01-18	\$231.94
Write off-Bad Debt		2020-03-23	125084	20-396306		2021-01-18	\$790.00

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PALM BEACH FIRE RESCUE

<u>CREDIT</u>	<u>DOS</u>	<u>INC NUMBER</u>	<u>RUN NUMBER</u>	<u>CHECK NUMBER</u>	<u>DEPOSIT DATE</u>	<u>AMOUNT</u>
Write off-Bad Debt	2020-03-23	125084	20-396306		2021-01-18	-\$790.00
Write off-Bad Debt	2020-01-17	20000134	20-43856		2021-01-18	\$586.00
Write off-Bad Debt	2019-10-03	19001914	19-1369590		2021-01-31	\$811.20
Write off-Bad Debt	2020-07-31	125929	20-1038581		2021-01-31	\$774.00
Write off-Bad Debt	2020-08-01	125939	20-1038587		2021-01-31	\$834.00
Write off-Bad Debt	2020-08-03	125959	20-1047058		2021-01-31	\$762.00
Write off-Bad Debt	2020-08-11	126002	20-1098911		2021-01-31	\$786.00
Write off-Bad Debt	2020-09-03	126151	20-1217378		2021-01-31	\$805.20
Write off-Bad Debt	2020-10-19	136407	20-1486726		2021-01-31	\$817.20
Write off-Bad Debt	2020-11-28	136715	20-1737613		2021-01-31	\$786.00
Write off-Bad Debt	2020-03-25	125096	20-403385		2021-01-31	\$31.27
Write off-Bad Debt	2020-05-23	125468	20-683365		2021-01-31	\$240.00
Write off-Bad Debt	2020-05-23	125468	20-683365		2021-01-31	-\$240.00
Write off-Bad Debt	2020-06-14	125638	20-786252		2021-01-31	\$358.29
Write off-Bad Debt	2020-06-14	125638	20-786252		2021-01-31	-\$358.29
Write off-Bad Debt	2020-01-24	20000196	20-82646		2021-01-31	\$786.00
Write off-Bad Debt	2020-01-24	20000196	20-82646		2021-01-31	-\$786.00
Write off-Bad Debt	2020-06-25	125716	20-848629		2021-01-31	\$810.00
Write off-Bad Debt	2020-01-27	20000216	20-91153		2021-01-31	\$774.00
Write off-Bad Debt	2020-07-18	125866	20-961155		2021-01-31	\$781.20
Write off-Bad Debt	2020-07-26	125908	20-999795		2021-01-31	\$771.60
Write off-Bad Debt	2018-01-23	18000197	18-156833		2021-02-16	\$756.80
Write off-Bad Debt	2017-02-12	17000324	17-183486		2021-02-17	\$743.20
Write off-Bad Debt	2017-02-12	17000324	17-183486		2021-02-17	-\$743.20
Write off-Bad Debt	2020-03-23	125084	20-396306		2021-02-17	\$740.00
Write off-Bad Debt	2020-03-23	125084	20-396306		2021-02-17	-\$740.00
Write off-Bad Debt	2019-09-22	19001853	19-1311966		2021-02-28	\$882.00
Write off-Bad Debt	2020-08-06	125978	20-1098861		2021-02-28	\$830.40
Write off-Bad Debt	2020-08-01	125985	20-1098864		2021-02-28	\$192.78
Write off-Bad Debt	2020-08-01	125985	20-1098864		2021-02-28	-\$192.78
Write off-Bad Debt	2020-08-15	126029	20-1168456		2021-02-28	\$810.00
Write off-Bad Debt	2020-08-22	126069	20-1168472		2021-02-28	\$764.40
Write off-Bad Debt	2020-09-05	126159	20-1225884		2021-02-28	\$311.67
Write off-Bad Debt	2020-01-03	20000025	20-292		2021-02-28	\$798.00
Write off-Bad Debt	2020-03-06	124956	20-321323		2021-02-28	\$762.00
Write off-Bad Debt	2020-01-19	20000146	20-43863		2021-02-28	\$93.34

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EMS|MC
EMS MANAGEMENT & CONSULTANTS

PALM BEACH FIRE RESCUE

<u>CREDIT</u>	<u>PATIENT NAME</u>	<u>DOS</u>	<u>INC NUMBER</u>	<u>RUN NUMBER</u>	<u>CHECK NUMBER</u>	<u>DEPOSIT DATE</u>	<u>AMOUNT</u>
Write off-Bad Debt		2020-05-15	125405	20-648871		2021-02-28	\$810.00
Write off-Bad Debt		2020-05-21	125456	20-676742		2021-02-28	\$798.00
Write off-Bad Debt		2020-07-18	125867	20-961154		2021-02-28	\$805.20
Write off-Bad Debt		2020-07-22	125885	20-985614		2021-02-28	\$97.91
Write off-Bad Debt		2020-03-23	125084	20-396306		2021-03-03	\$690.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2021-03-03	-\$690.00
Write off-Bad Debt		2019-11-14	19002192	19-1588344		2021-03-04	\$471.43
Write off-Bad Debt		2020-08-10	125998	20-1098905		2021-03-31	\$799.20
Write off-Bad Debt		2020-08-13	126017	20-1168452		2021-03-31	\$826.80
Write off-Bad Debt		2020-08-13	126017	20-1168452		2021-03-31	-\$826.80
Write off-Bad Debt		2020-08-14	126019	20-1168453		2021-03-31	\$298.42
Write off-Bad Debt		2020-08-22	126064	20-1168469		2021-03-31	\$93.49
Write off-Bad Debt		2020-08-22	126064	20-1168469		2021-03-31	-\$93.49
Write off-Bad Debt		2020-08-22	126071	20-1168473		2021-03-31	\$764.40
Write off-Bad Debt		2020-09-03	126149	20-1217381		2021-03-31	\$774.00
Write off-Bad Debt		2020-09-07	126167	20-1231626		2021-03-31	\$311.67
Write off-Bad Debt		2020-09-12	136201	20-1261479		2021-03-31	\$813.60
Write off-Bad Debt		2020-09-15	136216	20-1278341		2021-03-31	\$777.60
Write off-Bad Debt		2020-09-16	136219	20-1285686		2021-03-31	\$766.80
Write off-Bad Debt		2020-09-16	136221	20-1285689		2021-03-31	\$150.00
Write off-Bad Debt		2020-09-16	136221	20-1285689		2021-03-31	-\$150.00
Write off-Bad Debt		2020-09-17	136230	20-1293410		2021-03-31	\$850.80
Write off-Bad Debt		2020-09-18	136235	20-1300081		2021-03-31	\$806.40
Write off-Bad Debt		2020-09-18	136235	20-1300081		2021-03-31	-\$806.40
Write off-Bad Debt		2020-09-18	136243	20-1300084		2021-03-31	\$772.80
Write off-Bad Debt		2020-09-18	136237	20-1300085		2021-03-31	\$765.60
Write off-Bad Debt		2020-09-18	136237	20-1300085		2021-03-31	-\$765.60
Write off-Bad Debt		2020-11-24	136686	20-1717811		2021-03-31	\$812.40
Write off-Bad Debt		2020-11-27	136702	20-1737607		2021-03-31	\$780.00
Write off-Bad Debt		2020-12-11	136799	20-1826324		2021-03-31	\$782.40
Write off-Bad Debt		2020-12-29	136956	20-1939232		2021-03-31	\$776.40
Write off-Bad Debt		2020-12-17	20002403	20-1960195		2021-03-31	\$805.20
Write off-Bad Debt		2020-12-17	20002405	20-1993933		2021-03-31	\$805.20
Write off-Bad Debt		2020-02-22	124834	20-243098		2021-03-31	\$833.00
Write off-Bad Debt		2020-02-22	124834	20-243098		2021-03-31	-\$833.00
Write off-Bad Debt		2020-03-13	125018	20-357836		2021-03-31	\$810.00

CREDIT TRANSACTIONS BY DEPOSIT DATE

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PALM BEACH FIRE RESCUE

<u>CREDIT</u>	<u>DOS</u>	<u>INC NUMBER</u>	<u>RUN NUMBER</u>	<u>CHECK NUMBER</u>	<u>DEPOSIT DATE</u>	<u>AMOUNT</u>
Write off-Bad Debt	2020-03-13	125018	20-357836		2021-03-31	-\$810.00
Write off-Bad Debt	2020-03-23	125085	20-396308		2021-03-31	\$858.00
Write off-Bad Debt	2020-04-24	125274	20-553844		2021-03-31	\$765.60
Write off-Bad Debt	2020-05-19	125441	20-663210		2021-03-31	\$798.00
Write off-Bad Debt	2020-05-19	125441	20-663210		2021-03-31	-\$798.00
Write off-Bad Debt	2020-06-21	125685	20-819591		2021-03-31	\$329.19
Write off-Bad Debt	2020-07-03	125760	20-882341		2021-03-31	\$240.00
Write off-Bad Debt	2020-07-13	125829	20-932954		2021-03-31	\$774.00
Write off-Bad Debt	2020-07-13	125829	20-932954		2021-03-31	-\$774.00
Write off-Bad Debt	2020-07-23	125889	20-992309		2021-03-31	\$225.00
Write off-Bad Debt	2021-01-02	136998	21-132		2021-03-31	\$771.60
Write off-Bad Debt	2017-02-12	17000324	17-183486		2021-04-08	\$663.20
Write off-Bad Debt	2020-03-23	125084	20-396306		2021-04-08	\$640.00
Write off-Bad Debt	2020-03-23	125084	20-396306		2021-04-08	-\$640.00
Write off-Bad Debt	2020-05-22	125465	20-683362		2021-04-16	\$158.13
Write off-Bad Debt	2020-05-22	125465	20-683362		2021-04-16	-\$158.13
Write off-Bad Debt	2020-09-18	136238	20-1300083		2021-04-17	\$890.40
Write off-Bad Debt	2020-03-13	125018	20-357836		2021-04-17	\$810.00
Write off-Bad Debt	2019-08-04	19001572	19-1113269		2021-04-30	\$783.60
Write off-Bad Debt	2020-09-09	136184	20-1245683		2021-04-30	\$810.00
Write off-Bad Debt	2020-09-09	136182	20-1245684		2021-04-30	\$819.60
Write off-Bad Debt	2020-09-16	136227	20-1285687		2021-04-30	\$97.91
Write off-Bad Debt	2020-10-01	136305	20-1379014		2021-04-30	\$250.00
Write off-Bad Debt	2020-10-04	136322	20-1383862		2021-04-30	\$813.60
Write off-Bad Debt	2020-10-05	136327	20-1391225		2021-04-30	\$790.80
Write off-Bad Debt	2020-10-07	136342	20-1407915		2021-04-30	\$778.80
Write off-Bad Debt	2020-10-09	136358	20-1424962		2021-04-30	\$250.00
Write off-Bad Debt	2020-10-09	136358	20-1424962		2021-04-30	-\$250.00
Write off-Bad Debt	2020-10-18	136403	20-1478114		2021-04-30	\$765.60
Write off-Bad Debt	2020-10-25	136458	20-1523928		2021-04-30	\$766.80
Write off-Bad Debt	2020-10-30	136499	20-1570446		2021-04-30	\$860.40
Write off-Bad Debt	2020-11-01	136508	20-1570452		2021-04-30	\$771.60
Write off-Bad Debt	2020-12-05	136761	20-1783330		2021-04-30	\$807.60
Write off-Bad Debt	2020-12-18	136866	20-1872724		2021-04-30	\$800.40
Write off-Bad Debt	2020-12-18	136866	20-1872724		2021-04-30	-\$800.40
Write off-Bad Debt	2020-03-31	125136	20-430951		2021-04-30	\$770.40

CREDIT TRANSACTIONS BY DEPOSIT DATE

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PALM BEACH FIRE RESCUE

<u>CREDIT</u>	<u>DOS</u>	<u>INC NUMBER</u>	<u>RUN NUMBER</u>	<u>CHECK NUMBER</u>	<u>DEPOSIT DATE</u>	<u>AMOUNT</u>
Write off-Bad Debt	2020-03-31	125136	20-430951		2021-04-30	-\$770.40
Write off-Bad Debt	2020-04-03	125165	20-450242		2021-04-30	\$822.00
Write off-Bad Debt	2020-05-17	125422	20-648877		2021-04-30	\$240.00
Write off-Bad Debt	2020-06-08	125583	20-759257		2021-04-30	\$765.60
Write off-Bad Debt	2020-06-09	125596	20-766136		2021-04-30	\$774.00
Write off-Bad Debt	2020-06-22	125698	20-826864		2021-04-30	\$774.00
Write off-Bad Debt	2020-07-16	125845	20-953521		2021-04-30	\$240.00
Write off-Bad Debt	2020-07-20	125873	20-970283		2021-04-30	\$810.00
Write off-Bad Debt	2020-07-24	125897	20-999788		2021-04-30	\$814.80
Write off-Bad Debt	2021-01-28	137208	21-124313		2021-04-30	\$854.40
Write off-Bad Debt	2021-02-18	137391	21-258802		2021-04-30	\$766.80
Write off-Bad Debt	2021-03-04	147490	21-346426		2021-04-30	\$796.80
Write off-Bad Debt	2021-01-15	137094	21-43848		2021-04-30	\$824.40
Write off-Bad Debt	2021-01-22	137149	21-92105		2021-04-30	\$818.40
Write off-Bad Debt	2015-03-17	15000645	15-289681		2021-05-17	\$660.00
Write off-Bad Debt	2015-03-17	15000645	15-289681		2021-05-17	-\$660.00
Write off-Bad Debt	2020-03-23	125084	20-396306		2021-05-17	\$590.00
Write off-Bad Debt	2020-03-23	125084	20-396306		2021-05-17	-\$590.00
Write off-Bad Debt	2020-04-06	125179	20-463367		2021-05-19	\$97.91
Write off-Bad Debt	2020-07-13	125829	20-932954		2021-05-19	\$774.00
Write off-Bad Debt	2020-08-12	126006	20-1168449		2021-05-31	\$447.30
Write off-Bad Debt	2020-09-23	136265	20-1327271		2021-05-31	\$783.60
Write off-Bad Debt	2020-11-15	136617	20-1659360		2021-05-31	\$804.00
Write off-Bad Debt	2020-11-16	136631	20-1666258		2021-05-31	\$770.40
Write off-Bad Debt	2020-11-22	136670	20-1697210		2021-05-31	\$838.80
Write off-Bad Debt	2020-02-11	20000341	20-178574		2021-05-31	\$240.00
Write off-Bad Debt	2020-02-16	124781	20-202827		2021-05-31	\$781.20
Write off-Bad Debt	2020-02-20	124821	20-235214		2021-05-31	\$786.00
Write off-Bad Debt	2020-03-03	124927	20-300521		2021-05-31	\$786.00
Write off-Bad Debt	2021-01-11	137063	21-20410		2021-05-31	\$116.90
Write off-Bad Debt	2021-02-22	137432	21-276382		2021-05-31	\$814.80
Write off-Bad Debt	2021-02-23	137435	21-285585		2021-05-31	\$765.60
Write off-Bad Debt	2021-03-01	147470	21-321275		2021-05-31	\$817.20
Write off-Bad Debt	2021-03-13	147581	21-396855		2021-05-31	\$778.80
Write off-Bad Debt	2021-03-26	147678	21-482687		2021-05-31	\$882.00
Write off-Bad Debt	2021-03-26	147679	21-482688		2021-05-31	\$882.00

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PALM BEACH FIRE RESCUE

<u>CREDIT</u>	<u>PATIENT NAME</u>	<u>DOS</u>	<u>INC NUMBER</u>	<u>RUN NUMBER</u>	<u>CHECK NUMBER</u>	<u>DEPOSIT DATE</u>	<u>AMOUNT</u>
Write off-Bad Debt		2021-03-26	147681	21-482689		2021-05-31	\$926.40
Write off-Bad Debt		2021-03-26	147682	21-482690		2021-05-31	\$926.40
Write off-Bad Debt		2021-03-26	147680	21-482691		2021-05-31	\$882.00
Write off-Bad Debt		2021-03-26	147683	21-482692		2021-05-31	\$804.00
Write off-Bad Debt		2021-01-22	137152	21-92107		2021-05-31	\$806.40
Write off-Bad Debt		2021-01-22	137152	21-92107		2021-05-31	-\$806.40
Write off-Bad Debt		2015-07-25	15001539	15-714169		2021-06-17	\$450.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2021-06-17	-\$450.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2021-06-17	\$540.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2021-06-17	-\$540.00
Write off-Bad Debt		2020-09-11	136191	20-1261476		2021-06-30	\$804.00
Write off-Bad Debt		2020-09-19	136247	20-1300087		2021-06-30	\$823.20
Write off-Bad Debt		2020-11-17	136641	20-1673979		2021-06-30	\$185.51
Write off-Bad Debt		2020-11-28	136713	20-1737611		2021-06-30	\$774.00
Write off-Bad Debt		2020-11-30	136724	20-1751462		2021-06-30	\$783.60
Write off-Bad Debt		2020-12-03	136746	20-1774843		2021-06-30	\$783.60
Write off-Bad Debt		2020-12-13	136816	20-1826327		2021-06-30	\$805.20
Write off-Bad Debt		2020-03-12	125010	20-357832		2021-06-30	\$774.00
Write off-Bad Debt		2020-07-17	125855	20-961152		2021-06-30	\$736.40
Write off-Bad Debt		2021-03-26	147689	21-482694		2021-06-30	\$805.20
Write off-Bad Debt		2021-04-10	147825	21-565822		2021-06-30	\$824.40
Write off-Bad Debt		2021-04-14	147843	21-591034		2021-06-30	\$811.20
Write off-Bad Debt		2015-03-17	15000645	15-289681		2021-07-16	\$610.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2021-07-16	\$425.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2021-07-16	-\$425.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2021-07-16	\$490.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2021-07-16	-\$490.00
Write off-Bad Debt		2020-08-31	126124	20-1196163		2021-07-31	\$393.03
Write off-Bad Debt		2020-10-12	136379	20-1432805		2021-07-31	\$240.00
Write off-Bad Debt		2020-12-20	136880	20-1872729		2021-07-31	\$772.80
Write off-Bad Debt		2020-12-20	136880	20-1872729		2021-07-31	-\$772.80
Write off-Bad Debt		2020-12-25	136912	20-1918907		2021-07-31	\$805.20
Write off-Bad Debt	L	2020-12-31	136976	20-1954325		2021-07-31	\$810.00
Write off-Bad Debt		2020-05-08	125373	20-612920		2021-07-31	\$786.00
Write off-Bad Debt		2021-01-28	137200	21-124309		2021-07-31	\$808.80
Write off-Bad Debt		2021-01-28	137200	21-124309		2021-07-31	-\$808.80

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PALM BEACH FIRE RESCUE

<u>CREDIT</u>	<u>PATIENT NAME</u>	<u>DOS</u>	<u>INC NUMBER</u>	<u>RUN NUMBER</u>	<u>CHECK NUMBER</u>	<u>DEPOSIT DATE</u>	<u>AMOUNT</u>
Write off-Bad Debt		2021-01-05	137019	21-2136		2021-07-31	\$798.00
Write off-Bad Debt		2021-01-13	137076	21-33488		2021-07-31	\$813.60
Write off-Bad Debt		2021-01-18	137115	21-53051		2021-07-31	\$769.20
Write off-Bad Debt		2021-04-15	147852	21-597028		2021-07-31	\$814.80
Write off-Bad Debt		2021-04-19	147887	21-616013		2021-07-31	\$904.80
Write off-Bad Debt		2021-01-23	137161	21-92112		2021-07-31	\$840.00
Write off-Bad Debt		2020-09-18	136237	20-1300085		2021-08-10	\$765.60
Write off-Bad Debt		2019-07-13	19001425	19-965502		2021-08-31	\$141.94
Write off-Bad Debt		2020-10-10	136370	20-1424966		2021-08-31	\$810.00
Write off-Bad Debt		2020-11-28	136710	20-1737609		2021-08-31	\$310.08
Write off-Bad Debt		2020-12-26	136922	20-1918911		2021-08-31	\$49.80
Write off-Bad Debt		2021-02-12	137331	21-226964		2021-08-31	\$807.60
Write off-Bad Debt		2021-02-16	137366	21-243719		2021-08-31	\$786.00
Write off-Bad Debt		2021-02-22	137431	21-276381		2021-08-31	\$467.72
Write off-Bad Debt		2021-03-19	147632	21-437863		2021-08-31	\$787.20
Write off-Bad Debt		2015-07-25	15001539	15-714169		2021-09-15	\$400.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2021-09-15	\$440.00
Write off-Bad Debt		2019-12-24	19002508	19-1781624		2021-09-30	\$121.40
Write off-Bad Debt		2020-10-16	136396	20-1478111		2021-09-30	\$765.60
Write off-Bad Debt		2020-10-29	136488	20-1562044		2021-09-30	\$503.46
Write off-Bad Debt		2020-12-30	136957	20-1948461		2021-09-30	\$545.22
Write off-Bad Debt		2020-10-19	20001960	20-2018840		2021-09-30	\$817.20
Write off-Bad Debt		2021-06-17	158350	21-1006474		2021-09-30	\$811.20
Write off-Bad Debt		2021-06-17	158350	21-1006474		2021-09-30	-\$811.20
Write off-Bad Debt		2021-07-15	158539	21-1193296		2021-09-30	\$802.80
Write off-Bad Debt		2021-01-11	137059	21-20408		2021-09-30	\$200.00
Write off-Bad Debt		2021-02-16	137370	21-243720		2021-09-30	\$774.00
Write off-Bad Debt		2021-02-25	147455	21-300965		2021-09-30	\$768.00
Write off-Bad Debt		2021-03-05	147505	21-353951		2021-09-30	\$826.80
Write off-Bad Debt		2021-03-10	147547	21-377000		2021-09-30	\$823.20
Write off-Bad Debt		2021-03-10	147553	21-377003		2021-09-30	\$784.80
Write off-Bad Debt		2021-03-10	147553	21-377003		2021-09-30	-\$784.80
Write off-Bad Debt		2021-03-10	147555	21-386114		2021-09-30	\$87.06
Write off-Bad Debt		2021-03-20	147635	21-437864		2021-09-30	\$790.80
Write off-Bad Debt		2021-05-08	148044	21-754400		2021-09-30	\$781.20
Write off-Bad Debt		2021-06-12	158309	21-972974		2021-09-30	\$829.20

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PALM BEACH FIRE RESCUE

CREDIT	DOS	INC NUMBER	RUN	CHECK NUMBER	DEPOSIT DATE	AMOUNT
NUMBER WRITE OFF-BAD DEBT TOTAL:						\$116,681.36
Write off-Client Request						
Write off-Client Request	2020-12-10	136789	20-1817787		2021-02-12	\$34.78
Write off-Client Request	2021-03-06	21000512	21-391354		2021-05-21	\$65.70
WRITE OFF-CLIENT REQUEST TOTAL:						\$100.48
Write off-Deceased						
Write off-Deceased	2019-01-21	121886	19-93921		2021-03-02	\$98.47
Write off-Deceased	2020-03-02	124916	20-293005		2021-03-02	\$798.00
Write off-Deceased	2018-01-29	18000261	18-156862		2021-04-28	\$522.97
Write off-Deceased	2018-04-16	100037	18-571278		2021-04-28	\$807.60
Write off-Deceased	2018-05-03	100141	18-679544		2021-08-10	\$822.00
WRITE OFF-DECEASED TOTAL:						\$3,049.04
Write Off-Efforts Exhausted						
Write Off-Efforts Exhausted	2019-05-22	19001099	19-704773		2020-12-02	\$774.00
Write Off-Efforts Exhausted	2019-05-30	19001149	19-745366		2020-12-02	\$774.00
Write Off-Efforts Exhausted	2018-12-04	121489	18-1649631		2021-09-02	\$822.00
WRITE OFF-EFFORTS EXHAUSTED TOTAL:						\$2,370.00
Write off-No Sig						
Write off-No Sig	2020-08-03	125954	20-1047057		2021-03-31	\$822.00
Write off-No Sig	2020-05-31	125530	20-715210		2021-06-30	\$858.00
WRITE OFF-NO SIG TOTAL:						\$1,680.00
Write off-TF Admin Error						
Write off-TF Admin Error	2020-02-24	124858	20-249786		2020-11-11	\$774.00
Write off-TF Admin Error	2018-02-13	18000364	18-230842		2021-01-02	\$774.00
Write off-TF Admin Error	2018-12-30	121686	18-1776880		2021-03-26	\$882.00
WRITE OFF-TF ADMIN ERROR TOTAL:						\$2,430.00
Total Credit Amount:						\$126,310.88

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda

Consent - Other

Agenda Title

Health Insurance Rates for Calendar Year 2023

Presenter

Gillian Barth, Director of People and Culture

ATTACHMENTS:

- ▣ **Memorandum dated September 29, 2022, from Gillian Barth, Director of People & Culture**
- ▣ **Exhibit A - Calendar Year 2023 Medical Rates for Active Employees**
- ▣ **Exhibit B - Calendar Year 2023 Medical Rates for Retirees**
- ▣ **Exhibit C - Calendar Year 2023 Dental Rates for Active Employees**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Gillian Barth, Director of People & Culture

Re: Health Insurance Rates for Calendar Year 2023

Date: September 29, 2022

STAFF RECOMMENDATION

The information contained herein is provided to Town Council for review. No action is required.

GENERAL INFORMATION

The Town's Insurance Broker, The Gehring Group, has conducted a review of the claims experience for the medical, prescription, and dental plans for employees and retirees. The review consisted of a 19-month trend analysis using claims history from May 2021 through April 2022.

For active employees, the claims analysis shows an increase of approximately 21.2% over FY22. This increase includes a 0% maturation factor used to account for claims that may have resulted from illnesses that were untreated, or that missed diagnosis due to absence of available resources and/or providers during the COVID period. Retiree medical claims; however, showed lower than average trend on medical claims, at 10.9% below the FY22 budgeted funding amount.

In order to get a complete and more accurate picture, Gehring Group combines the claims experience for both active employees and retirees. They calculate the maximum allowable premiums that can be charged to retirees based on state statute limitations and required commingled claims experience of the retiree and employee group calculation (F.S. 112.0801). While claims for the same period show higher than normal trend, the overall increase for the combined groups over the FY22 budget funding is 9.7%.

Due to the increase in claims for FY22, there will be an increase to bi-weekly premium contributions for employees of 10% and an increase in the Town contribution of 20%.

Therefore, the FY23 budget for Health was increased and OPEB will remain the same. Should additional funds be needed to cover expenses in FY23, the money will be transferred from the Health and OPEB reserves which are currently overfunded. Please refer to Exhibit A for the employee contribution rates and Exhibit B for the retiree sliding scale.

The Town's dental plan was also evaluated. Low administrative fees and claim expenses have allowed for premiums to remain flat during the past eleven years. There will be no increase to contributions for employees, retirees, or the Town for plan year 2023. Refer to Exhibit C for the 2023 dental contribution rates.

FUNDING/FISCAL IMPACT

Sufficient funds exist in the FY22 Health Insurance fund and OPEB Trust to provide for the Town's share of expenses for the healthcare plan as proposed herein.

TOWN ATTORNEY REVIEW

It is not necessary for the Town Attorney to review for legal form and sufficiency.

Attachments

GB:jj

TOWN OF PALM BEACH - MEDICAL CONTRIBUTION RATES FOR 2023

With Wellness Incentive

		A	B	C	D	E	F	G	H	I	J	K	L	M	N
Plan	Tier	Total Monthly Premiums				Town of Palm Beach					Employee				
		Paid Monthly		Premium Difference		Paid Monthly		2023 Cost Sharing	Town Contribution Difference		Paid Monthly		2023 Cost Sharing	Employee Contribution Difference	
		2023	2022	%	\$	2023	2022		%	\$	2023	2022		%	\$
Seabreeze OAP															
	Employee	\$616.20	\$522.15	18.0%	\$94.05	\$501.97	\$418.31	81.5%	20.0%	\$83.66	\$114.23	\$103.84	18.5%	10.0%	\$10.39
	1 Dependent	\$683.57	\$589.45	16.0%	\$94.12	\$422.20	\$351.83	61.8%	20.0%	\$70.37	\$261.37	\$237.62	38.2%	10.0%	\$23.75
	2 Dependents	\$1,367.16	\$1,178.91	16.0%	\$188.25	\$844.39	\$703.66	61.8%	20.0%	\$140.73	\$522.77	\$475.25	38.2%	10.0%	\$47.52
	3+ Dependents	\$2,050.73	\$1,768.35	16.0%	\$282.38	\$1,266.60	\$1,055.50	61.8%	20.0%	\$211.10	\$784.13	\$712.85	38.2%	10.0%	\$71.28
Seaview OAPIN															
	Employee	\$501.97	\$418.31	20.0%	\$83.66	\$501.97	\$418.31	100.0%	20.0%	\$83.66	\$0.00	\$0.00	0.0%	0.0%	\$0.00
	1 Dependent	\$555.84	\$473.32	17.4%	\$82.52	\$422.20	\$351.83	76.0%	20.0%	\$70.37	\$133.64	\$121.49	24.0%	10.0%	\$12.15
	2 Dependents	\$1,111.66	\$946.63	17.4%	\$165.03	\$844.39	\$703.66	76.0%	20.0%	\$140.73	\$267.27	\$242.97	24.0%	10.0%	\$24.30
	3+ Dependents	\$1,667.51	\$1,419.96	17.4%	\$247.55	\$1,266.60	\$1,055.50	76.0%	20.0%	\$211.10	\$400.91	\$364.46	24.0%	10.0%	\$36.45

Without Wellness Incentive

Plan		Tier		Total Monthly Premiums				Town of Palm Beach					Employee				
				Paid Monthly		Premium Difference		Paid Monthly		2023 Cost	Town Contribution Difference		Paid Monthly		2023 Cost	Employee Contribution Difference	
				2023	2022	%	\$	2023	2022		Sharing	%	\$	2023		2022	Sharing
Seabreeze OAP																	
	Employee	\$690.14	\$584.81	18.0%	\$105.34	\$501.97	\$418.31	72.7%	20.0%	\$83.66	\$188.17	\$166.50	27.3%	13.0%	\$21.68		
	1 Dependent	\$765.60	\$660.18	16.0%	\$105.41	\$422.20	\$351.83	55.1%	20.0%	\$70.37	\$343.40	\$308.35	44.9%	11.4%	\$35.04		
	2 Dependents	\$1,531.22	\$1,320.38	16.0%	\$210.84	\$844.39	\$703.66	55.1%	20.0%	\$140.73	\$686.83	\$616.72	44.9%	11.4%	\$70.11		
	3+ Dependents	\$2,296.82	\$1,980.55	16.0%	\$316.27	\$1,266.60	\$1,055.50	55.1%	20.0%	\$211.10	\$1,030.22	\$925.05	44.9%	11.4%	\$105.17		
Seaview OAPIN																	
	Employee	\$562.21	\$468.51	20.0%	\$93.70	\$501.97	\$418.31	89.3%	20.0%	\$83.66	\$60.24	\$50.20	10.7%	0.0%	\$10.04		
	1 Dependent	\$622.54	\$530.12	17.4%	\$92.42	\$422.20	\$351.83	67.8%	20.0%	\$70.37	\$200.34	\$178.29	32.2%	12.4%	\$22.05		
	2 Dependents	\$1,245.06	\$1,060.23	17.4%	\$184.83	\$844.39	\$703.66	67.8%	20.0%	\$140.73	\$400.67	\$356.57	32.2%	12.4%	\$44.10		
	3+ Dependents	\$1,867.61	\$1,590.36	17.4%	\$277.26	\$1,266.60	\$1,055.50	67.8%	20.0%	\$211.10	\$601.01	\$534.86	32.2%	12.4%	\$66.16		

Column Legend:

A	2023 Total Monthly Premium
B	2022 Total Monthly Premium
C	2023 Monthly Premium % Increase Difference from 2022
D	2023 Monthly Premium Dollar Increase Difference from 2022
E	2023 Town's Monthly Contribution to Premium
F	2022 Town's Monthly Contribution to Premium
G	2023 Town's % Share of Premium
H	2023 Town's % Increase Share of Premium from 2022
I	2023 Town's Monthly Dollar Increase Share of Premium from 2022
J	2023 Employee Monthly Contribution to Premium
K	2022 Employee Monthly Contribution to Premium
L	2023 Employee % Share of Premium
M	2023 Employee % Increase Share of Premium from 2022
N	2023 Employee Monthly Dollar Increase Share of Premium from 2022



OAP Seabreeze Plan
(Previously the PPO Plan)
Retiree Sliding Scale Monthly Insurance Premium Rates 2023

Years of Service		Q1		Q2		Q3		Q4	
25 + years		50%		51%		52%		Maximum	
		Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
	Retiree	\$ 618.63	\$ 305.24	\$ 631.00	\$ 311.34	\$ 643.37	\$ 317.45	\$ 665.24	\$ 328.24
	Retiree +1 Dependent	\$ 1,305.30	\$ 646.15	\$ 1,331.41	\$ 659.07	\$ 1,357.51	\$ 671.99	\$ 1,409.93	\$ 697.94
	Retiree +2 Dependents	\$ 1,662.06		\$ 1,695.30		\$ 1,728.54		\$ 1,977.22	
	Retiree +3 Dependents	\$ 2,018.83		\$ 2,059.21		\$ 2,099.58		\$ 2,544.52	
20 - 24 years		50%		51%		52%		Maximum	
		Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
	Retiree	\$ 618.63	\$ 305.24	\$ 631.00	\$ 311.34	\$ 643.37	\$ 317.45	\$ 665.24	\$ 328.24
	Retiree +1 Dependent	\$ 1,305.30	\$ 646.15	\$ 1,331.41	\$ 659.07	\$ 1,357.51	\$ 671.99	\$ 1,409.93	\$ 697.94
	Retiree +2 Dependents	\$ 1,662.06		\$ 1,695.30		\$ 1,728.54		\$ 1,977.22	
	Retiree +3 Dependents	\$ 2,018.83		\$ 2,059.21		\$ 2,099.58		\$ 2,544.52	
15 - 19 years		50%		51%		52%		Maximum	
		Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
	Retiree	\$ 618.63	\$ 305.24	\$ 631.00	\$ 311.34	\$ 643.37	\$ 317.45	\$ 665.24	\$ 328.24
	Retiree +1 Dependent	\$ 1,305.30	\$ 646.15	\$ 1,331.41	\$ 659.07	\$ 1,357.51	\$ 671.99	\$ 1,409.93	\$ 697.94
	Retiree +2 Dependents	\$ 1,662.06		\$ 1,695.30		\$ 1,728.54		\$ 1,977.22	
	Retiree +3 Dependents	\$ 2,018.83		\$ 2,059.21		\$ 2,099.58		\$ 2,544.52	
10 - 14 years		Maximum		Maximum		Maximum		Maximum	
		Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
	Retiree	\$ 665.24	\$ 328.24	\$ 665.24	\$ 328.24	\$ 665.24	\$ 328.24	\$ 665.24	\$ 328.24
	Retiree +1 Dependent	\$ 1,409.93	\$ 697.94	\$ 1,409.93	\$ 697.94	\$ 1,409.93	\$ 697.94	\$ 1,409.93	\$ 697.94
	Retiree +2 Dependents	\$ 1,977.22		\$ 1,977.22		\$ 1,977.22		\$ 1,977.22	
	Retiree +3 Dependents	\$ 2,544.52		\$ 2,544.52		\$ 2,544.52		\$ 2,544.52	

Monthly Pension Earnings		
Quartile	Minimum	Maximum
Q1	\$ -	\$ 1,928.69
Q2	\$ 1,928.70	\$ 3,428.21
Q3	\$ 3,428.22	\$ 5,384.04
Q4	\$ 5,384.05	or greater

* Rates are base on the commingled experience of the retiree group with the claims experience of the active employees in accordance with F.S. 112.0801.

** Employees hired after October 1, 2009 will be charged the maximum allowable per state statute.



OAPIN - Seaview Plan
(Previously the HMO Plan)
Retiree Sliding Scale Monthly Insurance Premium Rates 2023

Years of Service		Q1		Q2		Q3		Q4	
25 + years		50%		51%		51%		Maximum	
		Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
	Retiree	\$ 532.61	\$ 260.29	\$ 543.26	\$ 265.49	\$ 543.26	\$ 265.49	\$ 552.84	\$ 270.17
	Retiree +1 Dependent	\$ 1,124.82	\$ 551.73	\$ 1,147.32	\$ 562.76	\$ 1,147.32	\$ 562.76	\$ 1,172.76	\$ 575.24
	Retiree +2 Dependents	\$ 1,411.25		\$ 1,439.48		\$ 1,439.48		\$ 1,628.29	
	Retiree +3 Dependents	\$ 1,697.78		\$ 1,731.73		\$ 1,731.73		\$ 2,083.83	
20 - 24 years		50%		51%		51%		Maximum	
		Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
	Retiree	\$ 532.61	\$ 260.29	\$ 543.26	\$ 265.49	\$ 543.26	\$ 265.49	\$ 552.84	\$ 270.17
	Retiree +1 Dependent	\$ 1,124.82	\$ 551.73	\$ 1,147.32	\$ 562.76	\$ 1,147.32	\$ 562.76	\$ 1,172.76	\$ 575.24
	Retiree +2 Dependents	\$ 1,411.25		\$ 1,439.48		\$ 1,439.48		\$ 1,628.29	
	Retiree +3 Dependents	\$ 1,697.78		\$ 1,731.73		\$ 1,731.73		\$ 2,083.83	
15 - 19 years		50%		51%		51%		Maximum	
		Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
	Retiree	\$ 532.61	\$ 260.29	\$ 543.26	\$ 265.49	\$ 543.26	\$ 265.49	\$ 552.84	\$ 270.17
	Retiree +1 Dependent	\$ 1,124.82	\$ 551.73	\$ 1,147.32	\$ 562.76	\$ 1,147.32	\$ 562.76	\$ 1,172.76	\$ 575.24
	Retiree +2 Dependents	\$ 1,411.25		\$ 1,439.48		\$ 1,439.48		\$ 1,628.29	
	Retiree +3 Dependents	\$ 1,697.78		\$ 1,731.73		\$ 1,731.73		\$ 2,083.83	
10 - 14 years		Maximum		Maximum		Maximum		Maximum	
		Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
	Retiree	\$ 552.84	\$ 270.17	\$ 552.84	\$ 270.17	\$ 552.84	\$ 270.17	\$ 552.84	\$ 270.17
	Retiree +1 Dependent	\$ 1,172.76	\$ 575.24	\$ 1,172.76	\$ 575.24	\$ 1,172.76	\$ 575.24	\$ 1,172.76	\$ 575.24
	Retiree +2 Dependents	\$ 1,628.29		\$ 1,628.29		\$ 1,628.29		\$ 1,628.29	
	Retiree +3 Dependents	\$ 2,083.83		\$ 2,083.83		\$ 2,083.83		\$ 2,083.83	

Monthly Pension Earnings		
Quartile	Minimum	Maximum
Q1	\$ -	\$ 1,928.69
Q2	\$ 1,928.70	\$ 3,428.21
Q3	\$ 3,428.22	\$ 5,384.04
Q4	\$ 5,384.05	or greater

* Rates are base on the commingled experience of the retiree group with the claims experience of the active employees in accordance with F.S. 112.0801.

** Employees hired after October 1, 2009 will be charged the maximum allowable per state statute.

Exhibit C

Updated 09/2022

TOWN OF PALM BEACH - DENTAL CONTRIBUTION RATES FOR 2023

Plan		Tier		Total Monthly Premiums				Town of Palm Beach					Employee				
				Paid Monthly		Premium Difference		Paid Monthly		2023 Cost Sharing	Town Contribution Difference		Paid Monthly		2023 Cost Sharing	Employee Contribution Difference	
				2023	2022	%	\$	2023	2022		%	\$	2023	2022		%	\$
Employees																	
	Employee	\$41.74	\$41.74	0.0%	\$0.00	\$41.74	\$41.74	100.0%	0.0%	\$0.00	\$0.00	\$0.00	0.0%	0.0%	\$0.00		
	1 Dependent	\$36.57	\$36.57	0.0%	\$0.00	\$0.00	\$0.00	0.0%	0.0%	\$0.00	\$36.57	\$36.57	100.0%	0.0%	\$0.00		
	2+ Dependents	\$60.39	\$60.39	0.0%	\$0.00	\$0.00	\$0.00	0.0%	0.0%	\$0.00	\$60.39	\$60.39	100.0%	0.0%	\$0.00		
Retirees																	
	Retiree	\$41.74	\$41.74	0.0%	\$0.00	\$0.00	\$0.00	0.0%	0.0%	\$0.00	\$41.74	\$41.74	100.0%	0.0%	\$0.00		
	1 Dependent	\$36.57	\$36.57	0.0%	\$0.00	\$0.00	\$0.00	0.0%	0.0%	\$0.00	\$36.57	\$36.57	100.0%	0.0%	\$0.00		
	2+ Dependents	\$60.39	\$60.39	0.0%	\$0.00	\$0.00	\$0.00	0.0%	0.0%	\$0.00	\$60.39	\$60.39	100.0%	0.0%	\$0.00		

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda

Consent - Other

Agenda Title

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.

Presenter

Gillian Barth, Director of People and Culture

ATTACHMENTS:

- ▢ **Memorandum Dated September 30, 2022, from Gillian Barth, Director of People and Culture**
- ▢ **Resolution No. 137-2022**
- ▢ **Collective Bargaining Agreement for Professional Firefighters/Paramedics of PBC**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Gillian Barth, Director of People & Culture

Re: Collective Bargaining Agreement (TOPB and Professional Firefighters/Paramedics, Local 2928)

Date: September 30, 2022

STAFF RECOMMENDATION

The information contained herein is provided to Town Council for review and approval.

GENERAL INFORMATION

The Collective Bargaining Agreement (Non-Supervisory Unit) between the Town of Palm Beach and the Professional Firefighters/Paramedics, Palm Beach County, Local 2928 expired on September 30, 2022. Following mutual consultation, agreement was reached between the two parties to sign a new identical contract for a 12-month period without changes, except for the dates of the agreement. Rationale for this is that collective bargaining contracts cannot exceed a three-year period. However, a new identical contract may be drawn for a twelve-month period. The contract will be examined in more detail during a more fulsome collective bargaining process in the coming year during which modifications may be proposed and brought forth.

The one-year contract has been voted on and ratified by the Collective Bargaining Unit at their meetings of September 21, 22 and 23, 2022 and the one-year contract and resolution are attached for signatures.

FUNDING/FISCAL IMPACT

None.

TOWN ATTORNEY REVIEW

The Town Attorney was consulted throughout the process. Additional counsel was sought from the Town's labor attorney. Advice from both have been incorporated into the recommendations herein.

Attachments GB

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.

WHEREAS, the Collective Bargaining Agreement (Non-Supervisory Unit) between the Town of Palm Beach and the Professional Firefighters/Paramedics, Palm Beach County, Local 2928 expired on September 30, 2022; and

WHEREAS, following mutual consultation, agreement was reached between the two parties to sign a new identical contract for a twelve (12) month period without changes, except for the dates of the agreement.

NOW, THEREFORE, be it resolved that the Collective Bargaining Agreement between the Town of Palm Beach and the Professional Firefighters/Paramedics, Palm Beach County, Local 2928 is hereby approved in the manner and form attached hereto.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of October, 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

COLLECTIVE BARGAINING AGREEMENT

Non-Supervisory Unit

Town of Palm Beach

&

Professional Firefighters/Paramedics
Palm Beach County, Local 2928

Fiscal Year 2022-23

ARTICLE 1

PREAMBLE

1.1 This Agreement is entered into by and between the TOWN OF PALM BEACH, hereinafter referred to as the Town, and the PROFESSIONAL FIRE FIGHTERS/PARAMEDICS OF PALM BEACH COUNTY, LOCAL 2928, IAFF, INC., hereinafter referred to as the Union.

1.2 It is the purpose of this Agreement to achieve and maintain harmonious relations between the Town and the Union, to document agreed-upon wages and other terms and conditions of employment, and to provide a procedure for resolution of grievances.

1.3 The provisions of this Article shall not be used as the basis for a grievance or as support for a grievance under any other Article of this Agreement.

ARTICLE 2

RECOGNITION

The Town recognizes the Union as the exclusive bargaining representative for all employees in the non-supervisory bargaining unit certified by the Town of Palm Beach Public Employees Relations Commission, as follows:

INCLUDED: All regular full-time employees of the Town of Palm Beach in the classification of Firefighters/EMT, Firefighter/Paramedic, Firefighter/EMT/Driver Operator, and Firefighter/Paramedic/Driver-Operator.

EXCLUDED: Fire Chief, Assistant Chief of Administration, Assistant Chief of Operations, Emergency Medical Services Coordinator (Division Chief), Fire Marshal (Division Chief), Training & Safety Officer (Division Chief), Battalion Chief, Assistant Fire Marshal, Administrative Lieutenant, Fire-Rescue Lieutenant/EMT, Fire-Rescue Lieutenant/Paramedic, Fire-Rescue Mechanic, EMS Billing Specialist, Office Assistant II, Administrative Coordinator, Office Manager, and all other employees of the Town of Palm Beach.

ARTICLE 3

DUES DEDUCTION

3.1 Any member of the Union, who has submitted a properly executed dues deduction authorization to the Town, in accordance with a format prescribed by the Town, shall have his/her membership dues and uniform assessments in the Union deducted from his/her wages on a monthly basis. Additionally, upon properly executed authorization, legal services plan payments shall be deducted from the employee's wages on a monthly basis; provided that the legal services plan pursuant to which such payments are being made is not utilized to render legal advice or take legal action against the Town or its elected or appointed officials. Dues, uniform assessments, and legal services plan payments so deducted from each employee's wages shall be forwarded by the Town to the Union. However, the Town shall have no responsibility or liability for any monies once sent to the Union. The Union shall indemnify the Town and hold it harmless against any and all suits, claims, demands, and liabilities which arise out of or by reason of any action taken or not taken by the Town to comply or attempt to comply with the provisions of this Article.

3.2 It shall be the responsibility of the Union to notify the Town of any change in the percentage amount of dues to be deducted at least thirty (30) days in advance of said change. Under no circumstances shall the Town be required to deduct Union fines, penalties, political action payments, or special assessments of any kind.

3.3 Any member of the Union may, on thirty (30) days written notice to the Town and the Union, request that the Town cease making deductions from his/her wages.

3.4 The Union agrees that a reasonable charge for having its dues and uniform assessments deducted by the Town is fifty cents (\$.50) per employee for each new enrollment for normal bookkeeping services. Such charges shall be deducted from the amounts forwarded by the Town to the Union.

ARTICLE 4

UNION BUSINESS AND REPRESENTATION

4.1 The District Vice President of the Union shall designate three (3) shift representatives (employees) and three (3) alternate shift representatives (employees) to represent the Union. (An alternate shift representative may represent the Union if the regular shift representative is not available.) It shall be the responsibility of the District Vice President to notify the Town in writing of the name of the three (3) shift representatives and three (3) alternate shift representatives so designated and any change thereto. (A shift representative or alternate shift representative will not be recognized by the Town unless the Fire Chief and the Human Resources Director receive such written notification.)

4.2 The on-duty shift representative shall be permitted to process a formal grievance with the appropriate Town or Departmental official at the Steps of the grievance resolution procedure herein, while on duty; provided that this activity does not interfere with emergency activities or scheduled activities which cannot reasonably be rescheduled. Under no circumstances shall the shift representative leave his/her assigned duties to process a formal grievance under the Steps of the grievance resolution procedure without first obtaining authorization from the Fire Chief, the Assistant Chief of Operations, or their designee. (The on-duty shift representative shall be permitted to represent an employee under investigation during

an interrogation under the conditions set forth in this paragraph.) The use of Town equipment and resources, including the Town's e-mail system, for Union business without the approval of the Fire Chief or his designee is prohibited.

4.3 Except for the processing of a formal grievance and the representation of an employee under investigation during an interrogation under the conditions set forth in paragraph 4.2 above, a shift representative shall be paid by the Town only when he/she performs assigned fire and rescue duties and/or work directed by the Town. Union business, including, but not limited to, attendance at negotiations, PERC proceedings, arbitrations, and grievance investigations, shall not be compensated by the Town, unless attendance is required by the Town.

MEETING ROOM

4.4 The Town agrees to grant the Union permission to use Station 3 meeting rooms for its monthly Union meetings and special Union meetings as space and scheduling permit and under the same conditions as other external organizations. The Union will supply the Town with a schedule of monthly meetings and will provide forty-eight (48) hours of special Union meetings.

4.5 On-duty personnel assigned to Station 3 on the day of the Union meeting shall be allowed to attend; provided that the Union meeting takes place after 1700 hours and that such attendance does not interfere with responding to emergency situations.

4.6 The Union agrees to leave any meeting room in its original condition at the end of the meeting.

ARTICLE 5

BULLETIN BOARDS

5.1 The Town shall provide the Union with a twenty-four (24) inches by thirty-six (36) inches space in each fire station in the kitchen/dining room area for the Union's bulletin board. (The Union shall provide the bulletin board.)

5.2 The Union's bulletin board may be utilized for the posting of notices of Union meetings, notices of Union elections and results, minutes of Union meetings, copies of the Union's constitution and by-laws and amendments thereto, notices of Union recreational, business, and social functions, names of Union officials and changes thereto, and notices of dues increases.

5.3 The Union shall post no material on its bulletin boards which may be characterized as political (other than internal Union elections), which may encourage insubordinate behavior, or which is derogatory or demeaning of Town or Departmental officials or operations. All materials placed upon the Union bulletin boards will be signed and dated by the Union President or another officer of the Union. A copy of all materials to be posted shall be provided to the Fire Chief or the Assistant Chief of Operations prior to posting. Materials which violate the provisions of this Article shall not be posted and may be removed.

ARTICLE 6

MANAGEMENT RIGHTS

6.1 Except as specifically restricted by the provisions of this Agreement, the Town reserves and retains all rights, powers, prerogatives and authority customarily exercised by Management.

6.2 Except as specifically restricted by the provisions of this Agreement, the Town has the sole and exclusive right to manage and direct any and all of its operations. Accordingly, the Town specifically, but not by way of limitation, reserves the sole and exclusive right to:

- A. Exercise complete and unhampered control to manage, direct, and totally supervise all employees of the Town;
- B. Decide the scope of service to be performed and the method of service;
- C. Determine the size and composition of the workforce;
- D. Determine the services to be provided to the public, and the maintenance procedures, materials, facilities, and equipment to be used, and introduce new or improved services, maintenance procedures, materials, facilities, and equipment;
- E. Hire and/or otherwise determine the criteria and standards of selection for employment;
- F. Determine the number, classification, grade, and types of positions;
- G. Fire, demote, suspend, or otherwise discipline bargaining unit employees; set minimum performance standards for service to be offered to the public, and set procedures and standards to evaluate the employees' job performance;
- H. Change, modify or alter the composition and size of the workforce, including the right to relieve employees from duty due to lack of work or lack of funding or any other business and/or operational reason, and recall employees;

- I. Determine the allocation and content of job classifications and determine all training parameters for all bargaining unit positions, including persons to be trained and extent and frequency of training;
- J. Determine whether and to what extent the work required in its operation shall be performed by employees covered hereunder;
- K. Modify operations, duties, tasks, and/or responsibilities, temporarily or permanently, in whole or in part, due to operational requirements; determine the number, location, and operation of all divisions and all other organizational units;
- L. Establish, amend, revise and implement any program, policy and/or procedure, provided that such action is not unreasonable;
- M. Merge, consolidate, expand, curtail, transfer, or discontinue operations, temporarily or permanently, in whole or in part, whenever in the Town's discretion business and/or operational reasons make such curtailment or discontinuance advisable;
- N. Contract and/or subcontract any existing or future work;
- O. Create, expand, reduce, alter, combine, assign, or cease any job;
- P. Control the use of equipment and property of the Town and determine the number and classification of employees assigned to any shift, station, or piece of equipment;
- Q. Exercise such other management rights as set forth in Chapter 447, Florida Statutes, and/or as determined by the state or local Public Employees Relations Commission or the courts.

6.3 The above rights of the Town are not all-inclusive but indicate the type of matters or rights which belong to and are inherent in the Town in its general capacity as management. Any of the rights, powers, and authority that the Town had prior to entering into this Collective Bargaining Agreement are retained by the Town unless otherwise restricted by a specific provision of this Agreement. If the Town fails to exercise any one or more of the above functions

from time to time, this will not be deemed a waiver of the Town's right to exercise any or all of such functions.

6.4 Nothing herein shall be deemed a waiver of the Union's right to impact bargain if, and to the extent, such right exists under applicable law.

ARTICLE 7

SAFETY COMMITTEE

7.1 There shall be a Town of Palm Beach Fire-Rescue Department Safety Committee. The Safety Committee shall be comprised of four (4) members, i.e., two (2) bargaining unit employees appointed by the Union and two (2) non-bargaining unit employees appointed by the Fire Chief. The Fire Chief shall appoint one of the aforesaid bargaining unit or non-bargaining unit employees to chair the Safety Committee and preside at all of its meetings. The Town Risk Manager shall serve on the Safety Committee in an ex-officio capacity.

7.2 The Safety Committee shall meet quarterly, and such meeting shall be scheduled at the time established by the Fire Chief. (The Fire Chief may, in his/her discretion, schedule a special meeting as he/she deems appropriate.)

7.3 The purpose of the Safety Committee meetings is to discuss problems and issues relating to the safety and well-being of all Fire-Rescue Department personnel and the public.

7.4 The meeting shall be conducted on an informal basis. Any member of the Safety Committee may submit items for consideration at the Safety Committee meeting by providing same to the Fire Chief at least five (5) calendar days prior to the Safety Committee meeting. The Fire Chief shall coordinate the distribution of the Safety Committee agenda and shall also arrange

for minutes to be taken and distributed to the Safety Committee members and posted at each Fire-Rescue Station.

ARTICLE 8

WORK STOPPAGES

8.1 There shall be no strikes, work stoppages, slowdowns, interference with work or operations, or picketing in furtherance of any strike or work stoppage, or any form of concerted refusal to perform work by the Union or any employee covered under this Agreement. Picketing, as used herein, shall mean any action which has the effect of preventing any employee from reporting to or continuing to work, or preventing the public from entering any facility.

8.2 The parties agree that any employee who participates in or promotes any of the aforementioned activities may be discharged or otherwise disciplined by the Town. Nothing herein shall restrict the Town from levying different disciplinary actions against different employees based on their involvement in activities prohibited hereunder.

ARTICLE 9

PERSONNEL REDUCTION

9.1 In the event it is necessary to reduce the number of bargaining unit employees, the Town shall first identify the classification(s) to be impacted. Probationary employees in such classification(s) shall be laid off first. Thereafter, the employee in the classification to be reduced with the least seniority shall be laid off first.

9.2 Employees who are laid off from their classifications may bump into the next lower classification in which they previously served or for which they are qualified. The employee(s) to

be bumped shall be determined by seniority, i.e., an employee may bump the most junior employee in the classification if that junior employee has less seniority.

9.3 Employees who are laid off shall be recalled to the classifications from which they were laid off in the reverse order of their layoff (last laid off, first recalled); provided that they meet all of the requirements of the classification at the time of the recall. Laid off employees eligible for recall shall be offered recall before new employees are hired into their classification or shall be offered a position in a lower classification for which they are qualified before new employees are hired into such lower classification. An employee's recall rights hereunder shall expire in twelve (12) months from the date of his/her layoff.

ARTICLE 10

SENIORITY

10.1 Departmental seniority shall be determined by reference to the date of last hire with the Department. If two (2) or more employees have the same date of hire, seniority shall be determined by date of application with the Town. If the date of application is not dispositive of the issue, the Town shall utilize the flip of a coin in the presence of a Union representative and the employees involved.

10.2 A current seniority list shall be posted on the Town bulletin board at each fire station on or about the commencement of the fiscal year (October 1).

ARTICLE 11

PROBATIONARY EMPLOYEES

11.1 New employees in the classifications covered by the bargaining unit shall be on probation for a period of one (1) year from the date of hire. With the concurrence of the Human

Resources Director, the Fire Chief may extend the one (1)-year probationary period to a maximum of an additional three (3) months, if the Fire Chief determines that such extension is necessary. During the one (1)-year probationary period and any extension thereof, a new employee may be terminated or otherwise disciplined without recourse to the grievance resolution procedure hereunder or any other Town or Departmental grievance/appeals procedure. However, prior to finalizing his decision to terminate such probationary employee, the Fire Chief shall notify the employee of his intention and shall provide the employee (and his/her union representative) with an opportunity to meet with the Fire Chief and the Assistant Chief of Operations to informally discuss the matter.

11.2 Employees who are promoted will be on probation in the classification to which they are promoted for a period of nine (9) months, which may be extended by three (3) additional months at the discretion of the Fire Chief and upon written notice to the employee. If the Fire Chief determines that such employee has not successfully completed his/her probationary period, the employee may be returned to his/her former classification without recourse to the grievance resolution procedure hereunder or any other Town or Departmental grievance/appeals procedure. However, prior to finalizing his decision to return such employee to his/her former classification, the Fire Chief shall notify the employee of his intention and shall provide the employee (and his/her Union representative) with an opportunity to meet with the Fire Chief and the Assistant Chief of Operations to informally discuss the matter.

11.3 Newly hired employees shall-not be entitled to utilize vacation leave until they complete six (6) months of service; vacation leave may be used after completion of six (6) months of service.

11.4 Newly hired probationary employees shall not be entitled to utilize sick leave until they complete six (6) months of service. (Other conditions relating to sick leave shall be governed by current Town and Department rules, regulations, and policies.)

11.5 Newly hired probationary employees shall not be entitled to utilize floating holiday and personal leave until they complete six (6) months of service. (Other conditions relating to floating holidays and personal leave shall be governed by current Town and Department rules, regulations, and policies.)

ARTICLE 12

DISCHARGE AND DISCIPLINARY ACTION

12.1 The Disciplinary Action guidelines set forth in Article VII of the Department's Rules and Regulations shall apply to the bargaining unit employees hereunder; provided, however, that the sole and exclusive procedure for appealing any disciplinary action shall be the Grievance Resolution Procedure in Article 13 of this Agreement. (Sections 7-8.1 and 7-8.2 of the Disciplinary Action guidelines in Article VII of the Department's Rules and Regulations shall not apply to the bargaining unit employees hereunder.)

ARTICLE 13

GRIEVANCE RESOLUTION PROCEDURE

13.1 A "grievance" is defined as a dispute regarding the interpretation or application of this Agreement. Grievances are limited to claims which are dependent for resolution exclusively upon interpretation or application of one or more specific provisions of this Agreement. A grievance may be filed by a bargaining unit employee or the Union. In either case, the procedure to be followed is set forth below.

13.2 A grievance for SUSPENSION, DEMOTION or DISCHARGE must be in writing and introduced at Step 3 within 14 calendar days.

13.3 OTHER GRIEVANCES will be presented orally to the Battalion Chief within 14 calendar days of the incident which is the subject of the grievance.

STEP 1

- A. Employee and Battalion Chief (BC) discuss grievance.
- B. If NOT settled orally, grievance will be presented in writing to the BC within 2 working days.
- C. Battalion Chief provides decision in writing within 7 calendar days.

STEP 2

- A. Grievance NOT settled in Step 1 – Employee may, within 7 calendar days, submit grievance in writing to Fire Chief.
- B. Fire Chief or designee conducts investigation and provides written decision within 7 calendar days.

STEP 3

- A. Grievance NOT settled in Step 2 – Employee may, within 14 calendar days, request Town Manager to investigate grievance (this may involve all relevant individuals).
- B. Investigative meeting will be held within 14 calendar days. Town Manager provides decision in writing within 14 calendar days of holding investigative meeting. If additional time is needed, it may be allowed by agreement of Town Manager and employee filing grievance. **For disciplinary matters not involving suspension, demotion, or discharge, and performance evaluation appeals (15.3), the Town Manager's determination shall be final.**

STEP 4

SUSPENSION, DEMOTION OR DISCHARGE GRIEVANCES

- A. For disciplinary matters involving suspension, demotion, or discharge, the Town Manager's determination may be appealed by the Union to the Town Council. The deadline for filing an appeal to the Town Council shall be 14 calendar days after the Town Manager's written decision.
- B. The Town Council shall then hold an informal evidentiary hearing and make a final determination as to whether the disciplinary action was initiated for just cause (as determined by the Town Council) and whether the severity of the disciplinary action was appropriate to the situation. The Town Council may completely uphold, completely reject, or modify the disciplinary action to ensure a fair outcome of the matter.

NON-DISCIPLINARY ACTION GRIEVANCES
(Except for Performance Evaluation Appeals)

- C. For non-disciplinary action grievances (except for performance evaluation appeals), the Town Manager's determination may be appealed by the Union to arbitration pursuant to the ARBITRATION section (13.4, et seq.) below.

ARBITRATION

(Non-Disciplinary Action Grievances Except for Performance Evaluation Appeals)

13.4 If a non-disciplinary action grievance (except for a performance evaluation appeal) is not resolved in STEP 3 above, the Union may request arbitration by hand delivery or by certified or registered mail of a written notice to the Town Manager within twenty-one (21) calendar days of his/her decision in STEP 3 above. Said written notice of arbitration shall include a written statement of the position of the Union with respect to the issues upon which arbitration is being sought. Under no circumstances shall the issues to be arbitrated be expanded from the issues raised at STEP 2 of the grievance procedure.

13.5 Within ten (10) calendar days from receipt of such notice of arbitration, the parties (or either party) shall request a list of nine (9) qualified arbitrators from the Federal Mediation and Conciliation Service. The party requesting arbitration will strike an initial name from the list of arbitrators, with the parties thereafter alternately eliminating, one at a time, from said list of names, persons not acceptable, until only one (1) remains, and this person will be the arbitrator.

13.6 As promptly as possible after the arbitrator has been selected, he/she shall conduct a hearing, consider the grievance, and render his/her decision. It shall be the obligation of the arbitrator to make his/her best effort to rule within thirty (30) calendar days after briefs

are filed. The expenses of the arbitration, including the fee and expenses of the arbitrator, shall be shared equally between the parties. Each party shall bear the expense of its own witnesses and of its own representatives, including attorneys, for purposes of the arbitration hearing.

13.7 The arbitrator shall have no authority to change, amend, add to, subtract from, or otherwise alter or supplement this Agreement, or any part thereof, or amendment thereto. The arbitrator shall have no authority to consider or rule upon any matter which is stated in this Agreement not to be subject to arbitration or is not a grievance as defined in this Agreement; nor shall this Collective Bargaining Agreement be construed by the arbitrator to supersede applicable state and federal laws.

13.8 The arbitrator may not issue declaratory opinions and shall confine himself/herself exclusively to the grievance which is presented to him/her. The standard by which the action at issue is to be judged is whether there is a violation of this Agreement. The arbitrator's decision shall be final and binding.

GENERAL PROVISIONS

13.9 No decision of any arbitrator or of the Town Council or the Town Manager in any one case shall create a basis for retroactive adjustment in any other cases. All claims for back wages shall be limited to the amount of wages involved less any unemployment compensation and/or interim earnings that he/she may or might have received during the period involved.

13.10 The resolution of any grievance by the arbitrator or Town Council or the Town Manager resulting in retroactive adjustment, including back wages, shall be limited to a thirty (30)-day period prior to the date of the filing of a grievance at STEP 1.

13.11 It is agreed with respect to this grievance resolution procedure that:

- A. It is the intent of the parties that a grievance must be raised at the earliest possible time. Any grievance, in order to be entertained and processed, must be submitted in a timely manner by the grievant (whether the grievant be the Union or an individual employee).
- B. Grievances not submitted by the grievant in a timely manner shall be conclusively barred on the merits following the expiration of the prescribed time limit. The arbitrator, the Town Council, or the Town Manager (whichever is applicable) may conduct one hearing to address both the procedural and substantive issues; however, the procedural issues will be ruled upon before addressing the merits of the dispute. A grievance which is, for any reason, not the subject of a timely response by the Town or the Department shall require the grievant to proceed to the next step, and failure to proceed on a timely basis to the next step shall bar the grievance.
- C. The employees covered hereunder may avail themselves of the procedures under Steps 1, 2, and 3 of this Article without regard to Union representation or membership except as provided by Chapter 447, Florida Statutes. (Only the Union may proceed to arbitration or the Town Council, whichever is applicable.) Should an employee elect not to have Union representation, the Town shall provide the Union with copies of all documents filed by the employee or issued by the Town in connection with the grievance.

13.12 The parties agree that the above grievance resolution procedure shall be the exclusive procedure for resolving grievances as defined in paragraph 13.1 above; provided, however, that except for a performance evaluation determination made by the Town Manager, either party shall be entitled to seek review of the final determination of the arbitrator, the Town Manager or the own Council (whichever is applicable) in the circuit court.

ARTICLE 14

DRUG AND ALCOHOL TESTING

14.1 The Town, the Union, and the employees covered hereunder mutually agree that employee substance and alcohol abuse may constitute a danger to the employee, fellow employees, and the general public. It is further agreed that the safety of public property and equipment and the image of the Town and its employees are placed in jeopardy if an employee is involved in substance or alcohol abuse. Accordingly, the Union and the employees covered hereunder agree that the Town shall have the right and authority to require employees to submit to appropriate drug and alcohol testing to detect the presence of any controlled substance, narcotic, drug, or alcohol in accordance with the provisions of the Town's Personnel Manual, and the Department's Rules and Regulations, and Departmental Procedure #231, governing substance abuse, including drug and alcohol use.

14.2 Notwithstanding any other provision of this Article, the Town's Personnel Manual Regulations, and the Department's Rules and Regulations, and Departmental Procedure #231, a positive result on any drug or alcohol test may result in appropriate disciplinary action up to and including termination. An employee's refusal to submit to drug or alcohol testing in accordance with the provisions of this Article may result in disciplinary action up to and including termination.

Should the Town deem appropriate, it may order an employee, who has tested positive, to undergo rehabilitation in lieu of, or in combination with, disciplinary action. The terms and conditions of such rehabilitation and any follow-up testing shall be prescribed by the Town in consultation with a physician, psychologist, or other substance abuse treatment professional.

14.3 Any testing administered under this Article shall be administered by an appropriate laboratory or testing facility in accordance with the testing procedures set forth in Departmental Procedure #231.

14.4 The Town has the absolute right to randomly test any bargaining unit member for the existence of alcohol, illegal drugs, or other controlled substances. The selection of an employee for random testing shall be made by a valid method, such as a random number table, a computer based random number generator that is matched with employees' payroll identification numbers or other comparable identification number, or other method which is required and administered by established testing entities.

ARTICLE 15

PERFORMANCE REVIEW

15.1 Employees shall be evaluated periodically by their immediate supervisors. Such evaluations shall be reviewed and approved by non-bargaining unit Department management. Performance evaluations shall be conducted in accordance with such standards and procedures as are established (and from time-to-time revised) by the Town. In the event the Town exercises its right to revise or amend the performance evaluation standards or procedures, it shall provide a courtesy copy of such revisions or amendments to the Union at least seven (7) calendar days prior to implementation.

15.2 Performance evaluations will be considered by the Town and the Department in such personnel matters as promotions, transfers, demotions, terminations, disciplinary actions, and performance-based bonuses.

15.3 A non-probationary employee shall have the right to appeal his/her performance evaluation (rating) through Steps 1, 2 and 3 of the Grievance Resolution Procedure (Article 13).

15.4 The appeal (grievance resolution) procedures set forth in paragraph 15.3 shall be the sole and exclusive procedure for appealing a performance evaluation. (Step 4 in Article 13 of this Agreement cannot be utilized to appeal a performance evaluation.) Throughout the process of appealing his/her performance evaluation, the employee shall, at all times, have the burden of proving that his/her performance evaluation was arbitrary and capricious. With respect to an appeal of a performance evaluation, the decision of the Town Manager (or his designee) in Step 3 of Article 13 of the Grievance Resolution Procedure shall be final and binding on the parties. Probationary employees shall not be entitled to appeal their performance evaluations pursuant

to the appeals (Grievance Resolution) procedure in paragraph 15.3 or any other appeals procedure.

ARTICLE 16

PROMOTIONS

16.1 Vacancies in the Driver-Operator classification shall be filled in accordance with the applicable selection processes set forth in Article II, Sections 2-2.2 of the Department's Rules and Regulations. Such vacancies will, insofar as possible, be filled within sixty (60) calendar days after the vacancy occurs.

16.2 Notices of promotional examinations shall be posted on the Department bulletin board at each work location at least ninety (90) days in advance of a target promotional examination date. The written examination will be held no sooner than ninety (90) days after the notice, nor later than one hundred twenty (120) days after the notice. Source materials from which the examination is drawn will be identified in the examination announcement or concurrent with the issuance of such announcement. Such source materials shall be in print or otherwise obtainable.

16.3 No employee shall be permitted to apply for a promotional examination after the closing date set forth in the examination announcement. Such closing date will be between thirty (30) and thirty-five (35) days prior to the date of the examination.

16.4 In order to be eligible to take a promotional examination, an employee must meet the applicable minimum employment standards set forth in Article II, Sections 2-2.1 of the Department's Rules and Regulations and the applicable educational requirements set forth in Department Procedure #228 as of the closing date for the written examination.

16.5 No employee shall be eligible to take a promotional examination if he/she has received a suspension or higher-level disciplinary action during the twelve (12) months preceding the closing date for the written examination or at any time until the date the examination process is completed.

16.6 A promotional eligibility list shall remain in effect for two (2) years from the date the eligibility list is established or until there are no names remaining on the eligibility list, whichever occurs first. In an effort to maintain a continuous eligibility list, the Town shall make a reasonable effort to produce a new eligibility list in advance of the two (2)-year expiration date of the current eligibility list.

16.7 Upon his/her written request, any applicant on a promotional eligibility list shall be permanently removed from such promotional eligibility list. Any applicant on a promotional eligibility list shall automatically be permanently removed from such list if he/she receives a suspension or higher-level disciplinary action. In the Fire Chief's discretion, an applicant on a promotional eligibility list may be temporarily removed from such promotional eligibility list if the applicant is on light duty, on disability leave or any other leave of absence, or if the applicant otherwise is not working or is unavailable for work, at any time after the promotional eligibility list is established. Prior to temporarily removing an applicant from a promotional list, the Fire Chief shall advise in writing the applicant of his intention and shall provide him/her with an opportunity to respond thereto.

16.8 Selections for promotions from the promotional eligibility list for Driver-Operator shall be made by the Fire Chief utilizing the Rule of Five (5). Pursuant to the Rule of Five (5), the top five (5) candidates on the promotional eligibility list will be considered for the promotional

vacancy. (The Fire Chief may choose any one of the top three candidates on the promotional eligibility list.) If there is a second promotional vacancy after the first selection is made, the number six (6) candidate on the list will be added to the remaining four (4) in order to make five (5) candidates eligible for the next selection. This method will continue until the list is exhausted or expires. Should the Fire Chief pass over a higher ranked candidate in applying the Rule of Five (5), the Fire Chief shall informally counsel the passed over candidate prior to announcing the candidate(s) selected. Any employee who is selected for but refuses a promotion shall automatically be removed from the promotional eligibility list. The Fire Chief, in his sole and exclusive discretion, may reinstate such employee to the promotional eligibility list if he/she determines that the employee had good and sufficient reason for refusing the promotion and the employee's reinstatement to the promotional eligibility list would be in the best interest of the Department.

16.9 The promotional process shall be set forth in paragraph 16.1 above and as specified in Departmental Rules and Regulations, Article II, Sections 2-2.2.

ARTICLE 17

WAGES

17.1 For Fiscal Year 2019-20, effective November 2, 2019, bargaining unit employees will be slotted into the Fire Step Plan in Appendix A using the Evergreen Solutions Move Towards Market Formulaic Outline.

17.2 For Fiscal Year 2022-23, bargaining unit employees will advance one step in the Fire Step Plan effective upon their annual performance review due date. Each step of the Fire

Step Plan shall be increased by the amount of any Town-wide Cost of Living Adjustment (COLA) adjustment approved by the Town Council for the fiscal year.

17.3 For each fiscal year of this Agreement, bargaining unit employees shall be provided performance bonuses using the same program as the Town's non-bargaining unit, non-exempt employees.

ARTICLE 18

WORK WEEK

18.1 Twenty-four (24)-hour shift employees shall be regularly scheduled to work twenty-four (24) hours on duty followed by forty-eight (48) off duty, with an additional scheduled unpaid Relief Day (24-hour shift) every seventh shift.

18.2 The starting time for twenty-four (24)-hour shift employees is 0800.

18.3 Relief Days will be assigned by the Fire Chief or their designee based upon Departmental needs and may be re-assigned as needed.

18.4 The Battalion Chief may, at his discretion, approve the voluntary exchange of Relief Days on a temporary basis by two comparably qualified employees in accordance with Departmental Rules and Regulations Section 8-4.1.

ARTICLE 19

OVERTIME

19.1 All work performed by twenty-four (24)-hour shift bargaining unit employees, up to and including one hundred fifty-nine (159) hours in a twenty-one (21) day work cycle, shall be paid at the employee's straight time rate of pay. Work performed in excess of one hundred fifty-nine (159) hours in the twenty-one (21) day work cycle shall be paid at time and one-half (1.5)

the employee's straight time rate of pay. Only time actually worked, annual (vacation), floating holiday, and personal days shall be counted for the purpose of calculating overtime. When an employee utilizes sick, injury, compensatory, worker's compensation, LTD, bereavement, military, jury duty, or any other paid or unpaid leave during the twenty-one (21) day work cycle, such leave time shall not be considered time worked and shall be excluded from the calculation of overtime.

19.2 Overtime shall be calculated and paid in one-half (1/2)-hour increments.

19.3 An overtime eligibility list shall be maintained within Telestaff to ensure that overtime is offered in a manner that is most efficient to the Department and equitable to the employees. The overtime eligibility list is accessible from the Telestaff program. On-duty officers shall use this list in the event that an employee must be called for overtime.

Minimum staffing on shift must be maintained. Vacant positions should be filled with the most qualified person for the position available, whether it be the overtime person or a more qualified person on duty. When overtime is used to fill a vacant officer's position, officers and acting officers shall be given primary consideration.

The following guidelines shall be used when overtime is needed to meet minimum staffing requirements:

- A. Personnel on their Relief Day, sorted by the lowest amount of shift overtime hours, shall be contacted first.
- B. Personnel working the off-going shift, sorted by the lowest amount of shift overtime hours, shall be contacted next. The employee with the lowest amount of overtime hours shall be contacted first.

- C. Personnel who are off-duty shall be contacted next. The employee with the lowest amount of overtime hours shall be contacted first.
- D. When two or more employees in categories A, B, or C have the lowest amount of overtime hours, the employee with the highest seniority shall be called first.
- E. If staffing requirements are not met with volunteers pursuant to A through C above, the same process using A through C above shall be followed to mandate overtime assignment(s), provided that the employee with the lowest seniority in the position being filled will be called (mandated) first on a rotating basis (i.e., once the employee with the lowest seniority fills the mandatory overtime, he/she will rotate to the bottom of the list). The position being filled will be based on the lowest classification needed after all promoted rank positions are filled by existing on-duty shift personnel holding the rank required for the position or by utilizing personnel qualified to “act” in the position needed.
- F. After being assigned “mandatory overtime,” the employee assigned the mandatory overtime has the following options:
 - a. Work the mandatory overtime as assigned, or
 - b. Make arrangements for a qualified volunteer employee(s) to work the mandatory overtime hours.

19.4 Time accrued due to special details (PIP, CPR classes, physicals, etc.), Public Assembly Inspections and Special Assignment Overtime will not be included for the purpose of

this overtime limit. Absent unusual circumstances (e.g., natural disaster, major fire, etc.), employees shall not be required to work in excess of two (2) consecutive shifts.

19.5 Nothing in this Article shall be construed to require the payment of straight time or overtime for attendance at training seminars or classes unless such seminars or classes were specifically authorized by the Fire Chief prior to the attendance.

ARTICLE 20

SHIFT EXCHANGE

20.1 Shift employees will be allowed shift exchanges in accordance with the provisions of Section 8-4 of the Department's Rules and Regulations; provided that Section 8-4 of the Department's Rules and Regulations shall be modified or interpreted to:

- A. Allow shift exchanges on an hour for hour basis, and
- B. Require that requests for shift exchanges be submitted no less than twelve (12) hours prior to the beginning of the shift during which the exchange will occur.
- C. A bargaining unit employee who, due to use of sick leave or family sick, fails to work the agreed upon exchange as indicated on the submitted request shall be disqualified from consideration for future shift exchanges for a period of 6 months unless the employee provides documentation from a healthcare provider justifying the failure to work the exchanged shift.

ARTICLE 21

CALL-BACK

21.1 When an emergency call-back is ordered for a fire or medical emergency or mutual aid, employees called back will be paid for the actual time worked (i.e., logged-in to logged-out) at their straight time rate or time and one-half rate, whichever is applicable under paragraph

19.1. Employees called back hereunder shall receive a minimum of three (3) hours pay at their straight time rate or time and one-half rate, whichever is applicable under paragraph 19.1. Under no circumstances (and notwithstanding any provision of the Department's Rules and Regulations) shall travel time be paid in connection with a call-back.

ARTICLE 22

EDUCATIONAL ASSISTANCE

22.1 Employees covered hereunder are eligible to receive tuition reimbursement for (a) approved job-related courses of a non-degree program, and (b) approved non-job-related and job-related elective and core courses required for an accredited, job-related degree program. An employee who wishes to receive such tuition reimbursement must have his/her application for educational assistance approved by the Fire Chief and the Human Resources Director prior to enrolling in the course. The amount and other conditions relating to tuition reimbursement shall be governed by the provisions of the Town's Personnel Manual and Article XII, Section 12-3.3 of the Department's Rules and Regulations.

22.2 Employees in their initial probationary period will not be eligible to apply for or receive tuition reimbursement. Any employee leaving the employment of the Town less than one full year after the latest date of reimbursement for education assistance shall be required to repay the full amount of any payments made to him/her in the previous 12 months in the form of reimbursements for education expenses or bonuses for educational or vocational accomplishments, certifications or licensing.

ARTICLE 23

CERTIFICATION

23.1 All employees shall be responsible for making certain that the required state licenses and certifications for their positions are maintained and updated. The loss of such required licenses or certifications may be grounds for reduction in rank or salary, suspension, or termination.

23.2 The Town will make available in-house Paramedic and EMT Recertification courses to enable the employees covered hereunder to take such courses while on duty. It shall be the responsibility of the employee to make himself/herself available to take such required Recertification courses while on duty. If an employee does not take such required Recertification courses while on duty, off-duty attendance at such courses shall not be considered as time worked, and the Town shall not be required to reimburse the employee for tuition or other fees.

23.3 If the Town requires the employee to take a Recertification course which is not required by the State of Florida and is not available to the employee while on duty, the off-duty time spent by an employee classified as a Lieutenant to take such course shall be considered as time worked.

23.4 Any employee who accepts a position in the Paramedic program under the Town's sponsorship arrangement shall sign an agreement indicating that the employee will remain certified and function as a Department protocolled Paramedic as a condition of employment for a period of ten (10) years unless the employee is unable to do so due to illness or injury. Additionally, any such employee shall remain employed for at least three (3) years or repay the cost of the sponsorship, as follows: (a) if the employee voluntarily leaves employment less than

one (1) year after completion, the employee will repay the entire cost of the sponsorship; (b) if the employee voluntarily leaves employment less than two (2) years after completion, the employee will repay sixty-seven percent (67%) of the cost of the sponsorship; and (c) if the employee voluntarily leaves employment less than three (3) years after completion, the employee will repay thirty-three percent (33%) of the cost of the sponsorship.

ARTICLE 24

UNIFORMS

24.1 Uniform issuance, use, and replacement will be in accordance with the Department's Rules and Regulations, Article X.

ARTICLE 25

VACATIONS

25.1 In accordance with the Town Personnel Manual, shift employees covered hereunder (i.e., employees on 24-hour shifts are provided an adjusted annual leave policy in lieu of a separate holiday program. Annual leave shall be earned, accrued, used, and scheduled in accordance with Article IX, Section 9-1 and 9-1.1 of the Department's Rules and Regulations, the Town's Personnel Manual, and the following additional provisions:

A. Each employee will be guaranteed one primary vacation period per year of one to five (1-5) consecutive leave days. In addition, each employee will be allowed a secondary vacation selection not to exceed three (3) consecutive leave days. This secondary vacation selection, however, is not guaranteed. The Fire-Rescue Chief, at his discretion, may allow additional consecutive leave days for either the primary or secondary selections. Vacation

periods shall not exceed thirty (30) calendar days unless approved in writing by the Fire-Rescue Chief or his designee. Vacation periods shall run from February 1st to February 1st.

B. Vacation selection will commence on October 1st and end December 31st of the year preceding the vacation period. Vacation selection will be conducted on a seniority basis.

C. For purposes of vacation scheduling, a total of two employees (officers and non-officers) will be permitted to schedule annual leave per shift, per tour of duty. (Note: In accordance with existing procedure, other leave such as personal days and floating holidays are also subject to these annual leave “slots.”) Where staffing permits, the Battalion Chief may authorize a third annual leave “slot.” Such third annual leave slot (A/L #3) must be requested in the same manner as other annual leave in accordance with Article IX, Section 9-1 and 9-1.1 of the Department’s Rules and Regulations and Section 25.2 below. Additionally, if A/L #3 is to be taken the day of the shift, such leave will be granted by seniority, and the employee taking such leave shall be required to remain on duty until all positions are covered. Employees wishing to “guarantee” an A/L #3 shall do so by securing a standby. Such standby shall be handled in the same manner as a shift exchange and shall be subject to the applicable provisions of Article 20 (Shift Exchange). When authorized (budgeted) Departmental staffing reaches 27 employees per shift, including the Battalion Chief, the above annual leave slots, which include personal days and floating holidays, shall be increased from 2 to 3 per shift, per tour of duty, and the Battalion Chief may authorize a fourth annual leave slot (A/L #4), if staffing permits. Such additional annual leave slot (A/L #4) shall be subject to the above provisions governing A/L #3.

D. After primary and secondary vacation selections are completed, the Battalion Chief, in his discretion, may close any unused annual leave slots for the purpose of utilizing such slots to send employees to out-of-town classes or otherwise ensure proper staffing without incurring additional overtime expenses.

25.2 Annual leave must be requested at least twelve (12) hours prior to the beginning of the shift for which annual leave is requested. "Turning back" (cancellation of) previously approved annual leave must be requested at least forty-eight (48) hours in advance of the shift for which annual leave was previously approved.

25.3 Annual leave may be used in one (1) hour increments; however, when two or more employees are requesting annual leave during the same time period, the longer request will be awarded first.

25.4 Nothing in this Article shall restrict the authority of the Fire-Rescue Chief to implement a vacation policy that ensures employees will not lose vacation time and the Town will not be forced to staff through overtime involuntarily.

ARTICLE 26

PERSONAL DAYS AND FLOATING HOLIDAYS

26.1 Personal Days — After completing six months of service with the Town, all regular, full-time employees are eligible to receive personal days. Employees working 24-hour shifts are eligible to receive 1-1/2 duty days (36 hours) which must be taken in minimum 12-hour increments. Employees working a 40-hour schedule are eligible for 3 days (24 hours) to be taken in minimum increments of 4 hours.

Personal days must be taken within the calendar year earned or they will be forfeited. Personal days will not be paid upon termination of employment, nor used during the required notice of termination.

26.2 Floating Holidays — After completing six months of service with the Town, all regular, full-time employees are eligible to receive a Floating Holiday. Employees working 24-hour shifts are eligible to receive one-half duty day (12 hours). Employees working a 40-hour schedule are eligible for one day (8 hours).

The Floating Holiday must be taken within the calendar year earned or it will be forfeited. The Floating Holiday will not be paid upon termination of employment, nor used during the required notice of termination.

26.3 In accordance with existing procedure, personal days and floating days must be requested at least seven (7) calendar days in advance. “Turning back” (cancellation of) a previously approved personal day or floating holiday must also be requested at least seven (7) calendar days in advance.

ARTICLE 27

BEREAVEMENT LEAVE

27.1 In case of death in the immediate family, a regular, full-time employee may be granted leave of absence with pay for the workdays falling within the period between the time of death and the day of the funeral, not to exceed three (3) days (one duty day for 24-hour shift employees) for a funeral within the State of Florida. “Immediate family” is defined as wife, husband, child, brother, sister, parent, grandparent, grandchildren, and any relative permanently

residing in the employee's household. For a funeral outside the State of Florida, such leave shall not exceed five (5) days (two duty days for a 24-hour shift employee).

27.2 Upon approval by the Fire Chief, sick leave may be used by eligible employees (those who have completed a minimum of six (6) months of employment) to attend the funeral of a parent-in-law, brother-in-law, sister-in-law, step-parent. For 40-hour employees, such time shall not exceed three (3) days for a funeral within the State of Florida, or five (5) days for a funeral held outside the State of Florida. For 24-hour shift employees, such time shall not exceed one (1) duty day for a funeral held within the State of Florida or two (2) duty days for a funeral held outside the State of Florida.

In the event that sick time is approved for bereavement time off, the Fire Chief will be responsible to notify the Director of Human Resources by memorandum with the name of the employee, number of sick days taken, actual dates, and the relationship of the deceased to the employee. The memorandum should be received by Human Resources prior to the affected payroll sheets.

ARTICLE 28

COURT TIME

28.1 Any employee in a bargaining unit classification who is required to make an off-duty appearance as a subpoenaed witness in any court, administrative proceeding, or deposition arising out of the employee's duties, will be compensated for the appearance at the rate of straight time or time and one-half the employee's regular hourly rate for the time actually spent in such off-duty court, administrative, or deposition appearance. The employee will receive a minimum of two (2) hours at his/her straight-time or time and one-half rate, whichever is

applicable. As a condition precedent to the Town paying any compensation hereunder, the employee will endorse over to the Town any subpoena fee, including mileage and witness fees, received. Transportation to and from such off-duty appearance shall be the sole responsibility of the employee.

ARTICLE 29

JURY DUTY

An employee who is summoned and reports for jury duty, as prescribed by applicable law, shall be paid in an amount equal to the difference between the amount of wages the employee otherwise would have earned by working a regular shift during straight time hours that day and the daily jury duty fee paid by the courts (not including traveling allowances, or reimbursement of expenses) for each day in which he/she reports for, or performs jury duty, and on which he/she otherwise would have been scheduled to work. If jury duty falls outside the employee's regular shift, no reimbursement shall be made.

ARTICLE 30

INSURANCE AND MISCELLANEOUS BENEFITS

The employees covered hereunder shall be provided health, dental, flex plan, long-term disability (LTD), Life Insurance, EAP, ICMA-RC, and workers' compensation benefits and programs under the same terms and conditions as are applicable to the other Town employees. The employees covered hereunder shall be eligible for the Town's Health Savings Account Program and the Town's Retirement Health Savings Plan under the same terms and conditions as are applicable to the other Town employees. Should the Town change the terms and conditions of the aforesaid benefit programs, including, but not limited to, employee premiums and benefits,

the employees covered hereunder shall be subject to such changes on the same basis as the other Town employees.

ARTICLE 31

DOCUMENTS

31.1 The Town shall provide copies of public documents to the Union on the same basis as such documents are provided to other members of the public. Where the cost to the Union of such documents is likely to include labor charges (i.e., charges beyond the price of photocopies), the Town will provide the Union with an itemized estimate of the proposed charges in order that the Union can determine whether it wishes to proceed with its request for documents.

31.2 Public documents requested by the Union shall be provided within a reasonable time; provided that the Union makes full payment to the Town in advance of delivery. Where a document request involves substantial photocopying costs and/or labor charges, the Town will not be required to commence copying, compilation, and/or other production activities until the Union enters into a written agreement confirming that it will pay the itemized costs involved.

31.3 Notwithstanding the foregoing, the Town will provide the Union, without cost, a copy of each of the following documents:

- A. The Annual Budget
- B. The Annual Audited Financial Statement
- C. Any Amendment to the Town's Personnel Manual, the Department's Rules and Regulations, or the Department's Procedures.

ARTICLE 32

STATION CONDITIONS

32.1 The Town shall continue to provide washing machines and dryers in each of the fire-rescue stations. Such washing machines and dryers are to be used to clean noncontaminated work uniforms, linens, towels, and other items used in the fire-rescue stations. Such washing machines and dryers are not to be used for personal laundry.

32.2 For the purpose of washing personal protective clothing and contaminated work uniforms, the Town has provided a heavy-duty washer/extractor at Station No. 3. Noncontaminated work uniforms and linens, including blankets, shall not be cleaned in the washer/extractor.

32.3 The Town agrees to comply with all health and safety laws and regulations governing its Fire Stations. The parties, including the bargaining unit employees, agree to jointly cooperate to maintain a safe and healthy work environment.

ARTICLE 33

LABOR RELATIONS COMMITTEE

33.1 There shall be a Labor Relations Committee comprised of three (3) employees designated by the Union, and three (3) non-bargaining unit employees designated by the Town.

33.2 The Labor Relations Committee shall meet quarterly at a time and date mutually agreed upon by the parties. The purpose of the Labor Relations Committee meetings shall be to improve communications and discuss problems and objectives of mutual concern. Such meetings shall be off-the-record in nature, and the discussions shall not be recorded or otherwise documented unless the parties mutually agree in writing to document a particular item. Labor

Relations Committee meetings shall not be for the purpose of (or constitute) collective bargaining.

ARTICLE 34

PREVAILING RIGHTS, RULES, AND REGULATIONS

34.1 Except as otherwise provided in this Agreement, the wages, hours, and other conditions of employment of the bargaining unit employees shall be those specifically set forth or specifically incorporated by reference in this Agreement.

34.2 Except as restricted by a specific provision of this Agreement, the Union agrees that the employees covered hereunder shall comply with all programs, policies, and procedures of the Town and the Department, and any amendments thereto.

34.3 Should the Town and/or the Department exercise its right to formulate, amend, revise, and/or implement any program, policy, or procedure, the Town or the Department shall provide a courtesy copy of any new (or amended) program, policy, or procedure to the Union at least seventy-two (72) hours prior to the effective date of implementation. Simultaneous with providing a courtesy copy to the Union, the Town or the Department shall post at each fire station the new (or amended) program, policy, or procedure. "Posting" may be accomplished through electronic mail, telecommunication, bulletin board posting, or any other similar means.

34.4 In the event the Town or the Department exercises its right to issue a new (or amended) program, policy, or procedure, no bargaining unit employee shall be disciplined for violation of any such new or amended program, policy, or procedure until the Town and/or the Department has informed the Union of its posting of such new or amended program, policy, or procedure in accordance with the procedure set forth in paragraph 34.3 above. For the purpose

of this Article, hand-delivery or mailing to the Union District Vice President or any other Union steward or representative shall be deemed service upon the Union. Mailing shall be effective upon deposit in the United States Mail by the Town or the Department.

34.5 Nothing contained in this Article shall constitute a waiver of the Union's right to engage in impact bargaining if, and to the extent, required by applicable law.

ARTICLE 35

VOTING

35.1 Employees who are unable to vote during their off-duty hours due to the location of their voting precincts and their work schedules may, in the discretion of the Battalion Chief, be permitted leave without pay (not to exceed two hours) to enable them to vote. To request such leave without pay, the employee shall file a written request with the Battalion Chief advising him/her of the reasons for requesting such leave and providing him/her with confirmation of precinct location and voter registration. Such requests must be made no later than the employee's second-to-last shift prior to the shift for which the leave without pay is being requested.

35.2 It is understood and recognized that employees covered hereunder are normally aware of their upcoming work schedule and, therefore, can vote by absentee ballot if their work schedule causes a conflict with their ability to vote. It, therefore, is further understood that there is no entitlement to leave without pay for voting and that the operating requirements of the Department may preclude such time off (even if previously authorized by the Battalion Chief). Should the Battalion Chief receive a timely request in accordance with paragraph 36.1 above and determine that there are proper grounds for such request, he/she shall schedule the employee's

voting time in such a manner as to not interfere with operational requirements. Under no circumstances shall the granting of a request for leave without pay for voting purposes cause the Department additional payroll costs.

ARTICLE 36

SAVINGS CLAUSE

It is agreed by and between the parties that if any provision(s) of this Agreement is held to be unconstitutional, illegal, or otherwise void, such holding shall not affect the remaining portions of the Agreement.

ARTICLE 37

LIMITATIONS ON REOPENING NEGOTIATIONS

37.1 This Agreement contains the entire agreement between the parties in all matters relative to wages, hours, working conditions, and all other matters which have or could have been negotiated by and between the parties prior to the execution of this Agreement. Neither party shall be permitted to reopen or renegotiate this Agreement, or any part of this Agreement, for the period from its effective date through and including September 30, 2018; provided, however, that this provision shall not be deemed a waiver of the Union's right to impact bargaining if, and to the extent, required by applicable law.

37.2 Notwithstanding paragraph 37.1 above, the parties, by mutual agreement in writing, may reopen and renegotiate any article in this Agreement.

ARTICLE 38

SICK LEAVE AND INJURY TIME

38.1 In accordance with the Town of Palm Beach Personnel Manual, 24-hour shift bargaining unit employees shall accumulate sick leave at the rate of four (4) shift days per year. Department employees shall have their accumulated sick leave reduced by one (1) shift day for each duty day of approved absence due to illness. Sick leave shall begin to accrue as of the date an employee enters the service of the Town but may not be taken until he/she has been in the service of the Town for at least six (6) months. Should an employee be absent because of illness during his/her first six (6) months of service, he/she must be placed on leave of absence without pay.

38.2 The applicable policies for accruing and utilizing sick leave and those pertaining to injury time are set forth in Article IX, Sections 9.2, 9-2.1, 9-2.2, 9-2.2.1, 9-2.3, 9-2.4, 9-2.5, 9-2.6, 9-2.7, and 9-3 of the Department's Rules and Regulations and the provisions of the Town Personnel Manual; provided, however, that notwithstanding any provision of the aforesaid Departmental Rules and Regulations or the Town's Personnel Manual, the following shall apply to the employees (other than those on workers compensation leave and FMLA) covered hereunder:

A. Twenty-four (24) hour shift employees who have used more than ninety-six (96) hours of sick leave in the prior calendar year OR who have used more than ninety-six (96) hours of sick leave in the current calendar year must provide documentation from a healthcare provider in order to be eligible for paid sick leave. Eight (8) hour shift employees who have used more than forty (40) hours of sick leave in the prior calendar year OR who have used more than forty

(40) hours of sick leave in the current calendar year must provide documentation from a healthcare provider in order to be eligible for paid sick leave. Management, however, can reinstate the requirement that the first shift of illness for a bargaining unit employee be documented to be paid if it determines that such action is necessary to address excessive absenteeism or abuse by that employee.

B. There shall be no use of sick leave on a partial shift basis unless documented – i.e., sick leave for 24-hour shift employees shall be used in 24-hour increments and sick leave for 8-hour (40-hour week) employees shall be used in 8-hour increments.

C. If the employee claims sick leave while on vacation leave, vacation leave may not be converted to sick leave without a physician's certification of the exact nature and time of the illness which is the basis of the claim.

D. More than four occurrences of sick leave for 24-hour shift employees or five occurrences of sick leave for 8-hour (40-hour week) employees will result in ineligibility for wage increases, promotional opportunities, and/or other benefits AND disciplinary action in accordance with the following schedule:

24 Hour Employees

Occurrences:	Fifth	Sixth	Seventh	Eighth	Ninth
Ineligible for:	Shift Exchanges and Overtime	Longevity, and Bonuses	Wage Increases	Promotional Opportunities	

Discipline:	Oral Reprimand	Written Reprimand	Suspension 12 hours	Permanent Demotion/Loss of Assignment (if applicable) or 24 hour Suspension if above not applicable	Termination
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8 Hour (40 Hours a Week) Employees

Occurrences:	Sixth	Seventh	Eighth	Ninth	Tenth
Ineligible for:	Loss of Flex Time and Overtime	Longevity, and Bonuses	Wage Increases	Promotional Opportunities	
Discipline:	Oral Reprimand	Written Reprimand	Suspension 4 hours	Permanent Demotion/Loss of Assignment (if applicable) or 8 hour Suspension if above not applicable	Termination

The above schedules of occurrences are based on the members' performance evaluation period, and penalties (disincentives) will be applied "rolling forward" one year from the date of issuance of discipline.

38.3 The Town shall provide Workers' Compensation benefits in accordance with Section 5-5 of the Town's Employee Personnel Manual; provided, however, that notwithstanding any provision of Section 5-5 or any of its subsections, no employee shall be entitled to receive any extended compensation from the Town beyond the initial thirteen (13) week period of base pay compensation. The Town Manager, may, in his discretion, extend compensation beyond the initial thirteen (13) week base pay compensation if he determines there are unusual or extenuating

circumstances. In no event shall such extended compensation exceed an additional thirteen (13) weeks of base pay.

38.4 The parties agree and understand that the nature of the duties and responsibilities of the employees covered hereunder requires that such employees remain physically and mentally capable of performing such duties and responsibilities. Should the Fire Chief (or designee) have a reasonable belief that an employee covered hereunder may not be physically or mentally capable of performing his/her job duties and responsibilities, the Fire Chief (or designee) shall have the right to order such employee to undergo a fitness for duty examination/evaluation (at the Town's expense) by the Town physician or other appropriate medical, psychological, or vocational professional designated by the Town.

ARTICLE 39

PHYSICAL ABILITIES TEST

39.1 The parties agree to work together to establish a wellness program which will include physical abilities testing.

ARTICLE 40

LIGHT DUTY

40.1 Light duty assignments shall be limited to those employees who are unable to perform their regular job due to an on-the-job (workers' compensation) injury.

40.2 Light duty assignments may be made in the discretion of the Fire Chief. An employee who sustained a work-related injury/illness and has been released by a physician to return to work with restrictions shall present the Fire Chief with a physician's statement detailing his/her condition and work limitations. If the Fire Chief determines that productive work is

available in the Fire-Rescue Department consistent with the employee's medically certified restrictions, the Fire Chief may assign the employee to such work. An employee assigned to such work shall be compensated at the rate of pay applicable to his regular job; provided, however, that a shift employee assigned to 40-hour a week "light duty" job will receive the pay applicable to his/her regular shift job.

40.3 In the sole and exclusive discretion of the Fire Chief, an employee injured off-the-job may be offered alternative (temporary) employment in a position other than his/her regular job; provided that productive work is available and such work is consistent with the employee's medically certified restrictions. The wages, hours, and other conditions of such alternative (temporary) employment shall be those mutually agreed upon by the Town and the employee.

ARTICLE 41

RETIREMENT BENEFITS

41.1. Bargaining unit employees shall be provided retirement benefits in accordance with the Town's Retirement System Ordinance, which shall be amended to reflect the changes in Ordinance No. 35-2019.

ARTICLE 42

DURATION

This Agreement shall take effect upon October 1, 2022, and shall remain in full force and effect until and including September 30, 2023. In order to negotiate the provisions of a new agreement to succeed the provisions of this Agreement, the parties agree to commence negotiations for a successor agreement upon request by either party and negotiations shall then proceed in accordance with applicable law. If a new collective bargaining agreement is not

reached within an appropriate period of time, either party shall be free to invoke the impasse resolution procedures available under Florida law.

SIGNATURE PAGE

For Local 2928:

Jeffrey Newsome
President

(Date)

For the Town:

Kirk Blouin
Town Manager

(Date)

This Agreement was approved by the Town Council of the Town of Palm Beach this ____ day of _____, 2022.

Margaret Zeidman
Town Council President

Attest:

Patricia Gayle-Gordon
Acting Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town-wide Undergrounding Project:

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

- a. Review of Project and Dashboard, Summary of Project Status
- b. Review of Proposed North County Road Alignment

Presenter

ATTACHMENTS:

- ▣ **a. Review of Project and Dashboard, Summary of Project Status**
- ▣ **b. Memorandum dated September 26, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **b. Photographs**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2022

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: September 26, 2022

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.

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 93% complete. Presently working with FPL to switching. All conversions are complete. Paving has begun. FPL has begun removing poles.

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. Staff has reached a new arrangement with FPL to initiate energizing feeders before construction is complete. This should improve construction schedule. The southern part of Phase 3 South is being energized now.

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.

Phase 4 South:

From Peruvian to Royal Palm Way

- Construction is 20% 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 40% 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 26% 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 68% complete and on schedule.
- 51 of 79 (65%) easements approved.

Phase 7 South:

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

- Design is 68% complete and on schedule.
- 29 of 57 (51%) easements approved.

Phase 8:

Royal Poinciana Way north to Everglade Ave.

- Design is 28% complete and on schedule.
 - 7 of 95 (7%) easements approved.
-

III. FINANCIAL SUMMARY:

A. FEMA Grant Update:

- Quarterly submittals are in for approval.
- Second reimbursement payment was received.

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 Cost Proposal	Master Plan 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%
Totals	\$53,142,525.02	\$51,030,000.00	\$2,112,525.02	+4.1%

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

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2022

TO: Mayor and Town Council

VIA: Kirk. W. Blouin, Town Manager

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

RE: Review of Proposed North County Road Alignment

DATE: September 26, 2022

STAFF RECOMMENDATION

Town staff is recommending an application be submitted to the Landmarks Preservation Commission to modify North County Road between Wells Road and Miraflores Drive, which includes the North County Road tree canopy which was designated as a landmark in January 2014.

GENERAL INFORMATION

There are several concerns along North County Road that have been identified in past communications from residents and stakeholders including: poor drainage, limited sight distance for traffic exiting Canterbury Lane, and sod in the median that is routinely subject to damage and rutting from traffic. However, due to the sensitivity of the Banyan Trees that create the landmarked canopy in this road segment, construction along the roadway section has been avoided in the past. When Public Works identified that the utility Undergrounding Project would require the installation of underground conduits within the North County Road corridor during the summer of 2023, staff decided to address the other concerns along this segment concurrently. The following sections describe the proposed improvements that are currently under design.

Drainage Improvements Along the Roadway and Path

Public Works is having a new roadway profile and cross-section developed for the North County Road corridor that will provide consistent longitudinal and transverse slope along the pavement to existing and proposed stormwater inlets. There will be a limited number of new stormwater inlets installed to improve the drainage system. All proposed improvements have been designed to limit impacts to the roots of the existing banyan trees. The proposed stormwater inlets and pipes are being constructed within zones that have been identified as having the least damaging impact on the existing trees. The proposed roadway is intended to be constructed on top of the existing roadway whenever possible to limit the impact to the existing tree roots.

Improve Safety at the Canterbury Intersection

As part of the proposed improvements, the alignment of the north bound lane is being shifted to the west before and after the Canterbury Lane intersection to allow traffic entering North County Road to have better visibility of oncoming traffic. This shift in alignment will eliminate a portion of the existing median but will not impact the alignment of the southbound lane or impact any existing banyan trees in the corridor.

Protection of the Sod Within the Existing Median

As part of the proposed improvements, a mountable curb will be installed along the edge of the median to protect the sod from traffic, and the new typical section of the median will include well-draining rock, and a geotextile beneath the sod to limit rutting when traffic does drive on the curb.

Preserve and Enhance the Existing Tree Canopy

Prior to the Town Council meeting on October 13, staff and Chen Moore are meeting with the Garden Club to review the proposed road alignment and other changes in the corridor. Staff will also discuss the potential replacement of recent trees lost and the plan for future trees based on life expectancy.

If Town Council concurs with the proposed improvements an application to Landmarks Preservation Commission will be prepared. As part of the application to the Landmarks Preservation Commission, Public Works will present a series of graphic renderings that demonstrate not only the appearance of the new curbing and alignment, but also the evolution of the canopy with time. It has been noted in previous analysis that several of the existing banyan trees are nearing the end of their life and will require replacement. Exhibits will be provided with the Landmarks Preservation Commission application that illustrate a potential succession plan of new trees that will take the place of the trees that will eventually die and require removal.

FUNDING/FISCAL IMPACT

The estimated cost of construction for the roadway including inspections and oversight is \$1.6M. This cost is for the improvements to drainage, realignment of the intersection with canterbury Road, and the upgrades to the median and curbs. This cost does not include the concurrent installation of electrical conduits which is part of the ongoing Undergrounding Project. This cost also does not include the succession planting of banyan Trees to replenish the corridor.

Attachments



WELLS ROAD



CANTERBURY LN BEFORE



CANTERBURY LN AFTER



CHATEAUX DR LOOKING SOUTH



CHATEAUX DR LOOKING NORTH



PHIPPS ESTATES RD



EXISTING CONDITIONS



SUCCESSIONAL PLANTING



5 YEARS



SHELTERWOOD PRUNING



SUCCESSIONAL REPLANTING

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda

Regular Agenda - New Business

Agenda Title

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

Presenter

Julie Araskog, Town Council Member

ATTACHMENTS:

- **Memorandum Dated July 12, 2021, from John C. Randolph, Town Attorney**

Memo

To: Mayor and Town Council
Cc: Kirk Blouin, Jay Boodheshwar, Wayne Bergman
From: John C. Randolph
Date: July 12, 2021
Subject: Zoning Ordinance Restricting Restaurants

Pursuant to your request we have prepared a legal memorandum relating to the matter of regulating the number of restaurants or, in the alternative, the distance between restaurants in the commercial zoning classifications within the Town.

Although this research generally supports the ability of the Town to regulate restaurants in this manner, if you choose to pursue this course of action, there is a considerable amount of study and research which would need to be undertaken prior to proposing any zoning changes. Any changes made in this regard are required to bear a reasonable relationship to the public health, safety, morals and general welfare of the Town, in this case to alleviate traffic and intensity concerns. At the very least, therefore, a study should be undertaken in regard to the effect existing restaurants, as opposed to other commercial establishments, have on traffic and congestion within a particular zoning district. The study should then include the potential effect on traffic and congestion resulting from additional restaurants within the same zoning district. A question which would need to be addressed, as well, is whether it is the close proximity of restaurants in a particular location which causes the problem. A traffic study should be undertaken to determine the effect, the number and/or location of restaurants have upon the public health, safety and welfare.

At this point, we have not been able to locate any other municipalities which regulate the number or location of restaurants within a particular commercial zone, although it is common to regulate by distance, the location of establishments which sell liquor for onsite or offsite consumption, excepting restaurants which serve cooked, full-course meals. It would be helpful to locate precedent for this type of regulation.

We will be prepared to discuss this matter in greater detail at the July Town Council meeting. In the meantime, if you have any questions, please do not hesitate to contact me.

JCR/jsr

E S T .
1 9 2 4

Memo

To: Mayor and Town Council
Cc: Kirk Blouin, Jay Boodheshwar, Wayne Bergman
From: John C. Randolph
Date: July 12, 2021
Subject: Town of Palm Beach (File No. 13156.8)
Research re: Restricting Restaurants in Zoning Districts

ISSUE

Can the Town of Palm Beach ("Town") restrict the number of restaurants in a particular zoning category or, alternatively, create a distance requirement between restaurants and bars to avoid the congregation of these facilities in close proximity to each other, creating traffic and intensity concerns?

SHORT ANSWER

The Town can limit the number of restaurants in a particular zoning category and/or create a distance requirement between restaurants as long as the restrictions on restaurants bear a reasonable relationship to the public health, morals, or general welfare.

Here, the Town's basis for limiting the number of restaurants in a zoning district or, alternatively, establishing a distance requirement between restaurants (i.e., to alleviate traffic and intensity concerns) appears to bear a reasonable relationship to the public health, safety, morals, and general welfare of the Town. Therefore, the Town could likely establish an ordinance restricting the number of restaurants within a particular zoning category or, alternatively, create a distance requirement between restaurants and bars.

DISCUSSION

I. **Town Can Limit Number of Restaurants in Zoning Category If There is a Reasonably Identifiable Rational Relationship Between Restricting Number of Restaurants and Demands of Public Welfare**

In order to be a valid exercise of police power, a zoning ordinance must bear a substantial relation to, or be reasonably necessary for, the public health, safety, morals, or general welfare. *City of Miami Beach v. 8701 Collins Ave., Inc.*, 77 So. 2d 428 (Fla. 1954). Where there is no relation whatsoever between a zoning ordinance and the general welfare of the community, the ordinance will be declared unconstitutional. *Lippow v. City of Miami Beach*, 68 So. 2d 827 (Fla. 1953). Conversely, however, a zoning regulation must be upheld under the rational basis test if reasonable persons could differ as to its propriety; in other words, if the validity of the legislative classification for zoning purposes is fairly debatable, the legislative judgment must be allowed to control. *Kurin v. City of Coral Gables*, 62 So. 3d 625 (Fla. 3d DCA 2010).

A zoning ordinance that restricts or designates the locations of certain uses or types of buildings is a reasonable exercise of police power, pursuant to the authority conferred on municipalities to adopt regulations designed to promote health and the general welfare and to accomplish this with a view to conserving the value of buildings and encouraging the most appropriate use of land. *Cooper v. Sinclair*, 66 So. 2d 702 (Fla. 1953). However, an ordinance whereby the city council delegates to itself the arbitrary and unfettered authority to decide where and how a particular structure will be built or located, without at the same time setting up reasonable standards that would be applicable alike to all property owners similarly conditioned, is invalid. *North Bay Village v. Blackwell*, 88 So. 2d 598 (Fla. 1956).

The public welfare with which the zoning authority and the courts must be concerned is the welfare of the whole community. *Fogg v. City of South Miami*, 183 So. 2d 219 (Fla. 3d DCA 1996). A benefit or anticipated benefit to a special group within the community is not enough. *Id.* Thus, a zoning enactment that prohibited businesses from offering drive-in-service, on the grounds that it enhanced business for other proprietors in the area if customers were forced to get out of their cars to go into a store, was not a valid exercise of the police power. *Id.*

Municipalities may not use their zoning powers to restrict competition in business. *Wyatt v. City of Pensacola*, 196 So. 2d 777 (Fla. 1st DCA 1967). Thus, if the sole purpose of a zoning classification is to restrict competition in an industry, that classification is unconstitutional. *Id.* Legislative restraint upon private business will not be permitted when there is no reasonably identifiable rational relationship between such restraint and the

demands of the public welfare. *Eskind v. City of Vero Beach*, 159 So. 2d 209 (Fla. 1963). Neither the state nor a city can arbitrarily interfere in private businesses or impose unreasonable or unnecessary restrictions upon them under the guise of protecting the public. *Id.* However, although the restriction or control of business competition is not a valid objective or purpose of zoning regulations, protection of the economic value of existing uses is a proper purpose. *Wyatt v. City of Pensacola*, 196 So. 2d 777 (Fla. 1st DCA 1967).

Here, the Town's purpose for enacting an ordinance restricting the number of restaurants within a zoning category is to avoid and alleviate traffic and intensity concerns caused by the congregation of people resulting from restaurants being located in close proximity to each other. Because the stated purpose for this ordinance appears to bear a substantial relation to the public health, safety, morals, or general welfare, this ordinance would likely withstand constitutional scrutiny.

II. Town Can Establish Distance Requirement Between Restaurants/Bars if the Distance Requirement Has Reasonable Relationship to the Public Health, Morals, Safety or Welfare

I was unable to find any legal authority on zoning regulations with respect to distance requirements between restaurants. However, zoning regulations with respect to distance requirements between gas stations and liquor stores have been held to be valid exercises of police power. See *City of Boca Raton v. Tradewind Hills, Inc.*, 216 So. 2d 460 (Fla. 4th DCA 1986) (holding that city's classification of filling stations as enterprises needing special spacing restrictions was fairly debatable and therefore valid, absent a showing that plaintiffs' property was useless for any purpose other than a filling station site); *Ross v. City of Miami*, 205 So. 2d 545 (Fla. 3d DCA 1968) (holding that ordinance prohibiting construction of gasoline station in commercial zones within 750 feet of an existing gasoline station is a proper exercise of police power); *City of Miami v. Thompson*, 169 So. 2d 838 (Fla. 3d DCA 1965) (zoning ordinance requiring 1,050 foot distance between churches and filling stations was constitutional as having relationship to public health, safety, and welfare and was not void or arbitrary); *City of Miami v. Walker*, 169 So. 2d 842 (Fla. 3d DCA 1965) (although owners of property zoned for commercial use were precluded from putting it to what they considered its best use, a filling station, inasmuch as there were many other beneficial uses to which land could be put, ordinance prohibiting erection of filling station within 750 feet of another filling station was not arbitrary or confiscatory); *Orange County v. Costco Wholesale Corporation*, 823 Sp. 2d 732 (Fla. 2002) (County's imposition of a 5,000 foot separation distance between package goods stores, selling alcohol for off-premises consumption, was a constitutional exercise of the police powers; basic

purpose of restricting distances was well founded in the protection of the health and morals of the general public).

However, where a municipality presents no evidence as to the rational or logic for the applicability of a distance between service stations, the court will be unable to say that the distance requirement has a reasonable relationship to public health, morals, safety, or welfare. *City of Miami v. Wysong*, 217 So. 2d 603 (Fla. 3d DCA 1996). The fact that a municipality has permitted several hundred filling stations within the prohibited distance requirements for filling stations does not constitute a waiver of the ordinance by the city, nor equitably estop the city from enforcing the ordinance as to the property owners seeking the a variance from the requirements. *Id.*

Here, the Town's purpose for establishing an ordinance creating a distance requirement between restaurants and bars in the Town is to avoid and alleviate traffic and intensity concerns caused by the congregation of people resulting from restaurants being located in close proximity to each other. This rationale for creating a distance requirement between restaurants and bars appears to bear a reasonable relationship to the public health, morals, safety or welfare. Thus, an ordinance establishing a distance requirement between restaurants and bars would likely be valid.

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda

Regular Agenda - New Business

Agenda Title

Maximum Number of Conflicts of Interest for Richard Sammons, Vice Chairman of the Architectural Review Commission

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated August 30, 2022, From Wayne Bergman, Director of Planning, Zoning & Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 14, 2022

To: Mayor and Town Council

From: Wayne Bergman, Director of PZB

Via: Kirk Blouin, Town Manager

Re: Arcom Member Conflicts of Interest

Date: August 30, 2022

BACKGROUND:

Last year the Town Council amended the code to allow Architectural Commission members to appear before the Town Council if they declare five or more conflicts of interest in a calendar year. The Council has the choice to remove the member, or "forgive" the conflicts, which are limited to five (5) conflicts in a calendar year. Prior to the code amendment, removal from the Commission was automatic.

Architectural Commissioner Richard Sammons, Vice Chairman, has just reached the level of five declared conflicts of interest. Mr. Sammons has properly completed the Form 8B for each declared conflicts. Please see the attached August 25, 2022 email from Deputy Town Clerk Kelly Churney.

The amended code section is listed here:

"Sec. 18-170. - Conflicts of interest.

(a) If excessive conflicts of interest arise during any one calendar year, the architectural commission member shall be subject to being removed by the town council upon the Council's review and consideration of the matter. The town council shall have the sole discretion as to whether removal shall be required. Excessive conflicts of interest are defined as five or more conflicts of interest in any one calendar year. Continuing conflicts of interest on a single application, once declared, shall not be counted as additional conflicts of interest. This rule shall apply from the date of adoption to the end of the 2013 calendar year and shall be applicable, thereafter, on a calendar year basis. Conflicts declared in regard to "minor projects" shall not be considered in the definition of "excessive conflicts" referenced above for those members of the Commission (architects and master gardeners, or their equivalent) who meet the requirements of section 18-166 of this chapter."

Attached: Email from Kelly Churney

Wayne Bergman

From: Kelly Churney
Sent: Thursday, August 25, 2022 11:01 AM
To: Wayne Bergman; James Murphy
Cc: Sarah Pardue; Jordan Hodges
Subject: Conflict of Interests - Richard Sammons
Attachments: SAMMONS CONFLICT OF INTEREST 20220127.pdf; SAMMONS CONTINUING CONFLICT OF INTEREST 20220223.pdf; SAMMONS CONFLICT OF INTEREST 20220323 - 2.pdf; SAMMONS CONFLICT OF INTEREST 20220323.pdf; SAMMONS CONTINUING CONFLICT OF INTEREST 20220323.pdf; SAMMONS CONFLICT OF INTEREST 20220525.pdf; SAMMONS CONFLICT OF INTEREST 20220525 - 2.pdf; SAMMONS CONTINUING CONFLICT OF INTEREST 20220629.pdf; SAMMONS CONFLICT OF INTEREST 20220727.pdf; SAMMONS CONFLICT OF INTEREST 20220727 MINOR.pdf; SAMMONS CONFLICT OF INTEREST 20220824 MINOR.pdf; SAMMONS CONFLICT OF INTEREST 20220824.pdf; SAMMONS CONFLICT OF INTEREST 20220824 - 2.pdf

Good morning Wayne/James,

At yesterday's meeting, Richard Sammons had three (3) conflicts of interests, which I suspected could put him over the five (5) allowable conflicts for major projects. I went back to look at his history and here is what I discovered:

Prior to becoming a voting member (alternate), he had two (2) conflicts, however, one was a continuing conflict:

January 26, 2022	ARC-22-016, 625 Crest Road (Major Project)
February 23, 2022	ARC-22-016, 625 Crest Road (continuing conflict)

After becoming a regular member, he has had the following:

March 23, 2022	ARC-22-058, 220 Brazilian Avenue (Major Project)	1
	ARC-21-080, 757 Island Drive (Major Project)	2
	ARC-22-035, 726 Hi-Mount Road (continuing conflict)	
May 25, 2022	ARC-21-080, 757 Island Drive (continuing conflict)	
	ARC-22-101, 249 Worth Avenue (Minor Project)	
June 29, 2022	ARC-22-101, 249 Worth Avenue (continuing conflict)	
July 27, 2022	ARC-22-129, 515 N. Lake Way (Major Project)	3
	ARC-22-119, 150 Worth Avenue (Minor Project)	
August 24, 2022	ARC-22-119, 150 Worth Avenue (continuing conflict)	
	ARC-22-169, 625 Crest Road (Major Project)	4
	ARC-22-136, 980 S. Ocean Blvd. (Major Project)	5

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda

Regular Agenda - New Business

Agenda Title

Exterior Construction Waiver for Gucci Store on Worth Avenue

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated: October 3, 2022, From Wayne Bergman, Director of Planning, Zoning & Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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



Re: Waiver of Town Code Section 42-199, For Extended Working Hours at 225 Worth Avenue

Date: October 3, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of work hours for the renovation of 225 Worth Avenue, the new location for Gucci. If approved, staff recommends that it be conditioned upon the letter (attached) from Rose Eustor, dated September 30, 2022, along with the attached revised construction schedule.

Staff has notified the applicant that granting of extended working hours is the sole discretion of the Town Council.

GENERAL INFORMATION

The applicant is renovating the retail space at 225 Worth Avenue. This store received approval from the Town Council in August to continue interior work through January 15, 2023. This new request asks for an additional three weeks of exterior work (storefront, barricades and awnings) beyond the normal October 31 cutoff date. They will still need until January 15, 2023 to complete the interior work. The letter from Gucci explains that their project must be extended due to permitting delays and Hurricane Ian.

Ordinance 03-2018, passed by the Town Council on second reading on February 13, 2018, modified the construction working hours in the Town as follows:

Sec. 42-199. - Hours for construction work.

- (b) *Limited. Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March, and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday, and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other construction-related noise be permitted before 9:00 a.m. At all other times such work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and legal holidays,*

including the Friday immediately after Thanksgiving, when all construction work is restricted or prohibited. Construction work is permissible on Saturdays from May through the Monday preceding Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m. and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature during which all of the noise and machinery prohibitions identified in section 42-198 are applicable; material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restriction due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending on October 31, except Sundays and legal holidays, when all construction work is prohibited.

(c) *Exceptions.*

- (5) *The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may, by resolution, temporarily amend the hours for construction work referenced herein.*

The applicant notified the surrounding property owners of the request and of the date of this meeting, as required.

Attachments – Letter from Rose Eustor, Gucci America, dated September 30, 2022
Gucci Construction Schedule

GUCCI

September 30, 2022

To: Wayne Bergman, MCP, LEED® AP

Director
Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6426

Re: Request for a Waiver to Section 42-199 (Hours of Construction Work – Commercial Worth Avenue CWA zone) - Gucci 225 Worth Ave Project Permit # B-22-94272

Dear Sir,

We would like to request for a waiver to Section 42-199 of the Town of Palm Beach Code of Ordinances, relating to the construction working hours beyond October 31 – May 1st of every calendar year.

Due to barricade permit processing delays at public works, we had to delay shipment of our new storefront by 2 weeks, and we are now anticipating shipping disruptions due to hurricane Ian. We would like to request for an extension to the working hours from October 31, 2022 - November 21, 2022; to allow us to complete the exterior storefront aluminum frame and glazing installation at the exterior of the store, dismantle our construction barricade, and install our new fabric awnings which can only be done after the barricades are removed.

Since this work is limited to just glass and frame replacement, none of the work being done will require heavy construction or noisy machinery. Our storefront install crew will be using typical cutting and drilling hand tools and shall be done behind our barricade from 8AM – 8PM

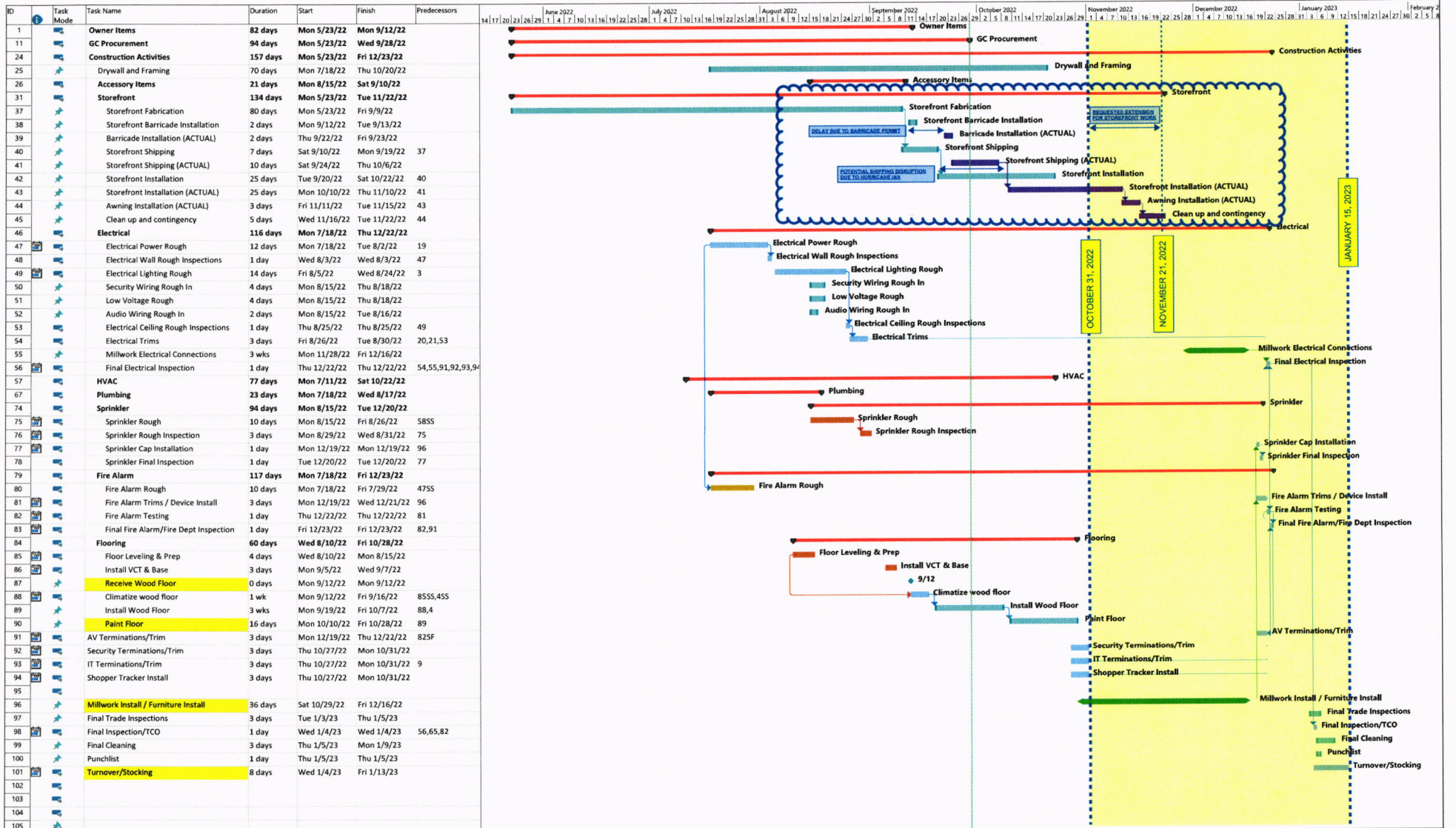
During this time, we are also expecting multiple shipments of our furniture and finishes to arrive, and our general contractor has made applications to public works for right of way permits to allow for such deliveries.

This request is in addition to the previous approved (ZON-22-126) waiver for interior construction work, effective from October 31, 2022, to January 15, 2023.

We have attached herewith our latest project schedule showing the storefront and awning installation scope and hope that this request may be considered.

Rose Eustor

Rose Eustor
Vice President
Store Planning and Facilities
Gucci America



TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda

Regular Agenda - New Business

Agenda Title

Waiver of Town Code Section 18-237, For Building Permit Extension at 230 Atlantic Avenue

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated: October 4, 2022, From Wayne Bergman, Director of Planning, Zoning & Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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



Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 230 Atlantic Avenue

Date: October 4, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor Russell Palmier of Palm Corp Construction Services, Inc. regarding a time extension in which to complete the renovations of the existing residence at 230 Atlantic Avenue and to extend the permit duration until January 13, 2023.

GENERAL INFORMATION

The property is owned by Saligman, Linda Trust, Saligman, Linda TR. Work on the project began in late 2020. The original residential alteration permit was valid for 24 months and will expire on October 29, 2022.

Mr. Palmier is requesting an additional 90 days to complete the project. The remaining items include MEP trim outs and painting the building exterior. The request is to extend the permit through January 13, 2023.

Staff supports the request, based upon the details provided by the applicant.

Attachments: Letter from Russell Palmier, dated October 4, 2022
Permit Summary for the Property
Property Appraiser Details for the Property



PalmCorp Construction Services, Inc.

October 4, 2022

Mr. Wayne Bergman, Director
Town of Palm Beach
Planning, Zoning, Building
360 S County Road
Palm Beach, FL 33480

RE: 230 Atlantic Avenue – Permit Extension

Dear Mr. Bergman:

Please be advised that I am requesting a ninety-day extension for the permit for the above address. We had many delays there because of many changes made by the Owner. It took approximately seven months to get it approved by ARCOM, which we did. There were also many structural changes that were affected that were permitted and completed.

The remaining balance of the work is to trim out the mechanicals, i.e., plumbing, electric and a/c and paint the exterior of the house. I have no doubt that I will be able to finish this in the ninety-day allotted requested time.

I appreciate your attention.

Sincerely,
PALMPCORP CONSTRUCTION SERVICES, INC.

Russell Palmier
President

120 S Olive Avenue Suite 304 – West Palm Beach, FL 33401
PH: 561-429-4268 – Fax: 561-429-4302
info@palmieribuilder.com - www.palmcorpconstructionservices.com
CGC1508783 – CCC1327036

Master Permit	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application c	Issue date	Expiration date	Approval
B-20-85010	U-22-10915	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	8/16/2022	8/18/2022	8/18/2022	issued
B-20-85010	U-22-10916	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	8/16/2022	8/18/2022	8/18/2022	issued
	U-22-10917	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	8/16/2022		8/16/2022	canceled
B-20-85010	U-22-10236	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	6/15/2022	6/28/2022	6/28/2022	final
B-20-85010	U-22-10237	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	6/15/2022	6/28/2022	6/28/2022	final
B-20-85010	U-22-10238	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	6/15/2022	6/28/2022	6/28/2022	final
B-20-85010	U-22-09542	U-USE OF/WORK IN ROW	USE OF- INSULATION (WORK DATE PROP TUES. 3-22)	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	3/18/2022	3/25/2022	6/23/2022	final
B-20-85010	U-22-09491	U-USE OF/WORK IN ROW	USE OF- DRYWALL DELIVERY	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	3/7/2022		6/5/2022	canceled
	U-22-09406	U-CONSTRUCTION PARKING	CREATED IN ERROR PERMIT NOT USED	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	2/17/2022		2/17/2022	canceled
B-20-85010	U-22-09407	U-CONSTRUCTION PARKING	ROUGH PLUMBING, ELECTRIC, AIR CONDITIONING, INSULATION AND DRYWALL	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	2/17/2022		2/17/2022	canceled
B-20-85010	U-22-09408	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING 3 SPACES/2 MONTHS	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	2/17/2022	2/23/2022	2/23/2022	final
B-20-85010	U-22-09409	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING 3 SPACES/2 MONTHS	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	2/17/2022	2/23/2022	2/23/2022	final
B-20-85010	U-22-09410	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING 3 SPACES/2 MONTHS	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	2/17/2022	2/23/2022	2/23/2022	final
B-20-85010	U-22-09330	U-USE OF/WORK IN ROW	USE OF ROW FOR CONCRETE POUR - CONCRETE TRUCK AND PUMP IN PARKING LANE - CONCRETE IS FOR FRONT TIE-BEAM ENTRY AND FRONT COLUMNS.	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	2/3/2022	2/4/2022	5/5/2022	final
B-20-85010	B-22-93059	R-REVISION	REVISION BUILDING - MAIN STAIR SIGNED ENGINEERED DRAWINGS	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	1/27/2022	1/31/2022	1/27/2022	final
B-20-85010	B-21-91658	R-REVISION	REVISION BUILDING - FRONT DOOR FOYER REVISION	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	10/20/2021	12/6/2021	10/20/2021	final
B-20-85010	U-21-08401	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING FOR 3 CARS FOR 3 MONTHS	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	9/29/2021	10/7/2021	10/7/2021	final
B-20-85010	U-21-08402	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING FOR 3 CARS FOR 3 MONTHS	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	9/29/2021	10/7/2021	10/7/2021	final
B-20-85010	U-21-08403	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING FOR 3 CARS FOR 3 MONTHS	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	9/29/2021	10/7/2021	10/7/2021	final
B-20-85010	B-21-90334	R-REVISION	REVISION BUILDING RELOCATE WINDOWS AND ADD DOUBLE ENTRY DOOR	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	7/22/2021	7/30/2021	7/22/2021	final
B-20-85010	B-21-88188	R-PERMIT UPDATE-CORRECTION/CHANGE IN VALUE ONLY	***added value only for scope of work under revision per comments in plan review*** ADD PILING & PILE CAP @ GRADE BEAM	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	3/31/2021	3/31/2021	3/31/2021	final
	A-21-01469	A-ARCOM STAFF APPROVAL	STAFF APPROVAL - DESIGN OF THE GARAGE DOOR. REPLACE THE 3 WINDOWS OVER THE FRONT DOOR WITH A SINGLE WINDOW. CHANGE EXISTING ROUND -TOP DOOR TO PROPOSED FLAT-TOP DOOR AS SHOWN.	230 ATLANTIC AVE		LEE KVARNBERG AIA ARCHITECT	2/3/2021		1/29/2022	canceled
B-20-85010	B-21-87433	R-REVISION	REVISION- BUILDING- FIRST FLOOR ADD PILING & PILE CAP @ FOYER, ADD PILING, GRADE BLM, CONCRETE WALL & NEW COLUMN @ HALLWAY OFF DINING ROOM. ADD COLUMN IN KITCHEN, WINDOW IN BUTLER PANTRY REMOVE EXISTING WINDOW & WALL ADD 2 COLUMNS & SOLID CONCRETE WALL AROUND WINDOW OPENING. CLOSE IN KITCHEN WINDOW WITH SOLID CONCRETE & REBAR, ADD CONCRETE WALL AT STAIRWAY. SECO	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	2/3/2021	4/9/2021	2/3/2021	final
B-20-85010	U-20-06268	U-USE OF/WORK IN ROW	PARKING OF WORK TRUCK (BLOWN INSULATION TRUCK)	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	10/15/2020	10/21/2020	1/19/2021	final
	B-20-85010	B-RESIDENTIAL ALTERATION	ROUGH PLUMBING, ELECTRIC, AIR CONDITIONING, INSULATION AND DRYWALL	230 ATLANTIC AVE		PALMCORP CONSTRUCTION SERVICES	7/21/2020	7/28/2020	10/29/2022	issued
B-20-82981	B-20-84001	B-ROOF NEW/REROOF/REPAIR	ROOF REPAIR: REPAIR VALLEY, ALL CORNER FLASHING AND CHIMNEY FLASHING OWNER LISTED AS SALIGMAN	230 ATLANTIC AVE		AGAPAO PLUMBING INC	5/6/2020	5/6/2020	1/25/2021	issued
B-20-82981	U-20-04866	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING 1 PASS	230 ATLANTIC AVE		RICHARD P BROWN CONSTRUCTION INC	2/7/2020	2/11/2020	2/11/2020	final
B-20-82981	U-20-04817	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING 1 PASS	230 ATLANTIC AVE		RICHARD P BROWN CONSTRUCTION INC	1/29/2020	2/5/2020	2/5/2020	final
	B-20-82981	D-INTERIOR DEMOLITION	DEMO INTERIOR TRIM, DOORS, AND KITCHEN OWNER LISTED AS SALIGMAN	230 ATLANTIC AVE		RICHARD P BROWN CONSTRUCTION INC	1/24/2020	1/29/2020	1/19/2021	final

Count: 49

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Master Permit	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application c	Issue date	Expiration date	Approval
B-17-62627	B-17-66962	B-RESIDENTIAL OTHER (NO PLANS)	CLOSET INSTALLATION	230 ATLANTIC AVE		CC WPB LLC	8/28/2017	9/7/2017	4/3/2018	final
	B-17-66867	E-OTHER	SUB-ELECTRIC- REPLACE WATER HEATER	230 ATLANTIC AVE		HAUQUITZ ELECTRIC INC	8/24/2017	8/29/2017	2/28/2018	final
	B-17-62627	P-REPLACEMENT	EMERGENCY WATER HEATER REPLACEMENT	230 ATLANTIC AVE		J A ADAMS INC	3/3/2017	3/7/2017	2/28/2018	final
	B-17-61911	B-RESIDENTIAL OTHER (NO PLANS)	CLOSET INSTALLATION	230 ATLANTIC AVE		CC WPB LLC	1/17/2017	1/25/2017	8/21/2017	final
	X-07-11444	X-LEGACY PERMIT	UPDATE PERMIT TO INCREASE VALUE	230 ATLANTIC AVE		WILLIAM BELL CONSTRUCTION INC	8/2/2007	8/2/2007	10/2/2008	final
	X-06-25782	X-LEGACY PERMIT	INSTALL SWIMMING POOL ACCORDING TO PLAN - POOL STRUCTURE	230 ATLANTIC AVE		WILLIAM BELL CONSTRUCTION INC	10/18/2006	10/18/2006	10/2/2008	final
	X-06-25783	X-LEGACY PERMIT	ELECTRIC FOR SWIMMING POOL	230 ATLANTIC AVE		ABACO ELECTRIC OF SOUTH FLORIDA INC	10/18/2006	10/18/2006	10/2/2008	final
	X-06-25784	X-LEGACY PERMIT	POOL PLUMBING/PIPING: INSTALL ACCORDING TO PLANS (2)MAIN DRAINS,(1)SURFACE SKIMMER,(1)VACUUM LINE, **	230 ATLANTIC AVE		BRYON SCHOLZ PLUMBING	10/18/2006	10/18/2006	10/2/2008	final
	X-06-21813	X-LEGACY PERMIT	INSTALL GAS AS PER PLANS	230 ATLANTIC AVE		BRYON SCHOLZ PLUMBING	4/5/2006	4/5/2006	10/2/2008	final
	X-06-20554	X-LEGACY PERMIT	INSTALL SECURITY ALARM SYSTEM	230 ATLANTIC AVE		MELLON SECURITY & SOUND SYSTEM	1/4/2006	1/4/2006	10/2/2008	final
	X-05-20237	X-LEGACY PERMIT	INSTALL CENTRAL VACUUM SYSTEM	230 ATLANTIC AVE		MELLON SECURITY & SOUND SYSTEM	12/9/2005	12/9/2005	10/2/2008	final
	X-05-11823	X-LEGACY PERMIT	UPDATE TO CHANGE CONTRACTOR	230 ATLANTIC AVE		BRYON SCHOLZ PLUMBING	12/5/2005	12/5/2005	10/2/2008	final
	X-05-19004	X-LEGACY PERMIT	INSTALL NEW ROOF AS PER PLAN. DRY IN W/30# ASTM FELT. HOT MOP W/90# MINERAL. INSTALL ARTEZANO S**	230 ATLANTIC AVE		WILLIAM BELL CONSTRUCTION INC	9/26/2005	9/26/2005	10/2/2008	final
	X-05-18608	X-LEGACY PERMIT	INSTALLATION OF HVAC SYSTEMS & VENTILATION OF HOME	230 ATLANTIC AVE		ICE AIR CONDITIONING INC	9/7/2005	9/7/2005	10/2/2008	final
	X-04-13148	X-LEGACY PERMIT	PROVIDE ELECTRICAL WIRING FOR NEW RESIDENCE PER PLANS	230 ATLANTIC AVE		ABACO ELECTRIC OF SOUTH FLORIDA INC	12/6/2004	12/6/2004	10/2/2008	final
	X-04-12229	X-LEGACY PERMIT	TEMPORARY POLE	230 ATLANTIC AVE		ABACO ELECTRIC OF SOUTH FLORIDA INC	10/21/2004	10/21/2004	10/2/2008	final
	X-04-11822	X-LEGACY PERMIT	NEW PLUMBING TO WHOLE HOME, BACKFLOW PREVENTOR FOR SPRINKLER AND ONE FOR H2O MAIN, 1 OUTSIDE SHOWER	230 ATLANTIC AVE		PARADIGM PLUMBING INC	10/1/2004	10/1/2004	10/2/2008	final
	X-04-11443	X-LEGACY PERMIT	NEW 2STY, 4340SF, CBS, SFD W/CLAY TILE ROOF & POOL AND SPA	230 ATLANTIC AVE		WILLIAM BELL CONSTRUCTION INC	9/14/2004	9/14/2004	10/2/2008	final
	X-04-11445	X-LEGACY PERMIT	NEW TRELLIS	230 ATLANTIC AVE		WILLIAM BELL CONSTRUCTION INC	9/14/2004	9/14/2004	10/2/2008	final
	X-04-11446	X-LEGACY PERMIT	NEW SITE WORK: LANDSCAPE, FENCE	230 ATLANTIC AVE		WILLIAM BELL CONSTRUCTION INC	9/14/2004	9/14/2004	10/2/2008	final

Count: 49

<Filter is Empty>

Property Detail

Parcel Control Number:	50-43-43-15-03-000-0230	Location Address:	230 ATLANTIC AVE
Owners:	SALIGMAN LINDA TRUST ,SALIGMAN LINDA TR		
Mailing Address:	230 ATLANTIC AVE,PALM BEACH FL 33480 3709		
Last Sale:	JUL-2019	Book/Page#:	30774 / 1174
Property Use Code:	0100 - SINGLE FAMILY	Zoning:	R-C - Medium Density Residential (50-PALM BEACH)
Legal Description:	ORANGE GROVE PARK LTS 23 TO 25 INC	Total SF:	4540
		Acres	0.1722

2022 Values (Preliminary)

Improvement Value	\$1,302,786
Land Value	\$2,610,000
Total Market Value	\$3,912,786
Assessed Value	\$3,912,786
Exemption Amount	\$0
Taxable Value	\$3,912,786

All values are as of January 1st each year.

2022 Taxes (Preliminary)

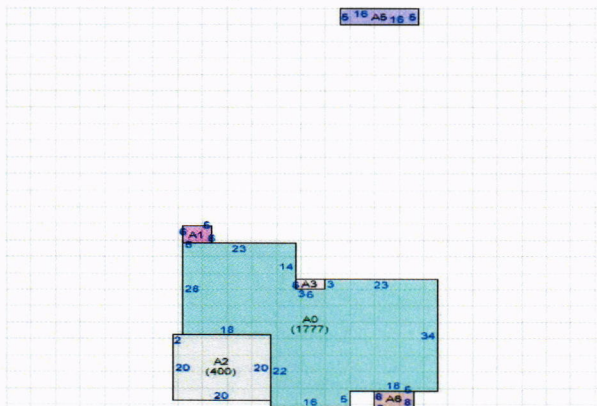
Ad Valorem	\$61,425
Non Ad Valorem	\$864
Total Tax	\$62,289

2023 Qualified Exemptions

No Details Found

Applicants

No Details Found

Building Footprint (Building 1)**Subarea and Square Footage (Building 1)**

Description	Area Sq. Footage
FUS Finished Upper Story	2195
FST Finished Storage	30
BAS Base Area	1777
FOP Finished Open Porch	18
FGR Finished Garage	400
BLC Balcony	80
BLC Balcony	40
Total Square Footage :	4540
Total Area Under Air :	3972

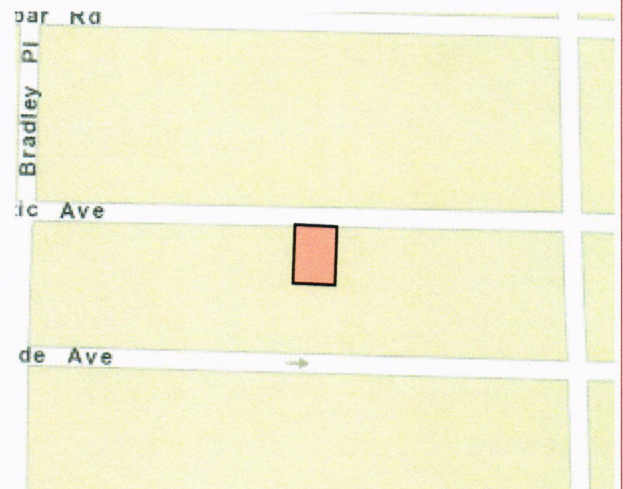
Extra Features

Description	Year Built	Unit
Wall	2007	1050
Pool - In-Ground	2007	1
Elevator	2007	1

Unit may represent the perimeter, square footage, linear footage, total number or other measurement.

Structural Details (Building 1)

Description	
1. Exterior Wall 1	MSY: CB STUCCO
2. Year Built	2007
3. Air Condition Desc.	HTG & AC
4. Heat Type	FORCED AIR DUCT
5. Heat Fuel	ELECTRIC
6. Bed Rooms	3
7. Full Baths	3
8. Half Baths	2
9. Roof Structure	WOOD TRUSS
10. Roof Cover	CLAY/BERMUDA TILE
11. Interior Wall 1	DRYWALL
12. Floor Type 1	HARDWOOD
13. Floor Type 2	MARBLE
14. Stories	2

MAP

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda

Regular Agenda - New Business

Agenda Title

Review of Stop Work Order Due to Three-Strike Rule at 251 Tangier Avenue

Presenter

Wayne Bergman, Director of Planning, Zoning & Building

ATTACHMENTS:

- ▣ **Memorandum, Dated Sept. 26, 2022, From Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Memorandum Dated Sept. 20, 2022, From H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Letter Dated Sept. 16, 2022, From Woolems Luxury Builders**
- ▣ **3-Strike Notice, Dated Sept. 16, 2022, From Wayne Bergman, Director of Planning, Zoning, & Building**
- ▣ **3 Violation Notices to Woolems Luxury Builders**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: 251 Tangiers Avenue – Third Strike & Stop Work Order

Date: September 26, 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.

251 Tangiers Ave. recently reached the level of Three Strikes for construction violations. The contractor is Woolems, Inc. The first violation occurred on August 9, 2021 for construction parking, issued by Public Works. The second violation occurred on April 7, 2022 for construction parking, issued by Public Works. The third violation occurred on September 16, 2022 for working in the right of way without a permit and inadequate maintenance of traffic, issued also by Public Works. Copies of all violations are attached. The Pending Stop Work Order Notice (attached) was sent to the contractor September 16, 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 September 20, 2022. The Planning, Zoning & Building Department issued a STOP WORK ORDER for the construction project on September 26, 2022.

The contractor owes the Town \$800.00 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:

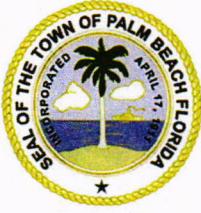
"When the Town Council receives a written request to lift a stop work order the Town Council shall have the power to admonish the contractor; take such action as deemed necessary to effect the stop work order on a permanent basis by nullifying the existing building permit; cause the contractor and/or 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 (3rd) 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

September 20, 2022

Amandou Dial
Woolems Luxury Builders
2301 Centrepark West Drive, Suite 150
West Palm Beach, FL 33409

Re: Third Strike 251 Tangier Avenue

Dear Mr. Dial:

On September 19, 2022 we received your appeal to the third strike citation issued on September 16, 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.

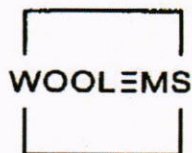
In your letter you state that the front bumper of the work truck was encroaching slightly on the sidewalk. As you can see from the attached pictures, the work truck was blocking the entire roadway. You also indicated that the first strike issued was for a different project at the same location. Unfortunately, you are the same contractor as the work from what you consider a different project at the same location, therefore, we cannot draw a distinction between projects since you failed to close out the previous building permit. Since the appeal is being denied, a Stop Work Order will be issued September 21, 2022.

All requests to lift a Stop Work Order are decided by the Town Council. The next Town Council meeting will be held Thursday, October 13, 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 and Building Department no later than Wednesday, October 5, 2022 prior to 5:00 p.m.

Sincerely,


Paul Brazil, P.E.
Director of Public Works

cc: Wayne Bergman, Planning, Zoning and Building Director
Patricia Strayer, P.E., Town Engineer
Debby Moody, Planning, Zoning and Building Office Manager
Craig Haushild, Civil Engineer



LUXURY BUILDERS

Palm Beach

Headquarters

2301 Centropark West Drive #150

West Palm Beach, Florida 33409

Office: 561.835.0401

Facsimile: 561.835.0403

woolems.com

September 16th, 2022

Mr. H. Paul Brazil
Director of Public Works
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Construction at 251 Tangiers Ave, Project B-22-92688

Dear Mr. Brazil,

I am writing to appeal the Stop Work Order Pending notice related to R.O.W. Violation PW-6489 received today on the above referenced project.

While this represents the third strike violation for this property, the first violation, PW-5520 received August 9th of 2021, was associated with a demolition project completed last year (Project B-21-89631) and was unrelated to the current work on site.

Further, we are asking for leniency because all work was being performed inside the property, but the front bumper of the work truck was encroaching very slightly on the sidewalk.

We are under a very strict completion deadline for this project and would appreciate your consideration in this matter.

If you have any questions, please do not hesitate to contact me at 561-891-1116.

Sincerely,

Amadou Dial

Project Executive



TOWN OF PALM BEACH

Planning, Zoning & Building Department

September 16, 2022

Via email: adial@woolemsinc.com; rpacheco@woolemsinc.com;
fran@fran.com

Woolems, Inc.
% James Woolems
2301 Centrepark West Dr, 150
West Palm Beach, FL 33401

Re: 3-Strike Rule Citations – 251 Tangier Ave, B-22-92688 **STOP WORK ORDER**
PENDING

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	September 16, 2022 (PW-6489 - Working in right-of-way without permit, Inadequate Maintenance of Traffic)
Strike 2	April 7, 2022 (PW-6383 - Construction parking)
Strike 1	August 9, 2021 (PW-5520 – Construction parking)

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 #79169 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 September 26, 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 Thursday, October 13, 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, October 5, 2022 prior to 5:00 PM.**

Sincerely,

Wayne Bergman

Wayne Bergman
Director, Building Official, Director, Planning, Zoning & Building Department

cc: Francis & Ros Lesperance, 251 Tangier Ave, Palm Beach, FL 33480
K. Blouin, Town Manager
H. Paul Brazil, Public Works Director
Nicholas Caristo, Police Chief
Benjamin Alma, Parking and Code Enforcement Manager



PW- 6489

PUBLIC WORKS DEPARTMENT
(561) 838-5440**R.O.W. VIOLATION NOTICE**NAME: Woolens Const. DATE: 9/14/20JOB ADDRESS: 257 Tanger

- | | |
|--|--|
| ☒ Working in right-of-way without permit | \$ 150 X <u>1</u> = <u>\$150</u> |
| ☐ Failure to have permit on job | \$ 150 X <u>strike</u> = <u> </u> |
| ☐ Construction parking without permit* | \$ 150 X <u> </u> = <u> </u> |
| 1 st = \$150 2 nd = \$250 and thereafter = \$500 | |
| ☒ Inadequate Maintenance of Traffic | \$ 150 X <u>1</u> = <u>\$150</u> |
| ☐ Right-of-way littered by site dirt or debris | \$ 150 X <u> </u> = <u> </u> |
| ☐ Failure to maintain safe sidewalk | \$ 150 X <u> </u> = <u> </u> |
| ☐ Failure to carry-out permit terms/conditions | \$ 150 X <u> </u> = <u> </u> |
| ☐ Storage of materials in right-of-way | \$ 150 X <u> </u> = <u> </u> |
| ☐ Use of right-of-way as work area | \$ 150 X <u> </u> = <u> </u> |
| ☐ Damage to infrastructure in right-of-way | \$ 150 X <u> </u> = <u> </u> |
| ☐ Dewatering without a permit | \$ 150 X <u> </u> = <u> </u> |
| ☐ Illegal discharges to Town sewers** | \$ 500 X <u> </u> = <u> </u> |
| ☐ Other <u> </u> | \$ <u> </u> X <u> </u> = <u> </u> |
| ☐ 2nd and added days of violation, double fine | \$ <u> </u> X <u> </u> = <u> </u> |

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.

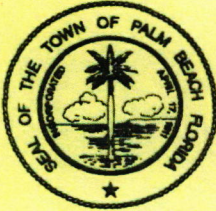
Right of Way restoration - \$30 per day until restored.

ISSUER Chat Paves

white/violator

yellow/PW

pink/issuer



PW- 6383

**PUBLIC WORKS DEPARTMENT
(561) 838-5440****R.O.W. VIOLATION NOTICE**NAME: Woodlums Construction DATE: 4/5/22JOB ADDRESS: 251 Tangerine

- | | |
|--|--|
| ☒ Working in right-of-way without permit | \$ 150 X <u>1</u> = <u>\$150</u> |
| ☐ Failure to have permit on job | \$ 150 X <u> </u> = <u> </u> |
| ☒ Construction parking without permit* <i>Strike</i> | \$ 150 X <u>3</u> = <u>\$450</u> |
| 1 st = \$150 2 nd = \$250 and thereafter = \$500 | |
| ☒ Inadequate Maintenance of Traffic | \$ 150 X <u>1</u> = <u>\$150</u> |
| ☒ Right-of-way littered by site dirt or debris | \$ 150 X <u>1</u> = <u>\$150</u> |
| ☐ Failure to maintain safe sidewalk | \$ 150 X <u> </u> = <u> </u> |
| ☐ Failure to carry-out permit terms/conditions | \$ 150 X <u> </u> = <u> </u> |
| ☐ Storage of materials in right-of-way | \$ 150 X <u> </u> = <u> </u> |
| ☐ Use of right-of-way as work area | \$ 150 X <u> </u> = <u> </u> |
| ☐ Damage to infrastructure in right-of-way | \$ 150 X <u> </u> = <u> </u> |
| ☐ Dewatering without a permit | \$ 150 X <u> </u> = <u> </u> |
| ☐ Illegal discharges to Town sewers** | \$ 500 X <u> </u> = <u> </u> |
| ☐ Other <u> </u> | \$ <u> </u> X <u> </u> = <u> </u> |
| ☐ 2nd and added days of violation, double fine | \$ <u> </u> X <u> </u> = <u> </u> |

TOTAL FINE: \$900

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 Proves

white/violator

yellow/PW

pink/issuer



PW- 5520

PUBLIC WORKS DEPARTMENT
(561) 838-5440

R.O.W. VIOLATION NOTICE

NAME: Woolams DATE: 8/9/21JOB ADDRESS: 251 Tanager

- | | | |
|-------------------------------------|--|----------------------------------|
| ☐ | Working in right-of-way without permit | \$ 150 X _____ = _____ |
| ☐ | Failure to have permit on job | \$ 150 X _____ = _____ |
| ☒ | Construction parking without permit*
1 st = \$150 2 nd = \$250 and thereafter = \$500 | \$ 150 X <u>1</u> = <u>\$150</u> |
| ☐ | 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 <u>1</u> = <u>\$150</u> |
| ☐ | 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.

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Dumpster in Right of Way - \$100 per incident.

Right of Way restoration - \$30 per day until restored.

ISSUER: Chet Purvies

white/violator

yellow/PW

pink/issuer

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda

Ordinances - Second Reading

Agenda Title

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.

Presenter

Nicholas Caristo, Chief of Police

ATTACHMENTS:

- ▣ **Ordinance No. 004-2022**

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.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH AS FOLLOWS:

Section 1. Chapter 42 of the Town Code of Ordinances is hereby amended at Article V, Section 42-199 to read as follows:

Sec. 42-199. Hours for construction work.

(a) *Definitions.* The following words, terms and phrases when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Construction work means work of a physical nature requiring a permit in accordance with the provisions of this Code and/or violates the conditions of section 42-198 and/or violates the conditions of this section, and/or causes excessive noise as defined by section 42-228.

(b) *Limited.* Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturdays, Sundays, ~~and legal-observed Town~~ holidays, ~~and the days before and after Thanksgiving~~, when all construction ~~and lawn maintenance~~ work, ~~other than as excepted in section 42-230, is prohibited~~. In no event shall heavy equipment or other outdoor construction-

related and lawn maintenance noise be permitted before 9:00 a.m. Beginning on May 1 until the Monday preceding Thanksgiving, work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays, and Town observed-and-legal holidays, ~~including the Friday immediately after Thanksgiving,~~ when all construction and lawn maintenance work is restricted or prohibited. In no event shall heavy equipment or other outdoor construction-related and lawn maintenance noise be permitted before 9:00 a.m. Construction work is permissible on Saturdays from May 1 through the Monday preceding Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m. and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature and limited to indoor activity, with the exception of quiet lawn maintenance work and tree trimming); material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restrictions due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending October 31, except Sundays and legal holidays, when all construction work is prohibited. Workers are prohibited from arriving at construction and lawn maintenance sites prior to 7:30 a.m. and are restricted from conducting any kind of site activity prior to 8:00 a.m. during the weekdays. Workers are prohibited from arriving at construction and lawn maintenance sites prior to 8:30 a.m. and are restricted from conducting any kind of site activity prior to 9:00 a.m. on Saturdays, when limited work is permitted from May 1 through the Monday preceding Thanksgiving.

Section 2. 42-230. Lawn Maintenance

(a) Lawn maintenance in the town shall be limited to the hours outlined for construction work at section 42-199 and all gas and electric powered lawn maintenance equipment, including leaf blowers, shall be subject to the same restrictions as heavy equipment as described in said section. However, lawn maintenance equipment may be used on the Wednesday immediately preceding Thanksgiving and on the Friday immediately following Thanksgiving from 9:00 a.m. to 5:00 p.m. with quiet work only (no gas or electric powered lawn maintenance equipment or leaf blowers) from 1:00 p.m. to 5:00 p.m. on the Friday immediately following Thanksgiving.

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 part of the official Code of Ordinances of the Town of Palm Beach.

Section 6. Effective Date

This Ordinance immediately, after 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 13th day of September, 2022, second reading and final adoption on this 13th day of October, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

ATTEST:

Patricia Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2022

Section of Agenda

Ordinances - First 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:

- ▣ **Memorandum Dated September 30, 2022, from Jane Le Clainche, Finance Director**
- ▣ **Ordinance No. 017-2022**
- ▣ **Exhibit A**
- ▣ **Exhibit B**
- ▣ **Exhibit C**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jane Le Clainche, Director of Finance

Re: Amendment to the General Fund, Par 3 Golf Course and Building Fund FY22 Budgets
Ordinance No. 17-2022

Date: September 30, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance No. 17-2022, which amends the General Fund, Par 3 Golf Course, and Building Fund FY22 budgets.

GENERAL INFORMATION

A budget amendment is required to appropriate additional funds in the General Fund, Par 3 Golf Course, and Building Fund for expenditures as described below:

The General Fund revenue budget is being amended for the true-up of actual costs related to the Building Fund,

The Par 3 Golf Course Fund has had another extremely successful year. Revenues at the end of August were at 127% of budget. Due to the success, several expenditure accounts will be over budget, such as; contracted maintenance and contracted services, building maintenance, cost of merchandise sold, bank merchant charges, and supplies are the major contributors. These expenses are offset by additional budgeted revenues and this fund is expected to end the year with a significant profit.

The Building Fund budget is being amended for the true-up of actual General Fund costs related to the Building Fund operations.

This Ordinance will amend the General Fund, Par 3 Golf Course, Building Fund budgets for the above mentioned items.

FUNDING/FISCAL IMPACT

The Ordinance will amend the General Fund revenue budget (001) by \$1,324,601, the Par 3 Golf Course Fund revenue and expense budget (402) by \$550,000, and the Building Fund

Expense Budget (405) by \$1,324,601.

TOWN ATTORNEY REVIEW

This Ordinance has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

Jll

cc: Carolyn Stone, Assistant Town Manager
Wayne Bergman, Planning, Zoning and Building Director
John C. Randolph, Town Attorney

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 8th day of November, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, 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, Florida
General Fund
Budget Amendment

			Ordinance No.	FY2022
			17-2022	Amended
	Budget FY2021	Budget FY2022	Amendment	Budget
Revenues				
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
Total Revenues	\$80,915,573	\$89,140,573	\$1,324,601	\$90,465,174
Expenditures				
Department				
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
Total General Fund Expenditures	\$80,915,573	\$89,140,573	\$0	\$89,140,573
Revenues Over/(Under) Expenditures	\$0	\$0	\$1,324,601	\$1,324,601

Par 3 Golf Course Fund (402)
Revenue and Expense Summary

	FY2020	FY2021	FY2022	Ordinance No.	FY2022
	Actual	Actual	Budget	17-2022	Amended
				Amendment	Budget
<u>Revenues</u>					
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	-		-
TOTALS	2,288,505	3,652,363	2,730,800	555,000	3,285,800
<u>Expenses</u>					
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	-	-	-		-
TOTALS	1,681,583	2,057,879	2,072,315	555,000	2,627,315
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)
Total Revenues Over/(Under) Expenses	201,959	1,297,897	112,378	-	81,525

Building Fund (405)
Revenue and Expense Summary

	FY2020	FY2021	FY2022	Ordinance No.	FY2022
	Actual	Actual	Budget	17-2022	Amended
				Amendment	Budget
<u>Revenues</u>					
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			
TOTALS	8,222,724	10,770,991	6,904,119	-	6,904,119
<u>Expenses</u>					
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
TOTALS	2,409,718	5,934,814	6,536,343	1,324,601	7,860,944
Operating Revenues Over/(Under)					
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	-	-	-	-	-
TOTAL REVENUES OVER/(UNDER)					
EXPENSES	5,714,683	2,646,706	(142,189)	(1,324,601)	(1,123,642)
Beginning Net Assets	-	-	2,646,706	-	2,646,706
ENDING NET ASSETS	-	2,646,706	2,504,517	-	1,523,064