TENTATIVE:
SUBJECT TO
REVISION

TOWN OF PALM BEACH

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

ZOOM: https://us06web.zoom.us/j/88623296973
or phone (301) 715-8592, Webinar ID: 886 2329 6973

AGENDA

OCTOBER 12, 2021, at 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 Ainslie for his Service on the Planning and Zoning Commission from October 2015 to September 2021.

Danielle H. Moore, Mayor

VI. PRESENTATIONS

A. Presentation by the Palm Beach County Supervisor of Elections Regarding the Upcoming Elections and Senate Bill 90 — Page 8
TIME CERTAIN: 9:45 AM

Wendy Sartory Link, Palm Beach County Supervisor of Elections

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 — Page 30
Queenester Nieves, CMC, Town Clerk

September 13, 2021 Town Council Development Review Meeting
September 13, 2021 Special Town Council Meeting - FY22 First Public Hearing
September 14, 2021 Town Council Meeting
September 23, 2021 Special Town Council Meeting - FY22 Final Public Hearing

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of September 29, 2021. — Page 111

Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 122-2021 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 2022 Municipal Election(s) Vote Processing Equipment Use and Election Services. — Page 150

Queenester Nieves, Town Clerk

2. RESOLUTION NO. 123-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Bid No. 2021-21, Tennis Court Maintenance to Professional Tennis Court Services in the Annual Amount of $45,600 and Establishing an Annual Contingency of $6,800 and Establishing a Five-Year Award Based on Satisfactory Performance, Mutual Agreement and Budget Authorization in the Amount of $262,000. — Page 161

Dean Mealy, Purchasing Manager

3. RESOLUTION NO. 124-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Extension of Bid No. 2017-22, Street Sweeping and Bike Trail Sweeping to All American Sweeping, Inc. in the Amount of $104,234 and Establishing a Project Budget of $105,226 for FY22. Page 168

   Dean Mealy, Purchasing Manager

4. RESOLUTION NO. 125-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Extension of RFP No. 2017-187, Historic Preservation Consulting Services to Murphy Stillings for FY22 in the Amount of $102,000. Page 173

   Dean Mealy, Purchasing Manager

5. RESOLUTION NO. 126-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2021-24, Security Guard Services for the Town Marina to Sunstates Security, LLC. in the Annual Amount of $151,733, plus an Annual Contingency of $15,000 and Establishing a Five-Year Award Based on Satisfactory Performance, Mutual Agreement, and Budget Approval Authorization in the Amount of $838,665. Page 178

   Dean Mealy, Purchasing Manager

6. RESOLUTION NO. 127-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Bid No. 2021-33, Compacted Garbage Collection and Disposal to Waste Pro of Florida, Inc. in the Annual Amount of $425,473.16 and Establishing a Five-Year Contract Award of $2,127,365, Contingent upon Satisfactory Vendor Performance, Mutual Agreement and Budget Authorization. Page 190

   Dean Mealy, Purchasing Manager

7. RESOLUTION NO. 128-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Award Authority to Resolution No. 92-2019 for Temporary Semi-Skilled Staffing to Spur Employment Inc. for Town-wide Support Services for FY22 in the Amount of $991,780 and Establishing a Contingency of $250,000 for a Total Award of $1,241,780. Page 195

   Dean Mealy, Purchasing Manager

C. OTHER

1. Status Report of Delinquent Accounts and Request for Authorization to Write-off Uncollectible Accounts Page 199

   Jane Le Clainche, Director of Finance

2. Request from the Palm Beach Navy SEAL Evening of Tribute Page 209

   Jay Boodheshwar, Deputy Town Manager

XI. COMMITTEE REPORTS

A. Report of the Ordinances, Rules and Standards Committee Meeting Held on Thursday, September 2, 2021 — Page 212

Julie Araskog, Chair

B. Report of the Business and Administrative Committee Meeting Held on Thursday, September 9, 2021 — Page 222

Lew Crampton, Chair

1. 6-month Status Report on Previously Approved Expansion of Placard Parking Program
Jay Boodheshwar, Deputy Town Manager

2. Proposed Modifications to Hours of Parking Enforcement and Maximum Hours of Paid Parking Permitted for Purchase
Jay Boodheshwar, Deputy Town Manager

XII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

B. Old Business

1. Town-wide Undergrounding Project: — Page 236
H. Paul Brazil, P.E., Director of Public Works

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

b. RESOLUTION NO. 130-2021 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, Amending Chapter 2, Section 2.21, Restoration of Right-of-Way.

2. Covid-19 Update — Page 256
Kirk W. Blouin, Town Manager

a. COVID-19 Monthly Report
Darrel Donatto, Fire Rescue Chief

b. Discussion Regarding Board, Commission and Committee Meeting Format and Participation for Upcoming Meetings
Margaret A. Zeidman, Council President

c. RESOLUTION NO. 131-2021 A Resolution of The Town Council of the Town of Palm Beach, Palm Beach County, Florida, Concurring with the Request of the Town's Chief of Police, to Extend the Chief's Declaration of the Existence of a State of Emergency within the Corporate Limits of the Town to November 9, 2021, Unless Earlier Terminated by the Chief of Police, at Which Time the Town Council Will Address the Need for any Extension of the Declaration of Emergency; Providing for an Effective Date.

d. Discussion on Outdoor Seating
Margaret A. Zeidman, Council President

3. Update on Water Quality
TIME CERTAIN: 10:00 AM
Jason Debrincat, Senior Project Engineer

Page 263

C. New Business

1. Town of Palm Beach Long-Range Strategic Plan
Jay Boodheshwar, Deputy Town Manager

Page 264

2. Discussion on Gate at Root Trail Public Access Point
Bobbie Lindsay, Council President Pro Tem

Page 334

XIII. ORDINANCES

A. Second Reading

1. Elimination of Designated Town Caucus Time

Page 336

ORDINANCE NO. 25-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Ordinance 18-2021 at Section 2 Relating To Section 34-56, Notice to the Qualified Voters of the Town of Palm Beach, to Delete the Reference to the Time of the Caucus; Adding a New Section 3 Providing for an Amendment to Section 34-81 Titled Petition Confirming Nomination Required; Form; Amending the Form of the Petition to Substitute the Month of December for the Month of January to Conform to the New Caucus Date; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing for an Effective Date.

Jay Boodheshwar, Deputy Town Manager

B. First Reading

1. Proposed Ordinance to Amend Chapter 66 of the Town Code, Regarding Artificial Turf

Page 340

ORDINANCE NO. 23-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 66 Natural Resource Protection, Article I, in General, Section 66-2, Definitions, and Article IV, Vegetation, Division 5, Regulations, by Adding Sections 66-313, Artificial Turf Locations and 66-314, Artificial Turf Standards; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Wayne Bergman, Director of Planning, Zoning & Building

2. Proposed Ordinance to Amend Chapter 66 of the Town Code, Regarding Native and Invasive Vegetation

Page 344

ORDINANCE NO. 24-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 66 Natural Resource Protection, at Article I, in General, Section 66-2, Definitions; at Article IV, Vegetation, Division 1, Generally, Section 66-212, Purpose and Intent; at Article IV, Division 3, Plans, Section 66-285; and at Article IV, Vegetation, Division 5, Regulations, Section 66-311; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Wayne Bergman, Director of Planning, Zoning & Building

3. Proposed Ordinance to Amend Section 42-199 of the Town Code, Regarding Construction Hours Page 351

ORDINANCE NO. 26-2021 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; Providing for Quiet Work and Limitations to Indoor Activity; and at Subsection (C) Exceptions to Delete Subsection (4) as an Exception; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

4. Proposed Ordinance to Amend the FY21 Budget Page 356

ORDINANCE NO. 27-2021 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, 2020, and Providing an Effective Date.

Jane Le Clainche, Director of Finance

XIV. ANY OTHER MATTERS

XV. 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 12, 2021

Section of Agenda
Presentations

Agenda Title
Presentation by the Palm Beach County Supervisor of Elections Regarding the Upcoming Elections and Senate Bill 90
TIME CERTAIN: 9:45 AM

Time Certain
9:45 AM

Presenter
Wendy Sartory Link, Palm Beach County Supervisor of Elections

ATTACHMENTS:

- **SOE Presentation**
- **Senate Bill 90**

Palm Beach County Supervisor of Elections

Integrity • Accountability • Service

Award – Winning Office

Palm Beach County Supervisor of Elections has been recognized for excellence in leadership, security, and administration.

2021 Nonprofit of the Year Nominee
Palm Beach North Chamber

2021 Leadership Excellence Award Nominee
Leadership Palm Beach County

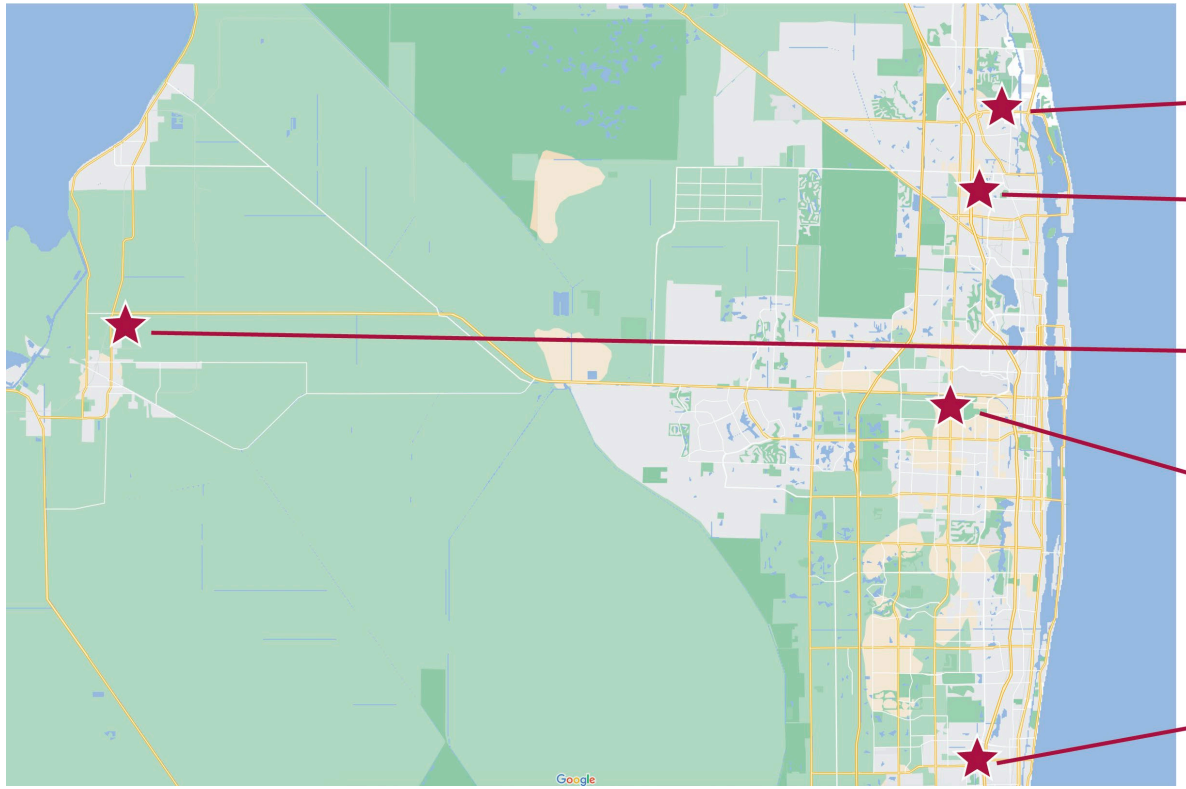
2021 Honorable Mention for Innovations in Cybersecurity and Technology
United States Election Assistance Commission

Nominated to the Executive Office of Governor for Significant, Positive Impact in the Community
Florida Department of State Laurel M. Lee

2021 Nonprofit of the Year Nominee
Chamber of Commerce of the Palm Beaches

Wendy Sartory Link
Palm Beach County Supervisor of Elections
www.VotePalmBeach.gov
/votepalmbeach
@votepalmbeach
@votepalmbeach
votepalmbeach

Locations to Serve You



NORTH COUNTY BRANCH OFFICE
3188 P.G.A. Blvd., Rm. #2401, Palm Beach Gardens, FL 33410

SUPERVISOR OF ELECTIONS VOTING EQUIPMENT CENTER
7835 Central Industrial Drive, Riviera Beach, FL 33404

WEST COUNTY BRANCH OFFICE
2976 State Road #15, Second Floor, Belle Glade, FL 33430

MAIN OFFICE
240 South Military Trail, West Palm Beach, FL 33415

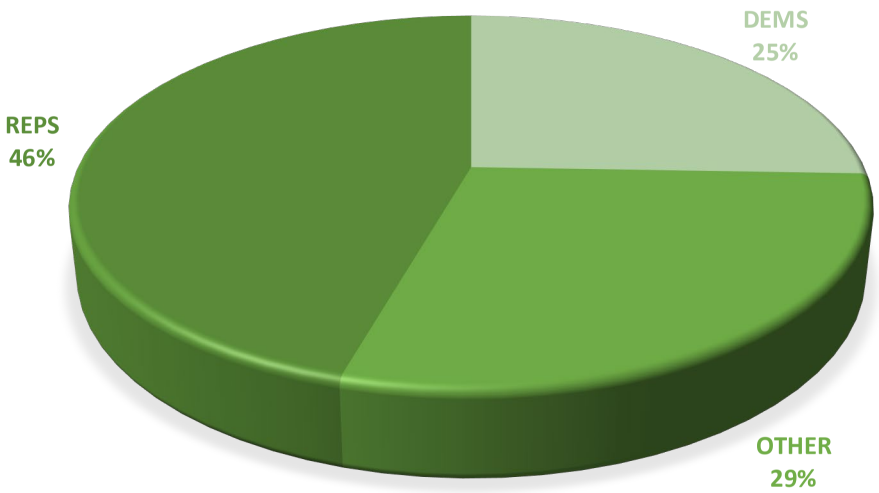
SOUTH COUNTY BRANCH OFFICE
345 South Congress Avenue, Rm. #103, Delray Beach, FL 33445

Town of Palm Beach
Voter Registration Statistics

Town of Palm Beach Voter Registration Statistics

There are a total of 8,150 Registered Voters in the Town of Palm Beach as of September 8, 2021.

Democratic Party – 25%
Republican Party – 46%
NPA & Minor Parties – 29%



Wendy Sartory Link
Palm Beach County Supervisor of Elections

www.VotePalmBeach.gov

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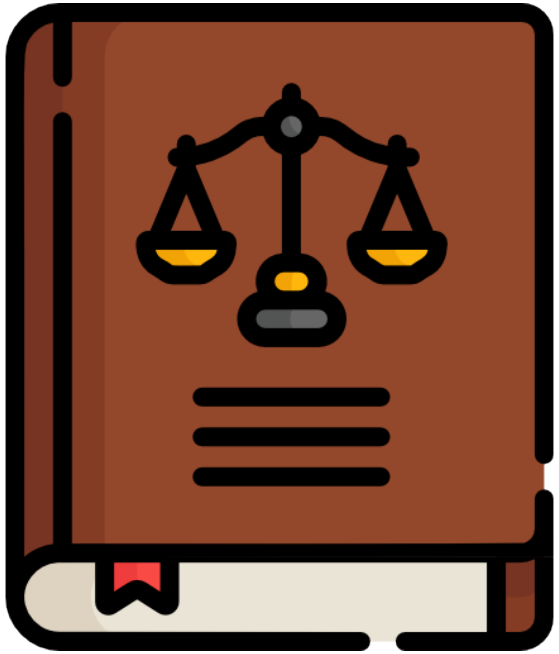
@votepalmbeach votepalmbeach

Florida Election Laws

Florida Election Laws

All Florida elections are governed by Florida Statutes Title IX (Chapters 97-107)

- Qualification and registration of electors
- Registration office, officers, and procedures
- Candidates
- Mandating voting methods and procedures
- Conducting elections and ascertaining the results



Wendy Sartory Link
Palm Beach County Supervisor of Elections

2021 Election Law Changes

Senate Bill 90

Changes to Voter Registration:

- Voter name and party affiliation change requests must made by submitting a voter registration application.

- New verification requirements are required to update your residential address.

Senate Bill 90

Changes to Vote-by-Mail (VBM):

- All existing "all elections" VBM requests on file are valid through the end of 2022.
- Requests for elections after 2022 must be made after the Nov. 8, 2022, election.
- New verification requirements are required to request a VBM ballot.
- New verification requirements are required for anyone requesting a ballot on behalf of a family member.

Wendy Sartory Link
Palm Beach County Supervisor of Elections

Senate Bill 90

Changes to VBM (cont.):

- The checkbox to extend VBM requests will no longer appear on voter certificates.
- New restrictions will limit the availability of VBM ballot drop boxes.
- VBM drop boxes will be monitored by election personnel during hours of operation.
- Possessing more than two mail ballots besides your own or an immediate family member's is a misdemeanor.

Wendy Sartory Link
Palm Beach County Supervisor of Elections

Senate Bill 90

Changes to Third-Party Voter Registration Organizations:

- There are new notification requirements for organizations soliciting voter applications.
- There are new restrictions and penalties regarding the submission of registration applications.

Changes to No-Solicitation Zones:

- Adds VBM drop boxes to locations protected by the 150 ft. no-solicitation zone.
- Redefines the term “solicit” to include “engaging in any activity with the intent to influence or effect of influencing a voter.” However, this does not prohibit Supervisor of Elections personnel from providing non-partisan assistance within the no-solicitation zone.

Wendy Sartory Link
Palm Beach County Supervisor of Elections
www.VotePalmBeach.gov
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@votepalmbeach votepalmbeach

Important Office Updates

Voting Equipment

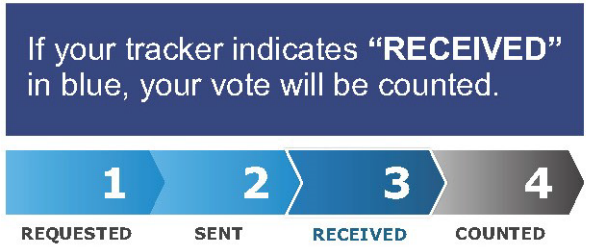
ExpressVote Pilot Program

- Save cost on consumables
- Save time during check-in
- Save room in the precinct scanner ballot box
- Audio and visual voting in English, Spanish, and Creole
- Prevents a voter from overvoting

Wendy Sartory Link
Palm Beach County Supervisor of Elections

New and Updated Website

- ✓ Track your VBM
- ✓ Early voting location wait time visibility
- ✓ Easy poll worker application form
- ✓ New, secure domain name - www.VotePalmBeach.gov



Voter Education & Outreach

Voter Education & Outreach

Adopt-A-Precinct

- Community partnership that supports 501c3 organizations, associations, or charitable institutions.
- Organization members are trained to work as poll workers and will “adopt” a precinct for Election Day.
- The Supervisor of Elections pays the amount that would have been paid to the poll workers to the organization for those volunteering to “adopt” a precinct.

Voter Education & Outreach

Vote in Honor of a Veteran

- ✓ Encourage voter participating by honoring those who served.
- ✓ Palm Beach County is home to 85,000 veterans.

High School & University Programs

- ✓ Palm Beach County School District partnership for virtual and in-person voter education.

Volunteer Task Force

- ✓ Join our team for volunteer programs and opportunities to give back.
- ✓ Community service hours offered all year. Email us! Volunteer@votepalmbeach.gov

Stay Connected

Sign-up for our monthly newsletter and email updates

www.VotePalmBeach.gov

@VotePalmBeach

Questions?

Palm Beach County Voter Notice: Recent Changes to Florida Election Code

Florida Senate Bill 90 was signed into law on May 6, 2021. The new law took immediate effect, revising specific sections of Florida's Election Code that affect voters and voting access.

Learn how Senate Bill 90 may affect you!

Voter Registration

- Voter name and party affiliation change requests must be made by submitting a voter registration application.
- Additional voter information is required when updating your residential address, including your Date of Birth AND the last four digits of Social Security Number or FL Driver License/ID (whichever may be verified by our office).

Vote-by-Mail (VBM)

- One request for a vote-by-mail ballot will cover all elections through the end of the calendar year of the next scheduled general election. Existing "all elections" vote-by-mail requests on file are valid through the end of 2022. A request to receive a vote-by-mail ballot through 2024 must be made after the November 8, 2022 General Election.
- A voter requesting a vote-by-mail ballot for themselves must provide their name, address, date of birth and Florida Driver License/ID or the last four digits of their social security number, whichever may be verified by our office. When making a written request, the voter's signature is also required.
- If you are making a request for a vote-by-mail ballot on behalf of another voter, you must now also provide the voter's FL Driver License/ID or their Social Security Number, your relationship to the voter (you must be their legal guardian or immediate family member, including grandchild), as well as your FL Driver License/ID or Social Security Number, if available, and your signature.
- The check box to extend a vote-by-mail request will no longer appear on the vote-by-mail return envelope. Voters must call, email or submit a written request, and provide the requisite information to receive a vote-by-mail ballot.
- New restrictions regarding vote-by-mail drop boxes will affect access and availability. Drop boxes will be available at Early Voting locations during Early Voting hours, and at each of our four offices. All drop box hours of operations and locations will be published on our website at least 30 days prior to each election, and all drop boxes will be monitored by elections personnel during hours of operation.
- Physically possessing more than two vote-by-mail ballots per election in addition to your own ballot or a ballot belonging to an immediate family member is committing a misdemeanor of the first degree.

Third-Party Voter Registration Organizations

- There are new notification requirements for organizations soliciting voter applications.
- There are new restrictions and penalties regarding the submission of registration applications.
- Please contact our office if you have any questions about how these changes affect your organization.

No-Solicitation Zones

- Adds vote-by-mail drop boxes to locations protected by the 150 ft. no-solicitation zone.
- Redefines the term "solicit" to include "engaging in any activity with the intent to influence or effect of influencing a voter." However, this does not prohibit Supervisor of Elections personnel from providing non-partisan assistance within the no-solicitation zone.

Have questions or want to know more?

Visit VotePalmBeach.gov, email info@VotePalmBeach.gov, or call (561) 656-6200

Wendy Sartory Link
Palm Beach County Supervisor of Elections
www.votepalmbeach.gov | @VotePalmBeach

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@votepalmbeach
@votepalmbeach

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda

Minutes

Agenda Title

Town Council Meeting Minutes

Queenester Nieves, CMC, Town Clerk

September 13, 2021 Town Council Development Review Meeting
September 13, 2021 Special Town Council Meeting - FY22 First Public Hearing
September 14, 2021 Town Council Meeting
September 23, 2021 Special Town Council Meeting - FY22 Final Public Hearing

Presenter

ATTACHMENTS:

- **September 13, 2021, Town Council Development Review Meeting Minutes**
- **September 13, 2021, Special Town Council Meeting Minutes**
- **September 14, Town Council Meeting Minutes**
- **September 23, 2021, Special Town Council Meeting Minutes**

TOWN OF PALM BEACH

Minutes of the Development Review Town Council Meeting Held on September 13, 2021

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order September 13, 2021 at 9:00 a.m. On roll call, all elected officials were found to be present with the exception of Council President Zeidman, who arrived at 12:28 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Town Clerk Churney gave the invocation. Council President Pro Tem Lindsay led the Pledge of Allegiance.

III. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore stated it was a somber weekend as the United States commemorated the 20th anniversary of 9/11. She asked all to pray for those who were lost and their families.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

There were no comments heard at this time.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Mayor Moore welcomed James Gavigan, who was filling in for Town Attorney Randolph.

VI. APPROVAL OF AGENDA

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

Deferral of Item VII. A.1 to the October 13, 2021 meeting.

Deferral of Item VII. B. 1.a to the October 13, 2021 meeting

Deferral of Item VII. B. 1.b to the October 13, 2021 meeting

Deferral of Item VII. B. 1.c to the October 13, 2021 meeting

Deferral of Item VII. B.1.d to the October 13, 2021 meeting

Deferral of Item VII. B.1.e to the October 13, 2021 meeting

Deferral of Item VIII. B.1.g to the October 13, 2021 meeting

Deferral of Item VIII. B.1.h to the October 13, 2021 meeting

Deferral of Item VIII. B. 1.j to the October 13, 2021 meeting

Deferral of Item VIII. B. 2.f to the October 13, 2021 meeting

Deferral of Item VIII. B. 2.j to the December 15, 2021 meeting

There was a request to hear the following two projects after the 1 p.m. lunch break: Z-21-00378, 800 S. County Road and Z-21-00383, 146 Seaspray Avenue.

Motion made by Council Member Araskog and seconded by Council Member Crampton to approve the agenda as amended. Motion carried 4-0, with Council President Zeidman absent.

VII. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeals of B-063-2020 160 Royal Palm Way Request for Deferral to October 13, 2021 Per Email from Donald Lunny

This item was deferred at approval of the agenda to the October 13, 2021 meeting.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **Z-20-00289 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) 160 ROYAL PALM WAY** Consideration of the Construction Management Agreement
Staff Recommends Deferral to the October 13, 2021 Meeting

This item was deferred at approval of the agenda to the October 13, 2021 meeting.

b. **Z-20-00299 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R A Estate Residential The application of 1015 SOUTH OCEAN LLC (MAURA ZISKA, MANAGER), applicant, relative to property located at **1015 S OCEAN BLVD**, legal description on file, is described below. 1) Section 134 840: Special Exception with Site Plan Review to allow the construction of an 11,031 square foot two story residence on a non-conforming lot that is 97.97 feet in depth in lieu of the 150-foot minimum required In

the R A Zoning District. 2) Section 134 843(a)(5): A request for a variance to allow a front setback of 16 feet 7.5 inches in lieu of the 35-foot minimum required in the R A Zoning District. 3) Section 134 843(a)(9): A request for a variance to allow a rear setback of 2 feet 7 inches in lieu of the 15-foot minimum required in the R A Zoning District. 4) Section 134 843(a)(6)b: A request for a variance to allow an Angle of Vision of 133.74 degrees in lieu of the 120 degrees maximum allowed in the R A Zoning District. 5) Section 134 843(a)(7): A request for a variance to have a building height plane setback ranging as close to the front property line as 16.8 feet (one story element) to 29.25 feet (two story element) in lieu of the minimum 35-foot (one story element) to 47.6-foot (two- story element) minimum required by Code in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will cause negative architectural impacts to the subject property. Carried 6-1.] [The Architectural Review Commission denied the project at the May 26, 2021 meeting. Carried 5-2.] Staff Recommends a Deferral to the October 13, 2021 Meeting

This item was deferred at approval of the agenda to the October 13, 2021 meeting.

c. **Z-20-00311 SPECIAL EXCEPTION WITH VARIANCE(S)** Zoning District: C-TS Town Serving Commercial The application of Bricktop's Palm Beach, applicant, relative to property located at 375 S COUNTY RD, legal description on file, is described below. Section 134 1109 (14): Modification to previously approved Special Exception with Site Plan Review is being requested for Bricktop's restaurant to add 40 outdoor seats for lunch and dinner in the north courtyard adjacent to the existing restaurant. The additional seating will increase the seating from 150 indoor and patio seats to 190 seats. The current approval allows 52 seats of the 150 seats to be outside on the south patio. Section 134 2176: a variance is being requested to provide zero (0) on-site parking spaces in lieu of the 13 parking spaces that are required for the additional 40 outdoor seats. [Applicant's Representative: Maura Ziska Esq]

This item was deferred at approval of the agenda to the October 13, 2021 meeting.

d. **Z-21-00333 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of 04TST101NIGHTINGALE LLC, applicant, relative to property located at **101 NIGHTINGALE TRL**, legal description on file, is described

below. Section 134 893(13): The applicant is proposing to construct a 70 square foot one story bathroom addition and two Dutch gables that will be added to the courtyard elevations of the pool cabana and kitchen which will increase the cubic content ratio ("CCR") to 5.24 In lieu of the 5.01 existing CCR and the 3.9 maximum CCR allowed in the R B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the September 29, 2021 meeting. Carried 7-0.] Staff Recommends Deferral to the October 13, 2021

This item was deferred at approval of the agenda to the October 13, 2021 meeting.

e. **Z-21-00349 SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of STEPHEN LIVADITIS (CONTRACT PURCHASER), applicant, relative to property located at **200 BAHAMA LN**, legal description on file, is described below. Section 134-893(b): Site Plan Review to allow the construction of a 5,856 square foot two story, single family residence on a non-conforming platted lot that is 90.17 feet in depth in lieu of the 100-foot minimum required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the September 29, 2021 meeting. Carried 7-0.] Staff Recommends Deferral to the October 13, 2021 Meeting.

This item was deferred at approval of the agenda to the October 13, 2021 meeting.

f. **Z-21-00353 SITE PLAN REVIEW** Zoning District: R-A Estate Residential The application of TODD GLASER, applicant, relative to property located at **1080 S OCEAN BLVD**, legal description on file, is described below. Section 134-843(b): Request for Site Plan Review to allow the construction of a 9,485 square foot two story, single family residence on a non-conforming platted lot that is 17,567 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission approved the project at their August 25, 2021 meeting. Carried 6-1.]

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

Ex parte communications declared by Council Members Araskog, Crampton, Council President Pro Tem Lindsay and Mayor Moore.

Council Member Cooney declared a conflict of interest for this project and left the dais.

Maura Ziska, attorney for the owner, presented the zoning request for the project.

Chris Kidle, LaBerge & Menard, presented the architectural plans proposed for the new residence.

Zoning Manager Castro provided staff comments.

Council President Pro Tem Lindsay called for public comments. There were no comments heard at this time.

Council Member Araskog thought the house looked massive from the street. She inquired about the homes adjacent to the proposed home. Mr. Kidle discussed the adjacent homes. Mr. Kidle also stated that the new home was well under what was allowable for height.

Mayor Moore pointed out that the adjacent home was going to be demolished soon and would be a two-story home.

Council Member Crampton thought there were other larger homes in the area. He did not believe this home would overshadow any of the other homes in the area.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay that Site Plan Z-21-00353 be approved based upon the finding that the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11, and 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. The vote on the motion was 2-1, with Council Member Araskog opposed (and Council President Zeidman absent).

Council President Pro Tem Lindsay announced this application would be re-heard since the vote was 2-1 and three members needed to vote in the affirmative for the project to be approved. Since Council Member Cooney recused himself due to a conflict of interest, the project would be reheard once Council President Zeidman arrived.

The project was later heard at 1:32 p.m.

Council President Zeidman announced the project was being reheard due to not reaching a majority vote of 3 earlier in the day. Council Member Cooney left the room after re-stating he was recusing himself.

Maura Ziska, attorney for the owner, presented the zoning request for the project.

Chris Kidle, LaBerge & Menard, presented the architectural plans proposed for the new residence. He showed a short video, which had been presented to ARCOM.

Ex parte communications declared by Council Members Araskog, Crampton, Council President Pro Tem Lindsay and Mayor Moore.

Council President Zeidman asked to see the streetscape elevation. Mr. Kidle presented the streetscape.

Mayor Moore pointed out a new two-story home would be constructed adjacent to the home.

Zoning Manager Castro provided staff comments.

Council Member Araskog inquired if the neighbor's concerns had been addressed. Ms. Ziska and Mr. Kidle explained how these issues had been addressed at ARCOM. Council Member Araskog inquired if she could see the photographs of the adjacent homes, which Mr. Kidle provided.

Council Member Zeidman thought that homes on South Ocean Boulevard presented themselves differently than on the interior streets.

Council President Zeidman called for public comments. There were no comments heard at this time.

Council Member Araskog discussed her objections for the proposed home.

Council Member Crampton stated there were other large homes in the neighborhood.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay that Site Plan Z-21-00353 be approved based upon the finding that the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11, and 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 3-1, with Council Member Araskog opposed (and Council President Zeidman absent).

Council President Zeidman stated for the record that she had not been present that morning, but was present this afternoon.

g. **Z-21-00356 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-TS Town Serving Commercial The application of BUCCAN (SAM SLATTERY), relative to property located at **350 S COUNTY RD SUITE: 100**, legal description on file, is described below. Section 134-1109 and Section 134 1112: Modification to a previously approved special exception use with site plan approval for the sandwich take out counter business for Buccan Restaurant to request the following: (a) to install two (2) new awnings to match existing awnings; (b) to modify the storefront to include a new door in the existing opening; (c) to modify an interior floor plan of the sandwich shop (no seats are being proposed); (d) to modify the hours of operation to be 7:00 AM to 3:00 PM (previously approved were 11:00 AM 3:00 PM) [Applicant's Representative: Maura Ziska Esq]

This item was deferred at approval of the agenda to the October 13, 2021 meeting.

h. **Z-21-00359 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-A Estate Residential / B-A Beach Area The application of 870 S OCEAN LLC (TODD GLASER, MANAGER), Owner, relative to property located at **870 S OCEAN BLVD**, legal description on file, is described below. Section 134-840: Request for a Special Exception with Site Plan Review to allow construction of a 435 square foot beach cabana (20' x 25') with a 250 square foot pool and a new seawall in the R-A/B-A Zoning District. Section 134- 1474(a): Request for a variance to construct a 435 square foot beach cabana that is on a lot with frontage of 101.53 feet in lieu of the 125 feet required for lot

width in the B A Zoning District for beach area property adjacent to R-A Zoning District. Section 134- 1701 and 62 37: Request for a variance to construct a new 100.5' seawall three feet east of the existing seawall which is east of the Town of Palm Beach bulkhead line 6'2" at the south end and 6'0" at the north end, in lieu of the seawall being placed directly on the bulkhead line. The proposed new seawall will align with the recently constructed seawall at 880 South Ocean Boulevard. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will cause negative architectural impacts to the subject property. Carried 6-1.] [The Architectural Review Commission deferred this project to the September 29, 2021 meeting. Carried 7-0.] Staff Recommends Deferral to the October 13, 2021 Meeting

This item was deferred at approval of the agenda to the October 13, 2021 meeting.

f. **Z-21-00361 VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of GARY PURUCKER (CONTRACT PURCHASER), Applicant, relative to property located at **334 CHILEAN AVE**, legal description on file, is described below. Section 134 948: A request for a variance to construct a new 5,270 square foot, two story residence, on a non-conforming lot with a lot area of 9,384 sq. ft. in lieu of the 10,000 sq. ft. minimum required in the R-C Zoning District. [Applicant's Representative: Maura Ziska Esq] [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 at their August 25, 2021 meeting. Carried 5-2.]

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

Maura Ziska, attorney for the owner, presented the zoning request for the project.

Michael Perry, MP Design & Architecture, presented the architectural plans and landscaping proposed for the new residence.

Zoning Manager Castro provided staff comments.

Council Member Cooney inquired about the grade from the street and asked Mr. Perry if he could show a streetscape of the new home. Mr. Perry showed a streetscape and further explained the entrance with the

grade change.

Council Member Crampton asked Mr. Perry if he had a depiction of the house sited on the lot in comparison to the other homes in the area. Mr. Perry showed the Council the site plan diagram.

Motion made by Council Member Crampton and seconded by Council Member Araskog, that Variance Z-21-00361 shall be granted and find in support thereof that all 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 4-0, with Council President Zeidman absent.

Council President Pro Tem Lindsay called for public comments. There were no comments heard at this time.

g. **Z-21-00371 SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of MICHAEL S. ARLEIN, TRUSTEE OF THE 267 DUNBAR ROAD TRUST DATED 10/07/20, APPLICANT, relative to property located at **267 DUNBAR RD**, legal description on file, is described below. Site Plan Review to allow the construction of a new two story 7,552 square foot single family residence on a non-conforming platted lot which is 98.5 feet in width in lieu of the 100-foot minimum width required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred this project to the September 29, 2021 Meeting. Carried 6-1.] Staff Recommends a Deferral to the October 13, 2021 Meeting

This item was deferred at approval of the agenda to the October 13, 2021 meeting.

h. **Z-21-00372 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of 301 POLMER PARK LLC (RICHARD TRUE, CONTRACT PURCHASER), APPLICANT, relative to property located at **301 POLMER PARK**, legal description on file, is described below. The subject property is 37,818 square feet in total area. The applicant is requesting a variance to split the lot into two lots. East Lot with residence 22,873 square feet in area; and West vacant lot 14,945 square feet in area. All improvements will be removed from the West lot. The following variances are being requested in order to split the property into two lots and retain the residence on the East

lot. Request for a west side yard setback of 8.25 feet (for the proposed East lot) in lieu of the 17 .5 foot minimum required for a lot in the R B Zoning District that is in excess of 20,000 square feet and has a width in excess of 150 feet. A lot coverage of 29% in lieu of the 25% maximum allowed for a lot in excess of 20,000 square feet in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq]

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

Maura Ziska, attorney for the owner, presented the zoning request for the project and explained the request.

Zoning Manager Castro provided staff comments.

Council Member Araskog asked why the pool cabana could not be removed to come into compliance. Ms. Ziska stated eliminating the pool cabana would not bring the property into compliance.

Mr. Castro stated eliminating the pool cabana would make the property more compliant.

Council Member Araskog stated she respected the wishes of the neighbors but the request was for 28.5% in lieu of 25%. Ms. Araskog asked if the second lot would be a conforming lot. Mr. Castro stated that both lots would be conforming. Council Member Araskog inquired about the hardship for the variance. Ms. Ziska responded the hardship was preserving the existing house for the owners and the neighbors.

Council Member Crampton inquired if this would create anything non-conforming. Mr. Castro stated the house would be non-conforming, and was already non-conforming. Council Member Crampton added he had toured the site, felt the existing house was worth saving and was in favor of moving forward with approval.

Council President Pro Tem Lindsay inquired if the intent was to save the original home. Ms. Ziska confirmed this statement. Ms. Lindsay stated her understanding was the neighbors preferred to keep this home because it conformed to the neighborhood design and would reduce construction. She added the house could be demolished.

Council Member Cooney commented if they demolished the house,

they would not need any relief from Council.

Richard True, owner, confirmed the house was for sale as one estate and he had agreed with the neighbors that he would market it as one piece of property until February. Their backup plan, if it did not sell by February, was to develop the lot where there is currently a large tennis court. Their other option was to demolish both houses and build two 10,000 square foot houses, for which no variances would be needed.

Mayor Moore stated initially she was a bit uncomfortable. However, now seeing the pictures and understanding the request, she believed the existing request was less damaging.

Council Member Araskog suggested a 5-year restriction not to tear the house down.

Council Member Cooney asked if a new purchaser would be bound by a restriction, and the response was they would not.

Mr. True wanted a backup plan to develop the tennis court.

Council Member Araskog suggested a condition that the house would not be demolished before February 1.

Mr. Castro did not understand placing a condition that restricted demolition since they could tear down the house by right. They were asking for relief to keep the existing house intact. If the owner requested to split the estate, it would need to proceed through the administrative process, which would take several months.

Council Member Cooney thought the issue was the level of non-conformity with which Council was comfortable.

Council President Pro Tem Lindsay stated she was comfortable with the plans as presented that included removing the office.

Council Member Cooney confirmed with Ms. Ziska that the plans, as presented, included removal of the office.

Motion made by Council Member Cooney and seconded by Council Member Crampton, that Variance Z-21-00372 shall be granted and find in support thereof that all 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 4-0, with Council President Zeidman absent.

i. **Z-21-00378 VARIANCE(S)** Zoning District: R-A Estate Residential The application of ANN DESRUISSEAUX, APPLICANT, relative to property located at **800 S COUNTY RD**, legal description on file, is described below. The applicant is seeking to modify the previous approval (Z 20 00261) which allowed the renovation and additions to a 2-story landmarked residence with accessory buildings in the R-A Zoning District. The renovation is underway and the approval included raising the finished floor elevations of all of the structures to 9.0 feet NAVD. The applicant is requesting approval to modify the previous approval to raise the finished floor elevation of the main residence and generator building (only) another two feet to 11.0 feet NAVD. The following variances are being requested to allow the new finished floor to be elevated another two feet from the previous approval: a north side yard setback of 5 feet for the boat house addition in lieu of the 30 foot minimum required; a north side yard setback ranging from 1.1 feet to 5.5 feet in lieu of the 30 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback; a rear yard setback of 0 feet in lieu of the 15 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback; a rear yard setback ranging from 0 feet to 13.4 feet In lieu of the 15 foot minimum required for the existing main house when raising the finished floor thus increasing the height in the setback; a rear yard setback of 12.58 feet in lieu of the 15 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback; a north side yard setback of 14.5 feet for the 2 story generator building in lieu of the 30 foot minimum required; a south side yard setback ranging from 9 feet to 15.5 feet in lieu of the 30 foot minimum required for the new cabana and main house addition; a height in the main residence and addition to main house of 28.5 in lieu of the 25 foot maximum allowed; to allow the finished floor elevation to be 3.6 feet above the crown of the road in lieu of the 18 inches maximum allowed; to allow the finished floor elevation at 2.66 feet above grade in lieu of the 8 inch maximum allowed; a lot coverage of 28.46% in lieu of the 25% maximum allowed for the raised terrace; a rear yard setback of 1.75 feet in lieu of the 15 foot minimum required for the raised terrace; a south side yard setback of 4.5 feet in lieu of the 30 foot

minimum required for the raised terrace. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 4-3.] [The Landmarks Preservation Commission approved the project as presented at their August 18, 2021 meeting. Carried 4-3.]

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

Maura Ziska, attorney for the owner, presented the zoning request for the project and explained the request.

Jason Drobot, Brasseur and Drobot Architects, presented the architectural plans proposed to raise the home to 11 feet NAVD.

Zoning Manager Castro provided staff comments, and stressed that the applicant should present a hardship for the request.

Council Member Araskog pointed out Mr. Segraves' commentary on this project, and added that he had voted in the negative because he thought raising the home would affect the integrity of the home. She also objected to the long run of the new addition and windows that would be overlooking the neighboring home. She commented on Emily Stillings opinion that the historic boathouse should be grandfathered and raised, but the new addition should not be raised. Council Member Araskog asked about the timing of the application in coordination with the Woods Hole report.

Ann DesRuisseaux, owner, spoke about the request to raise her home.

Council Member Araskog discussed her objections with Ms. DesRuisseaux, which pointedly were the raising of the new addition. Council Member Araskog added that she did not know what the Council would decide regarding the Woods Hole report. She described her legal objections. She favored raising only the original guest house.

Council Member Crampton pointed out he was in favor of being proactive when dealing with sea level rise. However, he had not seen what the proposed home would look like when raised 11 feet, how it would interact with the neighboring homes, and wondered if the building's integrity would be compromised.

Council President Zeidman reported she had asked Landmarks' Chairman, Rene Silvin, about having the guest house at 11 feet and the rest of the house at 9 feet. She stated that he believed the proposal would destroy the look of the house.

Mr. Drobot displayed a drawing of a 3-D model at 11 feet, and pointed out the original part of the home and the proposed addition.

Mayor Moore expressed concern with the raising of the guesthouse to eleven feet, which was one foot off the north property line. The applicant clarified it was five feet, not one foot. Mayor Moore still had the same concern, as well as that it did not meet code.

Council President Zeidman inquired about the possibility of raising the boathouse to 9 feet and raising the remainder of the home to 11 feet. Mr. Drobot responded the existing historical design would be completely altered, and the ceiling height at the end of the bridge would be too low.

Council President Pro Tem Lindsay discussed the Woods Hole recommendation, which recommended a certain amount of freeboard (cushion). She thought there must be a compromise between what was being suggested and something that the neighbor would accept.

Council Member Cooney noted this was a really challenging application and acknowledged the owner had taken on a difficult project. Another view of elevations with the property raised to eleven feet was shown, which included neighborhood properties. Council Member Cooney stated he was more troubled with the height of the new addition than the original house.

Council President Zeidman called for public comment. There were no comments heard at this time.

Ms. DesRuisseaux expressed appreciation for the Council having to struggle with this difficult process. She indicated she was doing this because this home was a national treasure. She discussed how this was a unique property that showed a hardship.

Harvey Oyer, attorney representing owner at 790 S. County Road., questioned whether any hardship had been met for this application. He felt there should be no expansion of the boathouse or expansion of the north property line and no generator. He discussed damage

and trespass on his client's property. He felt there was no basis to grant any of the variances.

Maura Ziska spoke to the hardship for the property.

Mr. Oyer responded the applicant did not have the right to make the boathouse/guesthouse larger or taller or to build a new generator house outside his client's window in a zoning district that required a 30-foot side setback.

Discussion ensued regarding continuing this application and considering all of the variances. Council President Zeidman and Town Attorney Gavigan clarified that a year ago, the Town Council had approved all the variances at nine feet, and today was looking at the code requirements for variances and whether it was appropriate to move it to eleven feet.

Katie Carpenter, resident of Palm Beach, thought the homeowner should be applauded for raising her home and thought the 11 feet was correct. She thought more homeowners would be coming forward with this request.

Council Member Araskog asked the architect if only the addition could be lowered or kept at nine feet. She agreed with Mr. Oyer regarding hardship criteria, since not all of the house was historic. She discussed hardship issues.

Motion made by Council Member Araskog that Variance Z-21-00378 shall be denied for the reasons that the application does not meet the criteria set forth in Section 134-201 (a), specifically criteria 2, 4, 5 and 7.

Council Member Crampton spoke about the owner's willingness to take on this incredibly costly and challenging project, and asked for the generator location to be changed. He expressed his desire to see this project go forward with all its faults and uncertainties because the end product would be good for the town, set a good example, and enhance the Palm Beach brand. He felt the hardship was that the waters were rising and this house would be lost. He thought the hardship was totally unique and different, and it was the Council's job to interpret these kinds of things. He thought the owner's initiative and example should be rewarded by allowing it to go to 11 feet, conditioned on moving the generator away from the neighboring property.

Council Member Araskog responded she would like to say there was a hardship but it had to be a minimum, and they were adding to the house. She was afraid if the project ended up in court, the Town would lose. Council Member Crampton expected this would end up in court.

Town Attorney Gavigan asked Council to focus on the criteria in their Code.

Motion failed for lack of a second.

Council President Zeidman noted the original boathouse was approved last year at nine feet and confirmed with Zoning Manager Castro that the approval from one year ago was still valid.

Council Member Araskog wanted that answered by an attorney. She discussed how making the building higher could change the way the variances affected the neighboring properties.

Zoning Manager Castro clarified the nine feet had been approved and anything over that could be denied, modified or approved with conditions. However, the nine feet had been approved and the owner could build that today. The request was asking to take the exact building that was approved at nine, to be raised to eleven, which triggered additional variances because by raising the finished floor, encroachments in the setback were created.

Town Attorney Gavigan agreed and stated Council should look at the Code related to variances, at the requested variances to raise it to eleven feet, and not variances that were previously determined.

Motion made by Council Member Crampton that Variance Z-21-00378 shall be granted and find in support thereof that all 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, and include relocation of the generator so that it is not in proximity to either the neighbor to the south or the neighbor to the north. Motion failed for lack of a second.

Council Member Cooney summarized his concerns, that he understood the owner's desire to only raise the home once, and the town wanted to see landmarks preserved. However, he was troubled that the request to elevate the home applied not only to the historic

structures but also having greater impacts on neighbors on both sides. Therefore, he proposed a motion to defer for one month to study ways to mitigate those impacts on the north and south sides, while still trying to achieve the applicant's desired raised height. He thought a one month restudy would be sufficient. His thoughts included a restudy of the generator location, the height of the addition to the boathouse, and the long stretch of property on the south.

Mayor Moore thought a restudy of the project would require returning the project to the Landmarks Commission and added the applicant needed a decision today.

The applicant said it was impossible to go back to Landmarks since the house would be set at its permanent level on Friday.

Council President Zeidman commented she did not like the Town Council to be put in a position of having to make a decision that could set a precedent before they were ready. However, she was ready to support Council Member Crampton's motion because she believed this home was entirely unique and not seen anywhere else in this town. She added that she was disappointed that the Town Council was not made aware, and therefore could not fully appreciate the additions at the back of the guesthouse, prior to their last approval.

Discussion ensued regarding the additions.

Council Member Cooney suggested to allow the raising of the original, historic house while restudying the additions.

Ms. DesRuisseaux stated she was not interested in building a home with two different levels.

Motion made by Council Member Cooney and seconded by Council Member Araskog, that Variance Z-21-00378 shall be granted, subject that it only applies to the areas of the original, historic home as outlined in red in the architect's architectural drawings on Sheet SP-6, and find in support thereof that all the criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and further remand the additions outside of the historic building to Landmarks for further study and with the condition that the generator is moved so it is not in close proximity to both the north and south neighbors.

Mayor Moore asked why a motion was being made when the applicant had stated it was not acceptable.

Mr. Bergman requested for more clarification on which portion of the home could be raised. It was decided that the home outlined in red on Sheet SP-6.

Ms. DesRuisseaux explained the hardships that had been established when she requested the elevation to nine feet, including additions. She also expressed her willingness to relocate the generator.

Council President Pro Tem Lindsay felt this was a unique property that should be saved. She commented on the Woods Hole report with their warnings. She thought that while sea level rise remains unknown, she believed that no one knows the correct height to raise the property.

Council Member Crampton expressed his opinion that while the home had been approved at nine feet, this situation was unique and different with this house being in the water. He felt eleven feet was better than nine feet. He also believed the result would be a showpiece that people in and out of town would revere for generations to come.

Council President Zeidman called for a vote on the motion.

The motion carried 3-2, with Council Member Crampton and Council President Zeidman opposed.

After the vote, Ms. Lindsay requested to change her vote.

The motion carried 2-3, with Council Member Crampton, Council President Pro Tem Lindsay and Council President Zeidman opposed.

A discussion ensued about another possible motion.

Council President Pro Tem Lindsay thought time was running out on being able to raise the home. Council Member Araskog commented only for the historic house and not the additions.

Zoning Manager Castro responded the house was the only thing that had to be raised.

Ms. Ziska responded the foundation had to be poured now for the additions at this time as well. Ms. DesRuisseaux stated the house had existing low ceilings and two different levels were not feasible.

Council President Lindsay asked for Council Member Cooney's opinion, as a long-time Chair of Landmarks, whether the motion that he made was feasible.

Council Member Cooney responded that he felt the proposal had the additions redesigned for eleven feet. He thought a restudy and/or

redesign of the additions was worth investigating, since they were some of what was impacting the neighbors, particularly with the appearance of height and mass.

Council President Pro Tem Lindsay stated she would stay with her original vote on Council Member Cooney's motion.

The vote was re-stated for the record.

Motion carried 3-2 with Mr. Crampton and Council President Zeidman opposed.

Council discussed which items could be carried forward to the next day's meeting.

2. New Business

a. **Z-21-00380 SPECIAL EXCEPTION** Zoning District: C-TS Town Serving Commercial The application of YOSHIKO PALM BEACH LLC (ELLEN JEFFRIES, MANAGER), Applicant, relative to property located at **400 HIBISCUS AVE**, legal description on file, is described below. The applicant is requesting permission to expand the salon ("Salon Yoshiko") from 2,780 square feet to 3,423 square feet, which will require special exception approval as the resulting square footage is in excess of 3,000 square feet. Town Serving documentation is on file in the office of the Town of Palm Beach. Planning, Zoning and Building Department. [Applicant's Representative: Maura Ziska Esq]

Ex parte communications declared by Council members Araskog, Cooney, Council President Pro Tem Lindsay and Mayor Moore.

Maura Ziska, attorney for the owner, presented the history of the building and the zoning request for the project and explained the request.

Ellen Jeffries, Salon Yoshiko, discussed her operation, talked about her clients and explained how the additional space would be used.

Zoning Manager Castro provided staff comments.

Council Member Cooney inquired if staff reviewed the town-serving documentation. Mr. Castro stated staff did not review the documentation and provided further explanation.

Ms. Ziska explained how Salon Yoshiko met the town-serving requirement. Ms. Jefferies discussed how the owners had been actively involved in the community.

Council Member Araskog stated she had not seen the town serving document.

Council Member Crampton stated he had not seen the town-serving document but he believed the business would be town serving.

Council Member Araskog stated she believed a condition of approval should be placed that required the business to return to the Council in one year to prove town serving.

Ms. Ziska placed the town-serving report on the screen to show the town council members and read from the document. Mr. Castro shared the town-serving document that was submitted.

Mayor Moore agreed with Council Member Araskog and thought the town-serving requirement should be reviewed in one year.

Motion made by Council Member Araskog and seconded by Council Member Cooney, that Special Exception Z-21-00380 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, and with the condition that the applicant shall return to the September 2022 Town Council meeting to demonstrate that the business is town serving. Motion carried 4-0, with Council President Zeidman absent.

b. **Z-21-00381 SPECIAL EXCEPTION** Zoning District: C-WA Worth Avenue The application of 329 WORTH AVE LLC (Matthew Raptis and Adrienne Raptis), Applicant, relative to property located at **329 WORTH AVE**, SUITE: 5, legal description on file, is described below. Special Exception request for a change of use from a 525 square foot retail book store to a merchant retail take out cafe with a to go counter and takeout food and beverage which will be called "Via Roma Cafe." There will be no seats. The hours of operation are proposed to be 7:00 AM to 6:00 PM. [Applicant's Representative: Maura Ziska Esq]

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

Maura Ziska, attorney for the owner, presented the zoning request for the project and explained the request.

Adrienne Raptis, owner of Raptis Rare Books, discussed her intent in opening the small café.

Kristen Kellogg, Smith Kellogg Architecture, Inc., presented the architectural plans proposed for the new café.

Ms. Raptis stated the space had been used as a take-out window in the past.

Zoning Manager Castro provided staff comments. Mr. Castro stated he did not see a town-serving document, however they did address the town-serving requirement in the application.

Council Member Crampton thought the use was appropriate. He was in favor of the request since the café was recessed, and not directly on Worth Avenue. He thought the business was convenient to the residents and would add to the ambiance.

Mayor Moore thought the applicant should return to the Town Council in one year to demonstrate town serving.

Council Member Araskog inquired if the business would have a liquor license. Ms. Raptis stated she did not believe they would request a license. Council Member Araskog agreed that the applicant should return to the Town Council in one year to demonstrate town serving.

Council President Pro Tem Lindsay thought that the applicant would not have a hard time proving that the business was town serving.

Ms. Ziska explained the process of documenting town serving customers for the owner.

Motion made by Council Member Cooney and seconded by Council Member Araskog, that Special Exception Z-21-00381 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, and with the condition that the applicant shall return to the September 2022 Town Council meeting to demonstrate that the business is town serving. Motion carried 4-0, with Council President Zeidman absent.

Please note: A short break was taken at 11:00 a.m. The meeting resumed at 11:15 a.m.

c. **Z-21-00382 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of DAVID CANEPARI AND DIANE ELLWOOD CANEPARI, Applicants, relative to property located at **260 NIGHTINGALE TRL**, legal description on file, is described below. A request for a flood plain variance on a historically significant home in order to construct a 120 square foot one-story addition with a finished floor elevation of 5.99 feet North American Vertical Datum ("NAVD") in lieu of the 7.0 foot NAVD required. This home is a Historically Significant Building. [Applicant's Representative: Maura Ziska Esq]

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

Maura Ziska, attorney for the owner, presented the zoning request for the project and explained the request.

Nelo Freijomel, Spina O'Rourke + Partners, presented the proposed architectural plans for the existing home.

Zoning Manager Castro provided staff comments.

Council Member Cooney discussed the change in the Florida Building Code and the flood plain variances now required for this historically significant home. He expressed his support.

Council Member Araskog inquired if a hardship was needed for this variance. Ms. Ziska responded this was a different type of variance.

Council President Pro Tem Lindsay thought that this was a wonderful example of a historically significant building.

Motion made by Council Member Cooney and seconded by Council Member Araskog that Variance Z-21-00382 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met. Motion carried 4-0, with Council President Zeidman absent.

d. **Z-21-00383 VARIANCE(S)** Zoning District: R-B Low Density

Residential The application of MICHAEL T FRIES & MICHELLE R MALONE, Applicants, relative to property located at **146 SEASPRAY AVE** , legal description on file, is described below. Request a variance to expand nonconforming 2-story accessory building in the rear of the property by adding a 128 square foot one story cabana/office addition that would result in a 5.6 foot rear yard setback in lieu of the 10 foot minimum required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 4-3.] [The Architectural Review Commission approved the project as presented. Carried 4-3.]

This item was deferred to the next day, September 14, 2021, under Any Other Matters.

e. **Z-21-00384 SPECIAL EXCEPTION** Zoning District: C-PC Planned Center The application of TOOJAY'S PALM BEACH LLC (JEFF SIROLLY, GENERAL COUNCIL), Applicant, relative to property located at **340 ROYAL POINCIANA WAY, SUITE: M335**, legal description on file, is described below. Request for a special exception approval for the relocation of TooJay's Restaurant from Suite M313 to Suite M335 of the Royal Poinciana Plaza. Suite M335 is the space formerly occupied by Coyo Taco. The proposed restaurant would occupy 3,529 square feet of gross leasable area with 90 total seats, 12 of which are proposed as outdoor cafe seating. Proposed hours of operation are 8:00 AM to 9:00 PM, seven days per week. TooJay's Palm Beach, LLC will be Town Serving as explained in the Town Serving statement on file with the Planning Zoning and Building Dept. The outdoor cafe seating standards are addressed in the Letter of Intent which is on file with the Planning Zoning and Building Dept. [Applicant's Representative: James Crowley]

Ex parte communications declared by Council Members Cooney, Crampton and Council President Pro Tem Lindsay.

Alexandra Patterson provided an overview of the request and introduced Alan Nuckles with TooJay's.

Alan Nuckles, Vice President of TooJay's, explained the history of TooJay's and talked about their flagship store.

Jamie Crowley, attorney for the owner, presented the zoning request for the project and explained the request.

Nelo Freijomel, Spina O'Rourke + Partners, stated there were no proposed changes to the exterior, with the exception of signage.

Zoning Manager Castro provided staff comments. Mr. Castro inquired if they would have a liquor license. Mr. Nuckles responded they had a beer/wine license today and would like to get one in the new space.

Council Member Araskog inquired about the proposed hours. Mr. Crowley responded 8 am to 9 pm. Council Member Araskog inquired about the additional entrance to the restaurant and whether it would be utilized. Ms. Patterson responded it would be nice to have that option.

Mayor Moore inquired about the location of the kitchen and the cashier on the plans. Ms. Patterson responded and discussed the locations.

Council President Pro Tem Lindsay thought this was a wonderful change for the restaurant.

Motion made by Council Member Crampton and seconded by Council Member Cooney, that Special Exception Z-21-00384 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code 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.

Council Member Araskog asked for an explanation of the parking.

Mr. Crowley explained the principle of equivalency in the code for parking allowed them a total of 124 seats for the existing TooJay's, and 90 proposed. He further explained that Coyo Taco had 80, so they would like to keep the remaining seats in a pool to be used in the future for either restaurant seats or converted to theater seats if necessary.

Zoning Manager Castro indicated staff would need to review the parking and if needed, would be brought back to Council.

Motion carried 4-0, with Council President Zeidman absent.

f. **Z-21-00385 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of 239 MONTEREY ROAD LLC (Louis Capano, Jr., Manager), Applicant, relative to property located at **223 MONTEREY RD**, legal description on file, is described below. The lot is non-conforming in area: 9,000 square feet in lieu of

the l0,000 square feet required in the R-B Zoning District; and in width: 90 feet in width in lieu of the 100-foot minimum required in the R-B Zoning District. Request to demolish the existing one-story residence, accessory structure, pool, driveway and miscellaneous site walls, piers and fences and construct a new 3,902 square foot single family two-story home on a non-conforming lot (overall size and width) meeting all applicable Town codes. The request includes a driveway, pool/spa, hardscape and landscape, including an emergency generator and civil storm water and grading. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the September 29, 2021 meeting. Carried 7-0.] Staff recommends a deferral to the October 13, 2021 meeting.

This item was deferred at approval of the agenda to the October 13, 2021 meeting.

g. **Z-21-00386 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-B Low Density Residential The application of JAMES & SARA MCCANN, Applicants, relative to property located at **217 BAHAMA LN**, legal description on file, is described below. This home has been designated as Historically Significant and will be heard before Landmarks Preservation Commission prior to being heard before Town Council. Site Plan Review is being requested to allow the renovation and one-story additions totaling 894 square feet to an existing 3,034 square foot, one story residence, this requires demolition by more than 50% cubic footage on a lot with a depth of 91 feet in lieu of the 100-foot minimum required in the R-B Zoning District. Variances being requested are to allow a west side yard setback for the garage addition to remain non-conforming with a setback of 9.83 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District. To allow a flood plain variance in order to construct the a 360 square foot one story garage addition on the east side of the residence; a 200 square foot one story closet addition on the west side of the residence; and a 334 square foot loggia addition to the rear of the residence, all with a finished floor elevation of 5.82 and 6.82 feet North American Vertical Datum ("NAVD") in lieu of the 7.0 foot NAVD required; and an angle of vision of 119 degrees in lieu of 103 degrees existing and 100 degrees maximum allowed. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the historically significant building. Carried 7-0.] [The Landmarks Preservation Commission approved the project at their August 18, 2021 meeting. Carried 7-0.]

Ex parte communications declared by Council Members Araskog,

Cooney, Council President Pro Tem Lindsay and Mayor Moore.

Maura Ziska, attorney for the owner, presented the zoning request for the project and explained the request.

Lauren Urquhart, Dailey Janssen Architects, presented the architectural modifications proposed for the existing historically significant building.

Zoning Manager Castro provided staff comments.

Mayor Moore was supportive of the project.

Council Member Araskog inquired about the hardship. Ms. Ziska responded. Council Member Araskog asked if the neighbors supported the request. Ms. Ziska stated the neighbors did support the request.

Motion made by Council Member Cooney and seconded by Council Member Crampton, that Site Plan Z-20-00386 be approved based upon the finding that the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried 4-0, with Council President Zeidman absent.

Motion made by Council Member Cooney and seconded by Council Member Araskog, that Variance Z-20-00386 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met. Motion carried 4-0, with Council President Zeidman absent.

h. **Z-21-00387 SPECIAL EXCEPTION** Zoning District: C-OPI Office, Professional and Institutional The application of CYPRESS TRUST COMPANY (JOHN MARINO), Applicant, relative to property located at **251 ROYAL PALM WAY, SUITE: 500**, legal description on file, is described below. Applicant is requesting a special exception in order to add banking, which is a special exception use, to their current financial services. [Applicant's Representative: Maura Ziska Esq]

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

Maura Ziska, attorney for the owner, presented the zoning request for the project and explained the request.

Zoning Manager Castro provided staff comments. Mr. Castro reviewed the town-serving document submitted.

John Marino, Cypress Trust Company, discussed the type of banking that would occur in the location proposed.

Council President Zeidman called for public comment. There was no public comments at this time.

Council Member Araskog inquired whether the special exception was dependent upon also having town serving. Zoning Manager Castro responded it was not necessary in this zoning district.

Motion made by Council Member Cooney and seconded by Council Member Araskog that Special Exception Z-20-00387 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. Motion carried 4-0, with Council President Zeidman absent.

i. **Z-21-00389 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of JEANNE H OLOFSON REVOCABLE TRUST DATED OCTOBER 19, 1992 (JEANNE H OLOFSON, TRUSTEE), Applicant, relative to property located at **266 ORANGE GROVE RD**, legal description on file, is described below. Request to allow a 224 square foot existing garage on a one-story residence to be converted to living space by creating a guest bedroom, which would require a variance to eliminate the one car garage required on a lot that is 75 feet in width. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 6-1.] [The Architectural Review Commission approve the project at their August 25, 2021 meeting. Carried 7-0.]

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

Maura Ziska, attorney for the owner, presented the zoning request for the project and explained the request.

Nelo Freijomel, Spina O'Rourke + Partners, presented the architectural plans proposed for the modifications to the existing home.

Jeanne Olofson, owner, discussed the request her need to change her home for the possibility of a future caregiver.

Zoning Manager Castro provided staff comments.

Council Member Crampton stated he was not in favor of the front facing garage. He thought the home fit the needs of the homeowner and did not question her sincerity. He thought the request should proceed.

Council President Pro Tem Lindsay stated that most homes in the north end use their driveways. She agreed with Council Member Crampton and supported the request.

Council Member Araskog thought the home looked nice without the one car garage and thought in this instance, she could support the request. She questioned if the garage could be converted back in the future. Council Member Araskog inquired about the hardship. Ms. Ziska responded it was a combination of the size of the property, the size of the house, and the owner's needs.

Council Member Cooney was sympathetic to the owner's request. He thought the home fit nicely on the street.

Mayor Moore thought the Council could be helpful to this owner and support the request.

Motion made by Council Member Crampton and seconded by Council Member Cooney, that Variance Z-20-00389 shall be granted and find in support thereof that all 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 4-0, with Council President Zeidman absent.

j. **Z-21-00390 VARIANCE(S)** Zoning District: R-B Low Density

Residential The application of DAVID LITTMAN AND CONSTANCE LITTMAN, Applicants, relative to property located at **300 N LAKE WAY**, legal description on file, is described below. A request for a variance to add 1,452 square foot, one- story addition, onto an existing one-story guest house that would result in a cubic content ratio ("CCR") of 4.72 in lieu of the 4.49 existing and the 4.5 maximum allowed in the R-B Zoning District for a lot that is 65,500 feet in area. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to their November 19, 2021 meeting. Carried 7-0.] Staff Recommends Deferral to the December 15, 2021 Meeting

This item was deferred at approval of the agenda to the December 15, 2021 meeting.

VIII. ORDINANCES

A. Second Reading

1. Proposed ordinance to modify the code related to fill limitations as well as setbacks for stairs, landings, porches and ramps.

ORDINANCE 19-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Modifying The Definitions For Building, Height Of (Applicable Only In The R-B Districts), Building Height Of (Applicable To All Districts Except The R-B Districts, Building, Height Of, (Applicable To Lots Or Portions Of Lots East Of The State Of Florida Coastal Construction Control Line (CCCL), Building, Height Of, (Applicable To R-B Lots Abutting Lake Trail) To Eliminate The References To Raising The Grade Of A Property And Eliminating Redundant Language; At Article VI, District Regulations, At Sections 134-795, 134-845 And 134-895, Same-Exceptions To Yard Regulations, By Allowing First Floor Entry Ramps, Landings, Associated Steps And Ramps Within Required Setbacks In The R-AA, R-A And R-B Residential Zoning Districts; Sections 134-950, 134-1006 And 134-1062 Same-Exceptions, By Allowing First Floor Entry Ramps, Landings, Open Terraces And/Or Steps Within Required Setbacks In The R-C, R-D(1) And R-D(2) Residential Zoning Districts; Sections 134-797, 134-848, 134-898, 134-953, 134-1009 And 134-1065, Lot Grade Topography And Drainage, By Providing That The Grade Of A Property Cannot Be Raised To Meet Base Flood Elevation Requirements Except As Provided For In A New Section 134-1600 Of The Code And Elimination The Requirement That The Habitable Finished Floor Of A Building Shall Not Exceed Eight Inches Above The Permitted Grade On A Property In The R-AA, R-A, R-B, R-C, R-D(1) And R-D(2) Residential Zoning Districts; Creating Sections 134-1121, 134-1171, 134-1221, 134-1269, 134-1316 And 134-1402, Lot Grade Topography And

Grading In The C-TS, C-WA, C-OPI, C-PC, And C-B Commercial Zoning Districts And The PUD District To Provide That The Grade Of A Property In Those Districts Cannot Be Raised To Meet Base Flood Elevation Requirements Except As Provided For In A New Section 134-1600 Of The Code; Section 134-1309, Same-Exceptions, To Allow First Floor Entry Ramps, Landings And Associated Steps To Extend Into A Required Setback In The C-B Commercial District; At Article VIII, Supplementary District Regulations, Section 134-1548, Yard Regulations, To Allow First Floor Entry Ramps, Landings, Open Terraces, Porches And Associated Steps As Ordinary Projections Into A Required Yard And Cross Referencing The Specific Sections Of The Code That Apply; Creating A New Subdivision III Within Article VIII, Supplementary District Regulations, Section 134-1600, Lot Fill, Providing For A Calculation For The Maximum Amount Of Fill That Can Be Placed On A Lot; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Town Attorney Gavigan read Ordinance 19-2021 on second reading by title only.

Zoning Manager Castro called for public comment. There were no comments heard at this time.

Motion made by Council Member Araskog and seconded by Council Member Crampton to adopt Ordinance 19-2021 on second reading, by title only. Motion carried 4-0, with Council President Zeidman absent.

2. Proposed ordinance to modify the code related to supplemental off- site shared parking regulations.

ORDINANCE 20-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Amending The Definition Of Supplemental Parking To Provide That Supplemental Off-Site Parking In An Underground Garage Or Surface, Enclosed, Partially Enclosed Or Rooftop Parking Facility Shall Not Be Required To Be In Addition To The Required Parking; Sunsetting The Definition On March 13, 2024, Unless Extended Or Modified By The Town Council; At Article VI, District Regulations, Sections 134-1107, 134-1157 And 134-1207, Permitted Uses, In The C-TS, C-WA And C-OPI Commercial Zoning Districts To Allow Supplemental Off-Site Shared Parking In A Surface, Enclosed, Partially Enclosed Or Rooftop Parking Facility As A Permitted Use; Cross Referencing The Requirement For Said Parking In Sections 134-2177 And 134-2182; And Providing A Sunsetting Provision For Said Parking Facilities In Those Districts On March 13, 2024, Unless Extended Or Modified By The Town Council; Section 134-2177 Location of Parking Spaces, and Section 134- 2182,

Location Of Parking Spaces, By Allowing Supplemental Off- Site Shared Parking In A Surface, Enclosed, Partially Enclosed Or Rooftop Parking Facility As A Permitted Use In The C-TS, C-WA And C-OPI Zoning Districts Provided That Said Parking Does Not Exceed 50 Percent Of The Parking Inventory Of The Parking Facility And Providing That If Said Parking Facility Abuts A Residential Use That Said Parking Shall Only Be Allowed BetweenThe Hours Of 8:00 A.M. And 6:00 P.M.; At Section 134-2182 By Relocating The Existing Sunsetting Provision Into A New Subsection (E) And Including Surface, Enclosed, Partially Enclosed And Rooftop Off-Site Supplemental Shared Parking As Part Of The Existing Sunsetting Provision; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Town Attorney Gavigan read Ordinance 20-2021 on second reading by title only.

Council Member Araskog thought this ordinance should not be passed in the summer months. She thought this was an intensification of use and the hours would be detrimental to the neighbors. She stated she did not support the request.

Council Member Crampton asked staff for clarification that this had been written specifically to avoid intensification of use.

Zoning Manager Castro responded and discussed the reasons he believed Council Member Araskog thought the request was an intensification of use. He added that the ordnance indicated that no one could use supplemental parking in order to increase seating or expand a use that would require more parking.

Council Member Crampton felt this would get cars off the street and improve the flow of traffic.

Council President Pro Tem Lindsay thought the parking problem was a management problem, not a space problem. Council President Pro Tem Lindsay felt by moving parking for employees and others off the streets, it would open that parking for residents. She was comfortable proceeding and monitoring to see how the change works.

Council President Pro Tem Lindsay called for public comment. There were no comments heard at this time.

Council Member Cooney felt there were protections written in and this could be reversed if needed.

Motion made by Council Member Crampton and seconded by Council Member Cooney to adopt Ordinance 20-2021 on second reading, by title

only. Motion carried by 3-1, with Council Member Araskog opposed (and Council President Zeidman absent)

Council President Zeidman arrived at this point in the meeting, and lunch break was taken from 12:28 p.m. to 1:30 p.m. Council then returned to Site Plan Review #Z-21-00353, 1080 South Ocean Blvd, which had been paused for re-hearing upon Council President Zeidman's return.

IX. DISCUSSION ITEMS

A. Recognition and Discussion of Increased ARCOM Workload and Applications

Council Member Araskog commented on the increase of residential new construction and residential renovations. She expressed concern that the second day of ARCOM meetings had a loss of members, and sometimes the architects were not present. She also felt discussions were not as comprehensive as on the first day. She discussed the possibility of scheduling a second day when all members could attend. The number of projects also was an indicator of the increased construction in the Town.

Council Member Crampton did not believe it was a permanent condition. He also touched on the new project management procedure and thought this new process would help control the flow of projects appearing before ARCOM. He wanted to see how the new process worked before making any further changes.

Council President Pro Tem Lindsay asked to hear from staff on whether the new process would help the process have better flow.

James Murphy, Assistant Director of Planning, Zoning and Building, discussed where staff was in the process. He stated that this process should help staff make better determinations and pass the applications forward to the development review boards to be reviewed.

Mayor Moore agreed with Council Member Crampton and Council President Pro Tem Lindsay. She believed staff needed time for the process to work. She understood Council Member Araskog's concern.

Council Member Cooney advocated to allow the process more time to work.

Council President Zeidman agreed and congratulated staff, particularly Mr. Murphy, on coming up with an organized process.

Council Member Araskog hoped the new process would lessen deferrals. She was concerned about second day meetings.

Consensus of the Town Council was to allow the new process to work.

B. Town-Serving Regulations

Council Member Araskog requested that this item be delayed to season.

Zoning Manager Castro discussed the reason it was placed on the agenda and advised it did not have to be discussed today.

Motion made by Council Member Araskog and seconded by Council President Pro Tem Lindsay, to defer the matter to the November 10, 2021 Town Council meeting. Motion carried unanimously, 5-0.

X. ANY OTHER MATTERS

Discussion took place regarding the inability of hearing #Z-21-00383 Variance request at today's meeting. Arrangements were discussed regarding timing for hearing the application for 146 Seaspray Avenue the next day. All parties indicated they would be available at 10 a.m.

XI. ADJOURNMENT

The meeting was adjourned at 4:16 p.m. without benefit of a motion.

APPROVED:

_____

Margaret Zeidman, Town Council President

ATTEST:

_____

Kelly Churney, Deputy Town Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME COONEY EDWARD A	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE TOWN COUNCIL, TOWN OF PALM BEACH
MAILING ADDRESS 251 Royal Poinciana Way #A PALM BEACH	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY COUNTY 09/13/2021	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH
DATE ON WHICH VOTE OCCURRED	MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, EDWARD A COONEY, hereby disclose that on SEPTEMBER 13, 20 21:

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

X inured to the special gain or loss of my business associate, TODD MICHAEL GLASER;

___ inured to the special gain or loss of my relative, ___;

___ inured to the special gain or loss of ___, by whom I am retained; or

___ inured to the special gain or loss of ___, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Z-21-00353 Site Plan Review
1080 S. Ocean Blvd.

The applicant is a current client of my employer, Lawrence Moens.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

09/13/2021
Date Filed

Edward A Cooney
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

TOWN OF PALM BEACH

Town Manager's Office

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON MONDAY, SEPTEMBER 13, 2021

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting of September 13, 2021 was called to order at 5:01 p.m. On roll call, council member Crampton, council member Cooney, President Pro Tem Lindsay and President Zeidman were found to be present. Council member Araskog was absent.

II. PLEDGE OF ALLEGIANCE

Council President Zeidman led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

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

IV. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

There were no comments from the public.

V. PUBLIC HEARING ON PROPOSED MILLAGE RATE, TENTATIVE FY22 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

Town Manager Blouin explained fiscal year General Fund budget increased $8,225,000 from fiscal year 2021 budget. The increase is mostly the result of transfers to the Capital Improvement Fund for the reconstruction of the North Fire Rescue station for $5,500,000. Property tax revenue increased by $2,529,700 to

cover $1,500,000 of the North Fire Rescue station cost, and the balance to cover salary and contractual cost increases for landscaping, rental of trailers to house firefighters during the construction of the North Fire station, and contractual hiring. The transfer to the Coastal Protection fund increased by $143,310 and the transfer to fund Risk insurance increased by $163,048.

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 FY22.

1. RESOLUTION NO. 095-2021 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 2021 - 2022 Fiscal Year.

There were no public comments.

Town Manager Blouin read the resolution 095-2021by title into the record.

Motion made by Council Member Crampton and seconded by Council Member Cooney to approve Resolution No. 095-2021. On roll call, the motion passed 4-0 with Council Member Araskog absent.

F. Non-Ad Valorem Assessments

1. Commercial Solid Waste Fee Assessments
[H. Paul Brazil, Director of Public Works]

a. RESOLUTION NO. 096-2021 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.

Paul Brazil, Director of Public Works provided the proposed rates for Commercial Solid Waste collection: Apartments current rate of $12.80, the proposed rate of $12.80 dollars per unit per month. Low volume, five day, current of $0.028 to a proposed $0.029 dollars per square feet per year. Medium volume, five day, current

of $0.189 proposed $0.190 dollars per square feet per year. High volume, five day, current of $0.826, to a proposed $0.832 dollars per square feet per year. Low volume, seven day, current of $0.035 to a proposed $0.035 dollars per square feet per year. Medium volume, seven day, current of $0.234 to a proposed $0.235 dollars per square feet per year. High volume, seven day, current of $1.025 proposed $1.030 dollars per square feet per year. Mr. Brazil noted the Public Works department has not received any public comments regarding the proposed rates.

There were no public comments.

Town Manager Blouin read Resolution No. 096-2021 by title into the record.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 096-2021. On roll call, the motion passed 4-0 with Council Member Araskog absent.

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

   a. RESOLUTION NO. 097-2021 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 Imposition 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.

Jane Le Clainche, Director of Finance, explained Resolution No. 97-2021 adopts the annual rate resolution for the proposed improvement, which is a debt service and maintenance assessments for Worth Avenue Commercial District assessment area for 2022. The total net assessment is $1,018,000.090.

There were no public comments.

Town Manager Blouin read Resolution No. 097-2021by title into the record.

Motion made by Council Member Crampton and seconded by Council President Zeidman to approve Resolution No. 097-2021. On roll call, the motion passed 4-0 with Council Member Araskog absent.

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

a. RESOLUTION NO. 098-2021 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 Imposition 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.

Jane Le Clainche, Director of Finance, explained Resolution No. 098-2021 implements the assessment for Via Fontan Underground assessment area, the total assessment for this area is $14,168.45

There were no public comments.

Town Manager Blouin read Resolution No. 098-2021by title into the record.

Motion made by Council Member Cooney and seconded by Council President Zeidman to approve Resolution No. 098-2021. On roll call, the motion passed 4-0 with Council Member Araskog absent.

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

a. RESOLUTION NO. 099-2021 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 Imposition 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.

Jane Le Clainche, Director of Finance, explained Resolution No. 99-2021 adopts the annual rate resolution assessment for the Everglades Island Underground Conversion; the total assessment is $59,820.14.

There were no public comments.

Town Manager Blouin read Resolution No. 099-2021 by title into the record.

Motion made by President Pro Tem Lindsay and seconded by Council President Zeidman to approve Resolution No. 099-2021. On roll call, the motion passed 4-0 with Council Member Araskog absent.

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

   a. RESOLUTION NO. 100-2021 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 Imposition 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.

Jane Le Clainche, Director of Finance explained Resolution No. 100-2021 this is the final assessment resolution, which is a debt service and maintenance assessment for the Peruvian Avenue Streetscape project. The total assessment $124,708.10.

There was no public comments.

Town Manager Blouin read Resolution No. 100-2021 by title into the record.

Motion made by Council Member Cooney and seconded by Council President Zeidman to approve Resolution No. 100-2021. On roll call, the motion passed 4-0 with Council Member Araskog absent.

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

   a. RESOLUTION NO. 101-2021 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 Imposition 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.

Jane Le Clainche, Director of Finance discussed the assessment for the Town Wide Underground Utility Project. Resolution No. 101-2021 is the annual rate

resolution for the assessments for the Town Wide Underground Utility Project, the total assessment for fiscal year 2022 is $4, 8400,049.24.

There were no public comments.

Town Manager Blouin read Resolution No. 101-2021 by title into the record.

Motion made by Council Member Lindsay and seconded by Council Member Crampton to approve Resolution No. 101-2021. On roll call, the motion passed 4-0 with Council Member Araskog absent.

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

    a. RESOLUTION NO. 102-2021 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 Imposition 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.

Jane Le Clainche, Director of Finance, indicated Resolution No. 102-2021 is the annual rate resolution for the assessment for the Nightingale La Puerta Underground assessment area. The total assessment for 2022 of $42,097.72.

There were no public comments.

Town Manager Blouin read Resolution No. 102-2021 by title into the record.

Motion made by Council Member Crampton and seconded by Council Member Cooney to approve Resolution No. 102-2021. On roll call, the motion passed 4-0 with Council Member Araskog absent.

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

    a. RESOLUTION NO. 103-2021 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 Imposition 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.

Jane Le Clainche, Director of Finance, explained Resolution No. 103-2021 adopts the proposed assessments for the Lake Tower assessment area for 2022. The assessment is $11,375.13.

There were no public comments.

Town Manager Blouin read Resolution No. 103-2021 by title into the record.

Motion made by Council Member Cooney and seconded by Council President Zeidman to approve Resolution No. 103-2021. On roll call, the motion passed 4-0 with Council Member Araskog absent.

G. Discussion and Adoption (with changes, if any) of a Tentative Operating Budget, Debt Service Budget, and Budgets for Other Funds for FY21.

1. RESOLUTION NO. 104-2021 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 2021-2022 Fiscal Year.

Town Manager Blouin read Resolution No. 104-2021 by title into the record.

There were no public comments.

Motion made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 104-2021. On roll call, the motion passed 4-0 with Council Member Araskog absent.

H. Second and Final Public Hearing to Adopt the Final Millage Rate and Budgets will be on Thursday, September 23, 2021 at 5:01 p.m., in the Town of Palm Beach Council Chambers.

VI. ANY OTHER MATTERS

VII. ADJOURNMENT

The Special Town Council Meeting of September 13, 2021 adjourned at 5:23 p.m. without benefit of a Motion.

APPROVED:

_____
Margaret A. Zeidman, Town Council President

ATTEST:

_____
Queenester Nieves, CMC
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 14, 2021

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of Wednesday, September 14, 2021, called to order at 9:30 a.m. On roll call, all council members were present except Council member Cooney.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Nieves gave the Invocation and Council President Margaret Zeidman led the Pledge of Allegiance.

Council Member Cooney joined the meeting at this time.

III. MODIFICATIONS TO THE AGENDA

The following modifications made to the agenda:

1. **ITEM NO. V.A.** Legislative Update
   Brian Mast, U. S. Congressman for the 18th District of Florida
   TIME CERTAIN: 9:45 AM

2. **ITEM NO. V.B.** Presentation by the Palm Beach County Supervisor of Elections Regarding the Upcoming Elections and Senate Bill 90
   Deferred to October or November Town Council Meeting

3. Deferred from the 9/13/21 Town Council Development Review Meeting**:**
   Z-21-00383 VARIANCE(S) Zoning District: R-B Low Density Residential the application of MICHAEL T FRIES & MICHELLE R MALONE, Applicants, relative to property located at 146 SEASPRAY AVE, legal description on file, is described below. Request a variance to expand nonconforming 2-story accessory building in the rear of the property by adding a 128 square foot one-story

cabana/office addition that would result in a 5.6-foot rear yard setback in lieu of the 10 foot minimum required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 4-3.] [The Architectural Review Commission approved the project as presented. Carried 4-3.]
TIME CERTAIN: 10:00 AM

4. **ITEM NO. VI.A.** Presentations by Applicants and Appointments to the Planning and Zoning Commission
Queenester Nieves, CMC, Town Clerk
TIME CERTAIN: 11:00 AM

5. **ITEM NO. XI.A.** Report of the Ordinances, Rules and Standards Committee Meeting Held on Thursday, July 1, 2021
TIME CERTAIN: 2:15 PM

6. **ITEM NO. XII.B.4.c.** Woods Hole Group Coastal Resiliency Implementation Plan Presentation
TIME CERTAIN: 1:00 PM

IV. APPROVAL OF AGENDA

Motion made by Council Member Araskog and seconded by Council Member Pro Tem Lindsay to approve the agenda, as amended. On roll call, the Motion passed unanimously.

V. PRESENTATIONS

A. Legislative Update
TIME CERTAIN: 9:45 AM
Brian Mast, U.S. Congressman for the 18th District of Florida

Congressman Mast expressed his continued concern regarding discharges from Lake Okeechobee. He discussed the Lake Okeechobee Operating System Manual (LOSOM) and noted that there are environmental dangers still present even with approval of the CC plan for Lake Worth Lagoon. He reported some Palm Beach County Commissioners favored making the water level higher for Lake Okeechobee to ensure an adequate water supply for agriculture, the result of which would mean more discharges of extremely toxic water into the Lake Worth Lagoon. He stated that this year the Lake had experienced the highest measurements in history. Congressman Mast provided some pictures of Lake Okeechobee in May 2021; the water in the Lake measured 865 parts per billion (ppb) of microcytis aeruginosa, which produces blue- green algae and toxin. Congressman Mast explained the EPA sets a standard of 8ppb beyond which it

may be harmful to the health of people and animals. Palm Beach County Commissioners are advocating for a higher water table in Lake Okeechobee which has important implications for the health of the Lake Worth Lagoon. Higher water tables in Lake O will result in discharges placing the Lagoon in continued jeopardy. Congressman Mast stated that Melissa McKinlay, District 6 Commissioner, made a point of clarifying there is a difference between discharging Lake O water into rivers such as the Caloosahatchee and St. Lucie and the Lake Worth Lagoon. According to Ms. McKinlay, silt builds up in the Lagoon causing further degradation whereas discharges into the rivers eventually makes its way into larger bodies of water. According to Congressman Mast, if Lake Okeechobee water levels are higher, there will be more discharges. While he did not agree, with all of Commissioner McKinlay findings, he nonetheless, agreed that he shares her concern. Higher water levels will result in more discharges affecting the water supply in Palm Beach County. Congressman Mast recommended a flow cap of 300 cubic feet per second maximum.

Council President Pro Tem Lindsay stated this is a complicated issue. If there were more discharges into the C51, this would mean St. Lucie Estuary would also get more discharges. Congressman Mast explained the St. Lucie Estuary and the Indian River Lagoon are already at 1000's cubic feet per second and the Caloosahatchee already flows thousands of cubic feet per second, Lake Worth Lagoon has negotiated the maximum flows down to 300 cubic feet per second. Congressman Mast explained he wanted agriculture to have all the water they needed but not to the point where toxic water would need to be discharged.

Council President Pro Tem Lindsay asked what else the Town could do. She noted that the Town recognizes that keeping the Lake at a lower level is better not just for the Town of Palm Beach but for all concerned, except agriculture. She believed our position contributed to pressure on the Palm Beach County to request increase levels of water.

Congressman Mast advised a continued dialogue with the Army Corps of Engineers, reaching out to the Palm Beach County Commissioners.

Council President Zeidman expressed concern that the Palm Beach County Commissioners did not understand the harm caused by continuing to advocate for high levels in Lake Okeechobee. She asked Congressman Mast, "what part do they not understand?" Congressman Mast felt they wanted more water but not the harm that came with that, which is not realistic.

Council Member Crampton asked why the allocation system was not set up to deal with this type of situation, if there is more water there, then farming people need, why is it not possible to allocate appropriate to their need and then let the rest of the water be appropriated to other areas. Congressman Mast explained that came from State law, which was a completely different fight. Congressman Mast

responded that was a separate fight for a separate day. He explained consumptive use permitting which requires changes at the State level.

Council Member Araskog inquired about the Consumptive Use Permit (CUP); in addition, she asked about options at the State level. Congressman Mast stated this was an entirely different fight. The South Florida Water Management District issues CUP; the Corps of Engineers are not under any obligation whatsoever to fulfill those consumptive use permits.

Consensus of Council was to have the Mayor prepare a letter to Palm Beach County Commissioners reflecting the Council's views and bring it back next month. Lisa Interlandi offered her assistance which the Mayor graciously accepted.

Council Member Araskog requested an alert as to whom to contact.

B. Presentation by the Palm Beach County Supervisor of Elections Regarding the Upcoming Elections and Senate Bill 90
Wendy Sartory Link, Palm Beach County Supervisor of Elections

This item was deferred to the October/November Town Council Meeting

C. Deferred from the 9/13/21 Town Council Development Review Meeting**:**
Z-21-00383 VARIANCE(S) Zoning District: R-B Low Density Residential The application of MICHAEL T FRIES & MICHELLE R MALONE, Applicants, relative to property located at 146 SEASPRAY AVE, legal description on file, is described below. Request a variance to expand nonconforming 2-story accessory building in the rear of the property by adding a 128 square foot one-story cabana/office addition that would result in a 5.6-foot rear yard setback in lieu of the 10 foot minimum required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 4-3.] [The Architectural Review Commission approved the project as presented. Carried 4-3.]
TIME CERTAIN: 10:00 AM

Town Clerk Nieves swore in Patrick Seagraves, John Eubanks and Michelle Malone Fries.

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

Maura Ziska, attorney for the owner, Michelle Malone Fries presented the zoning request for the project and explained the request and the hardship. She mentioned three letters of support, received**.** Noted the house built in 1920 is non-conforming to the setbacks and there is a non-conforming two-story guesthouse in the back garage building. The owner is requesting to build a 120 square foot addition to the two story non-conforming building in the back, this would require a 5.6 rear setback to match the existing building, the hardship that runs with the land, and there is precedents on Sea Streets to allow such additions to match existing building setback lines. Ms. Ziska stated the issue with the neighbor in the rear is that there is an encroachment

Patrick Segraves presented the architectural plans proposed for the addition to the home, built in 1920. The plans are to extend the back building by 7 feet and have a trellis roof covering. This building extension will not be seen from the street. Not impactful to the neighborhood.

Zoning Manager Castro provided staff comments. The application went to the Architectural Commission and it was a split vote, 4-3. The impact of the proposed structure on the architecture of this non-conforming guesthouse as well as the vote of 4-3 to approve the project subject to a variance. The two-story guesthouse is a non-conforming structure. Todays code would only allow a one story structure on this size of a lot. The request is to line up with the existing non-conforming set back of the two-story guesthouse. If the applicant were to move the addition four feet off the rear property line, they would not need a variance. The reason is for aesthetics the way it would line up. He noted the applicant must demonstrate a hardship based on section 134.201. It is the applicant's burden to demonstrate hardship.

John Eubanks, 605 N. Olive Avenue, representing Mr. Firestone at 151 Seaview, behind the subject property, reviewed the criteria for hardship, presented reasons there was not a hardship, and stated it was the burden of the applicant to show a proper hardship. He commented the issue with the property line between his client and the applicant was a separate issue. He felt hardship had not been demonstrated and the variance should be denied.

Owner Michelle Malone Fries made a statement regarding the desire to preserve the original house, and felt the only option would be to demolish the house and redevelop the property.

Ms. Ziska spoke about the town working with new owners to preserve older homes.

Council Member Araskog asked if the applicant was willing to work with the

neighbor. Ms. Fries responded, describing the events regarding the property line. Council Member Araskog asked Mr. Eubanks the same question. Mr. Eubanks responded they were willing to look at anything, but his client had a survey that he believed was correct.

Council President Zeidman expressed dismay that owners would come to the Council knowing that they had purchased a home with certain limitations but then would seek a variance. She stated she understood the effect on neighbors when property owners talked to Council about demolishing and rebuilding a home at a higher level and she understood coming to the Council to resolve disputes . However this current dispute about the property line "muddies the waters" because those items were not what was being considered today in front of this Council. She asked to focus on what could be done, and it sounded like the applicant was not amenable to what Council Member Araskog had asked, because they felt they could not get anywhere, and Mr. Eubanks was right that such variances had been turned down before.

Council Member Crampton commented on granting variances for convenience, and in this case, the applicant could move the addition 4 feet and not need a variance, so there was only a self-created hardship.

Council Member Araskog agreed with Council Member Crampton and asked to look at different variances for smaller homes during code reform. She commented on the issue with the neighbor as well as demolition of the home.

Mayor Moore commented 151 Seaview was the least affected neighbor, and the aerial view showed that every property was nonconforming. She felt the Council should be open-minded and consider the most affected neighbor was in full support of this project.

Council President Pro Tem Lindsay commented in dense conditions like this all the neighbors matter. She asked to defer this one month to see if both owners could find resolution.

Council President Zeidman commented the choices were to defer for one month and try to find a resolution. She asked if it were possible to move the addition to the north, which would get rid of the need for a variance.. Pat Seagrave commented it would not work with the architecture of the house; the owner advised a set of stairs and elevation change would not allow that move.

Council President Zeidman advised granting this variance would put the Council in legal jeopardy because the variance was of the owner's making and was in dispute with the neighbor to the south.

Council Member Araskog asked about the ARCOM vote. Mr. Seagraves and Zoning Manager Castro responded.

Motion made by Council Member Araskog and seconded by Council Member Crampton to defer Z-21-00383 for one month to the Town Council Development Review meeting on October 13, 2021. On roll call, the motion passed unanimously.

VI. BOARDS AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

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

Queenester Nieves, CMC, Town Clerk

Gail Coniglio a 40-year resident spoke of overdevelopment and her desire for low density, as well as for Code reform should proceed carefully and slowly. Noted in the past five years there has been an absolute mansionization and overdevelopment in the community. She hoped she could advocate for the neighbors as an applicant for P&Z to preserve and protect the residential character and the commercial landscape in a low-density situation. She was proud of staff for identifying Code reform and moving forward with some needed changes. She believes her experience and broad perspective makes her a qualified voting member of the Planning and Zoning Commission.

Council Member Araskog asked if she had read the zoning code and comp plan, if she had been around when FAR versus CCR was discussed, and if she had studied RB and RA. Ms. Coniglio indicated she was familiar with all those items.

Council Member Crampton commented Ms. Coniglio's service to the Town had been exemplary and asked if she would be willing to serve as alternate. Her response was yes, but she felt her experience qualified her to be a voting member.

Council President Pro Tem Lindsay inquired into the ownership on Royal Palm Way and confirmed that Ms. Coniglio only owned the former tropical fruit shop and green smoothie property. Ms. Coniglio explained her position on Worth Avenue development.

Council President Zeidman commented she was thrilled that Ms. Coniglio had applied because of her years of experience and living in this town, her good judgment, adherence to the comprehensive plan, her broad outreach into the community, and lastly people trust her.

Mayor Moore commented the historical perspective was necessary on boards along with members who were new to the town.

Council Member Araskog wondered if it was a good plan to have both Ms. Coniglio and Mr. Kleid on the Commission since they had both been on Town Council together for many years. Ms. Coniglio responded Mr. Kleid brings a different perspective. She noted Mr. Kleid is more on the legal side and lives in the south end. Her perspective will be from a resident from the North end.

William Gilbane, current alternate member, provided his background and experience. Mr. Gilbane stated he was involved in the interface with FEMA and residents of the communities that were devastated because of the Super storm Sandy, with the ongoing future planning for those communities. He had just completed renovation of a home and knew the importance of saving historic homes. He was committed to continuing as an alternate if not chosen. He believed he could add value in every area and would welcome the promotion to a voting member.

Council Member Araskog asked if he had read the zoning code and comprehensive plan, Mr. Gilbane responded he had not completed reading those. In response to whether he had studied RB and RA. Mr. Gilbane advised he became familiar with his district and with CCR when he did his home renovation. His experience was with FAR when working in New York City. He had begun to understand the Worth Avenue guidelines.

Mary Elizabeth Spear, full time resident, provided her memberships and involvement in the town, and her career experience working as a Chief Financial Officer also responsible for security and IT duties for non-profits in San Francisco and Utah. She was aware of the frequency of environmental disasters, and as such in San Francisco earthquakes and established off site data center. Implemented sensitive parking spaces on the University property. She looked forward to being an alternate.

Council Member Araskog asked if she had read the zoning code, comprehensive plan, or Worth Avenue Guidelines, and was familiar with FAR and CCR. Ms. Spear responded no. Council Member Araskog asked her to stay involved and to re-apply in the future if not appointed.

Richard Kleid appeared via Zoom, and provided his history of service to the town, which he believed uniquely, qualified him. He believed the code was antiquated and needed a thorough review. Explained his background, as a real estate attorney and his experience in zoning matters would be beneficial. He asked to remain on the Planning and Zoning Commission.

In response to Council Member Araskog, Mr. Kleid advised he had read the zoning code, comprehensive plan. Worth Avenue Guidelines, and was familiar with FAR, CCR, and all the zoning variations, and wanted to remain a voting member, not an alternate.

Council President Zeidman stated Mr. Kleid was currently Vice Chair of the Planning and Zoning Committee, expressed appreciation for his service and thoughtful decisions.

Council Member Crampton spoke about Mr. Kleid's qualifications.

Martin Klein, 1016 North Ocean Blvd, appeared via Zoom, seeking appointment to the Planning and Zoning Commission. He stated he has read the zoning code, comprehensive plan, and Worth Avenue Guidelines. He described his history, dedication, talent, ability to achieve consensus, and vision.

Council Member Araskog asked how long was Mr. Klein the chair for Planning and Zoning, and when did you begin your service.

In response to Council Member Araskog's question of how long he was Chairman of Planning and Zoning Commission, Mr. Klein noted he had been Chair on several different occasions, probably totaling 5 or 6 years, and had served on and off approximately 20 years. He began his service in the 1970"s.

Council President Zeidman thanked Mr. Klein for his years of service.

Nicky McDonald, 234 Merrain Road, currently an alternate, appeared via Zoom and expressed her desire to become a voting member. She described a recent vote on Yard & Company, and stated she would like to have a voice in planning. She had read the zoning plan and comp plan, but not Worth Avenue Guidelines, familiar with FAR, CCR, and zoning districts..

Mario Nievera, resident since 1990, appeared via Zoom and felt his experience as a south end resident, local business owner and landscape architect qualified him to serve. He served about a year as a Landmark commissioner. Stated he realized it was better for him to be on the presentation side of the lectern, making sure the Town of Pam Beach standards and regulations are met. He wanted to insure the town continued reputation for its beauty and charm. Expressed his desire to be a part of managing the town's growth and character.

He responded to Council Member Araskog he had not read the entire zoning code or comprehensive plan but was very familiar with RB and RA and with FAR and CCR.

John Tatooles, 122 Ocean View Road, appeared via Zoom, was currently an alternate, and hoped to continue on the Commission in some capacity. He felt the south end was under-represented on the Commission, and he could contribute by providing the perspective of his neighbors on the south end in the RA section. He commented the competition was extremely well qualified and he hoped for promotion to a voting member at some point.

He responded to Council Member Araskog that he had read the entire zoning code and comprehensive plan and was familiar with FAR, CCR, RB and RA, and had not completely read the Worth Avenue Guidelines. He had served on the Planning and Zoning Commission since March.

Council President Zeidman commented she listened to the meetings, and he was doing a great job.

Council Member Cooney commented on the high quality of the applicants and the number willing to serve.

Town Clerk Nieves announced the results of the Planning and Zoning ballots: Richard Kleid and Gail Coniglio were appointed as regular members of the Planning and Zoning Commission.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to approve the appointments of Gail Coniglio and Richard Kleid as regular members of the Planning and Zoning Commission.

VII. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore reported meeting with the Town lobbyist, Matt Forrest, a great advocate for the Town of Palm Beach, and he had provided an update on upcoming issues. Foremost was home rule, followed by short-term rentals. Attempt to meet with Bobby Powell and Mike Caruso in order to discuss potential north end fire station appropriations. She would be attending a meeting along with staff to hear the Army Corps of Engineers presentation on the beach.

VIII. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog thanked all who reached out to her during the past month and especially thanked her town family, helping her to get through the loss of her father. She commented the previous day's meeting had been difficult, and felt she must protect the town from potential litigations. Commented because of the many Covid breakthrough cases, she cautioned all to remain vigilant.

Council Member Crampton noted he received calls and requested to take look

at crossing guards material at the Par 3 cross street, the orange warning light was inoperable over the weekend. He asked to beef up the warning system. Council Member Crampton stated the governor indicated the Town would be fined if there was a mandate for mandatory vaccines for Town employees. Also requested of Deputy Town Manager Boodheshwar for a report on incentives to encourage vaccinations of Town employees.

IX. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

There were no citizens wishing to comment.

X. APPROVAL OF CONSENT AGENDA

Item No. X.B.10 RESOLUTION NO. 113-2021 pulled and heard as item no. XII.A.1.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve the Consent Agenda, as amended. On roll call, the Motion passed unanimously.

A. MINUTES

1. Town Council Meeting Minutes
   Queenester Nieves, CMC, Town Clerk

   July 13, 2021, Town Council Meeting
   July 15, 2021, Special Town Council Meeting - Proposed FY22 Budget
   July 27, 2021, Special Town Council Meeting - COVID-19
   August 10, 2021, Town Council Meeting
   August 11, 2021, Local Planning Agency Meeting
   August 11, 2021, Town Council Development Review Meeting

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of August 25, 2021.
   Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 085-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Consent to Deemed Assignment of Investment Advisory Agreement(s) with PFM Asset Management, and Authorizing the Town Manager to Execute all Documents Necessary on Behalf of the Town.
   Jane Le Clainche, Director of Finance

2. RESOLUTION NO. 105-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida,

Designating Town Depositories for Fiscal Year 2022 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

3. RESOLUTION NO 106-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing an Agreement with the State of Florida, Division of Emergency Management, Agreement No. Y5252, for Funding through the American Rescue Plan Act of 2021, Coronavirus Local Fiscal Recovery Fund, in the Amount of $4,415,526.00, and Authorizing the Mayor to Execute all Documents Necessary on Behalf of the Town.

   Jane Le Clainche, Director of Finance

4. RESOLUTION NO. 107-2021 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 FY2022 in the Amount of $1,061,517 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 $40,000; 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 $53,230; Conditioning All Matters Contained Herein Subject to Approval of the Fiscal Year 2022 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.

   Carolyn Stone, Assistant Town Manager

5. RESOLUTION NO. 108-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Electronic Data Collection CPR in the Amount of $46,700 to Support the Parking Ticket Management Software, Contingent upon FY22 Budget Authorization.

   Dean Mealy, Purchasing Manager

6. RESOLUTION NO. 109-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to MCCI, Laserfiche in the Amount of $50,000 as a Sole Source Acquisition to Support the Town's

Electronic Document Management System Used by the Town, Contingent Upon Budget Approval.
Dean Mealy, PurchasingManager

7. RESOLUTION NO. 110-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Superion, LLC dba Central Square for Annual Purchase of Software Maintenance in an Amount Not To Exceed $125,321 to Support Police Operational Requirements, Contingent Upon FY22 Budget Approval.
Dean Mealy, PurchasingManager

8. RESOLUTION NO. 111-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to GovConnection Inc. for the Purchase of Dell Laptops for Public Safety in the Amount of $95,330.
Dean Mealy, PurchasingManager

9. RESOLUTION NO. 112-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Tyler Technologies, Inc. for Annual Software Support and Licensing in an Amount Not To Exceed $95,000, Contingent Upon FY22 Budget Approval.
Dean Mealy, PurchasingManager

10. RESOLUTION NO. 113-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to AEGION/Insituform Technologies LLC for Lining of Sewer Pipes Within the A6 Basin from the National Cooperative, Buyboard in the Amount of $1,425,890 and Establish a Project Budget of $1,641,773, Contingent upon FY22 Budget Approval. Savings in the Amount of $566,470 by Re-Engineering Approach to the Award of the Contract. **Pulled and Heard as Item No. XII.A.1**
Dean Mealy, PurchasingManager

11. RESOLUTION NO. 114-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to the Award of Bid No. 2019-30, Plans, Review, And Inspection Services in the Amount of $60,000 for FY21 and a New Contract Amount of $300,000 and to Approve a Change Order to the Remaining Three Years of the Contract Award from $240,000 Annually to $325,000 Annually, Contingent Upon Budget Approval.
Dean Mealy, PurchasingManager

C. OTHER

1. Health Insurance Rates for Calendar Year 2022
   Carolyn Stone, Assistant Town Manager

XI. COMMITTEE REPORTS

A. Report of the Ordinances, Rules and Standards Committee Meeting Held on Thursday, July 1, 2021
Julie Araskog, Committee Chair
TIME CERTAIN: 11:00AM (MOVED TO 2:15 PM)

Chair Araskog indicated her report would be available for everyone to read, and provided a summary for this presentation. Discussion had taken place regarding matching landscape hours to construction hours but there had not been time to include that in today's report. She advised the State of Florida regulated fines for these workers and asked to institute a 3-strike law. Town Attorney Randolph responded. The Committee discussed sending a letter to all construction companies, landscapers and residents regarding artificial turf regulations and hours, however, members preferred social media, but she was concerned not everyone used social media. Artificial turf regulations would be included in next month's report, but discussion had taken place on how to proceed in situations where residents with artificial turf had not applied for a permit. The Committee's recommendation was to see if they met code at time of installation and possibly give them a year to go through the process free of charge. She commented on an invasive plant list and a regional list for plants that worked in Palm Beach. She discussed Saturday hours and outdoor quiet work.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to accept the report of the Ordinances, Rules and Standards Committee Meeting held on July 1, 2021. On roll call, the Motion passed unanimously.

1. Recommendations Regarding Modifications to Construction Hours
   Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar announced action items from the July 1 and September 2, 2021 ORS meetings. The recommendations were that Council adopt as a future change in the code to require only quiet work from 8:00 am to 9:00 a.m. amending construction hours year-round; and to prohibit the arrival at construction sites before 7:30 a.m. with restricted activity until 8 a.m. The third item related to the Saturday hours, for which there had been a robust discussion. He reported Council Member Araskog felt eliminating the quiet construction hours during peak season on Saturday and possibly adding an extra hour during the workweek to offset that loss be considered. Mr. Boodheshwar commented the landscape hours and noise would be discussed at the next meeting. He stressed if

construction hours changed in the code it would affect lawn maintenance, because of a specific cross-reference in the code that lawn maintenance hours must follow construction hours. An ordinance would be developed to be brought back to the next meeting or the meeting after that.

Council Member Araskog noted the only thing not allowed for lawn maintenance during quiet work were leaf blowers and other noisy motorized equipment not specifically mentioned. She stated residents wanted quiet on weekends, and there was construction everywhere right now.

Council Member Crampton was in favor of the first two items, but did not agree with eliminating Saturday hours right now. He asked to find a way to balance quiet enjoyment with completing projects more quickly. He felt the construction-monitoring program just instituted would help, because there would be enforcement. Council Member Crampton wanted a 6-month pilot program with enforcement in the neighborhood and if it did not work, and then eliminate Saturday hours. He commented Brad Gary had a good idea of rewarding contractors who did the right thing, and felt that coupling that with an enforcement on Saturdays was worth trying. He felt eliminating Saturday hours would lengthen the time to complete projects, resulting in endless construction.

Council Member Araskog spoke about the number of hours that needed to be made up, which was the reason she had proposed half a year.

Council Member Cooney asked to think about the reality that many contractors quit before 4 p.m.

Council Member Araskog clarified the makeup time would only be for a half year also.

Council President Pro Tem Lindsay was okay with the first two items. She felt Saturday hours was also a geographic issue—north of Peruvian was where she received 100% complaints. She would like only for specific areas, and to be clear it was indoor work only.

Council Member Cooney commented the committee discussed the option of geographical areas, and he favored doing it across the board for clarity.

Discussion ensued regarding the current massive amount of construction, enforcement.

President Zeidman felt it was hard to manipulate hours. She felt quiet Saturday work should be inside all year, and a letter to construction companies stating the rules, and enforcement mandatory. She felt, removing Saturday hours would

result in all projects being lengthened.

Council Member Araskog discussed arrival and departure noise and that it was not an enforcement issue.

Mayor Moore thought it was an enforcement issue, and gave examples. She was not sure there was a solution.

Council Member Cooney had disagreed initially but now heard from many residents who would be thrilled to have no Saturday hours.

Council President Pro Tem Lindsay thought residents needed to make the decision. Residents did not want Saturday hours and some top contractors did not work Saturdays. She did not know the answer.

Council President Zeidman pointed out big companies came to Council to ask for Saturday hours and that was going to continue.

Town Manager Blouin shared for 33 years this had been a chronic complaint. Code enforcement was going to be bolstered, but the reality was with so much activity going on there would be noise and cars. When enforcement responded, they might find there were really no violations. The primary reason for complaints was people just did not want construction. Staff would go with whatever was decided.

Public comments:

Anne Pepper, 333 Seaspray Avenue, commented relying on enforcement has not been effective. The movement and noise were exhausting. Many towns allowed no Saturday hours. She felt the suggestion from ORS should be tried for six months with no Saturday work.

Motion made by Council Member Araskog, and seconded by Council Member Cooney, for Saturday work hours eliminated in season according to what is called Season in the code, for one season, beginning the Monday preceding Thanksgiving until April 30. Saturday hours allowed in the off-season and will only be indoor quiet work from 9:00 a.m. to 5:00 p.m. Motion passed, with Council Member Crampton dissenting.

Motion made by Council Member Araskog, and seconded by Council Member Cooney to allow interior quiet work offseason on Saturdays from May 1 until the Monday before Thanksgiving from 9:00 a.m. to 5:00 p.m. On roll call, Motion pass unanimously.

Motion made by Council Member Cooney, and seconded by Council

Member Crampton, for construction hours to be amended to year round, Monday through Friday 8:00 a.m. through 9:00 a.m. are designated for interior quiet work only. On roll call, Motion passed unanimously.

Motion made by Council Member Araskog, and seconded by Council President Zeidman to prohibit arrival to construction sites by workers before 7:30 a.m. and restrict any kind of site activity until 8:00 a.m. on a year-round basis. On roll call, Motion pass unanimously.

Council President Zeidman suggested sending a letter to construction companies reviewing the changes and asking for respectful behavior, for example, not talking loudly on cell phones, slamming car doors, etc.

The Town Manager reviewed the Florida statute on enforcement.

2. Recommendations Regarding Addition of Synthetic Turf Regulations in the Town Code
Wayne Bergman, Director of Planning, Zoning and Building

Wayne Bergman, Director Planning, Zoning and Building, discussed work on synthetic turf, and advised with input from ORS at their last meeting, draft language had been developed. He reviewed the draft language and the three standards developed: (1) artificial turf must be approved by ARCOM or Landmarks and requires a permit number; (2) calculated as impervious surface and does not count towards landscape open space, which is required in all zoning districts; and (3) it shall be lead free. A section added for existing turf, providing an opportunity for those who installed artificial turf without town approval to seek approval from ARCOM or Landmarks, and as long as they have met the landscape open space requirement at installation. There would be no fee for the first year for those types of applications, and minor ones might be staff approved, while others might need a variance request. Director Bergman felt the enforcement provisions already in place were sufficient.

Council Member Araskog asked who would be penalized and fined. Director Bergman responded the property owner is fined. Council Member Araskog felt it was important that the company be fined. Town Manager Blouin explained a lien attaches to the property, which must be satisfied upon transfer of the property.

Council President Pro Tem Lindsay believed the definition should say "manufactured product" not "artificial". She also pointed out the section regarding where artificial turf could be installed had not included between driveway pavers, and driveway strips, which was a very common use.

Consensus of Council was to include this language as "accents in driveways".

Mayor Moore commented her contractor had told her he had done 800 installations of artificial turf on the island, and expressed concern that people would not come to the town to admit they had it. Council Member Araskog responded that had been discussed and some would come in and some would not, but this provided an opportunity for people to comply free of charge.

Council Member Cooney knew many residents that have artificial turf and liked it and he did not want to create a problem for people who were just enjoying their yard.

Mayor Moore felt some instances were acceptable and would accept whatever the Council decided.

Council Member Crampton felt there would be a bad reaction from residents. He had doubts about it being retroactive, and favored only going forward.

Council Member Araskog commented possibly if they did not meet the 45% open space, they would be required to come before Landmarks or ARCOM.

Council President Zeidman commented a person who bought a home would not know about the 45% open space requirement unless they did something to their home, and she agreed with making it positive, by dealing with where it could be placed, in limited places and with the 45%.

Director Bergman felt with only going forward that this would eventually fix itself as houses were sold, or by inserting language when more than, 50% of the artificial turf had to be replaced.

Council President Lindsay reported only two in town were large installations. She would rather educate people on the problems it created, and take care of the problem when they came in for any kind of permit.

Public Comments:

Rene Silvin did not have a comment other than he was amazed at the detail discussed.

Motion made by Council Member Araskog, and seconded by Council President Pro Tem Lindsay to pass the suggested language on page 390; which was Section 66-2 Definitions. Section 66-313-Artificial Turf Locations, but adding where installation is allowed into accents for driveways or however Director Bergman and his department decided it should be worded, accepting Section 66-314 for the standards, and eliminating Section 66-315. On roll call, Motion pass unanimously.

3. Discussion Regarding Application of Existing Regulations Pertaining to Native Plants
Wayne Bergman, Director of Planning, Zoning and Building

Director Wayne Bergman, spoke about how the 25% native plant requirement should be quantified. ORS review resulted in the recommendation to calculate the requirement on quantity of plants and not by the plant coverage, in each category of plant material. They also suggested increasing minimum amount of native plants from 25% to 35% in 5 categories: trees, palms, shrubs, ground cover, and vines. They also recommended using the Institute of Regional Conservation guide: *Natives for your Neighborhood,* as the sole listing for native plants for Palm Beach. In addition, use the *Florida Invasive Plants Species Guide* as the sole list for Category 1 and Category 2 invasive plants.

Council Member Araskog noted this was only for full new landscape plantings, and each category required 35%.

Council Member Cooney commented the Preservation foundation offered, at their expense, to work with the Institute of Regional Conservation to make a broader Palm Beach specific list. He was struggling with advancing from 25% to 35%.

Council President Pro Tem Lindsay thanked the committee members for their work. She said 25% was the lowest number, and she would be happy to try 35%. Council Member Araskog clarified the calculation.

Public Comment:
Susan Lerner, 6800 Country Place Road, West Palm Beach, Director of Horticulture at Preservation Foundation, thanked the Council for their work on this subject. She commented the brochure would be ready by end of the year. She spoke about a possible replacement program when removing invasive plants and trees.

Council Member Araskog commented the lists would be easy to use.

Council Member Cooney made a motion, seconded by Council Member Crampton, to accept the recommendations regarding native plants, which only counted for new installations. The motion carried by unanimous vote.

A five-minute break was taken. The meeting reconvened at 12:15 p.m.

XII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

1. RESOLUTION NO. 113-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a

Purchase Order to AEGION/Insituform Technologies LLC for Lining of Sewer Pipes Within the A6 Basin from the National Cooperative, Buyboard in the Amount of $1,425,890 and Establish a Project Budget of $1,641,773, Contingent upon FY22 Budget Approval. – ***Pulled and Heard as Item No. XII.A.1***

Dean Mealy, PurchasingManager

Director of Public Works, H. Paul Brazil presented the savings, which would be realized by lining the sewer pipes. Rehabilitated pipes would last from 50 to 100 years. He reported more than $4M in stimulus money had been received, and spending $2M would save $500,000 a year over 4 years. When the entire system was finished there would be savings of about $750,000 annually, and Mr. Mealy had been able to save another $500,000 because of volume purchasing.

Mayor Moore complimented staff on their good work.

Council Member Araskog thanked staff for moving forward and providing great quality of life for the residents.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Resolution No. 113-2021. On roll call, the Motion passed unanimously.

B. Old Business

1. COVID-19 Update

Kirk W. Blouin, Town Manager

Town Manager Blouin provided an update on vaccinations for Town employees. Vaccinations had been encouraged through active communication, a presentation with Dr. Alonzo, active training, proactive measures at the start of the Delta variant, and two incentive programs. A mandatory requirement for new employees being vaccinated was in process of being reviewed, but in light of Governor DeSantis's orders, this has ceased. Vaccinations provided at work, the Town's insurance broker had been contacted regarding an incentive or disincentive program for those who have been vaccinated to receive a discounted rate on monthly health insurance premiums. President Biden's vaccine mandate and Governor DeSantis's opposing view were being closely monitored. An antibody treatment had been made available, and vaccinations would be encouraged.

Council President Zeidman applauded the comprehensive approach described by the Town Manager, and commented those not vaccinated were missing the profound effect they could have on someone else's health, and the fact that they were much more likely to get the Delta variant.

Town Manager Blouin reported bringing weekly testing to the workplace for unvaccinated employees. Some employees have strong opinions regarding the vaccinations and natural immunity. Stated there was a lot of misinformation.

Council Member Crampton asked the percentage of vaccinated and unvaccinated employees. The Town Manager reported the data is being collected.

Council Member Araskog asked if anyone had contacted the Governor, regarding his Declaration, and if there was a program for boosters or antibody testing. She asked to be respective of anyone's right to privacy regarding vaccination.

a. COVID-19 Monthly Report
Darrel Donatto, Fire Rescue Chief

Fire Rescue Chief Donatto provided a written report, commenting that the most recent wave was much more severe than all previous waves, and the rise in cases was steep but the drop in cases per day was coming down rapidly. He felt sometime in October, rates should be back to June numbers. Hospitals were full, and numbers were still overwhelming. He asked everyone to think about the steep growth of Delta and the fear was the next variant could be worse if more people across the world were not vaccinated. He spoke about the antibody treatment that was available. Science was not very clear on boosters at this time, a third shot had not been approved. Antibody testing was still expensive and not widely available, and Fire Rescue would not be able to administer it.

Council President Zeidman thanked Chief Donatto for being proactive.

Council President Pro Tem Lindsay asked about who could receive the antibody treatment. Chief Donatto clarified it had been approved for two groups of people who were positive but not yet hospitalized, and at severe risk of disease; and those who had been exposed to a positive patient and were at severe risk for disease.

Lunch break taken until 1 p.m.

b. Discussion Regarding Board, Commission, and Committee Meeting Format and Participation for Upcoming Meetings *Margaret A. Zeidman, Council President*
Council President Zeidman recommended that all boards and committees meet virtually during the month of September, and stated she expected a huge drop in cases during October.

Council Member Araskog expressed concerns of being taken to court in the future. Council President Zeidman advised that Town Attorney Randolph had said at the outset that we would deal with this issue on an individual basis should it come to our attention that a resident or presentee wanted an in person hearing.

Motion made by Council Member Crampton and seconded by Council Member Cooney to hold all Board, Commission and Committee meetings virtually for September 2021. On roll call, the Motion passed unanimously.

c. RESOLUTION NO. 115-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Concurring with the Request of the Town's Chief of Police, to Extend the Chief's Declaration of the Existence of a State of Emergency within the Corporate Limits of the Town to October 12, 2021, Unless Earlier Terminated by the Chief of Police, at Which Time the Town Council will Address the Need for any Extension of the Declaration of Emergency; Providing for an Effective Date.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to approve Resolution No. 115-2021. On roll call, the Motion passed unanimously.

2. Request for Direction Regarding Completion of Retail Study
Wayne Bergman, Director of Planning, Zoning and Building

Director Bergman recalled staff had offered the option to combine the retail study with zoning code reform, which Council had delayed to this meeting. In the meantime, the Planning and Zoning Commission had considered the retail study and voted 4-3 to delay the start of the study. He reported receiving a letter from Michael Ainslie, Chair of Planning and Zoning Commission, and he had provided a copy to each member of the Council.

Council Member Crampton favored moving forward with the study, which has been approved and funded. He commented Worth Avenue had done well, but some of that was art galleries and other businesses that would probably only last a year. He felt the two studies could go on at the same time.

Council Member Araskog felt Worth Avenue had done well, not just art galleries, and the retail study needed to be done when not in a pandemic, and she would like code reform done first. She asked if staff would have time to do this now. Director Bergman responded staff would find a way;

they might need to supplement the work force.

Council Member Cooney agreed this should move forward. The firm selected was very talented, and most of the stress regarding code reform was coming from residential, not commercial. He felt the retail contract should move forward.

Mayor Moore commented some of the problem with retail was empty storefronts, which were all owned by a single owner who did not choose to lease his property. She thought the retail study should be done in conjunction with code reform, at a later time.

Council President Zeidman stated she supported this from the beginning, and every community had a problem because of online sales. She felt this was for the market forces to figure out. There were many commercial retail areas in the town. The Yard study included marketing, but that had shifted. She agreed that there was merit to both opinions: to move forward with the Yard study or to defer. The question had become, could the company hired to tackle the code reform issues also focus on the commercial areas and secondly, should we not hire the Code Reform experts first and then supplement their background with a company like Yard who specializes in commercial districts. She voiced concern that a "generalist" planner might not be up to looking a commercial uses. Director Bergman responded Yard would bring a completely different way to look at this and you could not expect a professional planner to delve into marketing, branding, and other things Yard would provide. Council President Zeidman stated she was not interested in marketing and branding. She asked if someone hired who did residential could give an idea of how they conceptualized all the commercial spaces and re-adaptive uses, or was someone needed who specialized in center of town, midtown, mainstream commercial—were two firms needed or only one. Director Bergman responded that was a policy decision. He thought a professional planner could give ideas and be able to prepare an adaptive reuse for certain situations in certain areas, but Yard's proposal was unique and he did not think a typical professional planning firm would provide that level. Council President Zeidman concluded one was overarching and the other zoomed in on specifics, Yard would, in commercial and retail mixed use areas. She commented she was still interested, but believed the RFP had changed to include a more comprehensive approach rather than one so specifically focused.

Council President Pro Tem Lindsay thought the people who would survive were the shopping centers on the streets and those within enclosed malls would go by the wayside. She was leaning with the Mayor. She commented it had been decided to do incremental code reform, and felt doing the retail study now had risks that the right questions might not be asked, therefore

the answers might not be right because people were all over the map about what the firm was supposed to do. The first priority that was set was to deal with the fill, then the zoning elevations and resilience, heard today. She liked Yard, but she did not think now was the time to have the study going on while dealing with the urgency of the elevations and resilience.

Council Member Araskog felt the consultant would be an expert in all of the areas and that should be figured out first, then Yard could come in and deal with specificity. She agreed with Council President Zeidman and Council President Pro Tem Lindsay.

Council President Zeidman agreed it would be putting the cart before the horse. She thought there should be an overarching planner consultant to help with code reform and look at the town as a whole first, then in areas where expertise was needed, to call Yard in at that point. She did not want to hire someone who only looked at residential.

Council Member Crampton understood the concerns with timing, Director Bergman pointed out Yard would bring a new and unique perspective, and if properly aligned could work with the consultant and provide great benefits. He did not think the town would lose anything by getting Yard into the game right now, and felt their creative input would benefit the other work done, and in the end, the town would be better off.

Council President Pro Tem Lindsay stated the town needed a plan, and Yard should come in when the town had that plan. She wanted staff to call them to say they were not out of the picture, just on ice now. Council President Zeidman agreed, but first needed to see the RFP for the consultant, and Council would know at that point or as work proceeded with the consultant, when to bring Yard in.

Council Member Crampton responded with that affirmation, he was comfortable proceeding because no one was rejecting to Yard.

Public Comment

Anne Pepper, 333 Seaspray Avenue, commented there was still a pandemic and the future state of retail was unknown, and felt Yard would bring a biased perspective. She felt conditions should stabilize for a year and several companies should be interviewed and the work reassessed.

Motion made by Council Member Araskog, and seconded by Council Member Crampton to not move forward with the Yard study at this time, but wait until code reform had been started with the planner, at

that time or a little before to decide if a retail study was what was needed. On roll call, Motion passed unanimously.

Mayor Moore asked the status of communications with Yard. Deputy Town Manager Boodheshwar responded Yard knew the direction was not final, and he would advise of decision and possible scope change. At some point, if the scope changed too much, it would have to be decided whether to issue a new RFP.

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

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

Town Engineer Patricia Strayer provided a presentation on the status of each project. All phases were on schedule and on budget. In the last two weeks, 14 property owners had agreed to easements. She discussed the FPU program, which would be completed this summer, and a proposal for Phase 7 to pay up front for paving was made. Staff agreed this was a good idea.

Council Member Cooney clarified with Town Engineer Strayer that she was proposing no paving at this time but to take the money from FPU for 2025, and she would return next month with a similar proposal if residents were doing construction jobs within this phase.

Council Member Cooney was sympathetic to residents living with sub-par roads for a period, and as phases were finished, the streets were outstanding.

Council Member Araskog commented if FPU gave $400,000, what about the cost to come back and fix patches. Town Engineer Strayer explained FPU would not charge to fix patches. Council Member Araskog wanted to look in the future construction tax or fee to help fix roads.

Council consensus was to accept the staff recommendation.

b. RESOLUTION NO. 116-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Dedicate Two (2) Easements Between the Town of Palm Beach and Florida Power and Light (FPL) at 202 Plantation Road for Access and Maintenance of FPL Equipment.

Town Engineer Strayer explained the request for two boxes.

There was no public comment.

Mayor Moore confirmed with the Town Engineer one box was flat.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to approve Resolution No. 116-2021. On roll call, the Motion passed unanimously.

c. RESOLUTION NO. 117-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Dedicate Two (2) Easements Between the Town of Palm Beach and Florida Power and Light (FPL) at 226 Via Las Brisas and 244 Via Las Brisas for Access and Maintenance of FPL Equipment.

Town Engineer Strayer explained the request for placement of two switches, which would save $160,000, using property that looked like road right-of-way.

There was no public comment.

Council President Pro Tem Lindsay confirmed with the Town Engineer the switch boxes would be screened.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 117-2021. On roll call, the Motion passed unanimously.

4. Coastal Update:
H. Paul Brazil, P.E., Director of Public Works

a. RESOLUTION NO. 118-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing State Grant of Florida Department of Environmental Protection Contract No. 22PB8, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach Under the Florida Beach Management Funding Assistance Program, Specifically Reimbursement for Phipps Ocean Park Beach Nourishment Project Monitoring, in the Amount of $19,500, and Authorizing the Mayor to Execute Same on Behalf of the Town.

Town Engineer Strayer explained the request for State of Florida grant funding.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Resolution No. 118-2021. On

roll call, the Motion passed unanimously.

b. RESOLUTION NO. 119-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing State Grant of Florida Department of Environmental Protection Contract No. 22PB12, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach Under the Florida Beach Management Funding Assistance Program, Specifically Reimbursement for Lake Worth Inlet Management Plan/Beach Management Agreement Monitoring, in the Amount of $324,500, and Authorizing the Mayor to Execute Same on Behalf of the Town.

Town Engineer Strayer explained the annual request for State of Florida grant funding.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 119-2021. On roll call, the Motion passed unanimously.

c. Woods Hole Group Coastal Resiliency Implementation Plan Presentation
TIME CERTAIN 1:00P.M.

Bob Hamilton, Woods Hole Group, provided a brief overview of information released in August, and asked for input in order to make their report final. Their goal was to prepare for a changing climate and to build resilience for the community. He reported substantial flood risk from the Lake Worth shoreline, primarily from storm surge. Woods Hole Group wanted to put the town in a position to reduce or manage its risk at a comfortable level but also be prepared to recover from events, and had worked with town staff to understand what projects in the budgets were already in the capital plan, in order to combine the opportunity to improve resilience with the fact that the town was going to make improvements, leading to specific actions such as design of flood elevations. Their implementation plan identified priorities and public communication within a timeframe of 1-2 years, with strong emphasis on public works, and help from a federal program as well as more affordable emerging alternative technologies.

Nasser Brahim, Woods Hole Group, presented what could happen beyond 2030 with adaptation pathways framework for long-term planning, which would allow preparing for a range of possible long-term scenarios. He identified specific projects and the financial support that could be provided by the government.

Council President Zeidman asked if they had ever dealt with raising a bulkhead and seawall where there was both public and private property. Mr. Brahim

responded they had done many. Council President Zeidman commented one of the biggest things to deal with was whether to do the Lake Worth shoreline piecemeal or as a single project. Storm surge barrier would only be used during a storm and flooding would still occur in the middle of the island as well as north and south areas, which Mr. Hamilton and Mr. Brahim confirmed.

Council Member Araskog asked about state funding for a specific project. Mr. Brahim responded the state had received federal disaster funds and had more flexibility in funding this year. Council Member Araskog asked about the recommendation for raising a property an additional 3 feet. Mr. Brahim responded that would be setting the highest standard now, but depending on sea level rise might not be enough in the future. Director Brazil commented that the FEMA level plus 3 feet would be a policy decision, and this report was providing information for the Council to make that decision. Mr. Hamilton explained how they arrived at an additional 3 feet.

Council Member Crampton asked what role the Southeast Florida Regional Compact play in the Woods Hole recommendation. The Compact's effort have three overarching objectives: Share regional tools and knowledge. Increase public support, political will, and Coordinate action. Mr. Hamilton responded the Southeast Florida Regional Compact was not included because the Town of Palm Beach was not active in that group, but recommended at least checking on the good work they were doing. Council Member Crampton asked about baseline for the projected sea level rise. Mr. Brahim advised the intermediate high projections for 2040 were 1.4 feet compared to the 2000 baseline, and for 2070, was 3.29 feet. Mr. Crampton summarized his understanding of the report, which Mr. Brahim confirmed. Mr. Hamilton advised the Council's decision was where to place priorities and how quickly they wanted to effect change.

Council President Pro Tem Lindsay asked if they were suggesting to start with changing the base flood elevation to plus 3 feet. Council President Zeidman had the same question of where to start.

Town Manager Blouin explained the Town had been heavily engaged with the federal government with beach renourishment, and also was proactive on the lake side in gathering information for future grants. They also planned to engage more in regional groups. Some municipalities were now employing a Director of Resiliency.

Public Works Director Brazil recommended breaking this into manageable pieces, and first to make applicable adaptations to capital improvement projects. He would like to send this to the Public Works Committee to identify pay-as-you-go capital projects and to modify those in the next five years to be consistent with the recommendations in this implementation plan. The Committee would go through scope and cost and come back to Council with whether they were

eligible for state grants. Director Brazil also recommended directing the Town Manager to make adjustments to add recommended resiliency features to applicable project and program budgets starting in FY 2023. He reported staff had already submitted for all eligible grants for added resiliency for capital improvement projects. The big decision was prioritizing policy changes of the town code and comprehensive plan to Council for review and approval, and suggested bringing that back in manageable pieces in future meetings. Also, data collection for a phased water level monitoring plan could be implemented and brought to Council when available. He asked to continue working with Woods Hole, and was asked to present a proposal

Council Member Crampton asked about encroaching king tides and passive level of sea rise for areas not armored. Director Brazil responded that was included in the scope to be reviewed by the Public Works Committee and come back to Council.

Council Member Araskog asked about the fire station. Director Brazil responded waterproofing was included in the renovation. Council Member Araskog asked if raising the water level in the Lake Worth Lagoon was a factor, to which the response was no, that was temporary

Council President Pro Tem Lindsay commented the rebuilt bulkhead for the marina was strong enough to be lifted in the future, and asked if new construction could be built to make lifting easier and less costly in the future. Director Brazil responded a structural slab could be used, but it would still be expensive.

Council clarified for Mr. Hamilton the report was final.

Mayor Moore asked to be kept updated on grant status.

Council President Pro Tem Lindsay asked if the maps in the report could be enlarged for street names to be recognized. Mr. Brahim noted new maps could be provided under a new grant.

Public Comment:

Ann DesRuisseaux, 800 South County Road and 1090 North Ocean Boulevard, commented she purchased landmark property that frequently flooded and was being lifted. She asked Council to think about future applicants and to make decisions quickly on heights and elevating buildings, and asked them to think about reconsidering her application by making a decision to protect her landmark property.

Katie Carpenter, 151 South County Road, stated she worked for Resilient Enterprise Solutions, applauded the work of Town Council and Woods Hole

Group, and reported she had worked with South East Florida Climate Compact, who recognized that her company worked on behalf of residential stakeholders, and she would be happy to introduce the compact for the town.

Warren Belmar, 137 Sunrise, member of the Shore Protection Board, commented how lucky the town was to have both Director Brazil and Rob Weber addressing these issues, and strongly suggested providing additional staff. Director Brazil reported the Planning and Zoning department hired a project manager.

Consensus of Town Council was to have the Public Works Committee discuss the implementation plan and its effect on planned capital improvement projects and the Town Council would address future decisions related to the plan.

B. New Business

5. Proposed 2022 Town Council Meeting Schedule
Kirk W. Blouin, Town Manager

Changes requested were to change March 1 and 2 meetings to March 3 and 4 (if necessary), add July 14 for budget workshop, and change October 11 meeting to October 13 due to conflict with Sukkot.

6. How Do We Preserve Palm Beach's Unique Small Town Charm, Businesses, and Community Amid Palm Beach County's Explosive Growth?
Bobbie Lindsay, President Pro Tem

Council President Pro Tem Lindsay commented people worried about higher buildings and potential growth getting out of hand, and suggested some of these concerns be dealt with at the beginning of code reform. She spoke about the effect of West Palm Beach's growth on the town, with those residents coming and using more of the town's resources, and planning needed to be done for this. In thinking about what made Palm Beach so special it was the massing, scale, walkability, and architecture, with iconic streets. She thought to get the best result would be to make sure Council was well educated to provide guidance, and would like a workshop this fall with staff reviewing the comprehensive plan for Council, and looking at the Worth Avenue Guidelines. She wanted Council to start educating themselves to be knowledgeable on the issues presented to them, and to understand why people in the past fought for preservation.

Mayor Moore felt this was a great idea and asked that staff provide a copy

of the strategic plan to Council.

Council Member Crampton agreed the comprehensive plan was a good starting point. There are other items that need to be addressed and he believed Mayor Moore should lead a workshop.

Council President Zeidman felt the timing was right.

Council Member Araskog felt it would be good to include Planning and Zoning in the workshop. She asked if the discussion on finding ways to limit the number of restaurants could be on next month's agenda.

Public Comment

Aimee Sunny, Director of Education at the Preservation Foundation, 311 Peruvian Avenue, commented the conversation aligned with their mission, and offered help and support. They would be happy to search their archives for any helpful documents.

Deputy Town Manager Boodheshwar indicated staff could provide historical information, and a copy of the most recent plan, at the next meeting.

XIII. ORDINANCES

A. Second Reading

1. Modification of Beach Access Hours and Inclusion of Root Trail as a Public Access Point

ORDINANCE NO. 21-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 74 of the Town's Code of Ordinances by Amending Article V, Beach Access Closure to Include the Beach Access Point at Root Trail as Public; Providing For Closure from Sunset to Sunrise Daily; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Jay Boodheshwar, Deputy Town Manager

Town Attorney Randolph read Ordinance No. 21-2021 by title only on second reading.

Deputy Town Manager Boodheshwar advised there was information and visuals in the backup.

Council Member Crampton asked Town Attorney Randolph if a prescriptive easement existed. Town Attorney Randolph responded it had been determined there was a prescriptive easement.

Council Member Cooney expressed appreciation for the visuals, and did not think the gates met Palm Beach design standards. There was consensus by Council that the gates were not up to Palm Beach standards.

Town Manager Blouin advised staff would hold off the order for gates and designs presented to ARCOM. Private areas would continue to have access.

Council Member Araskog asked about the beach hours. Deputy Town Manager Boodheshwar responded since Ocean Towers owned part of the beach access, staff was happy to talk with the Root Trail people offline to see if something could be done to give them after-hours access. He clarified that the ordinance presented today was straightforward to codify dusk to dawn access.

Town Attorney Randolph advised Tim Hanlon's issue was separate from this ordinance and it was up to the town whether they wished them to have a combination lock to provide accessibility to the beach after hours.

Council Member Cooney asked for a recap of why these hours chosen. Town Manager Blouin and Council Member Araskog provided the information. Council President Pro Tem Lindsay commented all public beaches had these hours, and gated openings had signs, and this access had experienced a lot of unwanted activity. She understood Mr. Hanlon's issue had nothing to do with this ordinance.

Public Comment:
Tim Leuliette, 149 Root Trail, commented the neighborhood was united in supporting Council's decision to gate, but the community had had open access here for 120 years, and their point was if Ocean Towers could have access and they were sharing that same entrance, there should be a way for them to continue the same. The entrance was at the end of Root Trail and today the vista was not in keeping with Palm Beach. This neighborhood group would like a say in the design of the gate.

Aaron Williams, Greenspoon Marder LLP Law Firm, 200 E. Broward Blvd, Fort Lauderdale, representing the retail partnership LLC, agreed with the prior speaker. He addressed their support of the proposed ordinance, and maintaining access rights that had been held by the current residents of Root Trail. They looked forward to working with the town on the gate and berm design, and requested the town confirm that all of the residents of Root Trail

would still have continued 24/7 access through the proposed gate.

Kathy Booker, 127 Root Trail, echoed concern that access be maintained and hoped to work with the town on a solution to maintain access for Root Trail residents, and the issue of the access being vulnerable to flooding as reported by Woods Hole. She asked for information on the timing of installation of flood prevention measures. She welcomed the opportunity for public comment on the gate through the ARCOM process. She asked for information from the town whether there were any other conditions or restrictions in the agreement with Ocean Towers that might create unintended consequences in restricting public access to Root Trail.

Council Member Crampton was comfortable with Attorney Randolph's position on the prescriptive easement and believed it should apply to Root Trail residents. He favored reviewing the appearance of the gate, and felt action needed on ocean water intrusion. He was in favor of allowing Root Trail residents nighttime access.

Motion made by Council Member Crampton and seconded by Council President Zeidman to adopt Ordinance No. 21-2021 on Second Reading. On roll call, the Motion passed unanimously.

Council Member Araskog stated her confusion concerning allowing nighttime access when the beach closed. Town Manager Blouin responded only privately owned areas of the beach were accessible after the beach closed.

Town Attorney Randolph thought there was an argument on behalf of the folks that had prescriptive easement, the easement was not limited, and they had the right to use the beach.

Town Manager Blouin raised other issues. Town Attorney Randolph advised the issue now related to the prescriptive right of access and the residents of Root Trail were asking Council to honor their prescriptive rights to be able to use that beach after hours. The Town Attorney recommended placing this matter on an agenda later.

XIV. ANY OTHER MATTERS

There were no other matters to come before the Town Council.

XV. ADJOURNMENT

The Town Council Meeting of September 14, 2021 was adjourned 5:23 p.m. without benefit of a motion or vote.

APPROVED:

_____
Margaret A. Zeidman, Town Council President

ATTEST:

_____
Queenester Nieves, CMC, Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON THURSDAY, SEPTEMBER 23, 2021

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. Council Member Araskog arrived at 5:06 pm.

II. PLEDGE OF ALLEGIANCE

President Zeidman led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

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

IV. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT

V. PUBLIC HEARING ON FINAL MILLAGE RATE AND FY22 BUDGET

A. Proof of Publication

Proof of Publication received by the Town Clerk's office and provided to Town Council for review.

B. Announcement of Proposed Operating Millage Rate

President Zeidman stated at the September 13, 2021, Public Hearing, the Mayor and Town Council, tentatively approved the proposed millage: General Fund Operating Millage 2.8966 mills. The Town of Palm Beach Fiscal Year 2022 General proposed operating millage rate of 2.8966 mills represents a 2.95% increase from the "rolled-back millage rate" of 2.8135 mills.

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

Town Manager Blouin explained fiscal year General Fund budget increased $8,225,000 from fiscal year 2021 budget. The increase is mostly the result of transfers to the Capital Improvement Fund for the reconstruction of the North Fire Rescue station for $5,500,000. Property tax revenue increased by $2,529,700 to cover $1,500,000 of the North Fire Rescue station cost, and the balance to cover salary and contractual cost increases for landscaping, rental of trailers to house firefighters during the construction of the North Fire station, and contractual hiring. The transfer to the Coastal Protection fund increased by $143,310 and the transfer to fund Risk insurance increased by $163,048.

D. Comments and Questions from Public

There were no comments from the public.

E. RESOLUTION NO. 120-2021 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, 2021, and Ending September 30, 2022; 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.

There were no public comments.

Town Manager Blouin read Resolution No. 120-2021 by title.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 120-2021. On roll call, the Motion passed 4-0 with Council Member Araskog absent.

F. RESOLUTION NO. 121-2021 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, 2021, and Ending September 30, 2022; Providing for an Effective Date.

There were no public comments.

Town Manager Blouin read Resolution No. 121-2021 by title.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to approve Resolution No. 121-2021. On roll call, the Motion passed unanimously.

VI. ORDINANCES

A. First Reading

1. ORDINANCE NO. 25-2021 An Ordinance of the Town Council of the Town

of Palm Beach, Palm Beach County, Florida Amending Ordinance 18-2021 at Section 2 Relating To Section 34-56, Notice To The Qualified Voters of the Town Of Palm Beach, To Delete The Reference To The Time Of The Caucus; Adding A New Section 3 Providing For An Amendment To Section 34-81 Titled Petition Confirming Nomination Required; Form; Amending The Form of the Petition To Substitute the Month of December for the Month of January To Conform To The New Caucus Date; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Jay Boodheshwar explained Ordinance No. 25-2021 addressed some needed housekeeping issues. In addition, updated a section of the Code, omitted in recently adopted Ordinance 18-2021. Noted the deletion of a start time for the Caucus would provide council some flexibility regarding scheduling.

There were no comments from the public.

Deputy Town Manager Jay Boodheshwar read Ordinance No. 25-2021 by title.

Motion made by Council Member Crampton and seconded by Council Member Araskog to approve Ordinance No. 25-2021 on first reading. On roll call, the Motion passed unanimously.

VII. ANY OTHER MATTERS

VIII. ADJOURNMENT

The Special Town Council Meeting of September 23, 2021, adjourned at 5:11 p.m. without benefit of a Motion.

APPROVED:

_____
Margaret A. Zeidman, Town Council President

ATTEST:

_____
Queenester Nieves, CMC, Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda
Minutes

Agenda Title
Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of September 29, 2021.

Presenter
Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated October 6, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**
- **Minutes of the Architectural Review Commission Meeting of September 29, 2021**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2021

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 29, 2021

Date: October 6, 2021

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of September 29, 2021.

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 29, 2021.

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 29, 2021

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

Mr. Small called the meeting to order at 8:59 a.m. All members participated via Zoom Webinar due to the COVID-19 situation.

II. ROLL CALL

Michael B. Small, Chairman	PRESENT
John David Corey, Vice Chairman	PRESENT
Alexander C. Ives, Member	PRESENT (arrived at 9:18 a.m.)
Maisie Grace, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Jeffrey Smith, Member	PRESENT
Thomas Kirchhoff, Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT
Richard F. Sammons, Alternate Member	ABSENT (Unexcused)

Staff Members present were:
Wayne Bergman, Director of Planning, Zoning and Building
James G. Murphy, Assistant Director of Planning, Zoning and Building
Paul Castro, Zoning Manager
Sarah Pardue, Planner II
Kelly Churney, Secretary to the Architectural Review Commission
John Randolph, Town Attorney

III. PLEDGE OF ALLEGIANCE

Chairman Small led the Pledge of Allegiance.

IV. RULES OF ORDER AND PROCEDURE

Mr. Small thanked the Town Council for allowing the Commission to meet virtually. He thanked staff for their participation in setting up the virtual meeting. Mr. Small continued with procedural information and comments regarding the upcoming meeting.

Mr. Bergman welcomed Jordan Hodges as the new Planner II in the Planning, Zoning and Building Department.

V. APPROVAL OF THE MINUTES FROM THE AUGUST 25, 2021 MEETING

Motion made by Mr. Corey and seconded by Mr. Kirchhoff to approve the minutes from the August 25, 2021 meeting. Motion carried unanimously.

VI. APPROVAL OF THE AGENDA

Mr. Small announced the following changes to the agenda:

Deferral of B-019-2021, 101 Nightingale Trail to the October 27, 2021 meeting
Deferral of B-072-2021, 224 La Puerta Way to the October 27, 2021 meeting
Deferral of ARC-21-026, 305 Clarke Avenue to the October 27, 2021 meeting
Withdrawal of B-062-2021, 215 Via Tortuga

Mr. Bergman also announced that B-065-2021, 7 Ocean Lane would be time certain at 4 p.m. He also announced that the demolition at 223 Monterey Road was approved on 8/25/21.

Motion made by Mr. Corey and seconded by Ms. Shiverick to approve the agenda as amended. Motion carried unanimously, 7-0.

VII. PROJECT REVIEW

A. CONSENT AGENDA OF MINOR PROJECTS

None

B. DEMOLITIONS AND TIME EXTENSIONS

1. ARC-21-006, 164 SEASPRAY AVE. The applicant, Hayati Banastey, has filed an application requesting Architectural Commission review and approval for the demolition of an existing two-story residence.

   This item was deferred from the August 25, 2021 meeting to the September 29, 2021 meeting to improve the proposed landscape plan.

   Call for disclosure of ex parte communication: Disclosure by several members.

   Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Patrick Segraves, SKA Architect + Planner, agreed to the easement.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape plans for the proposed demolition.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Mr. Corey thanked Mr. Mizell for the landscape plans that showed the site post demolition. He thought the plan was very clear and showed the screening for the neighbors.

Mr. Floersheimer stated he thought this was a good opportunity to move the Ficus on the site.

Ms. Grace restated that the existing house was in a historic neighborhood and acknowledged the lot's building constraints. She hoped that the new project would be very attractive and took all of those items into consideration.

Ms. Shiverick agreed with Ms. Grace's comments. She thought the new project should take into account the narrowness of the lot and the historic nature of the surrounding properties.

Motion made by Mr. Corey and seconded by Ms. Catlin that the proposed demolition of 164 Seaspray Avenue has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

2. B-075-2021, 225 WELLS RD. The applicant, M2B Properties LLC (Mary Frances Garrett), has filed an application requesting Architectural Commission review and approval for the demolition of an existing one-story residence.

   This item was deferred from the August 25, 2021 meeting to the September 29, 2021 meeting due to an error in the mail notice.

   Call for disclosure of ex parte communication: Disclosure by several members.

   Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Gregory Palmer, Harrison Design, agreed to the easement.

Mr. Palmer presented the demolition request for the existing one-story residence.

Steve West, Parker Yannette Design Group, presented the landscape and hardscape plans for the proposed demolition.

Mr. Small inquired if the property was on a list of landmarked properties or on a list to be landmarked. Mr. Palmer provided confirmation that it was not was not on any such list.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Ms. Shiverick thought this was a beautiful, older street. She requested that the new home be commensurate with the existing architecture on the street.

Mr. Kirchhoff thought that a construction screening fence should be added on the east side during the demolition. Mr. Small requested that this be added to the motion.

Motion made by Mr. Corey and seconded by Mr. Smith that the proposed demolition of 225 Wells Road has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented with a condition to add a construction screening fence on the east side. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

3. ARC-21-014, 281 MONTEREY RD. The applicant, Adam Demark, has filed an application requesting Architectural Commission review and approval for the demolition of an existing two-story residence.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Caroline Forrest, MHK Architecture & Planning, agreed to the easement.

Ms. Forrest presented the demolition request for the existing residence.

Mr. Small inquired if the property was on a list of landmarked properties or on a list to be landmarked. Ms. Forrest provided confirmation that it was not was not on any such list.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape plans for the proposed demolition.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no staff comments at this time.

Ms. Shiverick inquired if the owner had considered the historically significant building program for this home. Ms. Forrest responded and explained how the home had been studied. Ms. Shiverick thought the next home should be as attractive as the existing home.

Mr. Smith requested that photographs and plans be submitted to the Preservation Foundation to document the historic home to be demolished.

Ms. Catlin asked for confirmation that the construction trucks would not use Lake Way as they traversed the island. Ms. Catlin also stated her expectation that the new house should have the charm of the existing home. Ms. Forrest discussed the trucks route to be used.

Ms. Grace thought the existing home had nice features and proportions. She looked forward to seeing the new home with similarly attractive features and proportions.

Ms. Shiverick requested that the professional use the Preservation Foundation if she needed any images in her inspiration for the new home.

Motion made by Mr. Corey and seconded by Ms. Grace that the proposed demolition of 281 Monterey Road has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

4. ARC-21-021, 315 CLARKE AVE. The applicant, J.F. Benoist d'Etiveaud, has filed an application requesting Architectural Commission approval for the demolition of an existing two-story residence.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Janssen agreed to the easement.

Roger Janssen, Dailey Janssen Architects, presented the demolition request for the existing residence.

Cory Meyer, Nievera Williams Design, presented the landscape and hardscape plans for the proposed demolition.

Mr. Small inquired if the property was on a list of landmarked properties or on a list to be landmarked. Mr. Janssen provided confirmation that it was not was not on any such list.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no staff comments at this time.

Ms. Shiverick stated there was no historical background for the home in the mini-sets. She thought the lot was large and beautiful. She worried about the temptation to build a large home on the lot. She wondered if the additions could be removed and the professional could modernize the main portion of the home. Mr. Janssen responded and stated there were many aspects in the home that made it unable to be saved.

Mr. Kirchhoff agreed with Ms. Shiverick and stated he did not receive the historical backup. He also agreed it was a shame that the home was to be demolished.

Ms. Catlin thought the new home should have the same charm and appeal as the historic home. She questioned whether the home could be saved with the historical significant building program.

Mr. Floersheimer agreed with the other Commissioners. He inquired about the size of the new home.

Mr. Small shared the views of all of the Commissioners that had commented on this home. He thought it was a shame to lose an architecturally significant home.

Motion made by Ms. Shiverick and seconded by Mr. Corey to defer the project to the October 27, 2021 meeting with the direction that the

professional provide a historical background and interior photos of the existing home to the Commissioners in their mini-sets. Motion carried unanimously, 7-0.

C. MAJOR PROJECTS – OLD BUSINESS

1. B-019-2021 Modifications
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
Address: 101 Nightingale Trail
Applicant: 04TST101 Nightingale LLC (Brian Libman, Manager)
Professional: Brooks & Falotico Associates, LLP
Project Description: Exterior alterations and interior renovations to two-story single family residence; revised fenestration on all elevations; reframe portions of existing roof to accommodate new fenestration height and replace existing roof tiles; renovate entry portico, frame for second floor roof deck, and face with coquina; new Dutch gables at courtyard elevations; renovate pool terrace and incorporate new retaining walls; remove existing driveway and install new hardscape and landscape.

ZONING INFORMATION: Section 134-893(13): The applicant is proposing to construct a 70 square foot one story bathroom addition and two Dutch gables that will be added to the courtyard elevations of the pool cabana and kitchen which will increase the cubic content ratio ("CCR") to 5.24 in lieu of the 5.01 existing CCR and the 3.9 maximum CCR allowed in the R-B Zoning District.

A motion carried at the March meeting to defer the project to the April 28, 2021 meeting to address the comments of the Commissioners, which included the identity and character of the home, the front entry, the fenestration, the shutters, the balconies and glass railings. A motion carried at the April meeting to defer the project for one month, to the May 26, 2021 meeting, to restudy the gables, fenestration and in accordance with the comments of the Commission. A motion carried at the May meeting to defer the project to the June 23, 2021 meeting at the request of the professionals. A motion carried at the June meeting to defer the project to the July 28, 2021 meeting at the request of the professionals. A motion carried at the July meeting to defer the project to the August 25, 2021 meeting at the request of the professionals. At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting.

Please note: This project was deferred to the October 27, 2021 meeting at the Approval of the Agenda, Item VI.

2. B-024-2021 Demolition/New Construction
Address: 240 Mockingbird Trail
Applicant: Lee Fensterstock
Professional: MP Design & Architecture, Inc.

Project Description: Demolition of existing one story structure. New construction of two story single family house in island style, approximately 5400 s.f. Final landscape and hardscape included.

A motion carried at the March meeting to approve the demolition. A second motion carried at the March meeting to defer the project to the April 28, 2021 meeting to address the comments of the Commissioners, which included adding some identity to the home, the fenestration, a restudy of the landscaping and pedestrian gate, and to return with a north, east, west and south cross section of the landscaping. A motion carried at the April meeting to defer the project to the May 26, 2021 meeting to restudy the size of the bay windows on the front elevation, to change the roof pitch to 5/12, to remove 12 inches in the second floor, to change the laundry room to a single window, and the French doors over the front entrance will be changed as previously proposed. A motion carried at the May meeting to defer the project to the June 23, 2021 meeting for a restudy of the home design. A motion carried at the June meeting to defer the project to the July 28, 2021 meeting at the request of the professional. A motion carried at the July meeting to defer the project to the August 25, 2021 meeting at the request of the professionals. At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

Michael Perry, MP Design & Architecture, presented the modified architectural plans proposed for the new residence.

Mario Nievera, Nievera Williams Design, presented the small changes proposed for the landscape and hardscape plans.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Mr. Corey thought the professional made significant changes that lightened up the home. He liked how the professional recessed the second floor. He questioned the proportions of the columns on the front portico. He thought the streetscape was missing from the mini-sets and requested to see a view of the home on the street. Mr. Corey thought the height of the home was reasonable.

Ms. Grace thought the changes were good and responsive to the comments from the Commissioners. She agreed with Mr. Corey and thought a streetscape was needed. She also believed the front columns were too heavy on the front portico. She wondered if the doors on the guest bedroom, south elevation, could be changed to a pair of doors. Mr. Perry responded and agreed to make the change to a pair of doors.

Ms. Shiverick also thought the columns on the front portico were too clunky. She requested to see the location of the pedestrian gates. Mr. Nievera responded and showed the Commissioners the location proposed for the gates. Ms. Shiverick questioned if the gate design was too busy.

Mr. Kirchhoff thanked the professional for the changes. He agreed with the assessment of the columns and thought the proportions were incorrect. He recommended reducing the number of doors on the guest bedroom on the south elevation. Mr. Perry agreed to narrow the columns on the front portico. Mr. Perry showed photographs of the existing homes on the street and a site section of the lot showing the grading to the home.

Mr. Floersheimer stated his mini-set had all black and white pictures and he would appreciate color photographs in the future. Mr. Floersheimer pointed out that the home was at the maximum setbacks allowable for the lot.

Ms. Catlin liked the box bay window rather than the traditional bay window. She understood the comments of the columns but cautioned the professional to not make them too thin once changed.

Mr. Smith inquired about the fireplace and whether it was a working fireplace. Mr. Perry responded. Mr. Smith did not understand the two fake chimneys on the home. He also agreed that the columns were too chunky. He questioned the placement of the columns. He recommended using Chitham as the reference on the proportion of a column. He questioned the pair of columns on the pool loggia as well.

Ms. Grace stated she did not receive the streetscape as well in her mini-sets. She inquired about the ceiling heights of the home. Mr. Perry responded.

Mr. Corey agreed with Mr. Smith's comments, particularly with the columns and the fake chimneys. He recommended removing the chimneys. Mr. Perry agreed with all of Mr. Corey's recommendations.

Mr. Small agreed with his fellow commissioners and asked that any concerns be included in the motion.

Motion made by Mr. Smith and seconded by Mr. Corey to approve the project as presented with the following conditions: the two fake chimneys are removed, the proportions of the columns are changed using the

Chitham reference, and the doors on the guest bedroom, south elevation, are changed to a single set of French doors. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

3. B-039-2021 Demolition/New Construction
Address: 200 Bahama Lane
Applicant: 200 Bahama Lane, LLC (Maura Ziska)
Professional: SKA Architect + Planner
Project Description: Demolition of existing one story house. New construction of two story classical style house, approx. 5,856 sq. ft. Final landscape and hardscape included.

A motion carried at the May meeting to approve the demolition of the existing home as requested. A second motion carried to defer the project for two months to the July 28, 2021 meeting for an entire restudy. A motion carried at the July meeting to defer the project to the August 25, 2021 meeting at the request of the professionals. At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Segraves agreed to the easement.

Patrick Segraves, SKA Architect + Planner, presented the modified architectural plans proposed for the new residence.

Keith Williams, Nievera Williams Design, presented the small changes proposed for the landscape and hardscape plans.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Ms. Shiverick liked Mr. Kirchhoff's suggestion to flatten the entry on the cabana. She thought the lower roof on the cabana was a better profile. She thought the roof on the cabana should be a lighter color rather than the dark metal proposed. She requested that very high end materials be used on the home due to its visibility, particularly with the windows. Mr. Segraves responded about the roof color for the cabana. He also addressed the materials to be used.

Mr. Kirchhoff was in favor of the lower pitched roof for the cabana. He also recommended lowering the ceiling height as well.

Mr. Floersheimer thanked Mr. Williams for the additional landscape drawings provided. He thought the home was looking much better. He liked the lower roof on the cabana.

Mr. Small agreed with his fellow Commissioners. He thought the project should be moved forward.

Motion made by Ms. Shiverick and seconded by Mr. Kirchhoff to approve the project as presented with the following conditions: the cabana has the lower roof as shown, and the cabana has the flattened entrance (loggia) as shown. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

4. B-053-2021 Modifications
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S) - Done 6/23/21
Address: 8 Windsor Ct.
Applicant: Mr. & Mrs. Jonathan Sack (Maura Ziska)
Professional: MP Design & Architecture, Inc.
Project Description: Existing breezeway modifications to replace existing awning with new cooper roof. Existing pool cabana modifications to replace existing roof and awning with new copper roof. Existing open porch modifications to replace exiting trellis with new copper roof.

A motion carried at the June meeting that implementation of the proposed variances will not cause negative architectural impact to the subject property. A second motion carried to approve the project as presented with the removal of the rear trellis and to return to the July 28, 2021 meeting with an alternate design of a roof over the two doors on the north elevation. A motion carried at the July meeting to defer the project to the August 25, 2021 meeting at the request of the professionals. At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

Michael Perry, MP Design & Architecture, presented the modified architectural plans proposed the roof over the doors on the north elevation of the garage structure.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Mr. Floersheimer inquired if the awning change to the copper roof had been approved. Mr. Perry provided clarification on what had been approved.

Motion made by Mr. Corey and seconded by Ms. Grace to approve the project as presented. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Please note: The Commission took a short break at 10:43 a.m. The meeting resumed at 11:00 a.m.

5. <u>B-058-2021 Demolition/New Construction</u>
Address: 1020 N. Lake Way
Applicant: Mr. & Mrs. Kanders, Contract Purchaser (Maura Ziska)
Professional: MP Design & Architecture, Inc.
Project Description: Demolition of existing residence, including hardscape, landscape. Existing pool to remain. New two-story residence, new hardscape, new landscape, existing pool to be modified.

A motion carried at the June meeting to approve the demolition of the existing home as requested. A second motion deferred the hearing of the new construction to the July 28, 2021 meeting. A motion carried at the July meeting to defer the project to the August 25, 2021 meeting at the request of the professionals. At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

Michael Perry, MP Design & Architecture, presented the architectural plans proposed for the new residence.

Son Truong, Nievera Williams Design, presented the landscape and hardscape plans proposed for the new residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Ms. Shiverick thought the windows on the front elevation, particularly on the second floor, should be reduced in width. She thought the iron balconies on the front elevation should be painted black. She questioned the Bougainvillea on the front and rear elevation; she preferred more green plantings due to the formalness of the home. She thought the window tower for the elevation should be restudied. She thought the rear balcony should be changed to black iron rather than glass. She liked the ball finials on the front but questioned them on the rear of the home.

Ms. Catlin did not prefer the proposed home for the location. She thought the existing home had charm and warmth, where the proposed was cold. She requested a new design with charm and warmth.

Mr. Floersheimer liked the overall design of the home; however, he thought the home could be reduced in width and pointed out that the proposed home was much bigger than the existing and at the maximum setbacks. He thought there was too much glass and fenestration on the west elevation. He thought a restudy of the windows on the front façade was necessary. He questioned the ceiling heights proposed as well as the 3-foot parapet around the roof.

Mr. Kirchhoff thought the inspiration for the home had more charm and warmth than what was proposed. He thought the proposed home was too massive. He thought the parapet height should be reduced. He was not in favor of the garage on the front of the street and the round windows around the home. He recommended making the garage building more of a folly. He questioned the window design, as well as the shutter design, on the front façade. He questioned the floor to floor height. Mr. Kirchhoff questioned the fenestration and thought some refinement was needed.

Mr. Ives was not too concerned with the size of the home and the windows. He thought the home should be softened a bit. He recommended leaning in to the Art Deco style a bit to soften the home. Mr. Ives thought that while a deferral was coming, he thought the design approach was sound.

Ms. Grace liked the design style chosen for the home. However, she thought the garage structure was too large. She requested more wall space between the first and second floor windows on the front façade. She preferred adding muntins to the windows rather than the proposed plate glass. She thought there was too much glazing on the west façade. She agreed that the

Bougainvillea did not fit in the design. She thought the mass of the home should be reduced.

Mr. Corey agreed with Mr. Kirchhoff's comments. Mr. Corey thought the garage structure was too big and protruded too far forward. He thought the windows on the front were too monolithic, and the front entrance was too tall and lacked charm. Mr. Corey thought the landscape plan was a miss. He was sad to see all of the trees along the Lake Trail removed.

Mr. Smith thought the proposed home was troubling. He questioned the style of the home and thought the garage on the street was too large. He questioned the windows on the front of the home. He did not believe the home had a personality.

Ms. Catlin reiterated that the proposed home did not belong in the proposed location. She also thought the screening removed from the Lake Trail was a big mistake, especially for the privacy of the owner.

Mr. Small shared the concerns of his fellow Commissioners.

Motion made by Mr. Kirchhoff and seconded by Mr. Ives to defer the project to the November 19, 2021 meeting for a restudy of the project, particularly keeping in mind the comments of the Commissioners. Motion carried 6-1, with Mr. Smith opposed.

6. <u>B-062-2021 Additions/Modifications</u>
Address: 215 Via Tortuga
Applicant: 215 Via Tortuga, LLC (Whitney Crane)
Professional: Tod E. Sikkenga/Wadia Associates
Project Description: Renovations and small addition to existing house (141 sf). New enclosed pool pavilion (409 sf) Three new skylights. Maintain and paint existing roof tile. Modify existing swimming pool, landscape, and hardscape. New generator and outdoor mechanical and pool equipment. Replace existing windows and doors, and new openings with impact resistant units. Miscellaneous improvements to exterior elevations.

A motion carried at the June meeting to defer the project to the July 28, 2021 meeting to address the comments of the commissioners. A motion carried at the July meeting to defer the project to the August 25, 2021 meeting at the request of the professionals. At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting.

Please note: This project was withdrawn at the Approval of the Agenda, Item VI.

7. B-068-2021 New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW
Address: 267 Dunbar Road
Applicant: Michael S. Arlein, Trustee of the 267 Dunbar Road Trust (Maura Ziska)
Professional: SKA Architect + Planner
Project Description: New Construction of one and two story Mediterranean style house approximately 7,550 sq. ft. Final landscape and hardscape included.

A motion carried at the July meeting to defer the project to the August 25, 2021 meeting at the request of the professionals.

ZONING INFORMATION: Section 134-893(c): Site Plan Review to allow the construction of a new two story 7,552 square foot single family residence on a non-conforming platted lot which is 98.5 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District.

At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Segraves agreed to the easement.

Patrick Segraves, SKA Architect + Planner, presented the architectural modifications proposed for the new residence.

Keith Williams, Nievera Williams Design, stated that no changes were made to the landscape and hardscape plans, only the perspectives had been changed to update the architectural changes.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Ms. Grace inquired if the home was reduced in height. Mr. Segraves responded.

Ms. Shiverick thought the design had gone in a nice direction. She thanked the architect for listening to the Commissioners' suggestions for refinement as she thought the changes were nice. She thought the front entry appeared unfinished and recommending adding handrails. She thought the proposed

lanterns looked too Colonial and recommended a more Spanish style lantern in bronze.

Mr. Small shared the comments of his fellow Commissioners. He thought the proposed home was in harmony with the street. He did agree with Ms. Shiverick on her assessment of the lanterns.

Motion made by Ms. Shiverick and seconded by Mr. Kirchhoff to approve the project as presented with the condition that the style of the proposed lanterns are changed to a Spanish style in a bronze finish. Motion carried 6-1, with Ms. Grace opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

8. ARC-21-005 New Construction
Address: 210 Palmo Way
Applicant: Bruce Percelay
Professional: Roger Janssen/Dailey Janssen Architects
Project Description: Construction of a new 2 story residence. New landscape, hardscape and pool.

At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Janssen agreed to the easement.

Patrick Mayfield, Dailey Janssen Architects, presented the architectural modifications proposed for the new residence.

Steve West, Parker Yannette Design Group, stated that no big changes were made to the landscape and hardscape plans, only the perspectives had been changed to update the architectural changes. He did discuss a change in the hardscape for the driveway.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no staff comments heard at this time.

Ms. Shiverick thought the design was plain and not very creative. She did not believe it had the charm or whimsy for the north end. She also thought the landscape plan needed some lushness as well.

Ms. Catlin did not believe the design was bad but conceded it was not the most creative design. She thought if the right side of the home was to remain at two stories, it was important that the home be pulled back on the right to provide some breathing room to the neighbors. She questioned the truck logistics plan and asked for confirmation that the trucks would traverse on County Road rather than Lake Way. Mr. Mayfield provided confirmation that the trucks would use County Road.

Ms. Kirchhoff thought the home was a classic Monterey home and thought the home was charming. He thought the projection of the front entry should be pushed back to appear in line with the main body of the home. He also questioned the round windows on the west elevation. He added that the landscaping could be more creative and lush.

Ms. Grace was in favor of the new window pattern. Overall, she believed the style of the home was attractive. She requested a reduction in the house size, as she believed it was a bit large for the street. Mr. Mayfield responded to the comment regarding that the house needed to be reduced in height.

Mr. Corey agreed with Mr. Kirchhoff. He did not believe the home was too tall. He questioned the gable height on the right side of the home. He agreed with the assessments made on the landscaping. He recommended adding more trees rather than palms. He liked the 6 over 1 light patterns for the windows.

Mr. Smith thought the house was confident and would fit into the neighborhood. He did not prefer the protrusion of the front door. He also was not in favor of the side lights on the front door. He made a few suggestions for the columns on the front balcony.

Mr. Small shared the comments of his fellow Commissioners. He thought the current proposed was in harmony with the street. He supported the comments made by Messrs. Smith and Kirchhoff.

Motion made by Mr. Kirchhoff and seconded by Mr. Smith that the proposed project at 210 Palmo Way has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and to approve the project with the following conditions: to flatten the front entrance on the first floor, to adjust the rafters under the columns on the second floor, remove the side lights on the front door and to defer the landscape and hardscape plans to the October 27, 2021 meeting for a restudy. Motion carried 6-1, with Ms. Shiverick opposed. This application was approved with the condition that prior to the issuance of a building permit, the

applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

9. ARC-21-017 Demolition/New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION AND SITE PLAN REVIEW
Address: 223 Monterey Road
Applicant: 239 Monterey Road, LLC (Louis Capano, Jr., Manager)
Professional: Roger Janssen/Dailey Janssen Architects
Project Description: The lot is non-conforming in area: 9,000 square feet in lieu of the l0,000 square feet required in the R-B Zoning District; and in width: 90 feet in width in lieu of the 100 foot minimum required in the R-B Zoning District. l. Request to demo the existing one-story residence, accessory structure, pool, driveway and miscellaneous site walls, piers and fences. 2. Request to construct a new single family residence on a non-conforming lot (overall size and width) meeting all applicable Town codes. 3. Request to construct a new two-story single family residence consisting of 3,902 gross square feet on a non-conforming lot, driveway, pool/spa, hardscape and landscape, including an emergency generator and civil, storm water and grading

At the August 25, 2021 meeting, a motion carried to defer the project to the September 9, 2021 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Janssen agreed to the easement.

Roger Janssen, Dailey Janssen Architects, presented the architectural modifications proposed for the new residence.

Carol Perez, AGT Land Landscape Architecture, stated she did not make any large changes to the landscape and hardscape plans. However, she commented that she did add an additional sheet that showed the property would be sodded and irrigated after demolition.

At this time, Mr. Small confirmed with staff that the demolition for the existing property had been approved.

Mr. Small called for public comments.

Peter Broberg, 220 Monterey Road, was in favor of the project but added that this home was surrounded by Fatio landmarked homes. He noted that all three homes were several feet lower than the proposed. He requested that the

professional lower the proposed home to be more in line with the Fatio homes.

Steven Wolf, 225 Monterey Road, agreed with Mr. Broberg's comments. He added that he was concerned about the scale and size of the proposed home. He expressed concern about his home during the construction of the new home. He also expressed concern for the 8 windows proposed that would overlook his home.

Mr. Small called for staff comment. There were no staff comments heard at this time.

Ms. Catlin thought the home was modest in size. She thought the detail changes were good; she thought the home may be slightly tall. She thought the blue color should be softened; she believed it may be too bright. She did not believe the home was excessively taller than the other homes.

Mr. Kirchhoff thought the enclosed masonry front entry was heavy. He thought the three windows next to the front door needed some restudy. He thought the home needed some more refinement. He questioned the shed roof on the rear of the home. He thought the house was pushing the lot to the maximum setbacks.

Ms. Shiverick stated she did not see any colored renderings in the mini-sets. She agreed with Ms. Catlin and the choice of blue was a bit too bright. She inquired if the outlookers would be painted. Mr. Janssen responded. Ms. Shiverick thought the home would fit nicely on the street. She did not mind the front entrance. She did agree that the three windows next to the front entrance should be reduced to two. Overall, she believed the house had a nice look.

Mr. Corey thought the house was cute but did believe the second floor of the home could be reduced. He thought the home looked like it was a bit top heavy. He agreed that the three window units were crowded next to the front door. He also believed the front entrance did not fit with the style of the home. Mr. Janssen discussed the heights of the two floors and thought the height had been reduced.

Ms. Grace liked the changes in the window patterns. She thought the front entrance could be changed. She believed the height of the home should be reduced to keep in line with the neighborhood.

Molly Mitchell, Dailey Janssen Architects, discussed the reasons for the ceiling heights. Mr. Janssen responded on this topic as well.

Motion made by Ms. Shiverick and seconded by Mr. Corey to defer the project for one month, to the October 27, 2021 meeting, for a restudy of

the front door, the three windows next to the front door as well as the overall height of the home. Motion carried unanimously, 7-0.

Please note: The Commission took at lunch break at 12:45 p.m. The meeting resumed at 1:15 p.m.

10. ARC-21-031 New Construction
Address: 433 Antigua Ln.
Applicant: Malcolm McCluskey
Professional: Patrick Ryan O'Connell Architect, LLC
Project Description: Proposed construction of a new two-story, single family residential structure, including a new pool, hardscape and landscape.

At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. O'Connell agreed to the easement.

Patrick O'Connell, Patrick Ryan O'Connell Architect, presented the architectural modifications proposed for the new residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Mr. Corey inquired if staff had any comments on the potential landmarked tree on the property. Mr. O'Connell stated it was a landmarked tree. Mr. Corey wanted to make sure it would be protected during construction. Mr. Corey thought the home worked well for the site. Mr. Corey was in favor of the Lido green shown for the eaves and the door. Mr. Corey also supported the section of the alternate eave with the overhang.

Ms. Catlin liked the changes. She agreed with Mr. Corey on the painted door and eaves. She liked both alternate greens, Robin's Nest and Lido, shown.

Ms. Shiverick was in favor of the new entry. She preferred a pecky Cypress door. She inquired about the window trim color and thought it was a bit dark. She thought a lighter color could soften the home. She also recommended not painting the peaks in the green color; she recommended using Cypress in the peaks. She asked for an explanation for the alternate eave overhang. Mr. O'Connell provided further explanation for this detail. Ms. Shiverick was in

favor of increasing the eaves, perhaps not as significant as shown. She was in favor of the bay windows with the five lights on the front façade.

Mr. Kirchhoff was in favor of the alternate eave overhang. He was in favor of the new door and the five bay windows.

Mr. Floersheimer agreed with Ms. Shiverick. He liked the Cypress door and the Robin's Nest green for the shutters.

Ms. Grace inquired if the professional considered changing the colors of the windows to a softer bronze or brown. She liked the Robin's Nest green as the color choice for the shutters. She was in favor of the Cypress door.

Anne Metzger, 277 Esplanade Way, stated that she owned the property for many years and cared very much for the wild almond tree. She implored the owners to consult with Richard Maxwell, the Town's Arborist, on the care of the tree.

Mr. Small was happy with the changes.

Motion made by Mr. Corey and seconded by Mr. Kirchhoff to approve the project as presented with the following changes: the master bedroom wing will have the alternate eave overhang, the shutter green color will be either Robin's Nest or Lido and that the wild almond tree will be cared for and protected during construction. Motion carried 5-2, with Mses. Shiverick and Grace opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

11. B-031-2021 Demolition/New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW WITH VARIANCE(S)
Address: 130 Algoma Rd.
Applicant: 130 Algoma, LLC (Lee Fensterstock)
Professional: MP Design & Architecture
Project Description: Demolition of existing one story house while preserving existing garage and finish floor. New construction of two story classical house, approx. 6,448 sq. ft. Final landscape and hardscape.

ZONING INFORMATION: Section 134-229: Section 134-329 and Section 134-843(b): Special Exception with Site Plan Review to allow the construction of a new two story 6,448.55 square foot residence while preserving the existing one story nonconforming garage on a lot with an area of 15,708 square feet in lieu of the 20,000 square foot minimum required; a lot depth of 142.33 feet in lieu of the 150 foot minimum required; and a lot width of 111.89 in lieu of the

125 foot minimum required; all in the R-A Zoning District. The following variances are being requested: 1) Section 134-843(8): to allow the existing east side yard setback to remain at 8.75 feet in lieu of the 15 foot minimum required to keep the existing non-conforming garage. 2) Section 134-843(7): to allow a building height plane setback to be 46.1 feet in lieu of the 48.33 foot minimum setback required.

A motion carried at the April meeting to defer the demolition for one month, to the May 26, 2021 meeting, to allow the Commissioners to receive a proper demolition report and landscape demolition plan. A second motion carried at the April meeting to defer the entire project, including the new construction, to the May 26, 2021 meeting. A motion carried at the May meeting to approve the demolition request as presented. A second motion carried at the May meeting to defer the project to the June 23, 2021 meeting for a restudy in accordance with the comments from Mr. Castro and the Commissioners, to include style, floor height and garage orientation. A motion carried at the June meeting to defer the project to the July 28, 2021 meeting for a complete redesign backed on the comments from the Commissioners. A motion carried to defer the project to the September 29, 2021 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

Michael Perry, MP Design & Architecture, presented the architectural plans proposed for the new residence.

Mario Nievera, Nievera Williams Design, presented the landscape and hardscape plans proposed for the new residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Ms. Shiverick preferred the lower roof of the garage.

Mr. Floersheimer thought the mini-set was complicated to understand. Mr. Floersheimer inquired about the grade from east to west. Mr. Nievera stated that a retaining wall would be added on the east. Mr. Floersheimer inquired about the grading on the west, next to the pool. Mr. Perry responded and explained the lot grade.

Mr. Kirchhoff inquired about the grade change from east to west across the entire lot. Mr. Perry responded and stated that a retaining wall would be built on the west and the pool would also be lower than the main home. Mr. Kirchhoff liked the garage roof stepped down but also liked it as one plane.

Ms. Catlin thought the home was simple, clean, elegant and well done. She preferred the lower roof for the garage.

Mr Ives thought there was a tension in the design that inhibited grace and charm in the design. He added that there were sections that were good; however, he felt that some of the sections were fighting themselves. He felt some tweaking was needed overall.

Mr. Smith pointed out two columns that did not appear in elevation. He questioned the thinness of the front door and thought the proportions were wrong. He also questioned the location of the garage doors next to the front door. He did not understand the window choice material. He stated he could not support the project.

Ms. Grace was in favor of this project over the previous project. She thought the front entrance seemed a little narrow. She thought the home was quirky.

Mr. Corey agreed with Mr. Smith and questioned if the front door was too skinny for the estate section. He questioned the second floor section that was peeking through from the rear of the home. He suggested a restudy of this element. He liked Mr. Kirchhoff's suggestion to flip the entire house to work with the topography of the lot.

Mr. Kirchhoff requested if a streetscape and a site scape showing neighboring homed could be included in the next mini-sets. He also thought the two-story section should be brought forward.

Ms. Shiverick was glad that the big, boxy mass has been eliminated from the previous design. She believed that many quirks needed to be ironed out.

Mr. Small thought the design was a bit disjointed and needed some restudy, especially with its location in the estate section.

Motion made by Ms. Shiverick and seconded by Mr. Corey to defer the project, to the November 19, 2021 meeting, for a restudy in accordance with the comments from the Commissioners. Motion carried unanimously, 7-0.

12. <u>B-063-2021 Demolition/New Construction</u>
Address: 280 Via Marila
Applicant: CJN P Holdings LLC (Daniel Pergola, Managing Member)
Professional: MP Design & Architecture, Inc.

Project Description: Demolition of an existing two-story structure. Proposal of a new two-story residence with rear facing two-car garage, new pool, hardscape and landscape.

A motion carried at the June meeting to approve the demolition of the existing home as requested. A second motion carried to defer the project to the July 28, 2021 meeting to address the comments of the commissioners. A motion carried to defer the project to the September 29, 2021 meeting with a clear understanding that a complete redesign of the home was highly requested.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

Michael Perry, MP Design & Architecture, presented the architectural plans proposed for the new residence.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape plans proposed for the new residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Ms. Grace stated she believed that Commission requested a complete redesign at the last meeting. She still did not believe the proposed home fit on Via Marila. She did not believe there was enough change to the home.

Ms. Shiverick appreciated the change in style but still felt the home's scale was extremely large. She added that the home was built to the maximum setbacks. She thought the home was too massive and needed to be reduced.

Ms. Catlin also agreed that the house was massive. However, she did like the detailing, color, cedar shake roof and thought the proposed now had character.

Mr. Corey thought the landscaping was nice and complimented the professional. Mr. Corey agreed with Ms. Shiverick and thought the home was wildly too big for its location. He recommending changing the shape of the home to allow for the home to breathe.

Mr. Kirchhoff agreed with the other Commissioners. He questioned the drawings shown compared to what he was given in his mini-set. He also questioned the grade change over the entire lot.

Ms. Catlin cautioned the professional not to lose the charm that he had achieved within the current design when making changes.

Mr. Ives did not believe the scale was off in the design. He thought the Commission had approved similar projects with a similar scale.

Mr. Small agreed with his fellow Commissioners but was not convinced the scale was horrible. He complimented the landscape plans.

A discussion ensued about the upcoming deadlines if the project was deferred.

Motion made by Mr. Corey and seconded by Ms. Grace to defer the project, to the November 19, 2021 meeting, for a restudy in accordance with the comments from the Commissioners. Motion carried unanimously, 7-0.

Please note: At this time, the Commission heard ARC-21-022, 870 S. Ocean Blvd.

13. B-072-2021 Additions/Modifications
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
Address: 224 La Puerta Way
Applicant: Mr. & Mrs. Gray
Professional: David J. Gengler/Gengler Architects, Inc.
Project Description: A major renovation of an existing single-story single family home which includes a two-story addition on the front of the home, a second floor addition over a portion of the existing first floor, and a two-story loggia addition on the rear of the home.

ZONING INFORMATION: The applicant is requesting four variances in order to build a two-story addition which includes a 315 square foot one-story addition to the garage, a 184 square foot addition for a covered terrace on the first floor, and a 930 square foot second floor addition for two bedrooms, including a 130 square foot covered balcony, and two bathrooms. The requested variances are as follows: Section 134-893(b)(7)a: Request for an east side yard setback of 11 feet in lieu of the 12.5 foot minimum side yard setback required for the garage addition in the R-B Zoning District. Section 134-893(b)(7)a: Request for an east side yard setback of 11 feet in lieu of the 15 foot minimum side yard setback for a second story addition and covered balcony in the R-8 Zoning District. Section 134-895(1): Request for an east side yard setback of 9.8 feet in lieu of the 10.5 foot minimum side yard setback required for a bay window on the first floor in the R-B Zoning District. Section 134-895(1): Request for an east side yard setback of 9.8 feet in lieu of the 13 foot minimum side yard setback required for a bay window on the second floor in the R-B Zoning District.

At the August 25, 2021 meeting a motion carried to defer the project to the September 29, 2021 meeting with a clear direction for a restudy of the entire project.

Please note: This project was deferred to the October 27, 2021 meeting at the Approval of the Agenda, Item VI.

14. B-065-2021 New Construction - TIME CERTAIN 4 P.M.
Address: 7 Ocean Lane
Applicant: 7 Ocean Lane, LLC (Nedim Soylemez, Manager)
Professional: Harold Smith/Smith and Moore Architects, Inc.
Project Description: New two-story residence with pool. Final hardscape and landscape.

A motion carried at the June meeting to defer the project to the July 28, 2021 meeting for a restudy in accordance with the comments of the Commissioners. A t the July 28, 2021 meeting a motion was made to deny the proposed new home as presented but failed for lack of a second. Another motion was made to defer the project, for two months to the September 29, 2021 meeting, for a restudy with a potential change in style, moving the house to the west, reducing the size of the house, reducing the east fenestration and reducing the garage size or relocating it to the basement as well as all of the direction provided.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Smith agreed to the easement.

Harold Smith, Smith and Moore Architects Inc., reviewed a summary of changes for the proposed new residence since the last presentation to the Commissioners. Mr. Smith then reviewed changes on the elevations for the new home.

Andrew Kochen, Workshop/APD, also reviewed some of the architectural modifications proposed for the new residence.

Cory Meyer, Nievera Williams Design, presented the landscape and hardscape modifications proposed for the new residence.

Mr. Small called for public comments.

John Eubanks, representing Elizabeth Ailes at 4 Ocean Lane, presented his client's opposition to the proposed home, particularly objecting to the bulk, size, mass and the proximity to his client's home. He reviewed the changes

made by the professional and discussed the reasons that changes were not, in their opinion, sufficient. He questioned the planter on the south property line next to Ms. Ailes' property. Mr. Eubanks thought by moving the garage under the home, the home could be moved further west on the lot. Mr. Eubanks argued that the home did not meet the standards in Section 18-205.

Rick Gonzalez, REG Architects and on behalf of Elizabeth Ailes, argued that there were too many similar, modern homes in this location.

Elizabeth Ailes, 4 Ocean Blvd., felt she was being negatively impacted by the proposed home. She expressed concern for her privacy and views.

Caren Marder, 1 Ocean Lane, expressed concern for losing light in her home. She also expressed concern for the proposed basement's location forward of the coastal construction line. She did not believe enough changes had been made.

Caren Marder read a statement from her husband, Dr. Gary Marder. This statement raised his four concerns, which were that the proposed home was too far east on the lot, the proposed home blocked their view, the proposed home had too much glass and the palm trees on the north blocked their view.

George Palladino, 710 N. County Road, was appreciative for the changes to the landscaping. However, his concerns were still the impact of light, air and privacy of the neighbors.

Mr. Small called for staff comment. There were no comments from staff at this time.

James Green, attorney for the applicant, stated that the design team did reach out to the neighbors. He indicated that any home built would create mass and block out light to the neighbors. Finally, he asked that the Commissioners review the statement submitted to the Town by Harold Smith.

Ms. Catlin believed that it did not matter who owned the home as the Commission reviewed all of the homes in the same manner. She appreciated that the home was moved west on the lot. She liked the landscaping with the exception of the grass next to the garage. She felt that the façade was very similar to the two homes to the south, which created a row of three similar homes. She thought it was one too many in similarity. She thought maybe the change to the middle section of the glazing could make a difference. She thought that with the narrow lot, the view for the Marders would always be interrupted with any home. She wondered about the beach access and how that would be handled. Mr. Meyer responded and described the changes that would need to occur to that access.

Mr. Ives agreed that the Commission looked at all applications the same, regardless of the owners. Mr. Ives supported the project. He did not believe the home was too similar to the other, surrounding homes. He agreed with Ms. Catlin's assessment of the landscaping.

Ms. Grace asked for clarification on how the homes lined up on the beach side. Mr. Kochen responded and discussed how he lined up the home. Mr. Castro stated that the proposed home met Code requirements and complied with the required setbacks. Ms. Grace thought the pool should be reverted to the previously proposed pool so there was more lawn area. She still believed there was too much glass on the eastern façade. She wished there was more wood or charm on the east side. She was in favor of the landscape plan on the west side.

Ms. Shiverick wondered if the issues would be the same if the home was of a different style; however, she was not sure if a different style would make a difference. She thought the west elevation was very successful. She thought improvements had been made on the east façade. She did not believe the design was detrimental to the area.

Mr. Corey thought the movement of the home to the west was successful. He was in favor of the landscaping on the west and thought it was extremely successful. He did not believe the home was too massive from the western view. He thought the screen on the front of the home was not necessary and distracting. He expressed concern for the number of different fenestrations on the south elevation, which in his belief made the fenestration haphazard. He did not believe enough changes were made to the east fenestration. He thought there should be more space between the windows.

Ms. Catlin believed the style for the home could still be changed.

Mr. Jeffrey Smith thought it was positive that they removed one of the garage bays. He still believed the home was too far east on the lot. He agreed on the comments made by Mr. Corey on the fenestration.

Mr. Kirchhoff believed a contemporary home belonged in this location. He did not believe the screen on the west façade was successful. He thought the siting of the home on the lot. He also believed the east façade still had a few issues but thought the home was getting closer to approval.

Mr. Floersheimer agreed with many of the previous comments. He believe the siting of the home was appropriate. He liked that one of the garage bays was removed. He liked the southern elevation and how the second floor was more centered over the first floor. He believed the glazing still needed to be reduced. He thought the contemporary design was appropriate.

Mr. Small agreed and appreciated the efforts by the professionals. He was disappointed that the underground garage did not work. He believed that the home was not too similar to the other homes in the area. He agreed with the comments on the west elevation screening and east elevation glazing. However, he supported the landscape changes.

Motion made by Mr. Ives and seconded by Ms. Shiverick to defer the project to the November 19, 2021 meeting, for a restudy with particular attention to the front façade screening and the glazing on the rear façade. Motion carried 6-1, with Ms. Grace opposed.

Please note: At this time, the next project heard was ARC-21-013, 245 Seminole Ave.

15. ARC-21-022 New Construction
Address: 870 S. Ocean Blvd.
Applicant: 870 S. Ocean, LLC (Todd Glaser, Manager)
Professional: MP Design & Architecture
Project Description: Section 134-840: Request for a special exception with site plan review to allow construction of a 210 square foot beach pergola and 83 square foot cabana bathroom/storage in the R-A/B-A Zoning District. Section 134-1474(a): Request for a variance to construct a 210 square foot beach pergola and 83 square foot cabana bathroom/storage that is on a lot with frontage of 101.53 feet in lieu of the 125 feet required for lot width in the B-A Zoning District for beach area property adjacent to R-A Zoning District. As part of the proposed project, this proposal meets the Town of Palm Beach ocean vista requirements.

At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

Maura Ziska, attorney for the owner, provided an overview of the project.

Michael Perry, MP Design & Architecture, presented the architectural plans proposed for the new beach cabana. Mr. Perry also showed the Commissioners the landscape and hardscape plan proposed for the cabana.

Ms. Ziska discussed the variances required for the project. She commented that the ocean vista requirements were being met.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment.

Mr. Castro asked for confirmation that the ocean vista requirements were being met with the site walls. Mr. Perry provide confirmation.

Mr. Murphy also provided staff comments.

Ms. Grace questioned the timing of the denial on the initial cabana. Mr. Perry responded and discussed the differences between the two cabanas. Ms. Grace inquired about the ocean vista requirement. Mr. Perry and Ms. Ziska explained how the ocean vista requirement was being met.

Ms. Shiverick inquired about the variance request. Ms. Ziska responded and explained why the variance was needed for the cabana. Ms. Shiverick inquired about the main home. Mr. Perry stated that the main home had mainly interior changes. She thought the newly proposed cabana was much lighter than the previously proposed cabana. She recommended reconsidering the Bougainvillea on the cabana due to the proximity next to the ocean. Ms. Shiverick inquired about the color of the cabana. Mr. Perry responded.

Todd Glaser, owner, provided the reasons for the exterior change to the cabana. He also stated he would be happy to change the proposed plant material for the exterior of the cabana.

Mr. Corey thought the cabana should look like it was related to the main house and did not see any relation in the proposed cabana. He stated he could not support the project. He felt the proposed lacked charm and did not add anything to the area.

Mr. Smith questioned if any vine would grow on the cabana in its location. Mr. Perry responded.

Mr. Kirchhoff provided a suggestion for the rafters so that they would provide some protection from the sun. He also was not in favor of the location of the bathroom door.

Ms. Grace stated she did not see the colored rendering in her mini-sets. She stated she worried the plantings would not grow on the building. She thought the building should have some more architectural details in the event that the plantings did not grow.

Christopher Cawley, Christopher Cawley Landscape Architecture, discussed the types of planting that he believed would grow on the cabana.

Mr. Ives did not have any issues with the siting and the variance requested for the cabana.

Ms. Catlin did not believe it was fair to send the professional back to ask them to tie the design in to the home, especially since the previous cabana design, which related to the home, was denied.

A discussion ensued on whether it was necessary to have the ARCOM members make a recommendation on the requested variance.

Ms. Grace inquired if the grass proposed was natural. Mr. Cawley responded.

Mr. Small thought the whole proposal, architecture and landscape, needed to be restudied. He thought the proposed cabana looked like a shed. He stated he could not support the cabana and recommended a deferral of the project.

Motion made by Mr. Corey and seconded by Ms. Shiverick to defer the project, to the October 27, 2021 meeting, for a restudy in accordance with the comments from the Commissioners and with a request that images of the main house are included in the mini-sets. Motion carried unanimously, 7-0.

D. MAJOR PROJECTS – NEW BUSINESS

1. ARC-21-012 (ZON-21-001), 620 N. LAKE WAY (COMBO) The applicant, Robert Lazarowitz and Cobey Rapaport, have filed an application for the construction of a new one-story residence elevated to 12' NAVD, including several variances relating to height, lot coverage allowance, cubic content ratio (CCR) and landscape. The variance portion of the application shall be reviewed by Town Council.

   Call for disclosure of ex parte communication: Disclosure by several members.

   Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Albarran agreed to the easement.

   Jacqueline Albarran, SKA Architect + Planner, presented the architectural plans proposed for the new residence.

   Keith Williams, Nievera Williams Design, presented the landscape and hardscape plans proposed for the new residence. Mr. Williams discussed a modification to the parking area in the front of the residence.

   Ms. Albarran discussed the background and reasons for the variance request.

Maura Ziska, attorney for the owner, provided an explanation for variance request and advocated for a positive recommendation to the Town Council.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy provided staff comments for this project.

Ms. Grace was in favor on how the professional lowered the elevation. She was happy that the owners decided on a one story home. She preferred more of the Bermuda style and less of a modern home. She was concerned for the white, metal door. She questioned the color proposed for the windows. She also recommended adding muntins to the windows.

Ms. Shiverick complimented the professional for the size and scale of the windows. She agreed with Ms. Grace and stated she would prefer a lighter colored window. She was in favor of the landscape plan. She stated she would support the variance given that it was topography related.

Ms. Catlin liked how the structure worked with the land. She also thought the Contemporary, Bermuda style worked well in the area. She was in favor of the landscape plan.

Mr. Small thought the home was extremely well done. Mr. Small was happy with the landscape screening in the front of the property.

Motion made by Ms. Grace and seconded by Mr. Corey that implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried unanimously, 7-0.

A second motion made by Ms. Shiverick and seconded by Ms. Grace to approve the project as presented with a condition that the windows are changed to a white color. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Please note: A short break was taken at 3:46 p.m. The meeting resumed at 4:00 p.m. At this time, the Commission heard the time certain project, B-065-2021, 7 Ocean Lane.

2. ARC-21-013, 245 SEMINOLE AVE. The applicant, Loveshack LLC (John Criddle), has filed an application requesting Architectural Commission review

and approval for the construction of a two-story addition to an existing two story structure.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Janssen agreed to the easement.

Roger Janssen, Dailey Janssen Architects, presented the architectural plans proposed to renovate the existing residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no staff comments heard at this time.

Ms. Grace thought the changes were good.

Mr. Corey did not believe the changes worked on the home or for the entire area. He stated he could not support the project.

Ms. Shiverick thought the changes cleaned up the home. She stated she thought mullions would be nice for the windows.

Mr. Kirchhoff thought the changes were very nice and supported the project.

Motion made by Ms. Shiverick and seconded by Ms. Grace to approve the project as presented with the request that the owners consider adding mullions to the windows. Motion carried 6-1, with Mr. Corey opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

3. ARC-21-016, 1214 N. OCEAN BLVD. The applicant, Mr. & Mrs. John Scully, has filed an application requesting Architectural Commission review and approval for the construction of a second floor terrace enclosure visible from the r-o-w to an existing two-story residence.

   Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

Michael Perry, MP Design & Architecture, Inc., presented the architectural plans proposed to renovate the existing residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Ms. Grace expressed concern for the large glass windows on the west elevation. She also thought a smaller door should be used on the first floor rather than relocating the sliding doors.

Ms. Catlin was in favor of the changes. She thought the addition was simple and clean and made the space usable.

Mr. Corey thought the design could be enhanced by matching up the fenestration along the façade. Mr. Perry stated it was the same style as the other doors. Mr. Corey questioned the proportions of all of the windows. He stated he could not support the project.

Mr. Kirchhoff agreed with Mr. Corey. He thought the headers should be consistent and more wall space should be added back. He also agreed with Mr. Corey's assessment of the entrance door on the second floor.

Mr. Small agreed with Messrs. Corey and Kirchhoff and thought they had a few good suggestions.

Motion made by Ms. Grace and seconded by Mr. Corey to defer the project, to the October 27, 2021 meeting, for a restudy of the header, to add more wall space around the doors on the second floor, and that a new door with the same proportions is proposed for the first floor, sliding door on the west elevation. Motion carried unanimously, 7-0.

E. MINOR PROJECTS – OLD BUSINESS

1. ARC-21-009 Modifications
   Address: 135 Seminole Ave.
   Applicant: Michael Aram
   Professional: Architectural Consultants Inc.
   Project Description: Replace all existing windows in the Main Residence and Guest House/ Garage with aluminum clad impact windows with minor modifications including the deletion of some windows and resizing of others. Add precast quoins, columns and trim at the front, rear and side elevations of

the Main Residence to replace and supplement the existing stucco trim. Add decorative wood outlookers to the underside of the roof overhang. Replace the garage door. Add a fountain on the Garage/ Guest House. Add an exterior sliding glass door to the Garage/ Guest House. Modify the existing rear yard pool deck and landscaping. Add Bahama shutters to specific windows at the Garage/ Guest House.

At the August 25, 2021 meeting, a motion carried to approve the windows only portion of the application and to defer the balance of the project to the September 29, 2021 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Richard Leja, ACI Architects, presented the architectural plans proposed to renovate the existing residence.

Steve West, Parker Yannette Design Group, presented the landscape and hardscape modifications to the existing site.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Mr. Corey was in favor of the project with the exception of the changes to the front door.

Ms. Shiverick inquired about the portico over the front door and how much it projected. Mr. Leja responded. She inquired about the existing front portico and its projection. Michael Aram, owner, responded.

Motion made by Ms. Shiverick and seconded by Mr. Ives to approve the project as presented. Motion carried 6-1, with Mr. Corey opposed.

F. MINOR PROJECTS – NEW BUSINESS

1. ARC-21-027, 222 Mockingbird Trail
   Applicant: Steven Helms
   Professional: General Garage Door Co., Inc.
   Project Description: Replace a 16’ x 7’6” garage door with Eden Coast Providence design in off white color

   At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting due to a lack of attendance by the applicant.

Call for disclosure of ex parte communication: Disclosure by several members.

Siriwan, General Garage Door Co., Inc., presented the change for the garage door.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no staff comments heard at this time.

Mr. Corey stated he knew the project and although it was a composite material, it looked very nice once painted.

Motion made by Mr. Smith and seconded by Mr. Corey to approve the project as presented. Motion carried unanimously, 7-0.

2. ARC-21-010, 416 SEABREEZE AVE. The applicant, Frank D Speno Trust and Krista M Speno Trust, has filed an application requesting Architectural Commission review and approval for landscape, hardscape and mechanical equipment changes to the site plan.

   Call for disclosure of ex parte communication: Disclosure by several members.

   Adam Mills, Environment Design Group, presented the landscape and hardscape changes proposed for the existing home.

   Mr. Small called for public comments. There were no comments heard at this time.

   Mr. Small called for staff comment. There were no staff comments heard at this time.

   Mr. Floersheimer stated that the site wall around the generator entrance was very close to the property line and wondered if the entrance could be moved. Mr. Mills agreed with the suggestion.

   Motion made by Mr. Corey and seconded by Ms. Grace to approve the project as presented, with the change in the site wall as requested by Mr. Floersheimer. Motion carried unanimously, 7-0.

3. ARC-21-026, 305 CLARKE AVE. The applicant, Lawrence Herbert, has filed an application requesting Architectural Commission review and approval for the installation of new entry piers and lighting fixtures at the front of the property.

Please note: This project was deferred to the October 27, 2021 meeting at the Approval of the Agenda, Item VI.

VIII. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

1. Public
   None.

2. Staff
   Mr. Bergman stated that Richard Sammons declared a conflict for a project at 253 El Pueblo Way at the July 28, 2021 meeting and had correctly completed the 8B form in accordance with State Law.

   Mr. Bergman stated that Richard Sammons declared a conflict for a project at 1080 S. Ocean Blvd. at the July 28, 2021 meeting and had correctly completed the 8B form in accordance with State Law.

3. Commission
   Ms. Shiverick inquired if it was appropriate to ask an applicant the brand of the material proposed to be used. Mr. Bergman stated that one

   Town Attorney Randolph thought it was close to crossing the line if the Commission start requiring certain brands.

   Mr. Corey argued that cut sheets did not necessarily have the brand on them but could make a difference of the quality of the project.

   Mr. Smith stated that he has seen particular brands of materials on plans. However, when the final price is estimated for a project, items are changed to save on costs.

IX. ADJOURNMENT

Motion made by Mr. Ives and seconded by Mr. Corey to adjourn the meeting at 6:12 p.m. on Wednesday, September 29, 2021. Motion carried unanimously, 7-0.

The next meeting will be held on Wednesday, October 27, 2021 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully Submitted,

Michael B. Small, Chairman
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 122-2021 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 2022 Municipal Election(s) Vote Processing Equipment Use and Election Services.

Presenter
Queenester Nieves, Town Clerk

ATTACHMENTS:

- **Memorandum Dated September 20, 2021, from Queenester Nieves, CMC, Town Clerk**
- **Resolution No. 122-2021 Authorizing Service Agreement with the Supervisor of Elections**
- **Municipal Election Agreement Supervisor of Elections 2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Queenester Nieves, CMC, 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 8, 2022
Resolution No. 122-2021

Date: September 20, 2021

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 Supervisor of Elections 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 8, 2022, and March 22, 2022 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

QN

cc: John C. Randolph, Town Attorney
Jay Boodheshwar, Deputy Town Manager

RESOLUTION NO. 122-2021

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 2022 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 8, 2022 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 8, 2022, 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 2022 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 12th day of October, 2021.

_____
Danielle H. Moore, Mayor

ATTEST

_____
Queenester Nieves, CMC, Town Clerk

Wendy Sartory Link
Palm Beach County Supervisor of Elections

2022 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 8, 2022, 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.

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. 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.

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 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.

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.

SOE shall place an order for sufficient quantity of Election Day ballots with a third-party printer as selected exclusively by SOE.

MUNICIPALITY shall furnish, immediately upon the conclusion of the qualifying period, all ballot information in English, including the name of the candidates as they are to appear on the ballot, the name of the Municipality, the name of the election, the title of office or referendum title, explanation, and questions.

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).

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 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.

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 and all 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.

ARTICLE 11 – SELECTION OF POLLING PLACES

MUNICIPALITY shall provide ADA compliant Polling Places. The MUNICIPALITY will be responsible to pay for all costs incurred with Polling Place changes, including the mailing of Polling Place change notices to voters.

ARTICLE 12 – SAMPLE BALLOTS

12.1 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.

12.2 Run-Off Election.

In the event of a run-off election, SOE ***shall not*** create or mail sample ballots.

ARTICLE 13 – TRANSPORTATION OF ELECTIONS EQUIPMENT AND SUPPLIES

13.1 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.

13.2 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.

13.3 MUNICIPALITY is not permitted to deliver any election equipment.

ARTICLE 14 – 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 15 – CANVASSING OF ELECTION RESULTS

15.1 County Canvassing Board. If MUNICIPALITY is using the County Canvassing Board, SOE shall schedule and coordinate the date on which the Canvassing Board is to assemble to canvass the results of the election. SOE shall notice and advertise, as needed, the dates of any canvassing board meetings. SOE shall convene the Canvassing Board to determine which voted Vote-By-Mail ballots are to be tabulated. SOE shall provide for collection of results from each precinct.

15.2 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.

15.3 Run-Off Election. In the event of a run-off election, MUNICIPALITY shall schedule and coordinate the date on which MUNICIPALITY'S Canvassing Board is to assemble to canvass the results of the election. If applicable, MUNICIPALITY shall coordinate for the use of SOE facilities to conduct the Canvassing Board activities. 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 16 – AUDITS

MUNICIPALITY agrees to pay SOE for any additional costs as may be necessary, including overtime expenses, for conducting an audit, if necessary.

ARTICLE 17 – 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 MUNICIPAILITY is responsible for maintaining candidate qualifying documents and certified results in accordance with Florida Law.

ARTICLE 18 – 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 19 – 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 21 – 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 22 – 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.

Signature	Signature
Wendy Sartory Link Name (Printed or Typed)	Danielle H. Moore Name (Printed or Typed)
Palm Beach County Supervisor of Elections Title	Mayor Title
Date	Date
Witness Signature	Witness Signature
Witness Name (Printed or Typed)	Queenester Nieves Witness Name (Printed or Typed)

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 123-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Bid No. 2021-21, Tennis Court Maintenance to Professional Tennis Court Services in the Annual Amount of $45,600 and Establishing an Annual Contingency of $6,800 and Establishing a Five-Year Award Based on Satisfactory Performance, Mutual Agreement and Budget Authorization in the Amount of $262,000.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- **Memorandum Dated September 24, 2021, from Dean Mealy, Purchasing Manager**
- **Resolution No. 123-2021**
- **Scope of Work Bid No. 2021-21**
- **Bid Submittal**

Information for Town Council Meeting on October 12, 2021

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 Bid No. 2021-21, Tennis Court Maintenance to Professional Tennis Court Services in the Annual Amount of $45,600, Plus an Annual Contingency of $6,800 and Establish a Five Year Award Based on Satisfactory Performance and Budget Authorization in the Amount of $262,000, **Resolution No. 123-2021**

DATE: 24 September 2021

STAFF RECOMMENDATION

Staff recommends Town Council approval of Resolution No. 123-2021, approving the Award of Bid No. 2021-21, Tennis Court Maintenance to Professional Tennis Court Services in the annual amount of $45,600, plus an annual contingency of $6,800 and establish a five year award based on Satisfactory Performance and Budget Authorization in the Amount of $262,000.

SUMMARY EXPLANATION/BACKGROUND

The condition of the playing surface on clay tennis courts is paramount to the sport experience. Residents and customers have come to expect the very best playing conditions at both Seaview Park and Phipps Ocean Park tennis centers. A qualified and experienced company was procured in order to provide proper daily maintenance to the thirteen Hydro Grid tennis courts in order to ensure the highest standards of playability and safety.

PROCUREMENT METHODOLGY

Town Purchasing issued Bid No. 2021-21 for Tennis Court Maintenance on August 11th. The Town invited six firms to participate. In addition, the Bid was advertised nationally to forty-two firms.

The Town received only one submittal from Professional Tennis Court Services. Town Purchasing conducted due diligence in review of background references as well as any State of Florida active licensing.

FISCAL IMPACT/FUNDING SOURCE

The funding will for this program is from the Tennis Operating Budget.

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.

CC: Carolyn Stone, Assistant Town Manager
Mark D. Bresnahan, Director, Recreation
Rod Gardiner, Assistant Director of Recreation
Duke Basha, Assistant Purchasing Manager

RESOLUTION NO. 123-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF BID NO. 2021-21, TENNIS COURT MAINTENANCE TO PROFESSIONAL TENNIS COURT SERVICES IN THE ANNUAL AMOUNT OF $45,600 AND ESTABLISH AN ANNUAL CONTINGENCY OF $6,800 AND ESTABLISH A FIVE-YEAR AWARD BASED ON SATISFACTORY PERFORMANCE, MUTUAL AGREEMENT AND BUDGET AUTHORIZATION IN THE AMOUNT OF $262,000

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. 123-2021, approving the award of Bid No. 2021-21, Tennis Court Maintenance to Professional Court Services in the annual amount of $45,600 and establish an annual contingency of $6,800 and establish a five-year award based on satisfactory performance, mutual agreement and budget authorization in the Amount of $262,000.

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 12th day of October, 2021.

_____

Danielle H. Moore, Mayor

ATTEST:

_____

Queenester Nieves, CMC, Town Clerk

Tennis Court Maintenance Scope of Work

Seaview Park and Phipps Ocean Park Tennis Centers

Maintenance Requisite:

Provide proper maintenance to 7 Hydro Grid Tennis Courts at Seaview Park Tennis center and 6 Hydro Grid Tennis Courts a Phipps Ocean Park Tennis Center. Contractor will provide all necessary equipment. This shall include, but not be limited to the following:

Monday through Sunday Mornings before 8:00am at Phipps and 7:30am at Seaview:

- Groom THIRTEEN (13) Hydro Grid Tennis Courts for morning play using a tow behind brush, tow behind steel brush, or tow behind rake to be determined by the condition of the courts.
- Brush Har-Tru off the court lines
- Check for any high lines and repair, as necessary
- Inspect/secure wind screens, nets, center straps, lines, tapes/nails, and walkways in the area
- Adjust tennis nets to proper heights
- Wipe moisture from all benches, tables, and water fountains on courts
- Remove all trash from cans in tennis area. (Replace trash cans with supplied liners.)
- Blow off all canopy pads, sidewalks, and patios around tennis center (Electric Blower only)
- Determine playability of courts and notify tennis office of these conditions

Afternoons done two (2) Weekdays:

- Minimum of two (2) afternoon service days, day and time to be determined
- The following will be completed during the afternoon service days as needed
- Rolling lines.
- Adding Har-Tru
- Scarifying courts
- Blowing off the canopies
- Clean surface under the nets and around the canopy with a hand lute.
- Monitor court irrigation for proper moisture ration and adjust/repair and clean court irrigation filters as necessary.
- Treat courts to prevent algae and weed growth
- Remove and dispose of "dead" Har-Tru material
- Remove and treat ant hills
- Repair any "dead" spots, divots, low areas, or surface damage
- Inspect courts for high lines/nails and repair as necessary

NOTE: In the mornings if the condition of the courts require the work normally done in the afternoon due to weather conditions the day/night before, these services will be completed then which may require a delayed start time due to safety*

Monthly (or more often, if needed):

- Remove and dispose of "dead" Har-Tru from courts using hand lute
- Scarify courts as needed
- "Top dress" courts with tow behind spreader, if needed
- Clean net tops, if needed

Annually (Before the start of each season):

- Apply up to one ton of Har-Tru material per court. After application, roll courts (cost of material TBD – no mark-up or specified mark-up)
- Remove clay from the drains annually or as needed

Equipment Requirements:

All equipment provided by successful bidder:

- Service cart
- Brutus roller
- All small hand tools, rake, shovel, lute, line sweeper, etc.
- Contractor will supply SEVEN (7) bags for Seaview and SIX (6) Bags for Phipps of Har-Tru material for each month (Additional Clay may be purchased if needed. Price TBD – no mark-up or specified mark-up in bid)
- Contractor will supply 1 roll of line tape and 25 lb. box of 3" nails
- Windscreen ties supplied up to TWO THOUSAND (2,000) ties per year

Home (UTC-05:00) Eastern Time (US & Canada)

10-12-21 TCM Backup

7793 BID 2021-21 TENNIS COURT MAINTENANCE

Evaluation phase Ends on **Oct 12 2021 10:00 AM**

Settings Participants Schedule Pricing sheets Questionnaires Question & Answer
Offers/Applications Evaluate Compare & Select 1

All offers Professional Tennis Court Services Pricing sheet PROPOSAL PAGE

PROPOSAL PAGE

1 Products

Professional Tennis Court Services

Bradley Simms
561-436-1248
Bradptcs@gmail.com

100% Filled Help

#	Name	QTY	UM	Monthly Price
1	MONTHLY COST FOR SERVICE PROVIDED AS DESCRIBED IN SCOPE OF WORK	12	MONTLY	$3,800
	Total			$3,800

Export pricing sheet
Export pricing sheet

Solicitations Palm Beach
logout

Published Solicitations
Solicitations
Solicitations (Supplier)
Contracts
Documents
My Profile
Company
Contact groups
Templates

Company administrator:
Solicitations Palm Beach
(561) 838-5406
solicitations@townofpalmbeach.

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TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 124-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Extension of Bid No. 2017-22, Street Sweeping and Bike Trail Sweeping to All American Sweeping, Inc. in the Amount of $104,234 and Establishing a Project Budget of $105,226 for FY22.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- **Memorandum Dated September 27, 2021, from Dean Mealy, Purchasing Manager**
- **Resolution No. 124-2021**
- **Previously Awarded Resolution No. 168-2017**

Information for Town Council Meeting on October 12, 2021

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 Extension of Bid No. 2017-22, Street Sweeping and Bike Trail Sweeping to All American Sweeping, Inc., in the Amount of $104,234 and Establish a Project Budget of $105,226, **Resolution No. 124-2021**

DATE: 27 September 2021

STAFF RECOMMENDATION

Staff recommends Town Council approving the extension of Bid No. 2017-22, Street Sweeping and Bike Trail Sweeping to All American Sweeping, Inc., in the amount of $104,234 and establish a project budget of $105,226.

SUMMARY EXPLANATION/BACKGROUND

The Town issued Bid No. 2017-22 for one year with four additional optional years for Street Sweeping and Bike Trail Sweeping. The incumbent vendor, All American Sweeping, Inc. has been completing work as bid in a satisfactory manner the past three years. This will be the final award year for the Bid.

Public Works has determined that the services are required to support Town operational needs. As such, the recommendation is to approve the contract extensions through the remainder of the optional year's contingent upon satisfactory performance and budget approval.

FISCAL IMPACT/FUNDING SOURCE

The funding will for this program is from the Public Works Operational Budget, contingent upon budget approval.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market research.

TOWN ATTORNEY REVIEW

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

CC: Paul Brazil, Director, Public Works
Paul Colby, Facilities Maintenance Manager
Duke Basha, Assistant Purchasing Manager

RESOLUTION NO. 124-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE EXTENSION OF BID NO. 2017-22, STREET SWEEPING AND BIKE TRAIL SWEEPING TO ALL AMERICAN SWEEPING, INC. IN THE AMOUNT OF $104,234 AND ESTABLISH A PROJECT BUDGET OF $105,226 FOR FY22

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. 124-2021, approving the extension of Bid No. 2017-22, Street Sweeping and Bike Trail Sweeping to All American Sweeping, Inc., in the amount of $104,234 and establish a project budget of $105,226 for FY22.

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 12th day of October, 2021.

_____

Danielle H. Moore, Mayor

ATTEST:

_____

Queenester Nieves, CMC, Town Clerk

RESOLUTION NO. 168-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO ALL AMERICAN SWEEPING, INC., FOR ANNUAL STREET SWEEPING SERVICES IN THE AMOUNT OF $98,000.52 AND ESTABLISHING A PROJECT BUDGET OF $103,000.

* * * *

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

Section 1. The street sweeping contract for a twelve (12) month period is hereby awarded to All American Sweeping, Inc., for the amount of $98,000.52 and establishing a project budget of $103,000.

Section 2. The Town Manager is hereby authorized to execute this contract on behalf of the Town of Palm Beach.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the implementation of these services, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 19th day of September 2017.

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

Julie Araskog, Town Council Member

Bobbie Lindsay, Town Council Member

Margaret A. Zeidman, Town Council Member

ATTEST:

Gwendolynn Peirce, CMC, Acting Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 125-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Extension of RFP No. 2017-187, Historic Preservation Consulting Services to Murphy Stillings for FY22 in the Amount of $102,000.

Presenter
Dean Mealy, Purchasing Manager

ATTACHMENTS:

- **Memorandum Dated September 27, 2021, from Dean Mealy, Purchasing Manager**
- **Resolution No. 125-2021**
- **Scope of Services RFP 2017-18**

Information for Town Council Meeting on October 12, 2021

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 Extension of RFP No. 2017-187, Historic Preservation Consulting Services to Murphy Stillings, LLC, for FY21 in the Amount of $102,000.

DATE: 27 September 2021

STAFF RECOMMENDATION

Staff recommends Town Council approval of the Extension of RFP No. 2017-18, Historic Preservation Consulting Services to Murphy Stillings for FY21 in the Amount of $102,000, **Resolution No. 125-2021**

SUMMARY EXPLANATION/BACKGROUND

Purchasing issued RFP No. 2017-18 for Historic Preservation Consulting Services in May 2017. The recommendation for the award to Murphy Stillings for FY22 is in the amount of $102,000.

Since the RFP had language for a contract period of up to five years, it is the intent to award for FY22and resolicit a new RFP in the coming year, depending on operational requirements.

FISCAL IMPACT/FUNDING SOURCE

The funding will for this program is from the Planning, Zoning, and Building Department Operational Budget.

USER DEPARTMENT CONCURRENCE

PZB is in full concurrence with this recommendation.

DUE DILIGENCE

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

TOWN ATTORNEY REVIEW

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

CC: Wayne Bergman, Director of Planning, Zoning, and Building
James Murphy, Assistant Director Planning, Zoning, and Building

RESOLUTION NO. 125-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE EXTENSION OF RFP NO. 2017-187, HISTORIC PRESERVATION CONSULTING SERVICES TO MURPHY STILLINGS FOR FY22 IN THE AMOUNT OF $102,000.

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. 125-2021, approving the extension of RFP No. 2017-18, Historic Preservation Consulting Services to Murphy Stillings for FY21 in the Amount of $102,000.

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 12th day of October, 2021.

_____

Danielle H. Moore, Mayor

ATTEST:

_____

Queenester Nieves, CMC, Town Clerk

NATURE OF SERVICES REQUIRED

The Town of Palm Beach is on a barrier island between the Atlantic Ocean and Lake Worth that was incorporated in 1911. The Town is approximately 16 miles long and is comprised of approximately 8,500 full-time residents and 25,000 seasonal residents.

The Town of Palm Beach Landmarks Preservation Ordinance was adopted in 1979, and was amended to its present reading in 1984. Currently, there are approximately 319 landmark sites. The purpose of creating a Landmarks Preservation Ordinance, which included the creating of a Landmarks Preservation Commission, was to protect historic resources with intrinsic aesthetic, or architectural character, and to better facilitate the upkeep and maintenance of those structures so designated. The ordinance lists these as its goals:

1. Safeguard and enhance that which reflects the Town's history and heritage.
2. Stabilize and improve property values.
3. Foster civic pride in the notable accomplishments of the Town's past.
4. Protect the Town's attraction to residents and visitors.
5. Strengthen the economy of the Town.
6. Promote the education, pleasure and welfare of residents and visitors.

Anticipated work includes providing landmark/historic preservation consultant services to the Town of Palm Beach through the Planning, Zoning and Building Department. The specific types of services that will and may be required are detailed in the scope below. Performing these services will require skills in effectively working with a wide range of groups of stakeholders, including property owners, Town staff, the Landmarks Preservation Commission, Town Council, and local advocates and advocacy groups. Furthermore, the consultant selected must be able to prioritize and manage multiple assignments, understand the availability of materials and where to find them, and how to relate information and find significance in the information. The work shall be assigned by the Director of the Planning, Zoning & Building Department in conjunction with the annual schedule of the Landmark Preservation Commission and the Town Council for a multiple-year contract.

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 126-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2021-24, Security Guard Services for the Town Marina to Sunstates Security, LLC. in the Annual Amount of $151,733, plus an Annual Contingency of $15,000 and Establishing a Five-Year Award Based on Satisfactory Performance, Mutual Agreement, and Budget Approval Authorization in the Amount of $838,665.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- **Memorandum Dated September 27, 2021, from Dean Mealy, Purchasing Manager**
- **Resolution No. 126-2021**
- **Scope of Work**
- **Initial Ranking of Scores from Consensus Selection Committee Meeting**
- **Ranking Post Oral Interviews**

Information for Town Council Meeting on October 12, 2021

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 RFP No. 2021-24, Security Guard Services for the Town of Palm Beach Marina to Sunstates Security LLC in the Annual Amount of $151,733, Establish an Annual Contingency Budget of $15,173 and Establish a Five-Year Award of $834,530, Based on Satisfactory Vendor Performance, Mutual Agreement and Budget Authorization, **Resolution No. 126-2021**

DATE: 27 September 2021

STAFF RECOMMENDATION

Staff recommends Town Council approving the Award of RFP No. 2021-24, Security Guard Services for the Town of Palm Beach Marina to Sunstates Security LLC in the annual amount of $151,733, establish an annual contingency budget of $15,173 and establish a five-year award of $834,530, based on satisfactory vendor performance, mutual agreement and budget authorization.

SUMMARY EXPLANATION/BACKGROUND

The Town issued RFP No. 2021-24, Security Guard Services for the Town of Palm Beach Marina. The previous contract utilized by the Town was not engaged for the requested services.

The goal of the contract is to provide exceptional security personnel to clearly align with the Town's mission to operate a super yacht facility in a private and secure setting that complements the existing balance between the neighborhood and marina.

PURCHASING METHODOLGY

Upon request by the Recreation Department to solicit, a scope of work was established and a Request for Proposal (RFP) was issued. The goal was to select a qualified firm based on their written proposal which includes pricing as a factor.

The Town sent twenty-three invitations to firms participate. Additionally, the Town Purchasing advertised nationally to seventy firms. From the outreach both from internal invitations and from the formal advertisement, fourteen firms submitted. Twelve firms were found to be responsive to the minimum qualifications and were referred to the Selection Committee for evaluation.

The Selection Committee consisted of:

- Voting – Mike Horn
- Voting – Mark Bresnahan
- Voting – Melissa Ladd
- Voting – Paul Alber
- Nonvoting - Keith Enright
- Nonvoting – Michael Koerner
- Nonvoting – Carolyn Stone
- Purchasing Facilitated

The RFP issued had the six evaluation factors:

- Experience of Firm / Past Performance 30% weight
- Experience/Ability of Personnel - 20% weight
- Workload and Scheduling - 10% weight
- Disputes, Litigation and Resolution - 10% weight
- Other - 5% weight
- Price – 5% weight

The Selection Committee ranked the top five firms for oral interviews/presentations. Following the oral interviews/presentations, the Selection Committee ranked Sunstates Security LLC as the top ranked firm.

FISCAL IMPACT/FUNDING SOURCE

The funding will for this program is from the Marina Operating Fund.

USER DEPARTMENT CONCURRENCE

The Recreation Department and Town Manager's Office is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market research.

TOWN ATTORNEY REVIEW

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

CC: Carolyn Stone, Assistant Town Manager
Mike Horn, Dock Master
Duke Basha, Assistant Purchasing Manager

RESOLUTION NO. 126-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF RFP NO. 2021-24, SECURITY GUARD SERVICES FOR THE TOWN MARINA TO SUNSTATES SECURITY, LLC. IN THE ANNUAL AMOUNT OF $151,733, PLUS AN ANNUAL CONTINGENCY OF $15,000 AND ESTABLISH A FIVE-YEAR AWARD BASED ON SATISFACTORY PERFORMANCE, MUTUAL AGREEMENT, AND BUDGET APPROVAL AUTHORIZATION IN THE AMOUNT OF $838,665.

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. 126-2021, approving the Award of RFP No. 2021-24, Beach Security Guard Services for the Town Marina to Sunstates Security LLC. in the Annual Amount of $151,733, Plus an Annual Contingency of $15,000 and Establish a Five-Year Award Based on Satisfactory Performance, Mutual Agreement and Budget Authorization in the Amount of $883,665.

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 12th day of October, 2021.

_____

Danielle H. Moore, Mayor

ATTEST:

_____

Queenester Nieves, CMC, Town Clerk

GENERAL

The Town of Palm Beach is seeking proposals from security guard service contractors for the purpose of providing services as follows:

- Protect Town Marina customer safety and their assets.
- Protect Town Property.
- Maintain access control of the four (4) dock gates.

The Contractor shall provide all necessary labor, management, supervision, trucks, gas, oil, safety equipment and any other materials and equipment necessary to complete the work as specified.

Requirements for performing these services are as follows:

a. The Contractor shall notify the Contract Administrator in the event of scheduling delays, changes or comments/complaints received from the general public.

b. Contractor's employees shall present a neat, clean, well groomed appearance and shall conduct themselves in a respectable manner while performing the duties of this RFP and while on Town Property.

c. The Contractor shall issue an ID card to each individual performing services for the Town.

d. Contractor's employees shall wear uniforms at all times while on the job. Name of contractor shall be on shirts. Uniforms are to be crisp/ pressed, free of holes and stains. Shirts are to be worn at all times while working in the Town of Palm Beach.

e. Any questions regarding this service (SECURITY GUARD SERVICES) shall be directed to the Contract Coordinator.

f. The Contract Coordinator shall formally communicate with contractor on a regular basis to review areas serviced by contractor's employees.

g. The Contractor shall provide an electric golf cart type vehicle that shall be plainly marked with the company name and logo. This vehicle shall be on-site while a guard is on duty. The Town will provide a 24 hour/7 day a week parking space with charging hookup but at minimum, this vehicle shall remain on property while the guard is on duty.

h. The Contractor shall have their personnel supervised by a qualified supervisor. As a fully authorized agent of the Contractor, the supervisor must be capable of making on-site decisions to perform the work in accordance with the specifications contained in this RFP.

i. The Contractor is responsible for ensuring that all personnel performing guard services for the Town of Palm Beach is able to understand and communicate in English.

j. Contractor shall provide a daily log of activities for each respective area after completion of a shift worked.

k. Contractor personnel shall complete vessel inventory and follow any specific direction related to the Marina, vessels and guests related to safety/security, after hours arrival/departure, or situations that may present themselves.

l. While on duty the guard shall have access only to the Australian Dock Captains Lounge for restroom and lunch breaks, for shelter during inclement weather, and completing required forms. The guard shall dispose of any waste material, food items or other scrap material in a provided waste basket or container. Other offices shall be entered only by permission of the Dockmaster or his/her designate.

DEDUCTIONS FOR NON-PERFORMANCE OF SERVICES:

The TOWN may reduce the invoice by the following amounts for noted infractions:

A.	Sleeping on duty	$200.00
B.	Failing to follow post orders	$100.00
C.	Abandoning Post	$200.00
D.	Failing to complete guard incident report	$100.00
E.	Improper or soiled uniform	$100.00
F.	Late for duty	$100.00
G.	Improper license	$200.00
H.	Reassigning a guard to any post previously suspended	$200.00
I.	Not properly equipped	$100.00
J.	Incomplete or improper background investigation	$300.00
K.	Untrained guard assigned to post	$300.00
L.	Littering of Marina property	$100.00

SCOPE OF WORK

Services:

The contractor's services shall include, but not be limited to:

- Armed Roving Guard Services/Foot Patrol of :
  - Marina
  - Buildings
  - Parking Lots
  - Adjacent Parks
- Maintain high visibility while on duty
- Monitor ingress and egress of Dock Gates

- Monitor ingress and egress of parking lots
- Insure gates are shut and locked at all times during shift
- Monitor security cameras between rounds
- Monitor parking lots and compactor areas
- Complete daily Slip occupancy report
- Complete daily activities and incident reports
- Complete dock rounds
- Notify Dockmaster/Assistant Dockmaster and Palm Beach Police Department of emergencies

Coverage Required:

365 days a year – 5PM to 8AM
15 hours per day; 105 hours per week

Special Events
Special events include but are not limited to Boat Shows, protest happening, unscheduled work hours, etc.

Additional shifts will be scheduled on an as-needed basis by the Contract Coordinator

OTHER REQUIREMENTS

All personnel performing guard duties shall possess:

Licenses:
- State of Florida Class "D" Security License
- State of Florida Class "G" Security License

Equipment:
- Cell Phone – provided by the Town to establish communication between the guard, the Town's dispatch, the vendor's dispatch and customers.
- Tablet – provided by the Town to monitor security cameras
- Working Flashlight
- Rounds recording wand and software – provided, installed and maintained by the contractor

Documents:
- Report Forms
- Incident Report Form

EMPLOYMENT REQUIREMENTS

Contractor shall be responsible for ensuring that all employees are in compliance at all times with the Terms, Conditions, and Specifications outlined in the RFP. The Contractor shall be

responsible for obtaining all necessary permits, licenses and/or registration cards, I-9 Form (Employment Eligibility Verification) in compliance with all applicable federal, state and local statutes pertaining to employees and services specified. Contractor shall be responsible for any federal, state or locally mandated tax withholding associated with wages of their employees.

QUALIFICATION OF PROPOSERS

This RFP shall be awarded only to a responsible proposer qualified to provide the work specified. The proposer shall submit the following information with the proposal:

A. Verification of the number of years the firm has been in business.

B. Experience record showing the bidder's training and experience in Marina Security. Provide a list and brief description of similar contracts of similar size, satisfactorily completed with location, dates of contracts, names, phone numbers, type of services requested and address of proprietor(s). A minimum of five (5) references shall be submitted with a contact name, address, and telephone number for each reference. Similar contracts as referenced above shall be defined as experience in servicing municipalities.

C. Proof that sufficient staff is available to provide required services as specified, without the use of subcontractors, temporary help or overtime, including a list of anticipated staff members and titles to service the Town and a proposed schedule of their activities. Provide the average turnover rates for the security guard position for each of three past years.

D. Complete listing of equipment and facilities available to do the work.

E. Telephone number and a named contact person who can be reached during all normal working hours for emergencies and resolving problems.

F. Supervisor's and project team's resumes.

COMPETENCY OF PROPOSERS

Pre-award inspection of the proposer's facility or of their customer's locations may be made prior to award of Contract. Proposals will be considered only from firms which are regularly engaged in the business of providing SECURITY GUARD SERVICES as described in this RFP and who can provide evidence that they have established a satisfactory record of performance and a sufficient delivery fleet to insure satisfactory execution of the services under the terms and conditions herein stated. The term "equipment and organization" as used herein shall be construed to mean a fully equipped and well-established company in line with the best business practices in the industry and as determined by the proper authorities of the Town.

7651 RFP No. 2021-24 SECURITY GUARD SERVICES FOR THE TOWN OF PALM BEACH MARINA

BAFO-evaluation phase Ends on **Sep 21 2021 7:00 AM**

Compare & Select

Offer phase (14) | Evaluation (14) | BAFO-phase (0) | BAFO-evaluation (0) | Awarding

1. All Questionnaires 13 of 14 Complete offers 23 Questions

Pricing sheet "Pricing Sheet"

Price 25% 75% Quality

Comparison table

Sort by: Rank

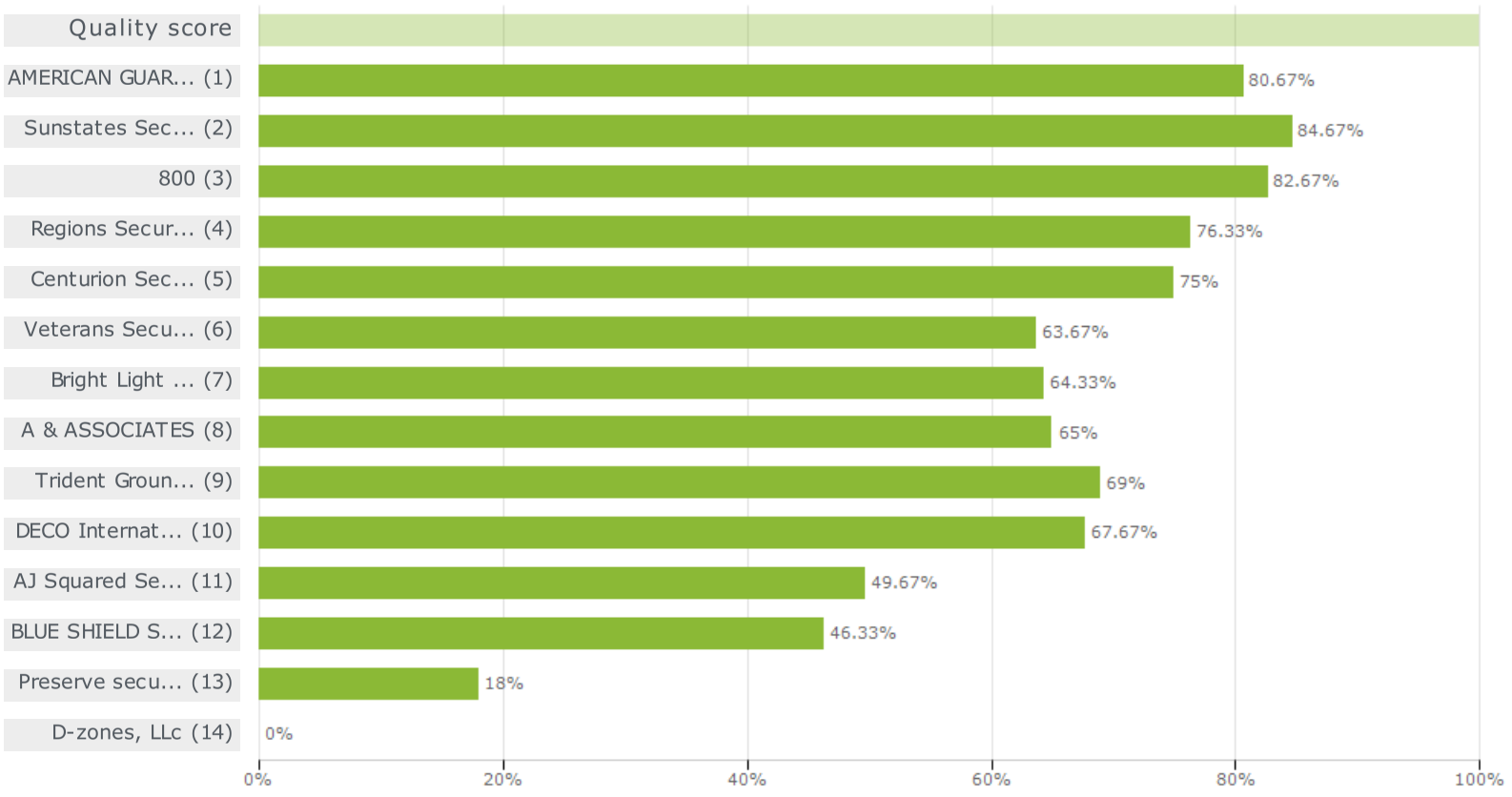
Offers/Applications	Rank	Knockouts of 22	unanswered question(s) of 23	Uploads missed of 17	Incomplete evaluations of 13	Price	Quality score	Price Discrepancy	Phase
AMERICAN GUARD SERVICES, INC. AMERICAN GUARD SERVICES, INC. Aug 20 2021 11:29:29 AM	1	–	–	2	–	$133,062.40	80.67%	$0	Evaluation
Sunstates Security LLC Sunstates Security LLC Aug 19 2021 2:08:30 PM	2	–	–	3	–	$151,732.40	84.67%	$-525.13	Evaluation
800 800 Aug 20 2021 1:52:26 PM	3	–	–	4	–	$144,282	82.67%	$-2,147.16	Evaluation
Regions Security Services Inc Regions Security Services Inc Aug 19 2021 6:35:40 PM	4	1	–	4	–	$117,585.60	76.33%	$-4,180.15	Evaluation
Centurion Security Group, LLC Centurion Security Group, LLC Aug 19 2021 10:30:16 PM	5	1	–	–	–	$126,822.40	75%	$-19,465.24	Evaluation
Veterans Security Corps of America Inc	6	–	–	–	–	$108,155.80	63.67%	$-52,209.11	Evaluation

Offers/Applications

Veterans Security Corps of America Inc Aug 19 2021 10:02:10 AM	Rank	Knockouts of 22	unanswered question(s) of 23	Uploads missed of 17	Incomplete evaluations of 13	Price	Quality score	Price Discrepancy	Phase
Bright Light Security Services LLC Bright Light Security Services LLC Aug 20 2021 1:21:32 PM	7	–	–	1	–	$117,810	64.33%	$-58,839.16	Evaluation
A & ASSOCIATES A & ASSOCIATES Aug 20 2021 1:30:08 AM	8	–	–	4	–	$128,307	65%	$-66,312.02	Evaluation
Trident Ground Protection LLC, Trident Ground Protection LLC, Aug 13 2021 11:40:46 AM	9	–	–	4	–	$156,930	69%	$-76,790.15	Evaluation
DECO International Security Corporation DECO International Security Corporation Aug 20 2021 1:24:33 PM	10	1	–	4	–	$159,492.80	67.67%	$-85,401.24	Evaluation
AJ Squared Security AJ Squared Security Aug 20 2021 11:39:01 AM	11	–	–	5	–	$146,590	49.67%	$-154,150.36	Evaluation
BLUE SHIELD SECURITY PROTECTION INC BLUE SHIELD SECURITY PROTECTION INC Jul 21 2021 11:56:55 PM	12	–	–	4	–	$139,000	46.33%	$-161,681.09	Evaluation
Preserve security providers LLC Preserve security providers LLC Aug 20 2021 12:32:07 AM	13	2	–	4	–	$166,300	18%	$-317,507.27	Evaluation
D-zones, LLc D-zones, LLc Aug 16 2021 3:56:42 PM	14	–	13	17	1	$195,045.40	0%	$-427,904.60	Evaluation

Compare by: ◉ Question groups ○ Questions

Sort by: Rank



Question groups:

- 1.1. SOLICITATION PACKAGE DOCUMENTS & EVALUATION FACTORS (0%)
- 1.2. SUPPLIER RESPONSE & ACKNOWLEDGEMENTS (0%)
- 1.3. EVALUATION FACTORS (100%)
- 1.4. ADDENDUM - If issued will be posted here (0%)

RFP No. 2021-24 - Security Guard Services for the Town of Palm Beach Summary of ordinal scoring					
	Companies				
Selection Committee	American Guard Services, Inc.	Sunstates Security LLC	800 (St. Moritz Security Services, Inc)	Regions Security Services, Inc.	Centurion Security Group, LLC
Mike Horn	5	1	4	2	3
Mark Bresnahan	5	1	2	3	4
Melissa Ladd	4	1	3	2	5
Paul Alber	4	1	2	3	5
TOTAL	18	4	11	10	17

Date: Sep 7, 2021

Witness: Eugene M. Bitaker

NOTE: The lowest score is the highest ranked

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 127-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Bid No. 2021-33, Compacted Garbage Collection and Disposal to Waste Pro of Florida, Inc. in the Annual Amount of $425,473.16 and Establishing a Five-Year Contract Award of $2,127,365, Contingent upon Satisfactory Vendor Performance, Mutual Agreement and Budget Authorization.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- **Memorandum Dated October 5, 2021, from Dean Mealy, Purchasing Manager**
- **Resolution No. 127-2021**
- **Bid Tabulation No. 2021-31**

Information for Town Council Meeting on October 12, 2021

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 ITB No. 2021-33, Compacted Garbage Collection and Disposal to Waste Pro of Florida, Inc. in the Annual Amount of $425,473.16, Establish a Five Year Contract Award of $2,127,365 Contingent Upon Satisfactory Vendor Performance, Mutual Agreement and Budget Authorization, **Resolution No. 127-2021**

DATE: 5 October 2021

STAFF RECOMMENDATION

Staff recommends Town Council approve the Award of ITB No. 2021-33, Compacted Garbage Collection and Disposal to Waste Pro of Florida, Inc. in the annual amount of $425,473.16, establish a five year contract award of $2,127,365 contingent upon satisfactory vendor performance, mutual agreement and budget authorization.

SUMMARY EXPLANATION/BACKGROUND

The Town issued ITB No. 2021-33 for Compacted Garbage Collection and Disposal on August 31, 2021. The existing award under RFP No. 21-2017 expires in October 2021.

The related scope of services is for compacted garbage collection services at the following sites:

- Publix Supermarket
- The Breakers
- The Esplanade
- Everglades Club
- Bath and Tennis Club
- Four Seasons Ocean Grand Hotel
- Up Markets – Royal Poinciana Plaza
- Tideline Resort
- Town Marina

Two bids were submitted, one from the incumbent, Waste Management Inc. of Florida and one from the proposed awardee, Waste Pro of Florida, Inc. Purchasing conducted reference checks on

the proposed awardee and noted satisfactory performance. The two bid submittals noted a significant price difference for nine sites of $611,836.46.

FISCAL IMPACT/FUNDING SOURCE

The funding will for this program is from the Public Works Operational Budget. These costs are fully offset by the revenue received for compacted garbage collection.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market research.

TOWN ATTORNEY REVIEW

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

CC: Paul Brazil, Director, Public Works
Chet Purvis, Fleet Services Maintenance Manager
Duke Basha, Assistant Purchasing Manager

RESOLUTION NO. 127-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF BID NO. 2021-33, COMPACTED GARBAGE COLLECTION AND DISPOSAL TO WASTE PRO OF FLORIDA, INC. IN THE ANNUAL AMOUNT OF $425,473.16 AND ESTALBISHING A FIVE-YEAR CONTRACT AWARD OF $2,127,365, CONTINGENT UPON SATISFACTORY VENDOR PERFORMANCE, MUTUAL AGREEMENT AND BUDGET AUTHORIZATION.

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. 127-2021, approving the award of Bid No. 2021-21, Compacted Garbage Collection and Disposal to Waste Pro of Florida, Inc. in the annual amount of $425,473.16 and establishing a five year contract award of $2,127,365 contingent upon satisfactory vendor performance, mutual agreement and budget authorization.

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 12th day of October, 2021.

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Danielle H. Moore, Mayor

ATTEST:

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Queenester Nieves, CMC, Town Clerk

Bid No. 2021-33 - Compacted Garbage Collection and Disposal

			Waste Management		Waste Pro	
Base Bid Description	**Qty**	**Unit**	**Unit Price**	**Total**	**Unit Price**	**Total**
Publix Supermarket (1 time/week)	12	MO	$3,658.85	$43,906.20	**$2,925.21**	**$35,102.52**
The Breakers (3 times/week 2 containers)	12	MO	$31,292.91	$375,514.92	**$12,314.52**	**$147,774.24**
The Esplanade (6 times/week)	12	MO	$7,794.00	$93,528.00	**$1,465.00**	**$17,580.00**
Everglades Club (3 times/week; Oct. - May)	8	MO	$9,339.81	$74,718.48	**$5,884.55**	**$47,076.40**
Bath & Tennis (1 time/week; Nov. - May)	7	MO	$7,317.70	$51,223.90	**$2,098.00**	**$14,686.00**
Four Seasons Ocean Grand Hotel (2 times/week Mondays & Fridays)	12	MO	$7,317.70	$87,812.40	**$4,468.00**	**$53,616.00**
Up Markets - Royal Poinciana Plaza (3 times/ week)	12	MO	$9,339.81	$112,077.72	**$5,611.00**	**$67,332.00**
Tideline Resort (6 times/week)	12	MO	$7,794.00	$93,528.00	**$1,725.50**	**$20,706.00**
Town Marina (6 times/week) (2 containers on Mondays)	12	MO	$8,750.00	$105,000.00	**$1,800.00**	**$21,600.00**
				$1,037,309.62		**$425,473.16**

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 128-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Award Authority to Resolution No. 92-2019 for Temporary Semi-Skilled Staffing to Spur Employment Inc. for Town-wide Support Services for FY22 in the Amount of $991,780 and Establishing a Contingency of $250,000 for a Total Award of $1,241,780.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- **Memorandum Dated September 28, 2021, from Dean Mealy, Purchasing Manager**
- **Resolution No. 128-2021**

Information for Town Council Meeting on October 12, 2021

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 Authority to Resolution No. 92-2019, Temporary Semi Skilled Staff to Spur Employment Inc. in the Amount of $991,780 and Establish a Contingency of $250,000 for a Total Award of $1,241,780 for FY22, **Resolution No. 128-2021**

DATE: 28 September 2021

STAFF RECOMMENDATION

Staff recommends Town Council approve the award authority to Resolution No. 92-2019, Temporary Semi Skilled Staff to Spur Employment Inc. in the amount of $991,780 and establish a contingency of $250,000 for a total award of $1,241,780 for FY22.

SUMMARY EXPLANATION/BACKGROUND

The Town has engaged the use of Temporary Semi Skilled Staff to supplement Town-wide operations. The use of Temporary Staffing offsets onboarding of Town Positions along with the respective overhead. Each budget year, Departments determine the needs and request allocations.

The FY22 requests are as follows:

CONTRACTUAL LABOR FOR GOLF COURSE PRO SHOP INSIDE AND OUTSIDE STAFF	$234,700.00	SPUR STAFFING, INC.
CONTRACTUAL LABOR FOR GOLF COURSE MAINTENANCE	$242,240.00	SPUR STAFFING, INC.
CLUB HOUSE MAINTENANCE LABOR	$40,000.00	SPUR STAFFING, INC.
CONTRACTED PARKING ENFORCEMENT OFFICERS - SPUR STAFFING	$60,000.00	SPUR STAFFING, INC.
CONTRACTUAL LABOR TENNIS - SPUR STAFFING	$80,000.00	SPUR STAFFING, INC.
CONTRACTUAL LABOR FOR RECREATION - SPUR STAFFING	$150,800.00	SPUR STAFFING, INC.
CONTRACTED EMPLOYEES FOR PD VEHICLE TECH	$27,040.00	SPUR STAFFING, INC.
CONTRACTUAL LABOR FOR THE MARINA - SPUR STAFFING	$112,000.00	SPUR STAFFING, INC.
CONTRACTUAL LABOR FOR LIFEGUARD - SPUR STAFFING	$45,000.00	SPUR STAFFING, INC.
	$991,780.00	

In 2019, Town Purchasing issued Bid No. 2019-26. Spur Employment Inc. was awarded the contract based on percentage markup. The vendor has had above satisfactory ratings in the performance of their contract with the Town.

FISCAL IMPACT/FUNDING SOURCE

The funding for these programs will be from the respective Departments' operating budgets.

USER DEPARTMENT CONCURRENCE

The respective departments 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. The review included conducting market research.

TOWN ATTORNEY REVIEW

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

CC: Carolyn Stone, Director, Assistant Town Manager
Nicholas Caristo, Police Chief
Darrel Donatto, Fire Chief
Duke Basha, Assistant Purchasing Manager

RESOLUTION NO. 128-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AWARD AUTHORITY TO RESOLUTION NO. 92-2019 FOR TEMPORARY SEMI-SKILLED STAFFING TO SPUR EMPLOYMENT INC. FOR TOWN-WIDE SUPPORT SERVICES FOR FY22 IN THE AMOUNT OF $991,780 AND ESTABLISHING A CONTINGENCY OF $250,000 FOR A TOTAL AWARD OF $1,241,780.

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. 128-2021, approving an Award Authority to Resolution No. 92-2019 for Temporary Semi Skilled Staffing to Spur Employment Inc. for Town-wide Support Services for FY22 in the amount of $991,780 and establishing a contingency of $250,000 for a total award of $1,241,780.

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 12th day of October, 2021.

_____

Danielle H. Moore, Mayor

ATTEST:

_____

Queenester Nieves, CMC, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

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 October 1, 2021, from Jane Le Clainche, Director of Finance**
- **Delinquent Account Report**
- **Write Off Exhibits**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2021

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: October 1, 2021

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	FY2021 Revenue Collected	% of Write off vs. Total Revenue
EMS Charges	$136,395	$358,282	38.07%
Code Enforcement Fees	$725	$214,375	.34%
Fire False Alarms - Contractors	$580	$18,750	3.09%
Business Tax Receipt	$5,355	$1,258,713	.43%
Parking Tickets (FY2018)			
Tickets	$56,610	$598,185	9.46%
Penalties	$67,404	$156,505	43.07%
Total	**$267,069**	**$2,604,810**	**10.25%**

GENERAL INFORMATION

Status of Delinquent Accounts - Year End Update

Attached is the September 30, 2021, 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 $3,138,512.67. 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 prevention accounts are mostly current and collection letters have been sent to the parties involved. This delinquent account report is prepared monthly and distributed to the Planning, Zoning and Building, Public

Works, Fire-Rescue and the Police Departments to monitor for collection opportunities.

EMS Collections

Fire-Rescue is requesting the authority to write off $136,395 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 29, 2021: $241,313
Total amount of delinquent accounts as of September 29, 2021: $183,372
The collection rate for the FY2020 dates of service is currently 70%, the collection rate for the FY2021 dates of service is currently 70%
Total revenue from EMS fees for FY2021: $358,282

Code Enforcement

Code Enforcement write-offs total $725.00 for 4 cases. The attached memorandum from Carla Marcote, Code Enforcement Specialist, provides individual explanations per case.

Fire False Alarms – Contractor

Fire False Alarms, Contractor write-offs total $580.37. The balance consists of two accounts, Alansamir Air Conditioning and Florida Stone. The accounts were turned over to the Code Enforcement Board for failure to pay the false alarm fire fees. The Admin Fees are included in the Code Enforcement Write-offs as the accounts are uncollectible

Business Tax Receipts

Business Tax Receipts write-offs total $5,355 for three licenses on the attached list.

Parking Tickets

The Town uses a collection agency, Enforcement Technology (ET) to collect on delinquent and out-of-state parking tickets. During FY21, their efforts to collect on delinquent tickets have produced $875.00 in additional parking ticket revenue. ET has been paid $364.00 for their efforts during the year.

Revenues from parking tickets and associated penalties for FY21 were $55,713 higher than FY20.

Last year, Town Council authorized staff to write off unpaid tickets issued during fiscal year 2017. We are requesting that the Town Council authorize staff to write off outstanding parking tickets and penalties issued prior to September 30, 2018, totaling $124,014. This total consists of original tickets issued in the amount of $56,610 and $67,040 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 FY2020 vs. FY2021 write off and receivable balances.

Comparison of FY2020 vs. FY2021 Receivable Report

Write off Amounts

Type of Charge	FY2020	FY2021
EMS Charges	$116,720	$136,395
Code Enforcement	$675	$725
Parking Tickets	$102,131	$124,014
Fire False Alarms	$0	$580
Business Tax Receipts	$0	$5,355

Balance of Delinquent Accounts

Type of Charge	FY2020	FY2021
Code Enforcement Liens	$2,813,650	$3,130,813
Fire Prevention Fees	$2,275	$7,009
False Alarm Accounts	$9,512	$690
EMS Charges	$198,960	$183,372
Parking Tickets		
Tickets	$229,336	$267,715
Penalties	$252,869	$278,179

Revenues from above sources

Type of Charge	FY2020	FY2021
Code Enforcement Liens	$122,790	$214,375
EMS Fees	$439,936	$358,282
Parking Tickets and Penalties	$698,977	$754,690
Fire Prevention Fees	$70,599	$76,271
False Alarm Revenues	$52,270	$50,525

Town of Palm Beach
Delinquent Accounts
9/30/2021

Name	Address	Case Number	Date of Violation	Principal Due	Penalty/ Interest Due	Total Due	Date of Lien	Action Taken	Comments
Code Enforcement Liens									
Susan Gibson- Case 1	226 Pendleton Ave	Case #07-2277	09/20/2007	$0.00	$43,250.00	$43,250.00	8/11/2010	$150 CEB 9/20/07 $250 per day thru 3/20/08 (sewer)	**Currently working with the property manager hired by the homeowner to bring both Pendleton properties into compliance. They wil be working on one home at a time. Once in compliance the homeowner intends to request a fine reduction hearing before the Code Board.**
Susan Gibson - Case 2	226 Pendleton Ave	Case #07-2277	10/17/2007	$0.00	$1,263,600.00	$1,263,600.00	8/11/2010	Daily Running Fine of $250.00 started 10/18/07	See notes above.
Susan C Lee	287 Pendleton Ave	Case #10-2706	04/10/2010	$0.00	$1,037,250.00	$1,037,250.00	6/2/2010	Daily Fine of 250.00 started 4/10/10:CEB costs	See notes above.
224 Atlantic LLC	224 Atlantic Ave	Case #15-57	04/11/2015	$150.00	$230,500.00	$230,650.00	4/29/2015	$150 CEB on 3/19/15 $250 per day 4/11/15	Lien placed on home 4/29/15. Have been advised by Town Attorney to stop collections until lawsuit is resolved. Awaiting notification from Town Attorney.
Susan Gibson	226 Pendleton Ave	Case #16-1116	03/16/2017	$150.00	$158,400.00	$158,550.00	5/2/2017	$150 CEB on 3/16/17 - $100 per day	See notes from first case.
Husnija Spahic	2840 S. Ocean Blvd #223	Case #18-400	08/16/2018	$0.00	$267,000.00	$267,000.00	10/2/2018	$250 per day starting 9/16/18	Collection letters go unanswered. Lien filed. Home is not homesteaded but primary residence therefore cannot foreclose.
Nancy Shubert	123 Chilean Ave	Case #19-853	10/17/2019	$150.00	$127,800.00	$127,950.00	10/17/2019	$150 CEB - daily fine $200.00	Collection letters go unanswered. Lien filed. Home is not homesteaded but primary residence therefore cannot foreclose.
Cheney Brothers CBI	S County Rd	Case #19-1171	10/17/2019	$150.00	$125.00	$275.00	10/17/2019	$150 CEB	Requesting this item be written off.
Sterling Palm Beach	340 Royal Poinc Way	Case #19-1414	01/16/2020	$150.00	$0.00	$150.00	1/16/2020	$150 CEB	Cost of Lien is greater than fine. Requesting this amount be written
Alansamir Air Conditioning	2720 S Ocean Blvd	Case #20-1097	03/18/2021	$150.00	$259.07	$409.07	3/18/2021	$150 CEB - and alarm fees $259.07	Requesting CEB Fine be written off since finance is requesting the alarm fee be written off
Florida Stone	3140 S Ocean Blvd	Case #20-1099	03/18/2021	$150.00	$379.36	$529.36		$150 CEB - and alarm fees $379.36	Same as above.
Thomas Campaniello	302 S. County Rd	Case #21-112	05/20/2021	$150.00	$0.00	$150.00		$150 CEB- Vacant Window Covering	Property is in compliance. Cost of lien is greater than fine owed. We have recently obtained a new contact for the property owner and are attempting collection.
Nancy Shubert	123 Chilean Ave	Case #21-66	07/15/2021	$150.00	$500.00	$650.00		$150 CEB - $250 fine starting 8/19/21 Unsanitary	Board order informing property owner of fine was mailed in August. Starting Collection letters
Lorraine Charman	425 Chilen Ave	Case #21-511	07/15/2021	$150.00	$0.00	$150.00		$150 CEB - Postponed til 9/17/21	The $150 CEB fine has been paid.
Four Seasons Hotel	2800 S Ocean Blvd	Case #20-1127	08/19/2021	$0.00	$250.00	$250.00		BO-8/19/21 daily fee of $250.00 until compliance	The Four Seasons is working on completing the Fire Marshall's violation list. We are awaiting word from the Fire Marshall when the Property is in compliance and then the fine will stop and collection process will begin.
		Total CEB Fines		**$1,500.00**	**$3,129,313.43**	**$3,130,813.43**			
Alarm Accounts									
US Postal Service	401 S. County Rd	AL-002086		$50.00	$159.06	$209.06		Cert Ltr- Sent to CEB Board in June - Hearing in October	
Alansamir AC	2720 S Ocean Blvd #324	AL-003864	Contractor	$75.00	$160.51	$235.51		Cert Ltr - Sent to CEB Board August- CEB writing off request	
Florida Stone	3140 S Ocean Blvd	AL-003752	Contractor	$75.00	$269.86	$344.86		Cert Ltr - Sent to CEB Board August- DEB writing off request	
Johnson Controls	1 Whitehall Way	AL-004044	Contractor	$75.00	$34.82	$109.82		Cert Ltr - Sent to CEB Board September 2021	
		Total Alarm Calls		**$225.00**	**$465.19**	**$690.19**			

Fire Prevention	Address	Invoice #				Inspection Date	
JP MORGAN SECURITIES LLC	205 Royal Palm Way	'2106024502	$200.00	$0.00	$200.00	'6/2/2021	
MHK ARCHITECTURE	211 Seaview Avenue	'2105259501	$100.00	$0.00	$100.00	'5/25/2021	
172 AUDUBON CORP	354 Brazilian Avenue	'21052419504	$100.00	$0.00	$100.00	'5/24/2021	
Edgewater	2720 South Ocean Boulevard	'2105204501	$100.00	$0.00	$100.00	'5/20/2021	
One North Breakers Row at the Breakers	1 Breakers Row	'2105174500	$100.00	$0.00	$100.00	'5/17/2021	
HAMMON 106 LLC dba COLONY APARTMENTS	106 Hammon Avenue	'2105134504	$100.00	$0.00	$100.00	'5/13/2021	
Casa Del Lago	325 South Lake Drive	'2105104503	$100.00	$0.00	$100.00	'5/10/2021	
AED LIQUOR LLC dba LE BAR A VIN	380 South County Road	'2105034502	$100.00	$0.00	$100.00	'5/3/2021	
Villa Tambour	2190 Ibis Isle Road	'21050332500	$100.00	$0.00	$100.00	'5/3/2021	
PELCORP INC	44 Cocoanut Row T1 & T2	'2104284508	$100.00	$0.00	$100.00	'4/28/2021	
REYS CLEANERS	350 South County Road R104	'21042719501	$100.00	$0.00	$100.00	'4/27/2021	Sent certified letter 8/18/21
BLESK JEWELRY INC	350 South County Road R103	'21042738865500	$100.00	$0.00	$100.00	'4/27/2021	Sent certified letter 8/18/21
MITCHELL A JOSEPHS DDS PA	44 Cocoanut Row M206	'2104264501	$100.00	$0.00	$100.00	'4/26/2021	
Armando Faria Alterations	44 Cocoanut Row T111	'2104264505	$100.00	$0.00	$100.00	'4/26/2021	
Bridgett's Royal Pet Inc.	208 Sunset Avenue	'21042431500	$100.00	$0.00	$100.00	'4/24/2021	
PB BOYS CLUB	307 South County Road	'21042317501	$100.00	$0.00	$100.00	'4/23/2021	
Wells Fargo Bank	254 Sunrise Avenue	'21042331500	$100.00	$0.00	$100.00	'4/23/2021	

EVEY FINE ART GALLERY	240 South County Road A	'2104229500	$100.00	$0.00	$100.00	'4/22/2021	
St. Edwards Church Parrish Center	165 North County Road	'2104224500	$125.00	$0.00	$125.00	'4/22/2021	
F & C PALM BEACH INC dba FRANK CASSI BEAUTY	125 Worth Avenue 115	'2104204500	$100.00	$0.00	$100.00	'4/20/2021	
BRADFORD RENAISSANCE PORTRAITS CORP	150 Worth Avenue 227	'2104204501	$100.00	$0.00	$100.00	'4/20/2021	
Palm Beach White House	2545 South Ocean Boulevard	'2104154500	$100.00	$0.00	$100.00	'4/15/2021	
Lionsview Partners LLC	125 Worth Avenue 200	'2104074501	$100.00	$0.00	$100.00	'4/7/2021	
INCLINE GLOBAL MGMT.	220 Sunrise Avenue 216	'21040531503	$100.00	$0.00	$100.00	'4/5/2021	
RLH VENTURES LLC	220 Sunrise Avenue 209	'21040531504	$100.00	$0.00	$100.00	'4/5/2021	
Alvin Valley	36 Via Mizner	'21033017500	$100.00	$0.00	$100.00	'3/30/2021	
THE TRINITY COLLECTION	27 Via Mizner	'21033039014500	$100.00	$0.00	$100.00	'3/30/2021	
Tower Vallandry	2150 Ibis Isle Road	'21032621500	$150.00	$0.00	$150.00	'3/26/2021	
Bridges, Marsh & Associates	18 Via Mizner	'21032439184500	$100.00	$0.00	$100.00	'3/24/2021	
Woody Michleb Beauty Salon	150 Worth Avenue 213-219	'2103244500	$100.00	$0.00	$100.00	'3/24/2021	
Via Coquina	32 Via Mizner	'21032439014500	$100.00	$0.00	$100.00	'3/24/2021	
VACANT	38 Via Mizner	'21032439014502	$100.00	$0.00	$100.00	'3/24/2021	
Christofle	150 Worth Avenue #111	'2103114502	$100.00	$0.00	$100.00	'3/11/2021	
Gucci	150 Worth Avenue #133	'2103114506	$100.00	$0.00	$100.00	'3/11/2021	
VILEBREQUIN	335 Worth Avenue	'2103104502	$100.00	$0.00	$100.00	'3/10/2021	
Lifestyle so Chic	326 South County Road	'21030119500	$100.00	$0.00	$100.00	'3/1/2021	
Matt Firestone/Hire Society	205 Worth Avenue #305	'2102174509	$100.00	$0.00	$100.00	'2/17/2021	
CHRISTOFLE SILVER INC.	205 Worth Avenue #314	'2102174513	$100.00	$0.00	$100.00	'2/17/2021	
Assouline Palm Beach, LLC	340 Royal Poinciana Way M306	'2101154509	$100.00	$0.00	$100.00	'1/15/2021	Cert Ltr 08/17/2021
Zadig & Voltaire	340 Royal Poinciana Way M322B	'2101134500	$100.00	$0.00	$100.00	'1/13/2021	Cert Ltr 08/17/2021
HERMES	340 Royal Poinciana Way M301	'2101124501	$100.00	$0.00	$100.00	'1/12/2021	Cert Ltr 08/17/2021
Candi Cisco	139 North County Road #13	'2101074511	$100.00	$0.00	$100.00	'1/7/2021	
Sunrise Barber Shop	239 Sunrise Avenue C10	'2012184506	$100.00	$0.00	$100.00	'12/18/2020	
Morgan Stanley Smith Barney LLC	450 Royal Palm Way #500	'2010124500	$121.00	$0.00	$121.00	'10/12/2020	
U.S. Trust Company	132 Royal Palm Way	'2008204501	$125.00	$0.00	$125.00	'8/20/2020	
J.P. Morgan	205 Royal Palm Way	'2008134501	$200.00	$0.00	$200.00	'8/13/2020	
Matt Firestone/Hire Society	205 Worth Avenue #305	'2007174500	$110.00	$0.00	$110.00	'7/17/2020	Cert Ltr 08/18/2021
Doris Shaw C.P.A.	223 Sunset Avenue #230	'2007084500	$161.05	$0.00	$161.05	'7/8/2020	Cert Ltr 08/18/2021
PSAV	2302 COMMERCE PARK Drive	'20031020500	$50.00	$0.00	$50.00	'3/10/2020	Contractor
GOOP	150 Royal Poinciana Plaza H150	'2003034501	$100.00	$0.00	$100.00	'3/3/2020	Closed
CYNTHIA ROWLEY	340 Royal Poinciana Way 325C	'2003024502	$100.00	$0.00	$100.00	'3/2/2020	Closed
Valentino	204 Worth Avenue	'20022615504	$100.00	$0.00	$100.00	'2/26/2020	Cert Ltr 08/18/2021
Escada	222 Worth Avenue	'20022415510	$125.00	$0.00	$125.00	'2/24/2020	Cert Ltr 08/18/2021
ZIMMERMANN USA, INC	340 Royal Poinciana Way M318	'2002204502	$100.00	$0.00	$100.00	'2/20/2020	Cert Ltr 08/17/2021
Zadig & Voltaire	340 Royal Poinciana Way M322B	'2002194501	$100.00	$0.00	$100.00	'2/19/2020	Cert Ltr 08/17/2021
HERMES	340 Royal Poinciana Way M301	'2002144512	$100.00	$0.00	$100.00	'2/14/2020	Cert Ltr 08/17/2021
Assouline Palm Beach, LLC	340 Royal Poinciana Way M306	'2002144503	$100.00	$0.00	$100.00	'2/14/2020	Cert Ltr 08/17/2021
Too-Jay's	340 Royal Poinciana Way #313	'2002144515	$190.00	$0.00	$190.00	'2/14/2020	Cert Ltr 08/17/2021
NM VISUAL	125 Worth Avenue 320	'20021215507	$100.00	$0.00	$100.00	'2/12/2020	Closed
Golfino USA	150 Worth Avenue 216	'2002034503	$100.00	$0.00	$100.00	'2/3/2020	Closed
REYS CLEANERS	350 South County Road 104	'20012215507	$100.00	$0.00	$100.00	'1/22/2020	Cert Ltr 08/17/2021
Blesk Jewelry	350 South County Road 103	'20012215506	$100.00	$0.00	$100.00	'1/22/2020	Cert Ltr 08/17/2021
251 Bradley Place	251 Bradley Place	'19121215501	$110.00	$0.00	$110.00	'12/12/2019	Closed
GENTLEORTHOTICS, LLC	2875 South Ocean Boulevard 109	'19112215502	$121.00	$0.00	$121.00	11/22/2019	Closed
STYLE BAR NAIL & SPA	2875 South Ocean Boulevard 108	'19111215511	$121.00	$0.00	$121.00	'11/12/2019	Cert Ltr 08/17/2021
			$7,009.05	**$0.00**	**$7,009.05**		
		Total monies due to Town	**$8,734.05**	**$3,129,778.62**	**$3,138,512.67**		

TOWN OF PALM BEACH
POLICE DEPARTMENT

A NATIONAL AND STATE ACCREDITED LAW ENFORCEMENT AGENCY

To: Chief Nicholas Caristo

Via: Benjamin Alma

From: Carla Marcote

Via: Chain of Command

Re: Code Enforcement Board Fine Write-Offs for Finance

Date: September 3, 2021

The following Code Enforcement Board fines need to be written off as uncollectible losses for the Town:

Case	Name	Violation Address	Amount
CE 19-1171	Cheney Brothers C.B.I	350 S. County Road	275.00
CE 19-1414	Sidney Spiegel Trust – Sterling Palm Beach LLC	340 Royal Poinciana Way	150.00
CE 20-1097	Alansamir Air Conditioning	2720 S. Ocean Blvd.	150.00
CE 20-1099	Florida Stone	3140 S. Ocean Blvd.	150.00
Total			725.00

Case # 19-1171 – Cheney Brothers C.B.I. – 350 S. County Road $275.00

On October 1, 2019, a case was initiated by Code Enforcement Officer J. Moriarty in reference early delivery before allowable hours. A Notice of Violation Citation was issued at the time of the violation. This case was brought before the Code Enforcement Board and on October 17, 2019, at which time the violator Cheney Brothers C.B.I. was found in violation of Ordinance 42-197 and fined $125.00 and $150.00 in Administrative Fees bringing the total violation fine to $275.00. Multiple attempts to collect the fine and Administrative Fee have been unsuccessful. Because the company has repeatedly ignored attempts to collect and no anticipation of collection I request that this fine be written off.

Case # 19-1414 – Sidney Spiegel Trust, Sterling Palm Beach LLC – 340 Royal Poinciana Way $150.00

On November 23, 2019, a case was initiated by Code Enforcement Officer J. Moriarty for broken pavers in the driveway presenting a trip hazard. The case was brought before the Code Board on January 16, 2020, at which time the violator was found in violation of Ordinance 42-87 and fined Administrative Fee of $150.00. The property came into compliance but the Administrative Fee is still outstanding. Attempts to collect the $150.00 have gone unsuccessful. A lien has not been placed on the property because the cost of the lien exceeds the amount of the fine. Due to inability to collect and the amount of the fine being less than the cost of a lien I request that this fine be written off.

Case # 20-1097 – Alansamir Air Conditioning – 2720 S. Ocean Blvd. $150.00

On September 23, 2020, a case was initiated by Code Enforcement Officer J. Felix on behalf of the Finance and Fire Department for failure to pay false fire alarm fees. This case was brought before the Code Board March 18, 2021, at which time the violator was found in violation of Ordinance 38-62 and fined $150.00 in Administrative Fees and ordered to pay the alarm fees. The Code Enforcement Office has been notified that the Fire Department and Finance Department are writing this account off. I request that the Administrative fee of $150.00 be written off.

Case # 20-1099 – Florida Stone – 3140 S. Ocean Blvd. $150.00

On September 23, 2020, a case was initiated by Code Enforcement Officer J. Felix on behalf of the Finance and Fire Department for failure to pay false fire alarm fees. This case was brought before the Code Board March 18, 2021, at which time the violator was found in violation of Ordinance 38-62 and fined $150.00 in Administrative Fees and ordered to pay the alarm fees. The Code Enforcement Office has been notified that the Fire Department and Finance Department are writing this account off. I request that the Administrative fee of $150.00 be written off.

Please advise if a write off occurs so that I may remove the case from Code Enforcement Board fines list. If you have any questions or need additional clarification, please call me at 227-6388.

Town of Palm Beach Fire-Rescue

TO: Jane Le Clainche, Finance Director

FROM: Jimmy Duane, Assistant Chief

RE: Fee write-offs

DATE: August 31, 2021

Jane, the following charges will need to be written off, as the fees for contractor false fire alarms could not be collected.

Alansamir Air Conditioning - $235.51. This charge is over a year old. The company has not responded to verbal or written requests for payment.

Florida Stone - $344.86. This charge was from July of 2019. No longer in business

Creation Date	Active Licenses	Full Primary Address	Business Name	DBA Name	AMOUNT DUE
5/30/2003	bustax0003884409/30/2019	125 WORTH AVE 325 PALM BEACH FL 33480	NM OFFICE INC	NM OFFICE	$1,147.50
12/4/2002	bustax0003906309/30/2019	151 WORTH AVE PALM BEACH FL 33480	THE NEIMAN MARCUS GROUP INC	NEIMAN MARCUS	$3,730.00
11/16/2012	bustax0095876109/30/2018 stateCE999954311/30/2020 stateFB971453110/31/2020	2842 S OCEAN BLVD BLDG 1 PALM BEACH FL 33480	2842 S OCEAN LLC	TIDELINE OCEAN RESORT AND SPA PALM BEACH A KIMPTON HOTEL	$477.35

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda

Consent - Other

Agenda Title

Request from the Palm Beach Navy SEAL Evening of Tribute

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- **Memorandum Dated October 4, 2021, from Jay Boodheshwar, Deputy Town Manager**
- **Letter from Matthew K. Smith, Co-Chair Palm Beach Navy Seal Evening of Tribute**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Request from the Palm Beach Navy SEAL Evening of Tribute

Date: October 4, 2021

STAFF RECOMMENDATION

Staff recommends the Town Council approve the request from the Palm Beach Navy SEAL Evening of Tribute for its event on April 6, 2022, subject to the conditions outlined below.

GENERAL INFORMATION

As described in the attached letter from Matthew Smith, Co-Chair of the Palm Beach Navy SEAL Evening of Tribute, an event will be held on April 6, 2022, at the Breakers to benefit the Navy SEAL Foundation and the Navy Seal Museum. One of the highlights of the event is a planned demonstration by the Navy SEALS, inclusive of a helicopter fly-over, helicopter jump, and use of a Zodiac in the ocean.

The proposed demonstration requires a location to stage the helicopter and serve as the meeting site for the SEALs in close proximity to the Breakers. The Town owns approximately 2.8 acres of property in West Palm Beach, between N. Quadrille Blvd. and 6th Street (just east of the railroad tracks), which has been requested as the staging location. Staff does not have any concerns with the use of this location, but Town Council permission is required to grant approval. If Council approves of the request, staff recommends the following conditions be included:

1. Provide a certificate of insurance with sufficient liability coverages.
2. Reimburse the Town for any damages caused by the staging on the Town's property.
3. Comply with the requirements of the Palm Beach and West Palm Beach police departments to ensure pedestrian safety for the duration of the event.
4. Seek approval from the City of West Palm Beach to use the staging location, per Section 54-33 of their City Code, and provide confirmation of approval to the Town.

Attachment

cc: Carolyn Stone, Assistant Town Manager
Department Directors
Karen Temme, Risk Manager
Matthew Smith, Event Co-Chair

PALM BEACH NAVY SEAL EVENING OF TRIBUTE

To honor the US NAVY SEALs

To Benefit the NAVY SEAL Foundation and NAVY SEAL Museum

Wednesday, April 6, 2022

To the Palm Beach Town Council,

I have lived in the Town of Palm Beach for over 25 years.

I have agreed to Co-Chair the upcoming Palm Beach Navy SEAL Evening of Tribute, which is taking place at The Breakers Hotel on April 6th, 2022.

The Palm Beach Evening of Tribute is an amazing 501C3 organization and biennial event, benefitting the Navy SEAL Foundation and the Navy SEAL Museum.

The Tribute honors the Navy SEALs for their dedication, their courage, and the personal sacrifices they make every day in defense of our nation, and the beliefs we hold so dear.

I would like to make two requests:

1. The use of the Town of Palm Beach's property, which is located on the 3 acres between N Quadrille Blvd and 6th Street, east of the railroad tracks. The reason for this request is that during the Event at the Breakers on April 6th 2022, The Navy SEALs will be flying a helicopter over the ocean behind the Breakers Hotel beach club. The SEALs need a nearby staging area for the helicopter to prepare for the flight. The Town owns 3 acres of land that would be a nearby and ideal staging area for that day. We would need the use of the land from approx. 2pm to 7pm on April 6th, 2022. We will get any necessary permission from the City of West Palm Beach for the staging of the helicopter.

2. There will be a helicopter jump and use of a Zodiac in the Ocean outside of The Breakers, which will be organized by the Navy SEAL Museum.

We will be providing the appropriate liability forms and waivers to the Town of PB for the staging of the helicopter and the jump at The Breakers.

Thank you very much!

Sincerely,

Matthew K. Smith
Co-Chair Palm Beach Navy Seal Evening of Tribute

1237 N Ocean Way
Palm Beach, FL 33480

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda
Committee Reports

Agenda Title
Report of the Ordinances, Rules and Standards Committee Meeting Held on Thursday, September 2, 2021

Presenter
Julie Araskog, Chair

ATTACHMENTS:

- **September 2, 2021, ORS Meeting Report**

TOWN OF PALM BEACH

Town Manager's Office

REPORT OF THE ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING HELD ON SEPTEMBER 2, 2021

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules and Standards Committee meeting was called to order on Thursday, September 2, 2021 at 9:30 a.m. virtually via Zoom. On roll call, all committee members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Araskog led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Chair Araskog announced that there were some changes to the agenda. Deputy Town Manager Jay Boodheshwar announced that item no. V.B.2. Review Chapter 42 of the Town Code, Sec. 420-230- Lawn Maintenance, Relative to Hours, Equipment will be heard first due to staff participation limitations and due to this item being linked to ongoing conversations regarding construction hours.

Motion was made by Committee Member Cooney and seconded by Chair Araskog to approve the agenda, as amended. On roll call the Motion passed unanimously.

IV. COMMUNICATIONS FROM CITIZENS - None

V. REGULAR AGENDA

A. Old Business

1. Review Draft Language to Regulate the Use of Synthetic Turf
   Wayne Bergman, Director of Planning, Zoning and Building

Chair Araskog stated the issues were discussed at the last meeting and requested that Mr. Boodheshwar give a brief overview. Mr. Boodheshwar stated that this item was on last month's Town Council agenda and *was deferred back to ORS*. He referred to proposed language in the back-up that provided possible direct

regulation for the use of synthetic turf. Staff proposed that the regulations be codified to make it easier for residents to understand.

Wayne Bergman, Director of Planning, Zoning and Building gave an overview of the language according to the sections in the Town Code. He proposed the following three (3) sections:

- Definitions – Chap. 66-313
- Permitted locations for artificial turf – Chap. 66-314
- Regulation (Standards)

Director Bergman commented that Chap. 66-313 would define "artificial turf" in a simple one sentence definition. Director Bergmann discussed additions to Chap. 66-314 with the proposed locations where artificial turf could be approved. He clarified that the application would still be required to go through the approval process of either ARCOM or the Landmarks Preservation Commission (LPC). The Regulations, which would be called "Standards," would address how it is approved, that artificial turf will be viewed as impervious surface and will not count towards landscape open space. He stated this was a problem he found when he met with property owners/managers who installed artificial turf without formal town approval and after the fact are trying to resolve code enforcement issues and trying to determine how to come into compliance. He stated that this item will be brought to the Town Council at its next meeting and he hoped to get the Committee's thoughts and opinions on this language.

Chair Araskog pointed out some typos and stated that she would like to add language that anyone who installed artificial turf in their front, side or backyard must go to ARCOM or LPC to get post-approval, but if the required open space landscape is not met, it must be removed unless it can be brought into compliance to meet the 45% requirement. She also wanted penalty to be included for any company who installs the artificial turf without a permit. Chair Araskog added that the turf should be lead-free.

Member Cooney commented that the language for the draft ordinance was simple and clear which is usually the best way to have on the books. He requested clarification on the ARCOM ordinance and if the project designation manual, or references to it, is codified within the ordinance. Director Bergman responded that it is currently codified within the current code. Chair Araskog expressed a concern that specificity in several areas was needed to help ARCOM and LPC with their confusion in regard to artificial turf. Director Berman addressed Chair Araskog's concerns mentioning that ARCOM and LPC always insisted on high quality materials and getting material samples. Chair Araskog explained that regarding specificity she was referring to creating a policy not having it included in the ordinance.

Motion was made by Chair Araskog and seconded by Member Cooney to approve draft language to regulate the use of synthetic turf with the one addition of it being lead-free to take to Council in draft form. On roll call, the Motion passed unanimously.

Chair Araskog then expressed her concern that the artificial turf should not be grandfathered if it does not meet the 45% landscape open space required in our Code. She stated that everyone who has installed artificial turf in their front, side or backyard must go to ARCOM or LPC to get post approval and if the required open space is not met, it must either be removed or brought into compliance. She would also like this language to be brought to the Council.

Member Cooney stated he knows there are people who have knowingly and unknowingly installed artificial turf in places where they should not have and he did not want to reward bad or dishonest behavior, but he would like a process for resolution that is not overly punitive to the residents. He understood not wanting to grandfather existing turf already in places that are inappropriate or illegal and just wants to make sure whatever process is outlined is fair and provides an option for residents to have a resolution. Chair Araskog suggested an appeal to Council.

Discussion ensued regarding the penalty for installation of artificial turf without obtaining a permit.

It was the consensus of the Committee to include language in the Code that requires compliance through a process which will be created by staff. There will also be a recommendation to Council for a period to time when there is no fee to try to incentivize people to come forward sooner rather than later. After that, there will be a code enforcement application for those who ignore the rule change.

2. Further Discussion Regarding Potential Modifications to the Native Landscape Section in Chapter 66 of the Town Code
   Wayne Bergman, Director of Planning, Zoning and Building

Chair Araskog thanked Raymond Jungles, Susan Lerner, Dustin Mizell, Jorge Sanchez and Keith Williams for their participation in the preparation for today's discussion. She also thanked Wayne Bergman, Jay Boodheshwar and all the other staff members who did the research to make this a productive and informative meeting.

Mr. Boodheshwar referred to questions that were posed at the last meeting and stated that the main issue was how to apply the Code as it exists today relative to calculation of the 25%.

Director Bergman suggested, as a starting point, using the actual number of plants as the way to calculate the 25% native requirement, which can be modified if it does not work. He referred to Susan Lerner's presentation at the last meeting where

she brought up some good points relating to palms, trees, shrubs and ground cover. He stated we needed diversity throughout all of the various categories of plants. As for the second point, he suggested using the South Florida Water Management District Water Wise Guide, even though it is outdated.

Chair Araskog suggested starting with the count.

Member Cooney expressed his concerns with just looking at quantity and used an example of comparing a Gumbo Limbo or mature Oak and would they count the same as a tiny sprig of a plant? He asked how that could be resolved? Director Bergman suggested pointing these situations to ARCOM and LPC.

Chair Araskog suggested separating the categories of trees, palms, shrubs, vines and ground cover and requiring 25% of each instead of just an overall 25% requirement.

Member Cooney stated that he thinks the Code is well intended and the Ordinance needs to be clear and simple for both applicants and staff to understand.

Director Bergman suggested a starting point would be 25%, but stated that he would like to hear from someone with a horticultural background. Mr. Boodheshwar suggested this would be the time to apply a proper percentage minimum for the different categories.

Susan Lerner, Preservation Foundation of Palm Beach, spoke regarding counting species vs. counting plants. She stated she prefers the counting species method. Responding to Mr. Boodheshwar's question regarding identifying the appropriate percentage of natives for trees, shrubs, ground cover and vines, she suggested having a minimum of four species each of native trees and ground cover. Mr. Boodheshwar reminded her that whatever change is made to the Code, will apply to new and existing construction, and landscaping. She stated that some communities required a high percentage of natives so therefore the 25% would be considered a "baby step" and 35% or 40% would be bold and challenging.

Motion was made by Chair Araskog and seconded by Member Cooney to move to 35% with a breakdown of the requirements for 35% of palms, 35% of trees, 35% of shrubs, 35% of ground cover and 35% of vines and 35% must be natives of all new plantings. This will be based on quantity, not coverage. On roll call, the Motion passed unanimously.

Mr. Boodheshwar stated that a memo with draft language will be presented to the Town Council at their next meeting which will reflect today's decision.

Chair Araskog stated that for the next ORS meeting, she would like to have samples of minimum requirements to start a discussion.

Chair Araskog suggested that the South Florida Water Management District Waterwise Guide not be used, because it is outdated, unless it was supplemented with an invasive species list. She agreed with Richard Rutlege, Susan Lerner and Keith Williams that the Florida Native Plant Society's Native Landscape Plans and the Institute for Regional Conservation (IRC) Natives would be better to use for the area.

Amanda Skier, Preservation Foundation of Palm Beach, agreed that the South Florida Water Management Waterwise document from 2003 is outdated and not site specific to Palm Beach, a barrier island. She, along with Susan Lerner and Raymond Jungles, recommend referencing the IRC, which uses searches according to a location's zip code and provides natives appropriate for the zip code area. She mentioned that there are other natives which are not listed in the IRC list so the Foundation is offering to work with Town staff and to underwrite the costs for the IRC to create a list specifically for the Town of Palm Beach that incorporates, not only the recommendations on their website, but also other plants that will thrive here. This will then be modeled on the water wise documents so that it is user-friendly. In the interim, she suggested that the IRC's website should be used rather than the South Florida Management Waterwise document.

Susan Lerner reiterated the reasons for not using the South Florida Management Waterwise document and suggested using the IRC website as it was very simple to use. She explained that by entering the zip code lists for different categories such as trees, shrubs, ground cover would be shown. She recommended using the Florida Invasive Species Council which lists categories 1 and 2 invasives and is very easy to access online. She also stated that the Florida Plant Atlas is another reference for invasive species and natives for the area.

Mr. Boodheshwar used google to locate and pull up the IRC website and he demonstrated how easy it is to use for the different categories. He also showed the Florida Invasive Species Council website which showed the 2019 list of invasive species as the most current list.

Motion was made by Chair Araskog and seconded by Member Cooney to use the FLEPPC invasive species list at categories 1 and 2 and the IRC Natives for your Neighborhood. On roll call, the Motion passed unanimously.

Chair Araskog mentioned Monroe County's requirement for removal of invasive species on a property before a building permit is issued.

Member Cooney thanked the Preservation Foundation for their offer to underwrite the native species list specific to the Town.

B. New Business

1. Potential Limitations on Height of Vegetation Adjacent to Neighboring

Structures
Wayne Bergman, Director of Planning, Zoning and Building

Mr. Boodheshwar mentioned that this item was brought forward a long time ago but was sidelined by other high priority matters. He then referred to the backup memo from Wayne Bergman which summarized the matter and made some recommendations.

Mr. Bergman stated that this matter became a concern when a project was brought to the Town Council and the tall, lush vegetation around the perimeter of the property provided a pathway for iguanas and rats to get onto the roof or the eaves of the neighboring buildings. He stated that the neighbor had recommended cutting the hedge material to a lower height or keeping a separation distance of a certain number of feet. After visiting the property and confirming it was a legitimate concern, a draft Ordinance was created to make changes to Chapter 66, Vegetation, in an effort to reduce the likelihood of this type of infestation or pathway for iguanas and rodents to simply make sure there is a proposed separation distance of 12 feet of clearance between the neighboring buildings and the vegetation and also limiting the height of plantings along the perimeter when there are neighboring buildings.

Member Cooney expressed some concern regarding the 12 feet distance as in the "Sea Street" area where this problem is located, many of the properties are 50 feet lots.

Chair Araskog agreed with Member Cooney and suggested that the 12 feet should be for properties in the RAA districts and 6 feet for the RB lots. She also expressed concern that we would be limiting an owner's use of their property. She asked how Mr. Bergman arrived at the 12 foot number. Director Bergman responded that after spending hours and hours watching videos of iguanas jumping, that this seemed the most appropriate number to keep them from being able to jump on a roof or eve.

Mr. Boodheshwar suggested looking at the smaller lots and how the distance would affect them.

Discussion ensued. There was consensus to accept Mr. Bergman's suggestion to take a random sampling of either current or recent projects on the smaller lots in the north end to see what 6 feet and 12 feet would look like and how it may impact the approvals of the projects. He will return to the next meeting with a definitive number.

2. Review Chapter 42 of the Town Code, Sec. 42-230 – Lawn Maintenance, Relative to Hours, Equipment and Noise
Jay Boodheshwar, Deputy Town Manager

Chair Araskog mentioned that she thinks this section of the code should apply to all service vehicles and noise, including pesticide spraying, pool cleaning, air conditioning, etc. under the Hours portion except for emergency situations.

Mr. Boodheshwar gave a historical overview of this item and referred to the memo in the backup. He mentioned that the Committee recommendations were not discussed at the August Council meeting but were deferred to the September meeting. He stated there should be some discussion today if it was premature to get Council's feedback regarding the lawn maintenance hours as it is linked to the construction hours and also cross referenced in the Town Code at sec. 42-199. This section provides for the hours of operation for construction hours, which requires that lawn maintenance operates during the same hours as construction. There are also some prohibitions on use of heavy construction equipment during quiet times. Lawn maintenance equipment such as leaf blowers are also be prohibited for consistency with the limitations placed upon heavy equipment during construction hours. He stated that if the Town Council decided to change the hours of operation for construction hours, it will automatically impose some regulations on lawn maintenance unless changes are made to the Code that separates these two activities and any other activities discussed.

Chair Araskog referred to a section of the backup that only listed leaf blowers as heavy equipment, but then at another section it has "lawn maintenance equipment includes but is not limited to lawn mowers, hedgers, hedge trimmers, yard tractors, leaf blowers, lawn vacuum machines and monofilament line grass trimmers." She stated that Council members were receiving numerous complaints regarding landscape noise during the early hours and on Saturday mornings. She agreed with Mr. Boodheshwar that no decisions would be made today. She stated that she wanted to work together to find a way to have quieter Saturdays, especially between 8 and 9AM, so that landscaping work can be done and the residents can have peaceful enjoyment of their property.

Member Cooney thanked Chair Araskog for her comments and Mr. Boodheshwar and Mr. Alma for the supplemental information. He expressed his agreement with mirroring the same requirements for both landscape and construction noise, especially on Saturdays and during the morning hours. He also stated that there is need to re-examine some of the rules on electric leaf blower regulations due to more modern technology. He stated that he has seen gas powered leaf blowers being used on lots that are smaller than one acre and this should not be happening. Chair Araskog expressed her agreement with Member Cooney regarding gas powered leaf blowers and stated that they are not as expensive as before and can be in the 65 decibel range. She stated that she agreed with banning all gas powered leaf blowers in Town.

Responding to Chair Araskog's query as to whether bring this issue to the Town Council or back to ORS, Mr. Boodheshwar suggested that the Chair give a

verbal report regarding today's meeting and he would add some more information at that time in order to receive some feedback for the meeting next month with the landscaping companies.

Chair Araskog suggested levying severe penalties to prevent violations. She referred to Mr. Alma's report which listed 38 complaints regarding loud construction noise and 20 complaints regarding loud landscape work. This report was for the period January thru August 2021.

Mr. Alma reported that the State of Florida regulates the fines and suggested that legal advice be sought before changes are made. Mr. Alma explained the violation process in response to a question from Chair Araskog. Chair Araskog spoke regarding enforcement issues and suggested drafting a letter regarding turf and landscape hours to be provided to residents for their lawn maintenance providers. Mr. Alma stated that social media was used a lot to get information out to the public. Mr. Boodheshwar explained that there was a database of about 10K people of which a lot are contractors who want to stay connected with what is happening in Palm Beach as it could affect their operations.

Discussion ensued regarding changes to lawn maintenance and construction hours. Mr. Boodheshwar stated that the changes will require a codification process and ordinance. Chair Araskog requested a chart showing a history of the changes made to the landscape hours. Mr. Boodheshwar responded that he would prepare a matrix showing current and proposed regulations and will add pre-2018 information. This will be available for the Town Council.

3. Prioritization of Pending Study Items for Review at Future ORS Meetings:
   - Truck Study Report
   - How Deviations from Approved ARCOM and LPC Plans are Handled
   - Chapter 42 of the Town Code, Article V – Noise

   Jay Boodheshwar, Deputy Town Manager

After discussion, Mr. Boodheshwar recommended the following items for the next meeting:

- Deviations from Approved ARCOM and LPC Plans
- Vegetation Height Limits
- Lawn Maintenance
- Noise

Consensus was reached to discuss the above items at the next ORS meeting.

VI. ANY OTHER MATTERS

The next ORS meeting is scheduled for Tuesday, October 5, 2021 at 9:30 a.m.

VII. ADJOURNMENT

Motion was made by Member Cooney and seconded by Chair Araskog to adjourn the Ordinances, Rules and Standards Committee Meeting of Thursday, September 2, 2021 at 11:52 a.m.

APPROVED:

_____
Julie Araskog, Chair

ATTEST:

_____
Queenester Nieves, CMC, Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda

Committee Reports

Agenda Title

Report of the Business and Administrative Committee Meeting Held on Thursday, September 9, 2021

Lew Crampton, Chair

1. 6-month Status Report on Previously Approved Expansion of Placard Parking Program

Jay Boodheshwar, Deputy Town Manager

2. Proposed Modifications to Hours of Parking Enforcement and Maximum Hours of Paid Parking Permitted for Purchase

Jay Boodheshwar, Deputy Town Manager

Presenter

ATTACHMENTS:

- **September 9, 2021, Business and Administrative Committee Meeting Report**
- **1. Memorandum Dated September 29, 2021, from Jay Boodheshwar, Deputy Town Manager**
- **2. Memorandum Dated October 4, 2021, from Jay Boodheshwar, Deputy Town Manager**
- **2. Parking Enforcement and Time Limit Recommendations**

TOWN OF PALM BEACH

Town Manager's Office

REPORT OF THE BUSINESS AND ADMINISTRATIVE COMMITTEE MEETING HELD ON THURSDAY, SEPTEMBER 9, 2021

I. CALL TO ORDER AND ROLL CALL

The Business and Administrative Committee Meeting was called to order on Thursday, September 9, 2021 at 9:30 a.m. virtually via Zoom. On roll call, all committee members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Crampton led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

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

IV. COMMUNICATIONS FROM CITIZENS - None

V. REGULAR AGENDA

A. Old Business

1. Update on Implementation of Paid Parking on the 100 Block of Worth Avenue
   Jay Boodheshwar, Deputy Town Manager

   Mr. Boodheshwar reported that kiosks were not installed on Worth Avenue and ParkMobile is the primary mode of payment. For visitors who wish to use a kiosk they can use the ones on South Ocean Boulevard. The Public Works Dept. is currently working on getting the signs fabricated and installed which will include the new regulation. Four (4) 30 minute free parking spaces will be implemented to achieve the quick, short term parking requested for picking up merchandise, getting coffee, etc. Similar regulation changes are being completed for the neighboring 100 block streets from Brazilian to Hammon Avenues for the upcoming season.

Member Lindsay inquired if there was consistency regarding the number of paid parking spaces in the same area of each of these ocean blocks and also the number of hourly or two-hourly spaces. Mr. Boodheshwar responded that on the 100 block of Worth Avenue there were more available on-street parking locations than on some of the other blocks. The other blocks are a mixture of residential and commercial. The Worth Avenue block only consists of timed free two-hour parking, loading zones and paid parking. Brazilian, Australian, Peruvian, Chilean and Hammon Avenues also include RPP spaces. A decision was made to modify all of the free hourly spaces to paid parking on the entire 100 block, but it was decided to start at the east end for consistency. There are no kiosks on any of these blocks, ParkMobile is the primary method of payment, the kiosks on S. Ocean Blvd. may be used, if necessary. Unique zones will be set up in ParkMobile in order to get some metrics on how much the spaces are being utilized. This will allow us to run reports on the different zones.

Chair Crampton questioned how the spaces on Worth Avenue were selected. Mr. Boodheshwar stated that contact was made with the Worth Avenue Association to advise them of the Council's action and for them to be a part of the selection of the 30-minute spaces. The recommendation received was used to make the selection of the four spaces on the Avenue, which are mid-block and close to Starbucks and Saks Fifth Avenue. He also stated that at this time there were no other 30-minute spaces in the 100 block of the other ocean-view streets.

2. Discuss Results of Centralized Valet RFP
   Jay Boodheshwar, Deputy Town Manager

   Mr. Boodheshwar reported that initial interest in the RFP for Centralized Valet in the Business Districts was high as nineteen (19) companies reviewed the RFP. Seventeen (17) participated in the pre-proposal meeting with staff. However, no proposals were submitted to the Town by the deadline date. The Purchasing Dept. contacted companies that had expressed interest to find out the reason for not submitting a proposal. The two main reasons were startup costs, which could be as much as $20K for valet podiums, signage, radios, uniforms, insurance and rental spaces, which made it too risky to invest in a "for convenience" contract. Also, this was not approached as a long-term (5+ years) contract. The suggestion was also made that the Town should make the investment and use its own brand for this service. The staff recommends to hold off on this issue for now as there are other parking issues being reviewed at this time.

   Member Lindsay spoke regarding the reasons for initiating this RFP being the abuse by Worth Avenue business employees taking all the free spaces from customers. She suggested working with some of the landlords to gain access to the private lots, as was done during the Pilot Program.

Chair Crampton agreed with Member Lindsay and stated that he thought the pilot valet program worked very well. He stated that the Town should either subsidize the program or loosen the requirements for the RFP. He requested that at the next meeting, staff's recommendation for the Town should be to either subsidize or partially-subsidize the services or revise the RFP requirements to make them less stringent. Mr. Boodheshwar responded that this is a market related issue and during the research, the more dense communities (eg. Coral Gables or West Palm Beach) these types of services are more successful as the demand is high as there is no free parking and so it is a lot easier to implement. He suggested that instead of an RFP which has very limited or narrow scope we should contact the vendors and let them design a program to service the Town which will be evaluated by staff.

Member Lindsay expressed her concern regarding paid parking areas in certain sections of the street blocks and not others. She suggested contacting individual merchants and also the Worth Avenue Association to get their views regarding this issue.

Chair Crampton stated that the valet parking is a good idea, it just needs more work to be done to move it forward. He suggested that the staff contact the Worth Avenue and the South County Road Associations and also the merchants. He suggested setting aside spaces in the Apollo lot for employee parking, which could be subsidized. And now that we have opened up vacant spaces in private surface and sub-surface lots, more flexibility is provided.

Mr. Boodheshwar stated that there were three (3) different types of visitors who park on Worth Avenue: (1) short term (picking up online orders, coffee), (2) shoppers (window, walk-in, restaurant) and (3) employees. He also stated that the merchants do not want kiosks on the street and there's a strong desire for some kind of free parking which should focus on short visits. He suggested making the entire Worth Avenue free for 30 minutes, as a first step to consider before eliminating free parking.

After robust discussion, it was decided that the valet pilot program should also be revisited as another option for the upcoming winter season.

3. Further Consideration of Implementation of Placard Parking on Eastern Portion of the 400 Block of Peruvian Avenue
Jay Boodheshwar, Deputy Town Manager

Chair Crampton stated that this recommendation was approved by the Town Council after which it was stated that a previous agreement with the Town had allowed the residents of that block to control the parking.

Mr. Boodheshwar gave a summary of the major parking issues the committee is handling. He spoke regarding the expansion of the parking placard program

and its benefits – providing the ability to park for extended periods of time and the income the Town receives from the program. The placard program has minimized vehicle turnover and therefore less noise and traffic. A study was conducted during the season (February) and showed that the 400 block of Peruvian was rarely occupied by more than 50% of the on-street spaces. Due to a long waiting list for placards on the 300 block of Peruvian and the 400 block has empty spaces, the placard program was expanded. He stated that there seemed to be some confusion related to the parking regulations on this street and the streetscape improvements that took place many years ago, for which the residents are still being assessed. He stated that there are no conditions related to parking in the agreement as the Town cannot in perpetuity regulate public parking in the public right of way in association with improvements that are being privately assessed.

Chair Crampton suggested contacting the Chairs or Presidents for the buildings to get their views regarding the situation before we proceed.

B. New Business

1. Proposed Modifications to Hours of Parking Enforcement and Paid Parking Maximum Hours Permitted for Purchase
   Jay Boodheshwar, Deputy Town Manager

   Mr. Boodheshwar stated that over time the parking regulations have evolved and sometimes whenever regulations are implemented there is not a full review done of neighboring regulations and this can create some inconsistencies. He then gave an overview of the various days/hours of parking enforcement throughout the Town and the changes, if any, that would be made to certain areas. He stated that there are eight (8) streets/blocks that are being recommended for modification to the days of enforcement from Monday thru Saturday enforcement to Monday thru Sunday enforcement and there are nine (9) areas/streets for modification of the hours of enforcement to create consistency. The areas for modification were Australian (100 blk), Bradley Place (100 blk), Brazilian (100 blk), Chilean (100 blk), Cocoanut Row (300 blk), Hammon (100 blk), Hibiscus (200 and 300 blks), Peruvian (100, 200, 300 blks), Phipps Park (N & S), Royal Palm Way (100 blk), RPW Muni Lot (300 blk), S. Ocean Blvd. (200, 300, 400 blks) Sunrise (200 blk) and Worth Ave (100 blk).

   Chair Crampton inquired how the public would be informed of the changes. Mr. Boodheshwar stated that the details would have to worked out before it is presented to the Town Council. After a decision has been made, a News Release will be distributed, and a public education period will follow before citations are written.

   After discussion, it was recommended that staff prepare a memo to the Town

Council relating to the overall consistency and how enforcement will take place.

Chair Crampton passed the gavel and made the Motion.

Motion was made by Chair Crampton and seconded by Member Lindsay to direct staff to prepare a memo to the Town Council relating to consistency and enforcement and how the new regulations will be communicated to the public. On roll call, the Motion passed unanimously.

VI. ANY OTHER MATTERS - None

VII. ADJOURNMENT

The Business and Administrative Committee Meeting of Thursday, September 9, 2021 was adjourned at 10:45 a.m. without benefit of a Motion.

APPROVED:

_____
Lewis S.W. Crampton, Chair

ATTEST:

_____
Queenester Nieves, CMC, Town Clerk

_____
Date

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: 6-month Status Report on Previously Approved Expansion of Placard Parking Program

Date: September 29, 2021

STAFF RECOMMENDATION

Staff recommends the Town Council review the status report on the previously approved expansion of the placard parking program, and grant permanent approval of the net addition of the 25 placards dedicated to the program areas outlined below.

GENERAL INFORMATION

At the April 13, 2021, Town Council meeting, a number of parking-related matters were approved, including the expansion of the placard parking program. The approval included the addition of 25 net spaces (inclusive of the elimination of 40 placards on S. Lake Drive) in various locations. To ensure no unintended consequences, the additional placards in the mid-Town area were limited to 6 months and staff was directed to provide a status report to Council in October 2021, before these locations were made permanent. Below is the list of the new and expanded areas approved, as well as the participation status for each program area (as of 9-28-21).

- 200 Block of Brazilian Ave (north and south): 8 placards allocated (new area)
  - *All 8 are sold and 1 person is on the waitlist.*
- 300 Block of Cocoanut Row (east and west): 23 placards allocated (new area)
  - *All 23 are sold and 3 individuals are on the waitlist.*
- 100 Block Hammon Ave (north and south): 10 more placards allocated (expanded area)
  - *4 of 12 total are sold.*
- 300 Block of Hibiscus Ave (east and west): 10 more placards allocated (expanded area)
  - *9 of 12 are sold and 35 individuals are on the waitlist. We are actively reaching out to these individuals to sell the 3 available placards.*
- 100 Block of Main Street (south): 10 placards allocated (new area)
  - *7 of 10 total are sold.*
- 400 (north) /500 (east) Blocks of Worth Ave: 4 placards allocated (new area)
  - *All 4 are sold and 4 individuals are on the waitlist.*

The expansion of the placard program has proven to be well received. Staff has not received any concerns regarding the expansion. Although there was a net addition of 25 spaces in the program, the loss of 40 placards on S. Lake Drive has contributed to the continued high demand for placard parking in the Mid-Town area. Staff is currently discussing addition expansion opportunities to determine the feasibility of further increasing placard allocations to meet the high demand. Any recommendations that may come from our discussions will be presented to the Town Council at a future meeting.

cc: Carolyn Stone, Assistant Town Manager
Department Directors
Parking Committee

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Proposed Modifications to Hours of Parking Enforcement and Maximum Hours of Paid Parking Permitted for Purchase

Date: October 4, 2021

STAFF RECOMMENDATION

Staff recommends the Town Council approve the proposed modifications to hours of parking enforcement, as well as the maximum number of hours one can purchase in paid parking areas, as recommended by the Business and Administrative Committee (BAC).

GENERAL INFORMATION

At the September 9, 2021, BAC meeting, staff reviewed a number of recommendations related to parking enforcement and paid parking limitations. Below are the final recommendations for Council consideration.

Days/Hours of Parking Enforcement

As the attached spreadsheet outlines, the days and hours of parking enforcement currently vary throughout the town. Some streets are "enforced" 24/7, while others are limited to Monday – Saturday for partial hours each day. In an effort to provide greater consistency throughout the Town's commercial areas, staff recommended and the BAC endorsed eight (8) modifications to "days of enforcement" on various streets. Further, staff recommended and the BAC endorsed nine (9) modifications to "hours of enforcement" on various streets. Please see the yellow highlighted locations on the attached for more details. Subsequent to the September 9 BAC meeting, staff took a further look at its recommendations and is proposing some additional modifications, which are highlighted in green on the attached.

Maximum Hours Permitted in Paid parking Areas

The maximum number of hours that can be purchased in paid parking areas via kiosk or ParkMobile varies from 2 hours to 12 hours. In an effort to provide enough time while promoting turnover, staff is recommending sixteen (16) modifications to the maximum number of hours one can purchase in various paid parking locations throughout the Town. All of the proposed modifications reduce the number of hours by various amounts. Please see the yellow highlighted locations on the attached for more details. Subsequent to the September 9 BAC meeting, staff

took a further look at its recommendations and is proposing some additional modifications, which are highlighted in green on the attached.

Communication Plan to Inform Public
If Council approves of the proposed changes, staff intends on implementing a communications plan, inclusive of a news release, Town alerts, and warning notices prior to strict enforcement of the changes. This education period will take place over a 3-week period, while new signs are being fabricated and installed.

Attachment

cc: Carolyn Stone, Assistant Town Manager
Department Directors
Parking Committee

Street Name	Block	Street Side	Spaces	Current Regulation	Current Enforcement Days	Proposed Enforcement Days	Current Enforcement Hours	Proposed Enforcement Hours	Current Maximum Paid Hours	Proposed Maximum Paid Hours
Australian Ave	100	N	1	Handicap Parking (2 Hour Limit)	Everyday	No Change	24 Hours	No Change	N/A	N/A
Australian Ave	100	S	4	No Parking Police Vehicles Only	Everyday	No Change	24 Hours	No Change	N/A	N/A
Australian Ave	100	S	5	Paid Parking $5/hr	Everyday	No Change	8:00am - 8:00pm	No Change	12 Hours	4 Hours
Australian Ave	100	S	6	1 Hour Parking	Everyday	No Change	9:00am - 6:00pm	8:00am - 8:00pm	N/A	N/A
Australian Ave	200	Lot	62	Town Employees Only Lot	Everyday	No Change	24 Hours	No Change	N/A	N/A
Australian Ave	200	N/S	15	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Australian Ave	200	S	2	No Parking Commercial Loading Zone	Everyday	No Change	8:00am - 6:00pm	No Change	N/A	N/A
Bradley Pl	100	E	23	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	8:00am - 6:00pm	N/A	N/A
Bradley Pl	100	E	8	Paid Parking $3/hr	Monday - Saturday	Everday	8:00am - 6:00pm	8:00am - 6:00pm	10 Hours	4 Hours
Bradley Pl	100	W	5	2 Hour Parking	Everyday	No Change	8:30am - 5:00pm	8:00am - 6:00pm	N/A	N/A
Bradley Pl	200	E/W	29	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	8:00am - 6:00pm	N/A	N/A
Brazilian Ave	100	N/S	14	Paid Parking $5/hr	Everyday	No Change	8:00am - 8:00pm	8:00am - 8:00pm	12 Hours	4 Hours
Brazilian Ave	100	N/S	8	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	8:00am - 8:00pm	N/A	N/A
Brazilian Ave	200	N	16	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Brazilian Ave	200	S	7	1 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Chilean Ave	100	N	7	Paid Parking $5/hr	Everyday	No Change	8:00am - 8:00pm	No Change	12 Hours	4 Hours
Chilean Ave	100	N/S	9	1 Hour Parking	Everyday	No Change	9:00am - 6:00pm	8:00am - 8:00pm	N/A	N/A
Chilean Ave	100	S	5	No Parking Lifeguards Only	Everyday	No Change	24 Hours	No Change	N/A	N/A
Chilean Ave	200	N/S	18	1 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Chilean Ave	200	N	7	Town Officials Only	Monday - Friday	No Change	8:00am - 6:00pm	No Change	N/A	N/A
Cocoanut Row	300	E/W	27	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Cocoanut Row	300	E	6	No Parking Passanger Loading Only	Everyday	No Change	24 Hours	No Change	N/A	N/A
Cocoanut Row	300	W	1	2 Hour Parking	Monday - Saturday	Everyday	9:00am - 6:00pm	No Change	N/A	N/A
Cocoanut Row	300	W	2	No Parking Passanger Loading Only	Everyday	No Change	24 Hours	No Change	N/A	N/A
Cocoanut Row	400	E/W	15	1 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Cocoanut Row	400	E	3	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Cocoanut Row	400	W	1	No Parking Commercial Loading Zone	Everyday	No Change	8:00am - 6:00pm	No Change	N/A	N/A
Four Arts Plaza	200	E/W	13	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Four Arts Plaza	200	E	1	No Parking Passanger Loading Only	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Hammon Ave	100	N	9	Paid Parking $5/hr	Everyday	No Change	8:00am - 8:00pm	No Change	12 Hours	4 Hours
Hammon Ave	100	N/S	17	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	8:00am - 8:00pm	N/A	N/A
Hammon Ave	100	N	1	Valet Parking Only	Everyday	No Change	24 Hours	No Change	N/A	N/A

Street Name	Block	Street Side	Spaces	Current Regulation	Current Enforcement Days	Proposed Enforcement Days	Current Enforcement Hours	Proposed Enforcement Hours	Current Maximum Paid Hours	Proposed Maximum Paid Hours
Hibiscus Ave	200	W	4	1 Hour Parking	Monday - Saturday	Everyday	9:00am - 6:00pm	No Change	N/A	N/A
Hibiscus Ave	300	W	9	2 Hour Parking	Monday - Saturday	Everyday	9:00am - 6:00pm	No Change	N/A	N/A
Hibiscus Ave	300	W	4	1 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Hibiscus Ave	300	W	1	No Parking Passanger Loading Only	Everyday	No Change	24 Hours	No Change	N/A	N/A
Main St	100	S	15	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Main St	100	S	1	Handicap Parking (2 Hour Limit)	Everyday	No Change	24 Hours	No Change	N/A	N/A
N County Rd	100	E	25	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
N County Rd	100	E/W	12	Paid Parking $5/hr	Everyday	No Change	9:00am - 6:00pm	No Change	2 Hours	No Change
N County Rd	200	E/W	42	Paid Parking $5/hr	Everyday	No Change	9:00am - 6:00pm	No Change	2 Hours	No Change
N County Rd	300	E/W	13	Paid Parking $5/hr	Everyday	No Change	9:00am - 6:00pm	No Change	2 Hours	No Change
Park Ave	200	S	3	1 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Peruvian Ave	100	S	2	Paid Parking $5/hr	Everyday	No Change	8:00am - 8:00pm	No Change	12 Hours	4 Hours
Peruvian Ave	100	N	1	Passenger Loading	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Peruvian Ave	100	N	2	No Parking Passanger Loading Only	Everyday	No Change	11:00am - Midnight	No Change	N/A	N/A
Peruvian Ave	100	S	8	1 Hour Parking	Everyday	No Change	9:00am - 6:00pm	8:00am - 8:00pm	N/A	N/A
Peruvian Ave	100	S	5	15 Minute Parking (Post Office)	Everyday	No Change	24 Hours	No Change	N/A	N/A
Peruvian Ave	200	Lot	22	Town Employees Only	Monday - Saturday	Monday - Friday	8:00am - 5:30pm	No Change	N/A	N/A
Peruvian Ave	200	N/S	39	Paid Parking $3/hr	Monday - Saturday	Everyday	8:00am - 6:00pm	No Change	10 Hours	4 Hours
Peruvian Ave	200	S	2	No Parking Commercial Loading Zone	Monday - Saturday	No Change	8:00am - 6:00pm	No Change	N/A	N/A
Peruvian Ave	300	N/S	37	Paid Parking $3/hr	Monday - Saturday	Everyday	8:00am - 6:00pm	No Change	10 Hours	4 Hours
Peruvian Ave	300	N/S	4	No Parking Commercial Loading Zone	Monday - Saturday	No Change	8:00am - 6:00pm	No Change	N/A	N/A
Phipps Park N	2001	Lot	5	Handicap Parking (2 Hour Limit)	Everyday	No Change	24 Hours	No Change	N/A	N/A
Phipps Park N	2001	Lot	117	Paid Parking $5/hr	Everyday	No Change	24 Hours	No Change	10 Hours	6 Hours
Phipps Park S	2102	Lot	5	Handicap Parking (2 Hour Limit)	Everyday	No Change	24 Hours	No Change	N/A	N/A
Phipps Park S	2102	Lot	144	Paid Parking $5/hr	Everyday	No Change	24 Hours	No Change	10 Hours	6 Hours
Phipps Plaza		N	10	1 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Royal Palm Way	100	N/S	39	Paid Parking $3/hr	Everyday	No Change	24 Hours	No Change	10 Hours	4 Hours
Royal Poinciana	200	N/S	52	1 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Royal Poinciana	200	N/S	75	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Royal Poinciana	200	N/S	4	Handicap Parking (2 Hour Limit)	Everyday	No Change	24 Hours	No Change	N/A	N/A
Royal Poinciana	200	N	1	No Parking Commercial Loading Zone	Monday - Saturday	No Change	8:00am - 10:00am	No Change	N/A	N/A
Royal Poinciana	300	N	18	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Royal Poinciana	300	N	1	No Parking Bridge Tender Only	Everyday	No Change	24 Hours	No Change	N/A	N/A

Street Name	Block	Street Side	Spaces	Current Regulation	Current Enforcement Days	Proposed Enforcement Days	Current Enforcement Hours	Proposed Enforcement Hours	Current Maximum Paid Hours	Proposed Maximum Paid Hours
RPW Muni Lot	300	Lot	1	Handicap Parking (2 Hour Limit)	Everyday	No Change	8:00am - 6:00pm	No Change	N/A	N/A
RPW Muni Lot	300	Lot	31	Paid Parking $3/hr	Monday - Saturday	Everyday	8:00am - 6:00pm	No Change	10 Hours	4 Hours
S County Rd	200	E/W	37	1 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
S County Rd	200	E/W	22	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
S County Rd	300	E	17	1 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
S County Rd	300	E	5	30 Minute Parking (Police Dept Business)	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
S County Rd	300	E	1	No Parking Commercial Loading Zone	Everyday	No Change	8:00am - 6:00pm	No Change	N/A	N/A
S County Rd	300	E	1	Police Motorcycle Only	Everyday	No Change	24 Hours	No Change	N/A	N/A
S County Rd	300	E	3	Town Officials Only	Everyday	No Change	24 Hours	No Change	N/A	N/A
S County Rd	300	E	3	Town Officials Only	Monday - Friday	No Change	8:00am - 6:00pm	No Change	N/A	N/A
S County Rd	300	E/W	17	1 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
S County Rd	300	W	5	30 Minute Parking (Town Hall Business)	Everyday	No Change	24 Hours	No Change	N/A	N/A
S County Rd	300	W	1	Handicap Parking (2 Hour Limit)	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
S County Rd	400	E	2	Bus Stop	Everyday	No Change	24 Hours	No Change	N/A	N/A
S Ocean Blvd	200	E	9	Paid Parking $5/hr	Everyday	No Change	8:00am - 8:00pm	No Change	10 Hours	4 Hours
S Ocean Blvd	300	E/W	52	Paid Parking $5/hr	Everyday	No Change	8:00am - 8:00pm	No Change	10 Hours	4 Hours
S Ocean Blvd	400	E/W	84	Paid Parking $5/hr	Everyday	No Change	8:00am - 8:00pm	No Change	10 Hours	4 Hours
Sunrise Ave	100	N/S	53	Paid Parking $5/hr	Everyday	No Change	6:00am - 10:00pm	No Change	2 Hours	No Change
Sunrise Ave	100	S	2	No Parking Commercial Loading Zone	Everyday	No Change	8:00am - 6:00pm	No Change	N/A	N/A
Sunrise Ave	200	N/S	54	1 Hour Parking	Everyday	No Change	9:00am - 6:00pm	8:00am - 6:00pm	N/A	N/A
Sunrise Ave	200	N	1	Handicap Parking (2 Hour Limit)	Everyday	No Change	24 Hours	No Change	N/A	N/A
Sunrise Ave	200	N	3	No Parking Commercial Loading Zone	Monday - Saturday	No Change	8am-6pm (1), 9am-6pm (2)	8:00am - 6:00pm (3)	N/A	N/A
Sunrise Ave	200	N	1	No Parking Passanger Loading Only	Everyday	No Change	24 Hours	No Change	N/A	N/A
Sunrise Ave	200	S	1	Motorcycle Parking	Everyday	No Change	24 Hours	No Change	N/A	N/A
Sunset Ave	200	N/S	38	1 Hour Parking	Everyday	No Change	9:00am - 6:00pm	8:00am - 6:00pm	N/A	N/A
Sunset Ave	200	N	1	No Parking Passanger Loading Only	Everyday	No Change	5:00pm - Midnight	No Change	N/A	N/A
Sunset Ave	200	N	1	No Parking Commercial Loading Zone	Everyday	No Change	8:00am - 5:00pm	No Change	N/A	N/A
Sunset Ave	200	S	2	No Parking Commercial Loading Zone	Everyday	No Change	8:00am - 6:00pm	No Change	N/A	N/A
Sunset Ave	300	N/S	21	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Whitehall Way	90	N/S	31	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A

Street Name	Block	Street Side	Spaces	Current Regulation	Current Enforcement Days	Proposed Enforcement Days	Current Enforcement Hours	Proposed Enforcement Hours	Current Maximum Paid Hours	Proposed Maximum Paid Hours
Worth Ave	100	N/S	16	Paid Parking $5/hr	Everyday	No Change	8:00am - 8:00pm	No Change	12 Hours	4 hours
Worth Ave	100	N/S	29	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Worth Ave	100	N	2	No Parking Commercial Loading Zone	Monday - Saturday	No Change	8:00am - 6:00pm	No Change	N/A	N/A
Worth Ave	100	S	1	No Parking Commercial Loading Zone	Everyday	No Change	8:00am - 6:00pm	No Change	N/A	N/A
Worth Ave	200	N/S	45	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Worth Ave	200	N	1	No Parking Commercial Loading Zone	Monday - Saturday	No Change	8:00am - 6:00pm	No Change	N/A	N/A
Worth Ave	200	S	2	No Parking Commercial Loading Zone	Everyday	No Change	8:00am - 6:00pm	No Change	N/A	N/A
Worth Ave	300	N/S	42	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Worth Ave	300	S	1	No Parking Commercial Loading Zone	Everyday	No Change	8:00am - 6:00pm	No Change	N/A	N/A
Worth Ave	400	N	8	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A
Worth Ave	500	E	3	2 Hour Parking	Everyday	No Change	9:00am - 6:00pm	No Change	N/A	N/A

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

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. RESOLUTION NO. 130-2021 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, Amending Chapter 2, Section 2.21, Restoration of Right-of-Way.

Presenter

ATTACHMENTS:

- **a. Review of Project and Dashboard, Summary of Project Status**
- **b. Memorandum dated September 27, 2021, from H. Paul Brazil, P.E., Director of Public Works**
- **b. Resolution No. 130-2021**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2021

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 27, 2021

I. COMMUNICATIONS:

A. Community Meetings:

Coffee with the Crew meetings are suspended again until further notice. When the meetings are rescheduled, the meetings for Phases 4 and 5 North will take place at Palmo Park on the first Monday of the month. The meetings for Phases 2, 3, 4, and 5 South will take place at Town Hall Square on the second Monday of the month.

B. Significant Postal Mail or E-mail

Staff continues to have easement meetings with property owners primarily focused on Phase 6 North and South.

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.

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 72% complete.

Phase 3 North Construction:
From Osceola Way to the north-side of La Puerta Way

- Complete 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 26% complete.

Phase 4 North:
From south-side of La Puerta Way to north-side of List Road

- Construction for Phase 4 North is 53% complete.

Phase 4 South:
From Peruvian Ave. north to Royal Palm Way & the Town Docks

- Design is 99% complete.
- 61 of 62 easements are recorded or verbally approved.
- Contracted awarded August 10.
- Construction is initiated.

Phase 5 North:
From Country Club Road to Southland Road

- Design is 97% complete.
- 78 of 85 (92%) easements are recorded or verbally approved.
- Notice to Proceed was issued September 27, 2021.
- Construction is initiated.

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 97% complete.
- 75 of 80 (94%) easements are recorded or verbally approved.
- Notice to Proceed was issued September 27, 2021.
- Construction is initiated.

Phase 6 North:
From Chateaux Drive & Kawama Lane to the south-side of Plantation Road

- Design is 48% complete and on schedule.
- 25 of 59 (42%) easements approved.

Phase 6 South:
Seaspray Ave. to the south of Royal Poinciana Way

- Design is 40% complete and on schedule.
- 19 of 100 (159%) easements approved.

Phase 7 North:
Palm Beach Country Club north to the south side of List Road

- Design is 22% complete and on schedule.
- Easement acquisition has not started.

Phase 7 South:
Atlantic Ave. north to Via Los Incas & Sanford Ave.

- Design is 22% complete and on schedule.
- Easement acquisition has not started.

Phase 8:
Royal Poinciana Way north to Everglade Ave.

- Design is 16% complete and on schedule.
- Easement acquisition has not started.

III. FINANCIAL SUMMARY:

A. FEMA Grant Update:

- FEMA/FDEM approved contracts for CR Dunn and Wilco for construction.
- Requested an update on the status of the requested (and approved) grant modification but still have not received a response from FEMA/FDEM.

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.

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

Underground Utility Project Budget
Project Financial Summary
September 30, 2021

Expenditures	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 1	$ 12,620,000	$ 12,910,000	$ 12,824,617	$ 12,890,445	100.5%
Phase 2	$ 9,170,000	$ 13,470,000	$ 12,907,271	$ 9,879,484	76.5%
Phase 3	$ 10,910,000	$ 15,400,000	$ 16,016,430	$ 7,190,465	44.9%
Phase 4	$ 10,370,000	$ 15,220,000	$ 16,023,476	$ 3,243,919	20.2%
Phase 5 (Includes $8.5 Million FEMA Grant Offset**)**	$ 14,090,000	$ 11,694,645	$ 17,496,311	$ 1,634,205	9.3%
Phase 6	$ 16,820,000	$ 20,800,000	$ 1,905,794	$ 859,799	45.1%
Phase 7	$ 11,730,000	$ 15,910,000	$ 1,619,090	$ 368,209	22.7%
Phase 8	$ 12,300,000	$ 14,500,000	$ 1,378,643	$ 282,078	20.5%
Total Project Costs To Date	$ 98,010,000	$ 119,904,645	$ 80,171,633	$ 36,348,604	45.3%
Other Costs Associated Directly with the Project (Page 8)	$ 570,000	$ 1,005,390	$ 1,005,390	$ 957,174	95.2%
Grand Total of Costs Related to Project	$ 98,580,000	$ 120,910,035	$ 81,177,023	$ 37,305,778	46.0%
Debt Service and Related Debt Issuance Costs (Page 8)			$ 10,187,640	$ 10,498,923	103.1%
Total Other Costs Outside Underground Budget (Page 8)			$ 1,343,876	$ 2,283,573	169.9%
Grand Total of All Costs Related to the Project	$ 98,580,000	$ 120,910,035	$ 82,520,899	$ 39,589,351	48.0%

Total Project Budget - Opinion of cost for construction		$ 120,910,035
% Budgeted/Encumbered To Date Project Costs		67.14%
% Spent to Date - Project Costs		30.85%

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments	$ -	$ 18,330,518	0.0%
Assessment Revenue	$ 17,580,000	$ 17,438,909	99.2%
Commercial Paper	$ -	$ -	0.0%
Town Owned Property Prepaid Assessments	$ 2,797,291	$ 2,797,291	100.0%
Interest on Assessment Escrow	$ -	$ 396,389	0.0%
Interest	$ 1,312,000	$ 2,390,213	182.2%
GO Bond Proceeds 2018	$ 60,500,000	$ 60,499,897	100.0%
GO Bond Proceeds 2021	$ 9,198,896	$ 9,198,896	100.0%
1 Cent Sales Tax	$ 5,000,000	$ 2,500,000	50.0%
FPL		$ 450,246	0.0%
FEMA Grant	$ 8,500,000	$ -	0.0%
Other			
Kevin McGann - CO #9	$ -	$ 34,900	0.0%
Donations - Civic Association	$ 49,250	$ 49,250	100.0%
Transfer from (307) Fund CIP	$ 760,200	$ 760,200	100.0%
Transfer from (001) General Fund - PM Salary	$ 574,450	$ 574,450	100.0%
Total Project Revenues	$ 106,272,087	$ 115,421,160	108.6%

Underground Utility Project Budget
Phase 1 Project Costs
September 30, 2021

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Project Engineering					
Task 2.1 - Detailed Design North End	590,000		**472,063**	472,063	100.0%
Task 2.2 - Detailed Design South End	740,000		**619,411**	619,411	100.0%
Task 2.3 - Permitting Assistance			**17,790**	17,790	100.0%
Task 2.4 - Bid Phase Assistance			**42,166**	42,166	100.0%
Task 2.5 - Meetings - Design Phase			**125,399**	125,383	100.0%
Subtotal Design Phase	***$ 1,330,000***	***$ 1,280,000***	***$ 1,276,829***	***$ 1,276,813***	**100.0%**
Construction Costs					
Phase 1 North Construction					
Preconstruction			**$ 19,720**	19,720	**100.0%**
Burkhardt Construction			**$ 3,598,144**	3,598,144	**100.0%**
Street Light Conversion			**$ 26,273**	117,749	**448.2%**
Change Order for AT&T and Comcast Conduit			**$ 371,201**	371,201	**100.0%**
Other Change orders			**$ 130,415**	130,415	**100.0%**
Utlity Design Costs			**$ 15,595**	15,595	**100.0%**
Utility Construction Costs (FPL, Comcast, AT&T)			**$ 476,776**	483,548	**101.4%**
Construction Engineering (KH)			**$ 230,532**	205,818	**89.3%**
	$ 4,210,000	**$ 4,930,000**	**$ 4,868,657**	**$ 4,942,190**	**101.5%**
Phase 1 South Construction					
Preconstruction			**$ 22,200**	22,200	**100.0%**
Whiting Turner Construction			**$ 4,450,977**	4,450,977	**100.0%**
Change Order for AT&T and Comcast Conduit			**$ 125,147**	125,147	**100.0%**
Other Approved Change Orders			**$ 12,749**	12,749	**100.0%**
Utlity Design Costs			**$ 33,013**	33,013	**100.0%**
Utility Construction Costs (FPL, Comcast, AT&T)			**$ 1,374,193**	1,362,028	**99.1%**
Construction Engineering (KH)			**$ 316,498**	316,396	**100.0%**
	$ 6,800,000	**$ 6,350,000**	**$ 6,334,777**	**$ 6,322,510**	**99.8%**
Easement Recording Fees			**$ 740**	$ 740	**100.0%**
Legal Costs/Easement Acquisition - Jones Foster	**$ 280,000**	**$ 350,000**	**$ 301,359**	**$ 306,723**	**101.8%**
Legal Sketch and Description - Easements			**34,000**	33,215	**97.7%**
Easement Abandonment			**$ 8,256**	8,256	**100.0%**
Total Phase 1 Costs	**$ 12,620,000**	**$ 12,910,000**	**$ 12,824,617**	**$ 12,890,445**	**100.5%**

Underground Utility Project Budget
Phase 2 Project Costs
September 30, 2021

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 2 Design					
Kimley Horn					
Task 1.1 Phase 2 North Design	335,000		**$ 281,304**	$ 281,304	100.0%
Task 1.2 Phase 2 South Design	400,000		**$ 335,353**	$ 335,353	100.0%
Task 1.3 Permitting Assistance North and South			**$ 12,674**	$ 12,674	100.0%
Task 1.4 Bid Phase Assistance North and South			**$ 40,565**	$ 40,565	100.0%
Task 1.6 Meetings North and South			**$ 136,617**	$ 129,348	94.7%
Total Phase 2 Design	**$ 735,000**	**$ 807,000**	**$ 806,513**	**$ 799,244**	**99.1%**
Construction Costs					
Phase 2 North Construction					
Preconstruction			**$ 35,000**	31,970	91.3%
Burkhardt Construction			**$ 4,015,865**	4,013,700	99.9%
Approved Change Orders			**$ -**	-	
FPL Design Cost			**$ 11,759**	1,350	11.5%
ATT Design Cost			**$ 5,000**	$ 5,000	100.0%
Comcast Design Cost				$ 4,582	
Utility Costs (FPL, Comcast, AT&T)			**$ 496,307**	$ 496,307	100.0%
FPL - Additional Vista Switches				$ 54,938	
Street Light Conversion			**$ 19,186**	$ 19,186	100.0%
Construction Engineering (KH)			**$ 248,121**	$ 246,227	99.2%
Total Phase 2 North Construction	**3,800,000**	**5,020,000**	**$ 4,831,238**	**$ 4,873,260**	**100.9%**
Phase 2 South Construction	**-**				
Preconstruction			**$ 35,000**	33,400	95.4%
Burkhardt Construction			**$ 6,494,596**	3,540,974	54.5%
Approved Change Orders			**$ -**		
FPL Design Cost			**$ 13,330**	14,200	106.5%
ATT Design Cost			**$ 5,000**	$ 5,000	100.0%
Comcast Design Cost			**$ 5,000**	$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			**$ 200,000**	$ 123,948	62.0%
Street Light Conversion			**$ 20,000**	$ 19,268	96.3%
Construction Engineering (KH)	-		**$ 282,973**	$ 251,815	89.0%
Total Phase 2 South Construction	**4,435,000**	**7,424,000**	**$ 7,055,899**	**$ 3,993,186**	**56.6%**
Easement Acquisition/Abandonment	**200,000**	**219,000**			
Kimley Horn Easement Assistance					
Task 1.5 Easement Assistance North			**$ 64,936**	$ 64,935	100.0%
Task 1.5 Easement Assistance South			**$ 77,466**	$ 77,467	100.0%
Surveys					
Task 1.7 Legal Sketch North			**$ 14,020**	$ 14,020	100.0%
Task 1.7 Legal Sketch South			**$ 21,725**	$ 19,939	91.8%
Advertising				$ 1,101	
Jones Foster - Legal			**$ 25,000**	$ 23,933	95.7%
Postage			**$ -**	$ 544	
Recording Costs			**$ 3,605**	$ 3,359	93.2%
Easement Abandonment			**$ 6,870**	$ 8,496	123.7%
Total Easement Acquisition Costs	**200,000**	**219,000**	**$ 213,622**	**$ 213,794**	**100.1%**
Total Phase 2 Costs	**$ 9,170,000**	**$ 13,470,000**	**$ 12,907,271**	**$ 9,879,484**	**76.5%**

Underground Utility Project Budget
Phase 3 Project Costs
September 30, 2021

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 3 Design					
Kimley Horn					
Task 1.1 Phase 3 North Design	$ 325,000		$ 280,189	$ 280,189	100.0%
Task 1.2 Phase 3 South Design	$ 535,000		$ 486,333	$ 486,323	100.0%
Task 1.3 Permitting Assistance			$ 13,739	$ 13,739	100.0%
Task 1.4 Bid Phase Assistance			$ 36,834	$ 36,834	100.0%
Task 1.5 Meetings			$ 77,411	$ 76,626	99.0%
Total Phase 3 Design	**$ 860,000**	**$ 895,000**	**$ 894,505**	**$ 893,710**	**99.9%**
Construction Costs					
Phase 3 North Construction	**$ 3,700,000**	**$ 5,300,000**			
Preconstruction			**$ 24,580**	$ 24,580	100.0%
Construction - Burkhardt			**$ 4,042,171**	$ 3,665,850	90.7%
Approved Change Orders					
FPL Design Cost			**$ 12,850**	$ 1,350	10.5%
ATT Design Cost			**$ 5,000**	$ 5,000	100.0%
Comcast Design Cost			**$ 3,128**	$ 3,128	100.0%
FPL Construction			**$ 87,101**	$ 87,101	100.0%
Street Light Conversion			**$ 4,249**	$ 4,249	100.0%
Utility Costs (Comcast & ATT)			**$ 409,387**	$ 409,387	100.0%
Construction Engineering (KH)			**$ 236,976**	$ 222,545	93.9%
Daniella Construction - Nightingale/LaPuerta - Townwide portion			**$ 243,470**	$ 243,470	100.0%
FPL Nightingale/LaPuerta - Townwide Portion			**$ 74,900**	$ 74,900	100.0%
Comcast Nightingale/LaPuerta - Townwide Portion			**$ 8,885**	$ 8,885	100.0%
AT&T Nightingale/LaPuerta Townwide Portion			**$ 30,555**	$ 30,555	100.0%
Total Phase 3 North Construction	**$ 3,700,000**	**$ 5,300,000**	**$ 5,183,252**	**$ 4,780,999**	**92.2%**
Phase 3 South Construction	**$ 6,090,000**	**$ 8,875,000**			
Preconstruction					
Construction			**$ 8,029,385**	507,250	6.3%
Approved Change Orders					
FPL Construction			**$ 562,000**	562,905	100.2%
FPL Design Cost			**$ 11,359**	6,950	61.2%
FPL - 101 El Brillo				10,875	
ATT Design and Construction Cost			**$ 425,000**	5,000	1.2%
Comcast Design and Construction Cost			**$ 195,128**	3,128	1.6%
Construction Engineering (KH)			**$ 322,540**	71,125	22.1%
Total Phase 3 South Construction	**$ 6,090,000**	**$ 8,875,000**	**$ 9,545,412**	**$ 1,167,232**	**12.2%**
Easement Acquisition/Abandonment	**$ 260,000**	**$ 330,000**			
Kimley Horn Easement Assistance					
Task 1 Easement Assistance North and South			**$ 273,390**	$ 271,663	99.4%
Legal Advertising				$ 1,076	
Easement Amendment			**$ 49,285**	$ 49,198	99.8%
Surveys					
Task Legal Sketch South			**$ 37,436**		0.0%
Jones Foster - Legal			**$ 25,000**	$ 21,018	84.1%
Recording Costs				$ 5,568	
Easement Abandonment			**$ 8,150**	$ 1,244	
Total Easement Acquisition Costs	**$ 260,000**	**$ 330,000**	**$ 393,261**	**$ 348,524**	**88.6%**
Total Phase 3 Costs	**$10,910,000**	**$15,400,000**	**$ 16,016,430**	**$7,190,465**	**44.9%**

Underground Utility Project Budget
Phase 4 Project Costs
September 30, 2021

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 4 Design					
Kimley Horn					
Task 1.1 Phase 4 North Design	$ 402,000		$ 312,317	312,317	100.0%
Task 1.2 Phase 4 South Design	$ 413,000		$ 451,284	451,284	100.0%
Task 1.3 Permitting Assistance			$ 14,468	14,468	100.0%
Task 1.4 Bid Phase Assistance			$ 37,899	37,899	100.0%
Task 1.6 Meetings			$ 77,911	77,383	99.3%
Total Phase 4 Design	**$ 815,000**	**$ 894,000**	**$ 893,879**	**893,351**	**99.9%**
Construction Costs					
Phase 4 North Construction	**4,605,000**	**6,275,000**			
Preconstruction			**$ 22,270**	22,270	100.0%
Construction			**$ 5,043,010**	1,702,442	33.8%
Approved Change Orders					
FPL BCE			**$ 91,543**	91,543	100.0%
FPL Design Cost			**$ 12,757**		
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)			**$ 324,309**	53,371	16.5%
Total Phase 4 North Construction	**$ 4,605,000**	**$ 6,275,000**	**$ 5,493,889**	**1,877,753**	**34.2%**
Phase 4 South Construction	**4,710,000**	**7,640,000**			
Preconstruction			**$ 34,800**	34,800	100.0%
Construction			**$ 8,803,506**		
Approved Change Orders					
FPL Design Cost			**$ 13,160**	**1,350**	**10.3%**
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)			**$ 333,659**	2,890	**0.9%**
Total Phase 4 South Construction	**$ 4,710,000**	**$ 7,640,000**	**$ 9,185,125**	**47,167**	**0.5%**
Easement Acquisition/Abandonment	**$ 240,000**	**$ 411,000**			
Kimley Horn Easement Assistance					
Easement Assistance (KH)			**$ 280,270**	280,254	100.0%
Easement Assistance (KH) -- Switches			**$ 67,747**	67,231	99.2%
Easement Assistance (KH)			**$ 59,369**	34,261	57.7%
Surveys					
Legal Sketch			**$ 38,230**	38,092	99.6%
Legal Sketch - Switches			**$ 4,967**		
Jones Foster - Legal					
Recording Costs				5,810	
Easement Abandonment					
Total Easement Acquisition Costs	**$ 240,000**	**$ 411,000**	**$ 450,583**	**425,647**	**94.5%**
Total Phase 4 Costs	**$ 10,370,000**	**$ 15,220,000**	**$16,023,476**	**3,243,919**	**20.2%**

Underground Utility Project Budget
Phase 5 Project Costs
September 30, 2021

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	$ 520,000		$ 454,210	$ 431,500	95.0%
Task 1.2 Phase 5 South Design	$ 600,000		$ 606,951	$ 576,603	95.0%
Task 1.3 Permitting Assistance North/South			$ 17,100	$ 17,100	100.0%
Task 1.4 Bid Phase Assistance North/South			$ 37,899	$ 37,899	100.0%
Task 1.6 Meetings North/South			$ 77,911	$ 77,905	100.0%
Total Phase 5 Design	**$ 1,120,000**	**$ 1,195,000**	**$ 1,194,071**	**$ 1,141,006**	**95.6%**
Construction Costs					
Phase 5 North Construction	**$ 5,890,000**	**$ 8,055,000**			
Preconstruction			**$ 59,100**	59,100	100.0%
Construction			**$ 6,416,942**		
Construction Manager			**$ 940,702**		
Utility Costs (FPL, Comcast, AT&T)					
AT&T Design			**$ 5,000**	5,000	100.0%
FPL Design Costs			**$ 16,223**	17,573	108.3%
Construction Engineering (KH)			**$ 334,157**		
Total Phase 5 North Construction	**$ 5,890,000**	**$ 8,055,000**	**$ 7,772,124**	**$ 81,673**	**1.1%**
Phase 5 South Construction	**$ 6,750,000**	**$ 10,545,000**			
Preconstruction			**$ 59,100**	59,100	100.0%
Construction			**$ 6,629,361**		
Infrastructure from Phase 4 south bid			**$ 163,350**		
Construction Manager			**$ 979,098**		
Utility Costs (FPL, Comcast, AT&T)					
AT&T Design			**$ 5,000**	5,000	100.0%
FPL Design Costs			**$ 19,283**	20,633	107.0%
Construction Engineering (KH)			**$ 334,159**		
Total Phase 5 South Construction	**$ 6,750,000**	**$ 10,545,000**	**$ 8,189,351**	**$ 84,733**	**1.0%**
Easement Acquisition/Abandonment	**$ 330,000**	**$ 365,000**			
Kimley Horn Easement Assistance					
Easement Assistance			**$ 218,600**	$ 218,536	100.0%
Easement Assistance			**$ 81,086**	$ 71,871	88.6%
Surveys					
Legal Sketch			**$ 41,080**	$ 31,775	77.3%
Jones Foster - Legal					
Recording Costs				$ 4,610	
Easement Abandonment				$ 1,804	
Total Easement Acquisition Costs	**$ 330,000**	**$ 365,000**	**$ 340,766**	**$ 326,792**	**95.9%**
FEMA Grant		**$ (8,465,355)**			
Total Phase 5 Costs	**$14,090,000**	**$11,694,645**	**$ 17,496,311**	**$1,634,205**	**9.3%**

Underground Utility Project Budget
Phase 6 Project Costs
September 30, 2021

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 6 Design					
Kimley Horn					
Task 1.1 Phase 6 North Design	**$ 420,000**		**$ 475,019**	$ 242,260	51.0%
Task 1.2 Phase 6 South Design	**$ 940,000**		**$ 826,551**	$ 305,824	37.0%
Task 1.3 Permitting Assistance North/South			**$ 17,694**		0.0%
Task 1.4 Bid Phase Assistance North/South			**$ 35,938**		0.0%
Task 1.6 Meetings North			**$ 84,791**	$ 64,492	76.1%
Total Phase 6 Design	**$ 1,360,000**	**$ 1,440,000**	**$ 1,439,993**	**$ 612,576**	**42.5%**
Utility and Construction Costs					
Phase 6 North Construction	**$ 4,790,000**	**$ 6,615,000**			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			**$ 15,868**	15,868	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 6 North Construction	**$ 4,790,000**	**$ 6,615,000**	**$ 15,868**	**$ 15,868**	**100.0%**
Phase 6 South Construction	**$ 10,270,000**	**$ 12,298,000**			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			**$ 29,924**	29,924	100.0%
ATT Design Cost			**$ 10,000**	10,000	100.0%
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 6 South Construction	**$ 10,270,000**	**$ 12,298,000**	**$ 39,924**	**$ 39,924**	**100.0%**
Easement Acquisition/Abandonment	**$ 400,000**	**$ 447,000**			
Kimley Horn Easement Assistance					
Easement Assistance			**$ 351,594**	$ 183,988	52.3%
Surveys					
Legal Sketch			**$ 58,415**	$ 6,433	11.0%
Jones Foster - Legal					
Recording Costs				$ 1,010	
Easement Abandonment				$ -	
Total Easement Acquisition Costs	**$ 400,000**	**$ 447,000**	**$ 410,009**	**$ 191,431**	**46.7%**
Total Phase 6 Costs	**$ 16,820,000**	**$20,800,000**	**$ 1,905,794**	**$ 859,799**	**45.1%**

Underground Utility Project Budget
Phase 7 Project Costs
September 30, 2021

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 7 Design					
Kimley Horn					
Task 1.1 Phase 7 North Design	$ 450,000		$ 492,488	$ 177,296	36.0%
Task 1.2 Phase 7 South Design	$ 480,000		$ 630,830	$ 145,091	23.0%
Task 1.3 Bid Phase Assistance North and South			$ 35,938		0.0%
Task 1.4 Meetings North and South			$ 77,616	$ 693	0.9%
Total Phase 7 Design	**$ 930,000**	**$ 1,237,000**	**$ 1,236,872**	**$ 323,079**	**26.1%**
Utility and Construction Costs					
Phase 7 North Construction	**$ 5,140,000**	**$ 7,005,000**			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			**$ 15,806**	**15,806**	
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 7 North Construction	**$ 5,140,000**	**$ 7,005,000**	**$ 15,806**	**$ 15,806**	0.0%
Phase 7 South Construction	**$ 5,380,000**	**$ 7,320,000**			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			**$ 19,953**	**19,953**	
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 7 South Construction	**$ 5,380,000**	**$ 7,320,000**	**$ 19,953**	**$ 19,953**	**0.0%**
Easement Acquisition/Abandonment	**$ 280,000**	**$ 348,000**			
Kimley Horn Easement Assistance					
Easement Assistance			**$ 346,459**	$ 9,008	2.6%
Surveys					
Legal Sketch					
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs				$ 362	
Total Easement Acquisition Costs	**$ 280,000**	**$ 348,000**	**$ 346,459**	**$ 9,370**	**2.7%**
Total Phase 7 Costs	**$ 11,730,000**	**$ 15,910,000**	**$ 1,619,090**	**$ 368,209**	**22.7%**

Underground Utility Project Budget
Phase 8 Project Costs
September 30, 2021

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 8 Design					
Kimley Horn					
Task 1.1 Phase 8 Design	$ 1,010,000	$ 1,151,000	$ 1,029,017	$ 164,643	16.0%
Task 1.2 Permitting Assistance			$ 17,694		0.0%
Task 1.3 Bid Phase Assistance			$ 14,430		0.0%
Task 1.4 Meetings			$ 89,778	$ 346	0.4%
Total Phase 8 Design	**$ 1,010,000**	**$ 1,151,000**	**$ 1,150,919**	**$ 164,989**	**14.3%**
Utility and Construction Costs					
Phase 8 Construction	**$ 10,990,000**	**$ 13,107,000**			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost					
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 8 North Construction	**$ 10,990,000**	**$ 13,107,000**	**$ -**	**$ -**	0.0%
Easement Acquisition/Abandonmer	**$ 300,000**	**$ 242,000**			
Kimley Horn Easement Assistance					
Easement Assistance			**$ 227,724**	$ 117,036	51.4%
Surveys					
Legal Sketch					
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs				$ 53	
Total Easement Acquisition Costs	**$ 300,000**	**$ 242,000**	**$ 227,724**	**$ 117,089**	**51.4%**
Total Phase 8 Costs	**$ 12,300,000**	**$ 14,500,000**	**$ 1,378,643**	**$ 282,078**	**20.5%**

Underground Utility Project Budget
Other Project Costs
September 30, 2021

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	$ 88,021	$ 88,021	100.0%
Tash 1.1a Data Collection for Future Communications	$ 23,511	$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	$ 161,756	$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	$ 31,244	$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	$ 77,660	$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	$ 17,448	$ 17,448	100.0%
Task 1.6 - Master Plan Document	$ 45,053	$ 45,053	100.0%
Task 1.7 - Meetings Master Planning Phase	$ 113,135	$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	$ 40,067	$ 40,067	100.0%
Subtotal Master Planning	***$ 597,895***	**$ 597,883**	100.0%
Comcast Preplanning - Master Plan		$ 12,015	
General Easement Assistance	**$ 24,976**	$ 24,976	
Community Outreach	**$ 282,519**	$ 222,300	78.7%
Peer Review Study - Patterson & Dewar ($50,000 Offsetting Revenue)	**$ 100,000**	$ 100,000	100.0%
Total Other Project Costs	**$ 1,005,390**	**$ 957,174**	**95.2%**

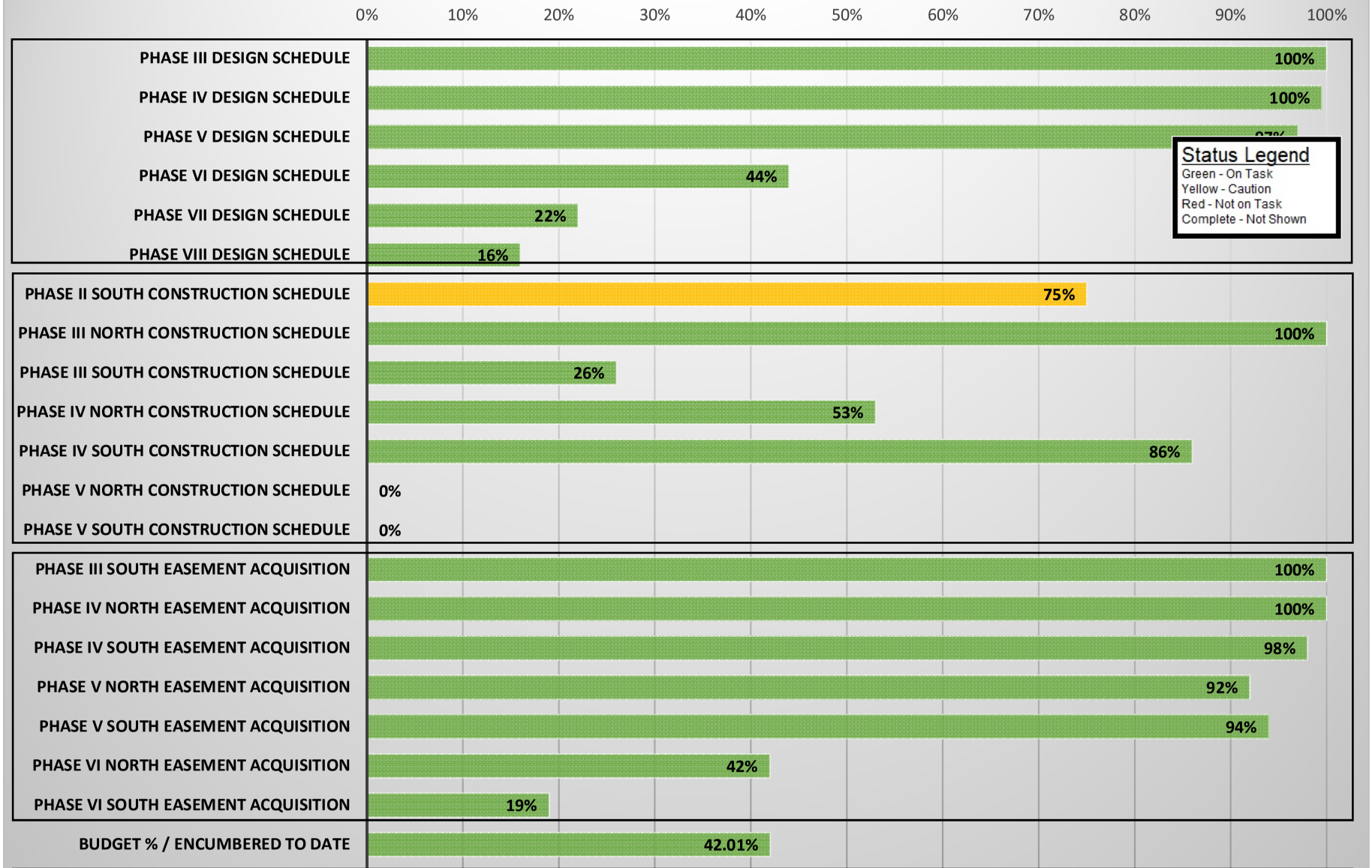
Debt Service and Related Debt Issuance Costs

	Budget	Actual	% Expended
Commercial Paper Issuance Cost		$ 195,366	
Commercial Paper Fees		$ 52,252	
Commercial Paper Interest		$ 243,096	
GO Bond Closing Costs 2018	**$ 488,271**	$ 488,271	
GO Bond Closing Costs 2021	**$ 202,169**	$ 202,380	100.1%
GO Bond Debt Service	**$ 9,497,200**	$ 9,317,559	98.1%
Total Debt Service and Related Debt Issuance Costs	**$ 10,187,640**	**$ 10,498,923**	**103.1%**

Related Costs Outside of the Underground Project Budget

	Budget	Actual	% Expended
Costs paid from (307) Fund CIP			
Underground City of Lake Worth Section			
Project Design	**$ 25,231**	$ 24,430	96.8%
Project Construction	**$ 351,081**	$ 346,124	98.6%
Project Construction Engineering	**$ 11,607**	$ 12,849	110.7%
Utility Cost (FPL, Comcast, AT&T)	**$ 134,333**	$ 127,531	94.9%
Project Meeting Attendance	**$ 3,334**	$ 2,914	87.4%
Total Lake Worth Section	**$ 525,586**	$ 513,847	97.8%
Ibis Way PGD Improvements	**$ 14,583**	$ 14,583	100.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		$ 183,701	
Kosberg v TPB Legal and Other Costs		$ 607,002	
PBT Real Estate v TPB		$ 188,464	
Gardner, Bist Bowden, Bush (Shef Wright)		$ 24,799	
Temp Services - Easement acquisition	**$ 80,000**	$ 115,639	144.5%
Project Manager -Pay and benefits	**$ 599,707**	$ 528,593	88.1%
Telecommunications Consultant	**$ 89,000**	$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	**$ 35,000**	$ 23,735	67.8%
Total Related Costs Outside of the Budget	**$ 1,343,876**	**$ 2,283,573**	**169.9%**

Town of Palm Beach - Underground Utility Project Dashboard - September 2021



THE GOOD, THE BAD AND THE UGLY

The pace for easement acquisition has increased significantly.

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Consideration of Procedures for Roadway Paving by Property Owners during Phase 7 of the Town-Wide Underground Utilities Project
Resolution 130-2021

DATE: September 27, 2021

STAFF RECOMMENDATION

Town staff recommends Town Council approve Resolution No. 130-2021 to modify the roadway restoration requirements by property owners for Phase 7 during the Town-wide Undergrounding Utilities Project and amending the Department of Public Works Engineering Division Standards Applicable to the Public Right-of-Way and Easements within the Town of Palm Beach (Right-of-Way Manual) as revised through October 12, 2018 via Resolution 101-2021.

GENERAL INFORMATION

The Town Right-of-Way Manual requires restoration of an excavated roadway to include milling and resurfacing to a 100-foot minimum. Resolution No. 144-2016 modified the manual to address the circumstance such that if a major Town project is scheduled for the near future and the previously required road restoration would be disturbed within two (2) years after the completed restoration, the property owner could provide a bond to pay for the work in place of performing the work. The Town presently requires a bond in the amount of the cost of milling and resurfacing plus 35% to be provided to the Town in these circumstances. This is consistent with the requirement in this circumstance where the milling and resurfacing to be performed by the property owner is delayed due to season or other permitting restrictions.

The present schedule for initiating Phase 7 North undergrounding construction is May 1, 2023. Therefore, roads located in Phase 7 North, from Kawama Lane south to Atlantic Avenue, will start to see impacts as soon as June, 2023. Florida Public Utilities (FPU) has completed the work to replace bare steel conduits in rear easements with polyethylene pipe primarily in the road right-of-way. This work included installing FPU lines in the roadway on streets within Phase 7 North of the undergrounding project. Until this year, FPU has been able to work within the Town's scheduled phases for undergrounding. The Phase 7 area was the only remaining area to complete the FPU relocation of pipe. Therefore, the Town will no longer see significant right-of-way work being performed by FPU in the upcoming years. FPU has worked with the Town on previous phases to cost share the repaving of roads. Since they are now complete, they requested the Town to consider accepting a cash contribution for the repaving of the roads in Phase 7 North in lieu of milling and resurfacing the required 100 feet. With the construction of Phase 7 North scheduled to begin just under

two (2) years from now, it is likely that the work that impacted the roads performed by FPU would fall outside of the present time constraint outlined above in the road Rights-of-Way Manual. Staff recommends residents within Phase 7 North be given the same consideration as FPU for milling and resurfacing within in Phase 7 North. Therefore, staff is requesting that for Phase 7 North only that this two (2) year time frame be modified to "any road restoration that would be disturbed by the undergrounding construction in Phase 7 North."

Chapter II GENERAL PROVISIONS
2. General Requirements, 2.21 Restoration of Right-of-Way

2.21.1 in part…. Exceptions to these requirements may be granted by the Director of Public Works when a scheduled Town project will be excavating the roadway in the affected area within one (1) year, and within two (2) years, if preceding the Town-Wide Utility Undergrounding Project ***or within Phase 7 North of the Town-wide Undergrounding Project.*** *The Town will require a bond equal to the cost of the milling and resurfacing plus 35%. If the Town does not complete a project within the area, the Town will require the property owner to perform the required work and the bond will be released. If the work is not performed by the property owner, the Town will utilize the bond to complete the required milling and resurfacing.*

The workmanship performed by the property owner's contractor to patch the roadway in the interim would still be required to meet the Town standards. The Town has recently improved inspection of patches and has required the certification from a registered engineer that the patch was performed in accordance with the Town's standards as stated in the Town's Rights-of-Way Manual. The property owner shall be responsible for any failures in the right-of-way related to the permitted installation. This practice is currently in place.

FUNDING/FISCAL IMPACT

There is no fiscal impact to the Town.

TOWN ATTORNEY REVIEW

This Resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

cc. John C. Randolph, Town Attorney
Patricia Strayer, P.E., Town Engineer
Paul Castro, AICP, Interim Director of Planning, Zoning & Building Dept.
Dean Mealy, Purchasing Manager

RESOLUTION NO. 130-2021

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, AMENDING CHAPTER 2, SECTION 2.21, RESTORATION OF RIGHT-OF-WAY.

WHEREAS, the Town of Palm Beach, Town Council authorized the creation of the Department of Public Works, Engineering Division Standards Applicable to Public Rights-of-Way and Easements by Ordinance 11-94 on July 12, 1994; and

WHEREAS, the Department of Public Works, Engineering Division Standards Applicable to Public Rights-of-Way and Easements is reviewed from time-to-time and may be modified by Resolution of the Town Council; and

WHEREAS, the Town has determined, due to the forthcoming Town-wide Utility Undergrounding Project, that it is necessary to relax pavement restoration efforts in areas that are to undergo construction related to the Utility Undergrounding Project; and

WHEREAS, the Town has determined that it is necessary to amend the Town's Right-of-Way Manual in the manner below.

WHEREAS, the Town passed and adopted Resolution No. 144-2016 amending Chapter 2, General Provisions, General Requirements, Section 2.21, Restoration of Right-of-Way as follows: *2.21.1 in part…. Exceptions to these requirements may be granted by the Director of Public Works when a scheduled Town project will be excavating the roadway in the affected area within one (1) year, and within two (2) years, if preceding the Town-Wide Utility Undergrounding Project* ***or within Phase 7 North of the Town-wide Undergrounding Project.*** *The Town will require a bond equal to the cost of the milling and resurfacing plus 35%. If the Town does not complete a project within the area, the Town will require the property owner to perform the required work and the bond will be released. If the work is not performed by the property owner, the Town will utilize the bond to complete the required milling and resurfacing.*

WHEREAS, the provision does not allow the Town to release all or a portion thereof of the Bond if the work falls within a Town project limits, wherein the Town performs the work.

WHEREAS, the Public Works Department recognizes a reduction in costs when several roadways are milled and resurfaced simultaneously.

WHEREAS, the cost savings can be passed on to the property owner in whole or in part.

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 to add at Chapter 2, General Provisions, General Requirements, Section 2.21, Restoration of Rights-of-Way as follows:

In circumstances where the Town does complete a project within the area, the property owner shall be responsible for the actual cost of the milling and resurfacing of the area covered by their bond. The rates shall be based on the bid price of the contract as approved by the Town Council. The Town will release the remainder of the bond to the property owner at the time of construction.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of October 2021.

_____
Danielle H. Moore, Mayor

ATTEST:

_____
Queenester Nieves, CMC, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Covid-19 Update
Kirk W. Blouin, Town Manager

a. COVID-19 Monthly Report
Darrel Donatto, Fire Rescue Chief

b. Discussion Regarding Board, Commission and Committee Meeting Format and Participation for Upcoming Meetings
Margaret A. Zeidman, Council President

c. RESOLUTION NO. 131-2021 A Resolution of The Town Council of the Town of Palm Beach, Palm Beach County, Florida, Concurring with the Request of the Town's Chief of Police, to Extend the Chief's Declaration of the Existence of a State of Emergency within the Corporate Limits of the Town to November 9, 2021, Unless Earlier Terminated by the Chief of Police, at Which Time the Town Council Will Address the Need for any Extension of the Declaration of Emergency; Providing for an Effective Date.

d. Discussion on Outdoor Seating
Margaret A. Zeidman, Council President

Presenter

ATTACHMENTS:

- **c. Resolution No. 131-2021**
- **d. Draft Letter Dated October 4, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**

RESOLUTION NO. 131-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, CONCURRING WITH THE REQUEST OF THE TOWN'S CHIEF OF POLICE, TO EXTEND THE CHIEF'S DECLARATION OF THE EXISTENCE OF A STATE OF EMERGENCY WITHIN THE CORPORATE LIMITS OF THE TOWN TO NOVEMBER 9, 2021, UNLESS EARLIER TERMINATED BY THE CHIEF OF POLICE, AT WHICH TIME THE TOWN COUNCIL WILL ADDRESS THE NEED FOR ANY EXTENSION OF THE DECLARATION OF EMERGENCY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 2019 Novel Coronavirus Disease (COVID-19) is a severe, acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, the World Health Organization (WHO) has declared a pandemic related to COVID-19; and

WHEREAS, the Center for Disease Control and Prevention (CDC) has declared the potential public health threat posed by COVID-19 as "high", both in the United States and throughout the world; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order 20-51, declaring that appropriate measures to control the spread of COVID-19 in the State of Florida are necessary, and therefore directed that a Public Health Emergency be declared in the State of Florida; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52, declaring a State of Emergency in the State of Florida regarding the COVID-19 pandemic; and

WHEREAS, the President of the United States has declared a State of Emergency for the Country to address the public health threat to the United States of America as a result of COVID-19; and

WHEREAS, a threat of impact from COVID-19 exists throughout the corporate limits of the Town of Palm Beach and elsewhere; and

WHEREAS, COVID-19 poses a danger to life and the economic well-being of Palm Beach residents; and

WHEREAS, the Chief of Police of the Town of Palm Beach exercised his authority in March 2020, to declare a state of emergency in response to the threats associated with the Coronavirus pandemic.

WHEREAS, the Town Council approved Resolution No. 21-2020 on March 19, 2020, concurring with the extension of the declaration of emergency, and approved multiple subsequent resolutions in 2020 and 2021 to extend the Chief's declaration of emergency in response to the ongoing threats related to the Coronavirus pandemic.

WHEREAS, the Chief of Police of the Town of Palm Beach, pursuant to the authority of Section 58-41 of the Town Code of Ordinances, has again declared a state of emergency exists within the corporate boundaries of the Town; and

WHEREAS Florida Statute Section 870.042 provides that the designated official, in this case the Chief of Police, has the authority to exercise the emergency powers conferred in Sections 870.041 through 870.047 of the Florida Statutes; and

WHEREAS, Section 870.047, Florida Statutes, provides for the duration and termination of a State of Emergency and provides that the emergency declaration shall terminate at the end of the period of seventy-two (72) consecutive hours unless prior to the end of the seventy-two (72) hour period, the declaration of emergency has been terminated; and

WHEREAS, any extension of the seventy-two (72) hour time limit must be accomplished by request from the public official and the concurrence of the Town Council by duly enacted resolution in regular or special session; and

WHEREAS, the Town Council approved Resolution No. 093-2021 on August 10, 2021, granting the Chief of Police's request that the declaration of emergency be extended to September 14, 2021; and

WHEREAS, the Town Council approved Resolution No. 115-2021 on September 14, 2021, granting the Chief of Police's request that the declaration of emergency be extended to October 12, 2021; and

WHEREAS, the Chief of Police has requested that the time limit for the declaration of emergency be extended again to November 9, 2021, unless earlier terminated by the Chief of Police.

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

Section 1. The request of the Chief of Police to extend the time period for the declaration of emergency is hereby granted.

Section 2. The declaration of emergency shall remain in effect until November 9, 2021, unless earlier terminated by the Chief of Police, at which time the Town Council will address the need for any extension of the declaration of the emergency.

Section 3. During this period of time, the Chief of Police has the authority to extend or amend any of the emergency measures declared in the initial declaration of emergency as provided by the terms of Florida Statute Section 870.045.

Section 4. This resolution shall take effect upon execution. A copy of this Resolution shall be filed in the office of the Town Clerk and delivered to the appropriate news media and by posting on the Town's website.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of October, 2021.

_____
Danielle H. Moore, Mayor

ATTEST:

_____
Queenester Nieves, CMC, Town Clerk

October 4, 2021

Dear Restaurant and Retail Owners & Operators:

This information is being sent to update you on recent changes made to the Town's outdoor seating regulations and Town policy changes. As you know, the Town created a temporary program last year to allow outdoor seating in response to the pandemic. Indoor restaurant seating and retail displays were permitted to be relocated outdoors as a way for the Town to assist local business owners continue to operate under a series of the Governor's Executive Orders that limited indoor seating. Twenty local restaurants and a few retailers took advantage of this program.

During this time, the Town has worked to revise the outdoor seating regulations. Outdoor seating continues to be a special exception use under the zoning code. In addition, restaurants that are approved for the outdoor seating are required to apply for an annual Outdoor Café Permit. This permit will grant the restaurant owner / operator the ability to place a specified number of indoor seats outdoors and the outdoor operations will be reviewed annually for possible renewal.

Attached are the new outdoor seating regulations. Ordinance No. 16-2021 was adopted on August 11, 2021 and will be come effective on September 11, 2021. This ordinance modified the outdoor seating regulations in the zoning code and created the Outdoor Café Permit program. Resolution 68-2021 amended the Town Master Fee Schedule and set the Outdoor Café Permit fee at $1,000 per year per restaurant, along with a $50 fee per outdoor seat. It is expected that the Outdoor Café Permit revenue will cover the expected expenses in the program's administration and enforcement activities.

For those restaurants interested in outdoor seating, please check the new regulations to see if your outdoor area is capable of complying with the regulations and make an application for the special exception. If approved by the Town Council as a special exception, the annual Outdoor Café Permit application is required. These application forms are available on the Town website.

The temporary Covid-19 outdoor seating program will continue as the spike in Covid cases has recently increased. However, as the Covid situation improves, the temporary seating program will come to an end. It is the Town's estimation that the Town Council will halt the temporary Outdoor seating and retail display program on or about _____, 2022. This allows you to make

the special exception use application now and be scheduled for a hearing during the months of _____ or _____.

The Town hopes that the temporary outdoor seating and retail display program over the past year and a half was helpful to your business. Please contact Planning, Zoning & Building with any questions at (561) 838-5431.

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Update on Water Quality
TIME CERTAIN: 10:00 AM

Time Certain
10:00 A.M.

Presenter
Jason Debrincat, Senior Project Engineer

ATTACHMENTS:

No Attachments Available

The backup for this item will be placed in the purple folders

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda

Regular Agenda - New Business

Agenda Title

Town of Palm Beach Long-Range Strategic Plan

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- **Memorandum Dated October 4, 2021, from Jay Boodheshwar, Deputy Town Manager**
- **Strategic Plan 2003**
- **Resolution No. 16-01 Strategic Planning Board**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Town of Palm Beach Long-Range Strategic Plan

Date: October 4, 2021

STAFF RECOMMENDATION

Staff recommends the Mayor and Town Council review the information below, as well as the attached 2003 Strategic Plan, and provide direction to staff.

GENERAL INFORMATION

At the September 14, 2021, Town Council meeting, there was a discussion lead by Council President Pro Tem, Bobbie Lindsay, pertaining to "how do we preserve Palm Beach's unique small-town charm, businesses, and community amid Palm Beach County's explosive growth?" After some discussion, Mayor Danielle Moore advised the Council that former Mayor, Lesly Smith, lead the effort to develop the Town's Strategic Plan to develop a vision and action plan to address issues such as growth, community character, and other items similar to the items introduced by Mrs. Lindsay. Discussion regarding reviewing and updating the Strategic Plan ensued and staff was directed to provide the Mayor and Town Council with a copy of the Strategic Plan. See attached.

To quickly summarize, the Town Council commissioned a Strategic Planning Board in February 2001 via Resolution No. 16-01 to develop a long-range (10+ years) strategic plan for the Town. The Board was chaired by then-Mayor, Lesly Smith and facilitated by staff. Members of the board were nominated by the Mayor and approved by the Town Council. The Council requested that the Strategic Plan contain or take into account the following:

1. A comprehensive mission statement.
2. Broad strategic long-term goals which express the preferred future state of the Town.
3. An assessment of the Town's internal and external environment, including key demographic, economic, social, and cultural factors which could significantly affect the Town's vision of itself and its values.
4. An evaluation of the Town's long-term assets and current resources and the resources needed to achieve its strategic goals.

5. An appraisal of intergovernmental issues, technological and other opportunities that may be available, and long-range problems and issues that need to be addressed.
6. One or more action plans, which incorporate the foregoing and discuss the Town's strengths that should be maximized, its weaknesses that should be minimized or eliminated, opportunities that should be explored, threats facing the Town that should be addressed, and activities and programs that should be eliminated, created or restructured to achieve the Town's strategic goals.

After two years of work by board and staff, the Strategic Plan was finalized, presented, and accepted by the Town Council in April 2003. The Strategic Planning Board was also sunsetted at this meeting and staff was directed to move forward with the development of a timeline to implement recommendations. Over the years numerous policies were enacted at the legislative and executive levels to carry out many of the recommendations of the Strategic Plan, and numerous updates to the plan were prepared and provided to Town Council. The last update was completed in 2012.

In lieu of another update to the Strategic Plan, staff believes Council should consider the appointment of another Strategic Planning Board to develop a new long-range plan utilizing the model and approaches from the 2001-2003 effort.

Attachments

cc: Carolyn Stone, Assistant Town Manager
Department Directors

STRATEGIC PLAN

TOWN OF PALM BEACH, FLORIDA

Town of Palm Beach
Strategic Planning Board
March 2001 – April 2003

Mayor Lesly S. Smith, Chair
Bruce A. McAllister, Vice Chair
William O. Cooley
Alec Flamm
William S. Watchman

Assisted by:

Peter B. Elwell, Town Manager
John C. Randolph, Town Attorney
John Fernsler; Wallace, Roberts & Todd, L.L.C.
And
The Citizens of the Town of Palm Beach

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VISION STATEMENT

At the outset of the strategic planning process, the Board participated in a "SWOT Exercise" to identify the **S**trengths, **W**eaknesses, **O**pportunities, and **T**hreats which characterize the Town's current condition and future prospects. The Town's senior management team also participated in a SWOT Exercise and the results were provided to the Board. Thereafter, the Board conducted three Community Forums at which over 300 Town residents participated in SWOT Exercises.

The Board synthesized and interpreted the information and opinions from the various SWOT Exercises into the following Vision Statement of what the Town of Palm Beach is and what it can become with proper planning and actions during the next ten years:

VISION STATEMENT PREAMBLE

In February 2001, the Town Council commissioned the Strategic Planning Board (SPB) to create a long-range (10+ years) strategic plan. Since its formation, the SPB has published its Mission Statement, which describes its reason for being and describes what it intends to accomplish. It has held three community forums with Town residents to obtain their input to assist in the creation of the Strategic Plan. Based to a large extent on that input, the SPB has developed a Vision Statement which describes the values and the aspirations of the community for its character and quality of life. The Vision Statement will guide the preparation of the Strategic Plan. The Strategic Plan will set forth strategies which, when effectively implemented, will help to achieve the community characteristics described by the Vision Statement.

TOWN OF PALM BEACH VISION STATEMENT

A Legacy Worth Keeping

Palm Beach is a fully developed community, world-renowned for its extraordinary beauty, quality of life, and small-town character. Our permanent and seasonal residents love our barrier island community and are determined to preserve our legacy. We do not seek to change Palm Beach, but rather to protect our community's assets, correct any deficiencies, and to manage inevitable change so as to maintain our tradition of excellence.

As we envision our future ten years from now, we see Palm Beach remaining true to the inspired legacy of our founders, a Mediterranean-style mecca of stunning architecture and natural beauty, acclaimed shopping, restaurants and hotels, a cosmopolitan culture, and an involved citizenry committed to civic and philanthropic causes and excellence in Town government.

Quality and Responsive Town Government

Town government is supported by a respected Mayor and Town Council, a skilled and dedicated staff, and by the active volunteer participation of many citizens. Palm Beach provides residents with the highest level of safety and security through its vigilance and commitment to high quality training and state-of-the-art equipment. The Town has maintained its fiscal strengths with resourceful budgeting and prudent management.

In the future, we envision...

Continued high quality services and facilities provided in a responsive, resourceful manner. A structure of government guided by clear mandates and performance goals for Town administration and for appointed boards and commissions, continued technological innovation, and excellent internal and external communication.

Pro-active initiatives and continuous vigilance to anticipate and avert threats to public safety, enabling Palm Beachers to live secure in safe neighborhoods.

Solid fiscal strength and strong alliances with state and federal partners. Actions will be taken and communicated to residents to instill confidence that optimum services are provided for taxes paid.

Public Facilities and Infrastructure

While completely developed, the Town of Palm Beach recognizes a number of redevelopment challenges and functional deficiencies among its current capital facilities. Traffic has increased and parking is at a premium. Beach erosion has become severe, threatening oceanfront property and diminishing a key scenic and recreational asset. Drainage deficiencies and occasional water shortages continue to pose a threat.

In the future we envision...

Beaches fully restored and maintained for the protection of oceanfront property, enjoyment of residents, and scenic enhancement.

Modernized, reliable infrastructure systems, including improved facilities for water distribution and storm drainage. Capital projects will be completed expeditiously and with an effort to limit the disruption they inevitably will cause to adjacent property owners.

Convenient network of roads and parking, less hampered by congestion and sufficient to meet local needs without encouraging additional traffic or visitation.

Character and Quality of Life

While Palm Beach is built out, growth continues in the form of redevelopment and changes in use raising questions and concerns about over-development, scale, and our historic legacy. The Town is proud of its lush landscaped setting, its historic architecture, and its array of shopping and other amenities, but concerns are expressed about expanded tourism, visitation and traffic, straining our limited service capacity. The Town recognizes that among our greatest resources are our people and their involvement in civic groups, charities, cultural activities, and faith-based organizations.

In the future we envision...

A community that has guarded against over-development, encouraging redevelopment consistent in scale with existing neighborhoods, reflective of our heritage.

A town with a rich menu of cultural choices, enabling Palm Beach to continue to combine the intimacy and convenience of small town life with the cultural sophistication and variety of a city.

Palm Beach will remain a friendly community which embraces its diversifying population, nurtures young families and children, and welcomes new residents and visitors. Palm Beachers will continue their heritage of support to worthy causes and their involvement in civic affairs creating new opportunities for all to participate fully in the life of the community.

EXECUTIVE SUMMARY

This section of the Strategic Plan provides a brief narrative summary of the actions which the Strategic Planning Board has determined are essential to the achievement of the community vision described above. The Environmental Scan section and the background narrative portions of the Strategic Initiatives section provide more detailed explanations of the reasons why these actions have been recommended. The Environmental Scan section also explains why no actions were recommended for certain topics of interest to the Town and its residents.

Some of the actions recommended in this Strategic Plan are more tactical or operational than strategic. In those instances, issues were analyzed and recommendations were included because Town residents emphasized the importance of those particular issues during the 2001 Community Forums. Also, many of the recommended actions have early deadlines (2003 or 2004) or are characterized as "ongoing." It is important to recognize that the benefits associated with those actions are expected to endure or recur throughout the planning period.

Finally, following the body of the Plan are two appendices. The first is a street map of the Town which also shows the extent of each "reach" identified in the Comprehensive Coastal Management Plan. The second is a Glossary of Terms.

Governance

The Town should continue its commitment to strategic planning by (1) integrating this Strategic Plan with the state-mandated Comprehensive Plan, (2) pursuing annual Townwide and departmental goals that are consistent with the priorities identified in this Strategic Plan, (3) identifying any instance in which the Town considers an action that is intentionally inconsistent with this Strategic Plan, (4) monitoring implementation of this Strategic Plan throughout the planning period, and (5) completely updating the Strategic Plan after 5 years. The Town also should strengthen its citizen boards and commissions, continue to improve communications between the Town government and the public, expand the zoning season to provide 2 additional months annually for consideration of major land development issues. Near the end of the planning period, the Town Council should consider appointing a Charter Review Commission.

Police Protection and Security

To ensure that it maintains its position as a national leader in community protection and law enforcement, the Town's Police Department should remain vigilant to new and continuing threats, maintain continuous communications with other law enforcement agencies, and provide ongoing monitoring and evaluation to measure actual performance against clearly stated goals. While continuing to provide excellent basic police services, the Town also should continue to increase its planning and training to protect Town residents against potential acts of terrorism. The department should continue to emphasize community relations, including continued sessions of the Citizens' Police Academy and continued expansion of Palm Beach Crimewatch.

Fire-Rescue and Health Care
The Town should continue to provide a high level of paramedic Emergency Medical Services with state-of-the-art equipment and continuous training, ensuring the achievement of clearly stated goals through ongoing performance measurement and evaluation. The Fire-Rescue Department should continue to emphasize community relations, including future sessions of the Citizens' Fire Academy. Local non-paramedic medical services should be improved by the creation of an on-Island emergency clinic and an on-Island basic medical care clinic, in addition to the expansion of services at Good Samaritan Medical Center to include state-of-the-art coronary and stroke units.

Community Enhancement/Quality of Life
Under this broad heading, the Plan calls for a variety of actions to preserve the Town's unique beauty and small town atmosphere. Specifically, the Town should continue to protect existing open spaces, provide additional open spaces as opportunities arise, seek opportunities to relocate overhead utility lines underground, encourage more young families to reside in Palm Beach, nurture cultural institutions, reduce unnecessary noise, and provide a humane program for reducing the negative impacts of feral cat colonies.

Emergency Management
The Town is expanding its emergency management capabilities through the creation of a Comprehensive Emergency Management Plan and the planned inclusion of an Emergency Operations Center within the new Central Fire-Rescue Station. It should further enhance our community's preparedness for disaster response and recovery by increasing outreach to residents and businesses before and during emergencies; planning to extensively utilize contractors, temporary employees, and volunteers during disaster recovery; and being prepared to strengthen the Town's building code and obtain emergency financial assistance, as needed.

Emergency Water Supply
Although the basic potable water needs of the Town of Palm Beach will be met by the City of West Palm Beach throughout the planning period, the Town should take steps to prepare for the possible contamination of the City's water supply. We should investigate what would be necessary to independently meet the Town's minimum needs for potable water quickly and cost effectively. The Strategic Planning Board does not advocate the construction of a back-up water system, but we do strongly urge the Town to take all reasonable steps to prepare for immediate implementation of an emergency water supply plan at such time as a natural or man-made disaster requires such action.

Traffic and Parking
It is acknowledged that citizen frustration has occurred with increasing frequency as construction and growth related delays inhibit convenient circulation. In order to address these and other matters related to the convenience of parking and vehicular circulation, the Town should prepare a Traffic and Parking Improvement Plan (for which data collection has already begun). This plan will not necessarily call for less traffic congestion or more

parking spaces, but it will strategically address traffic and parking issues so that the Town exerts reasonable control over transportation resources. The goal of this plan will be to manage traffic and parking issues rather than allowing them to simply evolve, thereby emphasizing solutions which serve the long term goal of maintaining the character of the community.

Management of Redevelopment – Commercial
Increased regional population and changed regional demographics are placing pressures upon the business districts in the Town. While taking appropriate actions to support the viability of these districts, the Town must be vigilant to ensure that commercial redevelopment does not negatively impact adjacent residential areas. Assessment of neighborhood impacts of residential-to-commercial use re-zonings and prohibiting inappropriate commercial uses are two important actions the Town can take to protect the character of the Town while encouraging economic vitality. The Town also should closely monitor the redevelopment of the commercial area immediately east of the Lake Worth Bridge, taking those actions which are necessary and appropriate to protect the interests of the residents in the adjacent area of the Town.

Management of Redevelopment – Residential
The Strategic Planning Board believes that "mansionization" is occurring due to natural economic and social forces, and that it is not the result of lax regulations or generous granting of variances. Nevertheless, we believe more can be done to promote the transition of single family home neighborhoods through evolution rather than revolution. The Town should discourage the assembly of properties which create lots larger than neighborhood norms, institute appropriate additional regulations, promote the modernization of existing homes, and guard against increasing housing density as it continues to try to maintain appropriate neighborhood scale in residential areas.

Beach Management
The Town has implemented the expanded Mid-Town Beach Renourishment Project and should implement the Phipps Ocean Park Beach Restoration Project, as proposed in the Town's adopted Comprehensive Coastal Management Plan (CCMP). Employing the principles of adaptive management, the Town should evaluate any changed circumstances or new information (since the adoption of the CCMP in 1999) to determine whether any change is warranted in the remainder of the CCMP. Regardless of whether the CCMP is changed or implemented in its entirety, the Town should continue to seek State funding assistance except where State requirements conflict with Town policies regarding parking and access, pressure the Federal and County governments to proceed with improving the Lake Worth Inlet Sand Transfer Plant, reconsider the possibility of legal action against the Federal government due to the downdrift impacts of the Lake Worth Inlet, and seek modifications to Florida Statutes to exempt communities downdrift from inlets from having to establish an Erosion Control Line.

Storm Drainage
The Town should construct the trunk lines and pump stations identified in the Drainage Improvement Program approved by the Town Council in September of 2002. Employing the principles of adaptive management, the Town should re-evaluate the needs, priorities, and financing of "Phase II" improvements on residential side streets. Regardless of whether the "Phase II" improvements are modified or constructed in their entirety, the Town should further improve storm drainage throughout the Town by strengthening requirements for private drainage systems on all redeveloped properties, considering requiring some such upgrades on existing properties that are not being redeveloped, and requesting the Florida Department of Transportation to improve drainage on state roads (especially A1A).

Financial Management
The Town is in excellent financial health. Sufficient resources exist to meet all currently anticipated needs and to implement the recommendations contained in this Strategic Plan. To further improve what is already an area of strength for the Town, the Strategic Planning Board recommends several financial management actions: prepare the GASB34 "Statement of Net Assets" which is the local government equivalent of a private sector balance sheet, review the Town's existing and projected fund balances, continue pay-as-you-go funding for routine capital improvements and case-by-case decisions regarding pay-as-you-go vs. bonding for major projects, seek ways to improve the financial performance of the Par 3 Golf Course, broadly disseminate tax and budget information to Town residents, be prepared to establish an emergency line of credit during recovery from a disaster, and seek legislative action to provide tax fairness to the property owners in the Town of Palm Beach.

ENVIRONMENTAL SCAN

The Strategic Planning Board conducted a thorough scan of a variety of internal and external conditions and trends which could influence change in the Town over the plan's ten-year horizon. The Board narrowed the range of issues to be emphasized by applying two key criteria reflected in the following questions:

Is this a factor which the Town has the ability to influence?
and
Will this factor likely exert substantial influence on the Town contrary to the Vision Statement during the next 10 years?

In this way, broad considerations such as global warming and rising sea levels were determined to be beyond the scope of the Strategic Plan.

The Board reviewed source documents, solicited information from Town residents and others (including representatives of the local business community, the utility companies serving Town residents, the Port of Palm Beach, and Palm Beach International Airport), and conferred at great length with the Town staff and Town Attorney. This phase of the planning process provided the depth of background information and breadth of perspective necessary for the Board to later make informed judgments about which issues are currently being addressed adequately, which require some additional review or consideration, and which require some specific actions to protect the future interests of the Town.

Between April and September, 2002, the Board held a series of environmental scan meetings addressing the topics identified on the following outline:

I. OVERALL DEMOGRAPHIC TRENDS
   A. Regional
   B. Town of Palm Beach

II. COASTAL MANAGEMENT
   A. Historical Perspective
   B. Comprehensive Coastal Management Plan
   C. Planning for the Future

III. INFRASTRUCTURE AND BASIC SERVICES
   A. Drainage
      1. Historic Perspective
      2. Planned Improvements
   B. Water
      1. Agreement with City of West Palm Beach through 2029
      2. Potable and Non-potable Alternatives
   C. Sanitary Sewers

1. Town Collection System
2. East Central Regional Wastewater Treatment Facilities

D. Garbage
1. Town Collection Program
2. Solid Waste Authority Disposal Capacity

E. Yard Trash
1. Town Collection Program
2. Town Disposal Capacity

F. Parks
1. Quantity and Location
2. Maintenance

G. Roadways
1. Town Streets
a. Configuration
b. Maintenance
2. State Roads (Florida Department of Transportation)
a. Configuration
b. Maintenance

H. Oceanfront Roadway Protective Seawalls

I. Lakefront Bulkheads
1. Condition
2. Height

J. Utilities
1. Electric (Agreement with Florida Power and Light through 2011)
2. Telephone (BellSouth and a Growing List of Others)
3. Cable Services (Agreement with Adelphia through 2015)
4. Underground vs Overhead Utility Lines
5. Gas (Agreement with Florida Public Utilities through 2023)
6. Street Lights (Combination of Town and FP&L)
7. Traffic Signals (Combination of Town and FDOT)

K. Town Offices/Facilities
1. Current Inventory
2. Plans for the Future

L. Strategies for Completing Needed Improvements
1. Project Management
2. Disruption and Inconvenience
3. Cost Effectiveness

IV. CONTROLLING DEVELOPMENT AND REDEVELOPMENT

A. Historical Trends

B. Future Opportunities

C. Level of Service Limits

D. Quantitative vs. Qualitative Measures of Growth

E. Zoning
1. Ordinance

a. Lot, Yard, and Bulk Regulations
b. Use Regulations
c. Process and Criteria for Consideration of Variances, Special Exceptions, and Site Plan Reviews

2. Application and Enforcement of Ordinance

F. Other Development Related Regulations

1. Quantity of Permits Allowed
2. Permit and Inspection Processes

V. SECURITY/EMERGENCY SERVICES

A. Police Department Plans and Actions

1. Domestic Security
2. "Routine"Crime Prevention, Response, and Investigation

B. Fire-Rescue Study (2002)

C. Emergency Preparedness

1. Storm Emergency Response Plan
2. Comprehensive Emergency Management Plan

VI. FINANCIAL PLANNING

A. Current Financial Condition
B. Financial Policies
C. Long-term Plan

VII. TRAFFIC AND PARKING

VIII. OFF-ISLAND FACILITIES (Services and Impacts)

A. Hospitals
B. Palm Beach International Airport
C. Port of Palm Beach

IX. INTERGOVERNMENTAL RELATIONS

A. Neighboring Municipalities

1. City of West Palm Beach
2. City of Lake Worth
3. Other Palm Beach County Municipalities (League of Cities, etc.)

B. Palm Beach County and Solid Waste Authority
C. Palm Beach County School District
D. South Florida Water Management District
E. Treasure Coast Regional Planning Council
F. State of Florida
G. Federal Government

X. Distinction Between Elected Officials' Authority & Staff Management of the Town

XI. Public Communications

XII. On-Island Medical Services

XIII. Schools

XIV. Miscellaneous

As stated above, the environmental scan was not simply a review of factual information and documentation regarding this broad array of issues. It also served to "sort" issues in a manner which identified topics for further consideration in the strategic planning process. The Board's sorting process applied the following questions to each topical issue:

1) Does this issue have any direct or indirect bearing on the ability of the Town to achieve its vision?

2) Is there any identified present or anticipated future deficiency likely to occur within the 10-year horizon of the Strategic Plan?

3) Does the Town have the ability to influence or mitigate the effects of a particular issue?

4) Are present plans and policies adequate to address any concerns?

Based upon this analysis, the Board determined that the following topics required no action statements in the current Strategic Plan:

< Sanitary Sewers
< Garbage
< Yard Trash
< Oceanfront Roadway Protective Seawalls
< Lakefront Bulkheads
< Utilities
  - Electric
  - Telephone
  - Cable
  - Gas
  - Streetlights
< Town Offices/Facilities
< Palm Beach International Airport
< Port of Palm Beach

During the environmental scan, an extensive library of written resources was created. This library is maintained in the Town Manager's Office and is available for review by anyone wishing to explore particular topics in greater detail. Similarly, anyone who has a question about this Strategic Plan or who wishes to discuss some aspect of it with a Town official is invited to call the Town Manager's Office at 838-5410.

STRATEGIC INITIATIVES

At the conclusion of the environmental scan, the Board determined which issues required action statements declaring what needs to be done during the next ten years to ensure that change is managed in a way which is consistent with our community vision. Each topic with one or more action statements constitutes a Strategic Initiative, an area that may require corrective action or an area where maintaining the current effective policy is critical to the continued well being of the Town. On the following pages, we present for each Strategic Initiative the relevant background information and detailed action statements which comprise the essence of this Strategic Plan.

The Strategic Initiatives are not listed in a priority order since they are all believed to be essential in achieving the Vision Statement. Rather, they are presented with those having Townwide impact first, followed by those whose immediate effects will be felt only in a portion of the Town. They conclude with the Financial Plan which addresses the Town's financial capability of implementing the Strategic Plan. Within the Strategic Initiative sections, each action statement includes reference to the timeframe in which it is to be addressed.

A. GOVERNANCE

The Town Charter provides for a Council/Manager form of government. The Mayor and Town Council are elected directly by the people and the five Council members select from among themselves the President of the Town Council, who establishes the agenda for Town Council meetings and also chairs those meetings. The Town Council appoints a Town Manager who is responsible for the day-to-day operations of Town government and for providing policy advice to the Mayor and Town Council. The Town Manager appoints the department heads and, through them, manages all administrative and operational functions of the Town. Citizens of the Town are appointed by the Town Council to serve on a variety of boards and commissions which address particular issues or areas of regulation in accordance with the ordinances or resolutions that created them.

Each year, after conferring with the Mayor and Town staff, the Town Council adopts Townwide goals declaring the top priority projects and issues to be addressed by the Town government during the next 12 months. (Following the adoption of this Strategic Plan, the Council will ensure that its annual top priority goals are integrated with the community priorities reflected in this Plan.) Early in the annual budget process, goals are established for each department. These departmental goals support the Townwide goals or address some other significant operational or administrative concern particular to that department. Achievement of the Townwide and departmental goals is fostered by the establishment of related personal goals for each management and professional Town employee through the Individual Work Plan component of the Town's pay-for-performance merit pay system.

In general, the Strategic Planning Board believes the Town is governed effectively, both as to the structure of Town institutions and as to the quality of the performance of the Town's elected officials, appointed board members, and staff. It is particularly noteworthy that the Town's elected officials and appointed board members serve as unpaid volunteers, donating hundreds of hours each year for the sole reward of having helped to make their community a better place.

While we are generally satisfied with the current state of Town government, we have several recommendations for how the Town can increase effectiveness in particular areas and for how to further the Town's ongoing efforts to ensure that the public is well informed about Town affairs.

Governance Actions

A1. **Strategic Planning**: Continue and expand the strategic orientation of Town government with the following measures:

a) Continue to apply the principles of goal-driven management and performance standards throughout the organization.
Timeframe: Ongoing.

b) Monitor and periodically revise the Strategic Plan.
Timeframe: The Mayor and Town Council will, at least annually, review progress on implementing this Plan and make appropriate modifications, as needed. The Plan will be formally updated at least every 5 years, or to coincide with Comprehensive Plan updates.

c) Integrate or link the Comprehensive Plan and Strategic Plan by incorporating applicable initiatives and policies of the Strategic Plan into the Comprehensive Plan.
Timeframe: To coincide with Comprehensive Plan Evaluation and Appraisal Report (2005) and Comprehensive Plan update (2006).

d) Any time staff proposes a policy action that is intentionally inconsistent with this Strategic Plan, the inconsistency shall be declared and explained in writing.
Timeframe: Ongoing.

A2. **Maintain Strategic Focus:** The Strategic Planning Board encourages the Town Council to continually seek issues which can be delegated to staff, boards or commissions, etc., to relieve the Town Council members of these issues and provide them with more time to address strategic issues.

A3. **Boards and Commissions**: Review and revise Town policies regarding appointed commissions and boards to include the following considerations:

- Clarify commission and board "missions" to provide for greater coordination, consistency with policies and the Strategic Plan, clarity of purpose and authority, etc.
- Define requirements relating to levels of experience and/or mandatory courses applicable to the expertise relevant to each board and commission.
- Consider providing additional training to enhance the effectiveness of boards and individuals.
- Interview procedures and/or requirements.

Timeframe: By year-end 2003.

A4. **Public Communications**: Expand opportunities for public communication and involvement in Town governance, including the following:

a) Continue to publish Town documents and information in an accessible, user-friendly form.
Timeframe: Ongoing.

b) Publish a Town Newsletter mailed to every resident on a regular interval.
Timeframe: Commence by year-end 2003.

c) Consider expanded use of media for public information, including cable TV, Town web page, etc.
Timeframe: Ongoing.

d) Provide for annual community forums for residents to discuss issues of interest and concern.
Timeframe: Ongoing.

A5. **Zoning Season**: Expand annual zoning season to include October and May, allowing changes to the Town's Zoning Code and/or Comprehensive Plan to be made between October 1st and May 31st of any "Winter Season."
Timeframe: By May of 2004.

A6. **Flexibility and Responsiveness**: Continue the Town's policy of monitoring, evaluating, and changing policies and operations as dictated by changing needs and circumstances.
Timeframe: Ongoing.

A7. **Intergovernmental Relations**: Continue to build and maintain relationships with officials in neighboring municipalities and higher levels of government, enabling the Mayor, Town Council, and staff to effectively address issues that affect the Town but are beyond its jurisdiction.
Timeframe: Ongoing.

A8. **Charter Review**: Consider appointing a Charter Review Commission near the end of the current planning period.
Timeframe: By year end 2010.

B. POLICE PROTECTION AND SECURITY

The Palm Beach Police Department's primary role is the protection of life and property, and the preservation of peace, order and safety. Crime prevention, criminal investigation and the apprehension and prosecution of criminals are some of the means to accomplish this role.

Property crime is the most serious continuous criminal threat to the community. The Town of Palm Beach, due to its affluence, has always been and continues to be attractive to financially motivated criminals. The Palm Beach Police Department, through its long standing partnership with the community, enjoys a very low crime rate and continues to be one of the few communities in South Florida where it is relatively safe to walk any street at any time of the day or night. Crime rates remain low while crime clearance and stolen property recovery rates are among the highest of South Florida localities and most favorable of any similarly situated community in the United States.

Successful prevention of crime and apprehension of criminals based on a strategy of

- Crime prevention through community partnerships.
- Patrol and investigative omnipresence.
- Rapid response to in-progress crime.
- Most importantly, the members of the department must be highly flexible and adaptable.

Trends and Five Year Forecast:

- Palm Beach will continue to experience a positive correlation between the state of the economy and presence of property crimes of opportunity.
- Property crime will continue to be the most serious continuous criminal threat to the community.

The Town of Palm Beach's domestic security strategy is coordinated by the Palm Beach Police Department in consultation with the Town Manager and other departments of the Town. Domestic security is among the most significant and pressing responsibilities of the department, and significant financial and human resources have been dedicated to this effort since the September 11, 2001, terrorist attacks.

The Town of Palm Beach is unusual among municipal governments of its size. Certain realities result in increased domestic security concerns and, therefore, greater domestic security measures. These factors include the Town's international reputation as a symbol of personal wealth and capitalism, and the frequent presence of a significant number of national and international political figures.

As a result, the Town of Palm Beach has established a Domestic Security Program to include strategic planning, threat and vulnerability identification/analysis/mitigation, intelligence gathering/analysis/dissemination, establishment of a town-wide incident command system that interfaces with that of other agencies, infrastructure protection, equipment acquisition/training/implementation personnel training, coordination of volunteer efforts, and regional coordination and liaison efforts.

Police Protection and Security Actions

B1. **Vigilance**: Continue to focus vigilant attention upon the Town's vulnerabilities to certain types of crime.
Timeframe: Ongoing.

B2. **Communication**: Continue to ensure optimal communications between the Town's Police Department and County, State and Federal law enforcement agencies.
Timeframe: Ongoing.

B3. **Excellence:** Provide for public recognition of, and continue to improve upon, the Town's excellent record in police protection including its rapid response time, low crime rates, anticipation of threats, etc.
Timeframe: Ongoing.

B4. **Monitoring and Evaluation**: To ensure that the Town's Police Department remains a national leader in law enforcement and security, continually measure actual performance against established goals, including:

a) Maintain a favorable overall community approval rating for the performance of the Palm Beach Police Department as measured by the Palm Beach Police Department Citizen Satisfaction Survey.
b) Maintain departmental accreditation by the commission on Accreditation for Law Enforcement Agencies, Inc. (national) and the Commission for Florida Law Enforcement Accreditation, Inc. (state).
c) Maintain a crime clearance rate that is higher than the national average as measured by the Uniform Crime Report Index. [*Revised July 2, 2003*]

Timeframe: Ongoing.

B5. **Domestic Security:** Continuously update and apply anti-terrorism plans, in close coordination with other applicable government agencies.
Timeframe: Ongoing.

B6. **Community Relations**: Maintain and expand communications between the Police Department and the public, including continued sessions of the excellent Citizens' Police Academy program.
Timeframe: Ongoing.

C. FIRE-RESCUE AND HEALTH CARE

The Town's residents enjoy a very high level of emergency medical services (EMS) provided by the Town's Fire-Rescue Department. The paramedics' training and equipment are state-of-the-art, their response times are appropriately rapid, and their success rates are high. The Town's EMS level of service has recently been increased by placing a front-line medic unit (ambulance) in service at the North Fire-Rescue Station, making a total of 3 front-line medical transport units in the department.

The Board's recommendation regarding Town-provided medical services is "keep up the good work." In addition, Town and State officials can be proud of their success in protecting the residents' health care interests by ensuring in 2000-2001 that both Good Samaritan Medical Center and St. Mary's Medical Center would remain open. Nevertheless, the Strategic Planning Board has determined that health care for Town residents could be improved in two important ways.

We believe that full-fledged coronary and stroke units need to be provided at Good Samaritan Medical Center, so that state-of-the-art hospital procedures can be performed "just across the bridge." Currently, Town residents have to be transported extra miles to receive these services at other area hospitals. This endangers the transported patient for whom critically needed treatment may be delayed. It also endangers the rest of the community, since the longer transport time takes a Town medic unit (ambulance) off the Island for longer than would be necessary if Good Samaritan provided these services.

We also believe the community would benefit from additional non-paramedic medical services being made available on the Island. Even if it is strictly a matter of comfort or convenience, being able to obtain basic medical care or emergency clinic services without having to leave the Town would be an enhancement to the Palm Beach quality of life.

Fire-Rescue and Health Care Actions

C1. **Additional Medical Services**: Encourage private or non-profit health care providers in efforts to expand the array of quality medical services available to Palm Beach residents, including:
- A local basic medical care clinic.
- Full-fledged coronary and stroke units at Good Samaritan Medical Center.
- State of the Art equipment and procedures that take full advantage of advancements in medical care. [*Revised July 2, 2003*]

Timeframe: Ongoing.

C2. **EMS**: Provide for public recognition of, and continue to improve, the Town's state-of-the-art EMS facilities and training.
Timeframe: Ongoing.

C3. **Monitoring and Evaluation**: To ensure that the Town's Fire-Rescue Department remains a national leader in emergency medical services, continually measure actual performance against established goals, including:

a) Improve first due unit response time to all zones by ensuring arrival of the first due unit to all emergency incidents within four minutes or less 90% of the time.
b) During 2003, initiate planning phase for Fire-Rescue Department accreditation by the year 2006. [*Revised July 2, 2003*]

Timeframe: Ongoing.

C4. **Community Relations**: Maintain and expand communications between the Fire-Rescue Department and the public, including future sessions of the excellent Citizens' Fire Academy program which was recently established.
Timeframe: Ongoing.

D. COMMUNITY ENHANCEMENTS / QUALITY OF LIFE

The recommendations set forth below are less connected to each other than are those in other sections of the Plan. Yet, they speak to some of our most fundamental community values and can be summed up by the generalization: "We want to maintain the unique beauty and small town feel that have always made the Palm Beach quality of life second to none."

Due to the more individualized character of the action statements presented in this section, a separate descriptive paragraph for each separate topic is presented below, preceded by the same header which precedes the corresponding action statement.

Open Space and Beautification: The preservation of open space is so important to this community that Town Charter requires that any sale or development of Town-owned on-Island open spaces is subject to the approval of Town voters in a referendum. This provides great protection to existing public open spaces, which are generally considered to be adequate at this time. However, the Board believes it is appropriate to include an action statement promoting Town acquisition of additional open spaces, as opportunities arise. Such acquisition will add to the beneficial aesthetic influence of the magnificent public and private landscaping throughout the Town.

Underground Utilities: The consensus of the Board is that placing overhead utility lines underground would substantially improve the appearance of certain areas of the Town (and provide public safety benefits, as well). When this subject was previously evaluated the cost appeared prohibitively high. Since that study, considerable technological progress appears to have been made which may substantially reduce the installation costs. Numerous other municipalities have installed and others are in the midst of installing underground utilities. Many of these are newer communities that have not faced the

challenge of undergrounding in a fully developed environment with narrow road rights-of-way. Nevertheless, their experience combined with the extensive infrastructure projects already authorized for the planning period may afford a unique opportunity to initiate a long-term project in a most economical manner.

Young Families: Although data from the 2000 Census and the 1990 Census are similar in the demographic picture they paint of the Town, there is substantial anecdotal evidence that more and more young families reside in Palm Beach. Beyond the perception that this already is occurring, there is a value widely espoused in the community and shared by the Board that encouraging young families to reside in the Town is an important component in maintaining the Town's vibrant small-town feel.

Cultural Institutions: Palm Beach is fortunate to offer, on and in close proximity to the island, a number of cultural institutions that add rich variety to residents' leisure-time choices and visibly enhance our community's quality of life. Support for the operations of such institutions, appropriately, comes overwhelmingly from private sources. Because of their contribution to the community's quality of life, however, such institutions deserve nurture and encouragement from our Town.

Nuisance Factor – Noise: The Board believes excessive and avoidable noise is very pervasive and an immediate concern. We recognize that some loud noises are necessary (e.g. emergency vehicle sirens and construction activity) and that the Town's code of ordinances already constrains noisy activities more than in most other communities. Nevertheless, we believe that there are additional actions the Town should at least consider to ensure that the peace and quiet which are essential elements of the Palm Beach ambiance are preserved in all possible circumstances.

Nuisance Factor – Feral Cats: There have always been feral cats in the Town of Palm Beach. For decades, these cats lived in Town without systematic nurturing and without appreciably diminishing residents' quality of life. In recent years, however, the feral cat population in the Town has grown and the negative impacts of cat colonies upon public and private properties has become more severe.

During August of 2002, in response to a rabies alert throughout Palm Beach County, the Town began strictly enforcing an existing Town law that prohibits the feeding of wild animals (including feral cats). At the same time, the Town coordinated with the Palm Beach County Division of Animal Care and Control to develop a program to trap some of the feral cats, removing them from areas where they were considered a nuisance and a threat to public health. Although the Town's residents were divided on the question of the Town's interim measures on this issue, there emerged a broad community consensus that a formal and coordinated program to humanely manage the on-island feral cat population (such as trap/neuter/relocate or trap/neuter/release) could reduce or eliminate this nuisance factor. Town officials are diligently pursuing this middle ground solution in conjunction with a nascent non-profit organization known as PB Cats.

Community Enhancement / Quality of Life Actions

D1. **Open Space and Beautification**: Continue Town policy of preserving existing open spaces and pursue opportunities for parks, beautification and open space enhancements including:

a) Identify opportunities for expansion of open space and recreation areas.
b) Seek opportunities to retain open spaces during redevelopment of large estates.
c) Whenever possible, take action to preserve large open green spaces that are privately owned (e.g. the three privately owned golf courses).

Timeframe: Ongoing, as opportunities arise.

D2. **Underground Utilities**: Pursue opportunities to place utilities underground, including the following:

a) Oversee an evaluation of the technological and economic feasibility of installing utility lines underground to provide information to decide on the desirability of proceeding on a long-term project. The study should include alternate methods of financing. The word "oversee" is used since there are resources such as local civic organizations, representatives of other municipalities, etc., who are readily available to assist in such an effort.
Timeframe: By year-end 2003.

b) Investigate opportunities for limited, prioritized, high visibility "demonstration" projects, including finance mechanisms and public-private cost sharing.
Timeframe: By year-end 2003.

c) Investigate the feasibility of a program to place utilities underground following a natural disaster.
Timeframe: To coincide with Comprehensive Plan update.

D3. **Young Families**: Pursue community enhancements and other actions to attract, encourage and support young families, including but not limited to the following:

a) Retention of public and private schools, with no net loss of green space.
Timeframe: Ongoing.
b) Provide playground at north end (nursery site), if feasible.
Timeframe: Investigate feasibility by mid-year 2003.

D4. **Cultural Institutions**: Nurture and encourage private cultural institutions in and near the Town to sustain and expand their services to the public.
Timeframe: Ongoing.

D5. **Nuisance factor – Noise**: Improve the effectiveness of the Town's noise ordinance including revised noise standards, measurement, enforcement techniques, etc. Accomplishment of this objective may require additional personnel. Pursue tighter

regulations on internal combustion equipment such as leaf blowers and chain saws.
Timeframe: By year-end 2003 and ongoing, as opportunities arise.

D6. **Nuisance Factor – Feral Cats**: Continue Town actions (using Town and private resources) to humanely reduce the feral cat population problem, including a "trap/neuter/relocate" program and/or "trap/neuter/release" program in partnership with PB Cats, Palm Beach County Animal Care and Control, and/or other public or private animal welfare agencies or persons.
Timeframe: Ongoing.

E. EMERGENCY MANAGEMENT

Since the early 1990s, the Town has had a detailed and well organized Storm Emergency Response Plan. Through continuous updating of this plan and related training, the Town staff is well prepared to address the inevitable hurricane which will someday directly damage property and threaten the lives of Town residents. The Town currently is preparing a Comprehensive Emergency Management Plan to expand the excellent level of storm preparedness to a similarly detailed state of readiness for other types of emergency situations (such as a plane crash, civil disturbance, or act of terrorism). The Town also is going to include an Emergency Operations Center (hardened to withstand a substantial hurricane) in the construction of the new Central Fire-Rescue Station. The Board applauds these initiatives and recommends they be promptly completed and that the CEMP be regularly updated. We also urge the Town to continue its long standing practice of communicating and coordinating with other area governments on emergency preparedness, since intergovernmental coordination usually is essential to achieving successful responses to and recovery from major disasters.

It should be noted that for legal and operational reasons, the Town's responsibilities are focused upon public facilities and public safety issues. The Board believes that this is proper, but also believes that the Town should provide additional assistance to Town residents through increased public education about the need to prepare for disasters, and about the resources available to residents during the recovery period. This need is especially acute regarding storm preparedness and recovery, since a severe storm is the type of emergency which is most likely to cause the greatest amount of personal distress to the greatest number of Town residents.

<u>Emergency Management Actions</u>

E1. **Comprehensive Emergency Management Plan**: Complete, review, update, and strengthen the Town's Comprehensive Emergency Management Plan.
Timeframe: Complete by year-end 2003, then review and update annually thereafter.

E2. **Coordination**: Provide for optimal coordination with County, State, and Federal emergency management agencies.
Timeframe: Ongoing.

E3. **Public Education**: Increase outreach to residents regarding how each can individually be better prepared for and effectively recover from a severe storm or other disaster.
Timeframe: By year-end 2003 and ongoing.

E4. **Human Resources**: Plan to utilize contractual services, temporary employees, and volunteers, as needed, to ensure a sufficient work force to accomplish post-disaster damage assessment, communication, and relief services.
Timeframe: Ongoing.

E5. **Building Code**: If the State permits, identify opportunities to strengthen the local building code to reduce risks of property damage.
Timeframe: Within one year of an applicable change in State laws.

E6. **Financial Preparedness**: Be prepared to establish an emergency line of credit to draw upon during recovery from a natural or man-made disaster, if the Town's ample reserves are exhausted by an extreme disaster.
(See Recommendation L6.)
Timeframe: Ongoing.

F. EMERGENCY WATER SUPPLY

In June of 1999, the Town of Palm Beach ("the Town") entered into a 30-year "Retail Water Service and Franchise Agreement" with the City of West Palm Beach ("the City") for the provision of potable water to Town properties. Under the terms of the agreement, the City must make $18 million in improvements to its antiquated water distribution system in Town within five years of the execution of the agreements. These improvements are well underway.

There are other important features of that agreement which do not require action in this plan, such as the transfer of the ownership of the City's water distribution system in the Town to the Town at the end of the contract period. Ownership of the piping will become strategically very important to the Town since it will provide far greater flexibility in choosing alternate sources of supply, but the Town will be addressing that opportunity during a future planning period.

A provision was included in the agreement which allows the Town to construct a water treatment facility with a capacity of up to six (6) million gallons per day. This facility could be operated to supply water to Town residents only if West Palm Beach cannot supply the Town with sufficient water during an emergency drought condition declared by the South Florida Water Management District (SFWMD).

The City of West Palm Beach has been extremely proactive in assuring an adequate supply of raw water into the foreseeable future. Some of the water supply activities undertaken by the City include:

1) Reuse of treated sewage using additional treatment and filter marshes prior to storage in the City's water catchment area.

2) Reuse of storm water from the City Place/Okeechobee Road corridor using treatment techniques that allow this water supply to move into Clear Lake which is the West Palm Beach reservoir source for its water treatment plant.

3) Receiving an additional allocation of water from the Lake Okeechobee water supply system.

4) Capturing additional water sources for storage in the City's water catchment area.

The use of these and other water supply enhancement techniques provides reasonable assurance that the Town's interests with respect to future potable water needs will be met by the City of West Palm Beach.

The Board is concerned, however, regarding possible contamination of the West Palm Beach water supply by an act of terrorism or some other cause. Even though we believe the possibility of such emergency coming to pass is extremely remote, the importance is of sufficient magnitude to deserve the Town's attention in this Strategic Plan.

Since we believe the likelihood is remote, the ideal solution would be one in which the Town could react rapidly and which would require a minimal amount of investment unless the demand actually occurred.

The Town's current average water consumption is approximately 8 million gallons per day, of which approximately 50% is potable consumption. It is suggested that the Town evaluate the following:

1) By examining the use pattern, determine how much water would be required to supply emergency needs.

2) Consider a solution to generate such emergency needs on short notice with the ideal solution being one which would involve minimal investment prior to the actual demand materializing.

There are currently reverse osmosis (RO) plants operating at the three private golf courses in Town – the Everglades Club, the Palm Beach Country Club, and The Breakers. These are currently producing water of sufficient quality to be used for irrigation. Further upgrading would be required for the output to be acceptable for human consumption. This

could be done with additional membrane stages. If such an upgrade could be performed with a leased mobile plant, it would certainly meet the criteria of minimum investment and rapid reaction. If technical and economic study shows this to be a feasible alternative, the Town should approach the three entities to obtain their cooperation in the event of such a remote, but serious eventuality.

An alternate approach, which could be used independently or in concert with the above, is to use as the point of access to a source of supply a Town owned location such as Phipps Ocean Park, which might eventually be the location of a Town owned and operated water facility. At this point we would only consider getting the regulatory permits and installing the feed and effluent piping (not an RO plant) which would allow the rapid use of an RO plant – preferably mobile – to supply some or all of the Town's emergency requirements.

Emergency Water Supply Actions

F1. **Modify Agreement**: Modify present agreement with West Palm Beach (if necessary) to allow development of an emergency (not an additional) water source.
Timeframe: By mid-year 2003.

F2. **Investigation**: Initiate investigations of options for the provision of an emergency water source for the Town of Palm Beach, including:
- Research technical alternatives, costs and funding mechanisms to provide a reverse osmosis, or similar, emergency water source under Town control.
- Research feasibility and costs of Town water system emergency connections to private (golf course) reverse osmosis systems (at The Breakers, The Everglades Club, and Palm Beach Country Club), including upgrading those systems to potable water quality.

Timeframe: By year-end 2004.

F3. **Preparation**: Make contractual agreements and complete preliminary engineering to allow rapid installation of emergency water source if future circumstances require such installation.
Timeframe: By year-end 2006.

F4. **Private Systems**: Encourage private emergency potable (R.O.) water sources and alternative irrigation sources for new and existing condominium developments.
Timeframe: Ongoing.

G. TRAFFIC & PARKING

Over the years, increased traffic congestion and the perception of a parking shortage have become a common source of aggravation for the Town's residents. This was one of the strongest and clearest messages conveyed by the residents who participated in the 2001 Community Forums. Although the growth of the Town's population over many decades

has contributed to the traffic and parking concerns, an even greater factor has been the exponential growth of the surrounding area. Palm Beach County's population has grown from less than 400,000 in 1980 to over 1.1 million in 2002. Rapid growth in the regional population can be expected to continue throughout the planning period. In addition, the opening of a major regional convention center in downtown West Palm Beach in 2003 is expected to exacerbate the existing traffic and parking situation. Therefore, the Strategic Planning Board considers traffic and parking to be among the most critical issues the Town must address to maintain its quality of life during the next ten years and beyond.

The Board wishes to pursue traffic enhancements that will mitigate congestion and improve convenience to residents, without encouraging increasing volumes of traffic. Anecdotal evidence suggests that, while the traffic congestion is real, the parking shortage may be more a matter of perception than reality. It may be that parking is not as convenient as people would like it to be, but there may be a sufficient number of spaces to meet the demand, as long as strategies can be implemented to better match up the available spaces with the people who want or need to use them.

For all of the reasons described in the two paragraphs above, the Board strongly recommends that the Town prepare and implement a Traffic and Parking Improvement Plan (for which data collection has already begun). We have included other more explicit action statements to address this topic, too, and some of them may be able to be implemented (at least partially or on a trial basis) prior to the completion of the Traffic and Parking Improvement Plan. However, we believe the prompt pursuit of a comprehensive approach will be important to the Town's future success in addressing these issues.

Traffic & Parking Actions

G1. **Traffic & Parking Improvement Plan:** Prepare an integrated traffic and parking improvement plan to include the following components:

Traffic Circulation

Opportunities will be identified to improve traffic flow for the convenience of residents and to mitigate non-local traffic impacts through the following work tasks:

- Measurement, evaluation and projection of local traffic volumes, capacities and congestion levels.
- Identification of components of present and future traffic (resident, employee, visitor, through-traffic).
- Identification of on-island and off-island traffic bottlenecks and constraints (bridges, intersections) and evaluation of potential remedies.
- Identification of present and future traffic signal needs.
- Identification and evaluation of opportunities to improve efficiency of traffic flows (round-abouts, adjusted signal timing, removal of on-street parking, etc.).
- Identification of opportunities, costs and benefits of greater Town influence/responsibility for present County/State roads.

Parking Management

Opportunities will be identified to optimize utilization and convenience of publicly available parking through the following work tasks:

- Supply/Demand analysis to confirm and document the sufficiency of the existing on and off-street public parking supply.
- Utilization analysis to document patterns of under-utilization and identify opportunities for more efficient use.
- Analysis of potential operational improvements (meters, regulations, restricted parking areas, employee incentives, etc.), including the following:
    a) Relocate business employee parking to remote lots.
    b) Coordinate with business organizations.
    c) Centralize parking system management.
    d) Provide for one-hour or other shorter term parking on at high demand locations to increase utilization of existing parking resources.
    e) Improve parking facility signage and other means to enhance public awareness.
    f) Provide for short term/immediate action demonstration projects to test the effectiveness of the preceding parking management techniques.
    g) Encourage/mandate shared parking agreements.
    h) Allow valet parking to be offered in controlled settings to promote convenient vehicle drop-off and greater use of off-street parking spaces.
    i) Offer and/or encourage affordable monthly contracts for off-street parking.
    j) Expand Town's on-street permit parking on streets adjacent to business districts.
    k) Require vehicles to be moved to another zone (not just to another space) when their allocated time has expired.

Timeframe: Complete Traffic and Parking Improvement Plan by year-end 2003.

G2. **Traffic Impediments**: Identify opportunities to remove external traffic impediments, including but not limited to:

a) Reduced impact of boat traffic/bridge openings, from changed schedule/policies for bridge openings.
b) Modifications to traffic flows and signalization on mainland through greater coordination of Palm Beach County and West Palm Beach.

Timeframe: Investigation with traffic study and implementation ongoing.

G3. **Visitation Impacts**: Identify and implement techniques to mitigate the traffic impacts of visitation, including but not limited to: Alternative modes of convention visitor travel (shuttles, etc.) and tightened guidelines/restrictions on tour buses. Although shuttles and tour buses may reduce vehicular traffic among those intent on a visit to Palm Beach, they may also facilitate even greater visitation loads, while incurring various traffic, noise and parking impacts associated with the accommodation of large vehicles. Therefore, these and other trade-offs associated

with alternative means of travel for visitors should be investigated further.
Timeframe: Investigation to coincide with Traffic and Parking Improvement Plan.

G4. **Construction Traffic**: Continue improving policies and practices to minimize traffic disruptions from public and private construction (e.g. Bradley Place 2002).
Timeframe: Ongoing.

G5. **Construction Parking**: Identify and apply techniques to reduce the impact of construction parking, including but not limited to:
a) Centralized/shared parking.
b) Off-island parking.
Timeframe: Early actions by mid-year 2003. Expanded investigation to coincide with Traffic and Parking Improvement Plan.

G6. **Employee Traffic**: Evaluate the traffic components/impacts of business employee traffic in coordination with business community. Identify short-range opportunities to mitigate employee rush hour traffic through carpooling, flexible schedules, remote parking, etc.
Timeframe: Investigation to coincide with Traffic and Parking Improvement Plan.

H. MANAGEMENT OF REDEVELOPMENT – COMMERCIAL

Although the Town has very little land left for new commercial development, it is faced with decisions regarding commercial redevelopment as its commercial areas continue to age and regenerate to accommodate changes in market demands. The Town has traditionally sought to protect its residents and residential areas from negative impacts caused by traffic and parking from off-island visitors to commercial sites. In furtherance of this goal, the Town has limited the size of new businesses to 2,000 square feet, in order to ensure that the Town's commercial areas are targeted toward the needs of its residents, and not to off-island visitors. In this manner, traffic and parking problems associated with commercial areas are minimized, and businesses tailored to the needs of Town residents are encouraged and promoted. The Town does allow, by special exception, businesses over 2,000 square feet, but only if they meet the definition of *town-serving*.

Town-serving is defined as "establishments principally oriented to serving the needs of townpersons which would not substantially rely upon the patronage of person not defined as townpersons". In this context, "Townpersons" include all full-time and seasonal residents, as well as employees working in the Town and hotel occupants. If a business exceeds the 2,000 square foot limitation, it may receive Town Council approval to operate by special exception, with the attendant conditions that ensure that traffic and parking problems are addressed, and that the business confirm annually that over 50% of its clientele are Townpersons.

Several options exist to strengthen prohibitions of commercial uses which may be incompatible with the character of the Town. The following alternatives deserve some review. The code presently allows a nonconforming use to continue, or permits an existing grandfathered use to be transformed to another use within the same group use without requiring additional parking. Additional parking is only required when a nonconforming use expands, or where a use group changes to a more intensive use, but only the additional parking that is required must be provided. One way to increase the conformance to current code requirements for parking is to modify this "principal of equivalency" in cases of expansion or changes in use such that all or a proportion of the current parking requirement must be met, and not just the additional parking required.

The Town could also consider eliminating the ability of applicants to receive a variance from the code regarding required parking, while being approved for off-site supplemental parking.

The code could be modified to further regulate stacking and valet services as a solution to lack of parking, which may prevent some of the negative impacts of such operations, such as blocking of streets, unsightly parking areas, and parking in prohibited areas.

The Town could also restrict or prohibit the types and/or the appearance of certain commercial uses, such as prohibiting any eating establishment that can be identified as a chain or that has distinguishing characteristics of other restaurants in a group (such as similar architecture or logos), or prohibiting certain types of uses which are high-traffic generators, such as drive-through facilities.

There are other provisions available to the Town, not restrictive in nature, such as provisions which grant special consideration for providing supplemental parking or parking in excess of that required, that also may merit additional research.

Actions for Management of Redevelopment – Commercial

H1. **Neighborhood Impacts**: Limit impact of commercial encroachments on neighborhoods by requiring neighborhood impact assessment for all residential-to-commercial re-zonings and increases in commercial intensity.
Timeframe: By year-end 2003.

H2. **Commercial Development Limits**: Review the adequacy of existing protective measures against unwanted forms of commercial development (chains, drive-through) and add additional protections as necessary, including:
- Review and strengthen "town-serving" commercial development ordinance.
- Tighten commercial development standards to prevent certain uses which are determined to be inappropriate in the Town.
- Explore ways to promote retention of small and independent Town-serving businesses.

Timeframe: By May 2005.

H3. **Lake Worth Casino Area**: Regulate Town commercial uses and monitor City of Lake Worth commercial uses east of Lake Worth Bridge so as to protect the interests of South End Town residents.
Timeframe: Ongoing.

I. MANAGEMENT OF REDEVELOPMENT – RESIDENTIAL

Since as far back as 1990, the Town Council and the Zoning Commission have been evaluating those portions of the Town's Code of Ordinances which regulate the size of homes in the R-B zoning district, the predominantly single-family areas in the North End of the Town. Nevertheless, during the past several years, the issue of "monster homes" or "mansionization" has become increasingly problematic in Palm Beach, as it has in other areas of the country.

Building norms for home sizes in the North end averaged 2,500 to 3,000 square feet in the decades of the 1930s to the 1970s, well below the maximum of 6,000 square feet allowed in the zoning code during that time. Today these historic norms become the reference point, as housing construction continues to evolve to reflect changing resident tastes and real estate markets. In 1980, as an example, a 6,000 square foot house could be constructed on a 10,000 square foot lot. The house was permitted 3,000 square feet of space on the first floor, and 3,000 square feet on the second floor, comprising total lot coverage of 30%. However, very few homes were built at the maximum allowable size; most homes were single-story and were designed as second homes intended for seasonal occupancy.

During the 1980s and 1990s, a number of factors changed, which resulted in the construction of significantly larger homes. New homes were designed for use as primary residences, with more living space, larger rooms, and other amenities, in response to changing market demands. During that time, the zoning code underwent modifications to reduce the size of the house allowed on a typical 10,000 square-foot R-B zoning district lot, and today a two-story house with an average second floor beam height of 22' would be permitted to have a maximum of 3,636 square feet of space.

The Town Council and Zoning Commission have considered and adopted various modifications over the last twelve years to attempt to address the size, mass and location of new homes in the area of Town where homes have been getting much larger than surrounding homes. Those adopted regulations were: 1) the building height plane (which was later eliminated) and angle of vision in 1990; 2) the floor area ratio (FAR) and the averaging of the front yard setback of neighboring properties in 1991 (both eliminated at later dates); and, 3) the cubic content ratio (CCR) which limits the size of homes in the R-B district in 1993. In 1997, the CCR regulation was modified with the intention of lowering the maximum size of homes based on a sliding scale.

In late 1998, the Town retained Raymond Gindroz of Urban Design Studio to study a concept of architectural patterns and design guidelines for the R-B zoning district. The concept dealt with indoor and outdoor living spaces and the special and architectural relationships of homes in different neighborhoods. After review of the concept, the Town pursued a somewhat different proposal that focused on creating zoning regulations that would not implement architectural guidelines, but would embrace zoning regulations which were consistent with the existing development patterns of a neighborhood.

In the fall of 1999, the Town retained Duncan & Associates and Urban Design Studio to develop a concept of prototype neighborhood zoning guidelines for four streets on the north end of Palm Beach. The proposed prototype concept for those streets, which included a proposal for design incentives to allow other zoning flexibility, was later eliminated from consideration. However, Staff was asked to complete its own study incorporating many of the identifiable characteristics used by Duncan & Associates to create possible overlays of districts.

In 2001, staff collected and analyzed lot, yard and area data on R-B lots in five distinctly different areas of the Town. Those areas were selected because of their varied character. The proposal was then considered and it was decided that the sliding scale CCR implemented in 1998 should remain in place for additional time to determine its true effectiveness on scaling down the size of new and renovated homes. In addition, staff was asked to study a proposal which would create a historic or conservation zoning district for one unique area of Town. That area, which encompasses Seaview Avenue, Seaspray Avenue and Seabreeze Avenue is currently being evaluated to create zoning regulations based on existing lot, yard and area characteristics.

During the 2001 Community Forums, many residents expressed a concern that the Town Council might be granting too many zoning variances, facilitating the construction of "monster homes." The Strategic Planning Board reviewed this concern in substantial detail and learned that variances were granted for only 5 of 62 new homes (8%) constructed in the R-B district between January 1, 2000, and October 31, 2002. Four of these 5 variances addressed technical issues; only 1 addressed "lot, yard, and bulk" design issues. The Board concluded that variances are not the cause of "mansionization" in the Town and that, in fact, the judicious granting of variances for expanded use of existing homes can be an effective means by which to allow modern needs to be met while retaining the character of established neighborhoods.

Change in the Town is inevitable. It has, and will be, the Town's zoning regulations that, when combined with the required reviews by the Architectural Commission and Landmarks Preservation Commission, ensure that the change is controlled and gradual. The Town reviews the existing regulations every year and makes changes it believes will ensure the preservation of the Town's distinctive ambiance and character.

Actions for Management of Redevelopment – Residential

I1. **Neighborhood Scale**: Consider additional actions to maintain appropriate neighborhood scale and reduce the impact of large homes inconsistent in size and/or design with established neighborhood conditions. Provide for "reasonableness" by accepting gradual evolution in neighborhood scale and by avoiding severe restrictions on house sizes to levels below market acceptance.

a) Property Assemblage: Discourage multiple lot assemblages beyond neighborhood norms by regulating maximum lot size, limiting the number of parcels which may be merged, or by other comparable means.
Timeframe: 2003-2004 Zoning Season (May 2004).

b) Neighborhood Determinations: Conduct a street-by-street examination of neighborhood scale to determine appropriate size thresholds for each affected neighborhood.
Timeframe: By mid-year 2004.

c) Regulations: Enact regulatory measures to limit size of homes to neighborhood norms, averages, or other identified thresholds, promoting evolutionary growth in homes in contrast to revolutionary changes in neighborhood character.
Timeframe: 2004-2005 Zoning Season (May 2005).

d) Architectural Variety: Promote the maintenance and modernization of existing homes (in lieu of "tear downs") through the judicious granting of variances and a flexible approach to architectural review.
Timeframe: Ongoing.

e) Landscaping: Consider additional regulations to require maintenance and replacement of landscaping, as needed, to ensure continued compliance with landscape conditions imposed by the Architectural Commission, the Landmark Preservation Commission, and/or the Town Council.
Timeframe: By year-end 2004.

I2. **Density Increases:** Take actions to limit increases in density through the subdivision of properties, including:
- Adjustments to north-end zoning districts, including conversion of areas of R-B to R-A / R-AA zoning districts (along the Ocean and the Lake).
- Limit densities associated with the subdivision of large estates via maximizing percentage for preservation of open green space, or by other comparable means.

Timeframe: 2004-2005 Zoning Season (May 2005).

J. BEACH MANAGEMENT

The Town Council appointed a Shore Protection Board on July 11, 1995, to investigate and evaluate the Town's beaches and develop a plan to address the erosion of this piece of the Town's infrastructure. The Board met regularly for over three years. After investigating the broadest array of beach management options, the Board oversaw the production of the Comprehensive Coastal Management Plan – Update (CCMP), dated September, 1997. Thereafter, the Board oversaw a separate Peer Review of the CCMP. The Peer Review emphasized that uncertainty exists in the science of managing our coastal resources, and therefore recommended that the CCMP be implemented in phases, thereby allowing for flexibility and adjustments through a process called "adaptive management." This process involves incorporating specific, measurable goals in each beach renourishment project and learning from the observed successes and failures, or outcomes, of those projects when compared against the project's original expectations. Put differently, it means (1) monitoring the implementation of each project in a manner meant to reveal any critical knowledge that was lacking in the project's original design, (2) analyzing the outcome of each project against its original objectives, and (3) incorporating these results into future decisions regarding the projects included in the adopted CCMP by means of appropriate midcourse corrections. In January of 1999, the Shore Protection Board issued its final report making a number of recommendations to the Mayor and Town Council, including the implementation of the CCMP through adaptive management.

The Town Council reviewed the CCMP and held three public meetings throughout the Town to present the CCMP to residents and receive input into the decision-making process. The CCMP was further discussed at Town Council meetings over a number of months where additional public debate occurred. Some of the public raised concerns about the environmental damage that might be caused by the projects, the method of paying for the projects (having the cost spread over all real property in the Town), and the potential effects on the privacy of its residents and on property rights as a result of the creation of an Erosion Control Line. The Town Council adopted a scaled back Coastal Management Plan on December 1, 1999. That action and the Town Council's subsequent actions on these projects have been based upon the determination that the anticipated Townwide benefits of implementing the projects substantially outweigh the potential negative impacts. The prevailing opinion expressed by the residents at the Community Forums in November 2001 strongly supported this determination.

The following is an update on the Status of the Town's implementation of the adopted Coastal Management Plan.

REACH 3 & 4 – MID TOWN BEACH – (El Mirasol to Banyan Road)
Construction of the Mid-Town Beach renourishment project was completed early in 2003.

REACH 7 – PHIPPS OCEAN PARK – (Sloan's Curve to Ambassador Hotel)
The State permit has been issued for the project. Mixing zone variance and sand source variance permit applications have overcome an administrative hearing delay and are ready

for issuance. The U.S. Army Corps of Engineers (USACE) demanded the preparation of a Supplemental Environmental Impact Statement (SEIS). We expect the USACE to issue a permit for this project, including conditions requiring mitigation for coverage of hardbottom in the project area. Contractor bidding for the beachfill project should occur during the Summer of 2003. Construction is expected to be completed early in 2004.

REACH 2 – ONONDAGA ROAD TO EL MIRASOL

The erosion that has occurred in this reach has uncovered vast amounts of hardbottom in the near-shore. A conventional beachfill project would cover about 40 acres of this hardbottom and mitigation would cost more than the sand restoration. Consequently, the only feasible alternative to restoring this shoreline to a minimum level is the creation of a feeder beach in the very north-end of the reach and the very south-end of Reach 1. Reach 2 is at feasibility level design and the feeder beach proposal is evolving. The Town will explore with the USACE the concept of the USACE placing the inlet dredged sand on the feeder beach to keep the sand moving south. Assuming an acceptable alternative is found, a permit could be issued in time for construction to begin in November 2004.

REACH 5 – BANYAN ROAD TO WIDENER'S CURVE

This project is planned as a conventional renourishment. Hardbottom impacts are not unreasonable and can be mitigated. This project is in the feasibility design stage. The project schedule is the same as Reach 2, with construction commencing in November 2004.

REACH 8 – AMBASSADOR HOTEL TO SOUTH TOWN LIMITS

The north-end and south-end of this reach are designated as critically eroded. The length between these areas is not designated as critically eroded. One of the criteria, which must be met to obtain the permit to renourish the beach, is that the project must benefit the public. This is defined as meeting the "public interest" test. When an area is deemed to be "critically eroded" it automatically meets that criteria. The portion of the beach which is not designated as critically eroded also contains hard bottom coverage, further complicating the obtaining of the permit. The public beaches constitute the major portion of this non-critically eroded section. The Town will continue to explore alternatives in Reach 8 to determine how we can accomplish the restoration of this Reach within the restrictions of State laws. Assuming the permitting "hurdles" can be cleared, the project is most likely on a schedule which would allow construction to begin in November 2004.

FUNDING

The planning, design, and permitting work on the above projects is being funded pay-as-you-go, with substantial financial assistance from the State of Florida. The construction of the projects will be funded with the proceeds of a $23.5 million bond issued by the Town and almost $20 million of financial assistance which is projected from the State of Florida and from Palm Beach County tourist tax grants. This State and County funding is based upon existing parking, access, and facilities, without any onerous strings attached to require any Town actions in these areas.

REACH 1 – SOUTH JETTY TO ONONDAGA ROAD

The Army Corps of Engineers, Jacksonville District, will be recommending to its command structure that the USACE construct or improve a sand transfer plant and extend the discharge pipe to the south and expand the settling basin on the north side of the north jetty. This program is consistent with the Town's approved Inlet Management Plan. Discussions are underway between the Town, Palm Beach County, and the Port of Palm Beach regarding ownership, operation and maintenance of the new/improved plant. Palm Beach County has indicated a willingness to assume responsibility for the design phase of the plant improvement to accelerate the schedule several years. The USACE schedule is for an operational plant in 2007 but the new plant could be operational by 2005 with the County's involvement. The USACE is proposing construction of the improvements with 100% Federal funding.

Beach Management Actions

J1. **Beach Nourishment**: Implement the Expanded Mid-Town Beach Renourishment Project and the Phipps Ocean Park Beach Restoration Project.
Timeframe: Complete Mid-Town project construction during the winter of 2002-2003 and Phipps project construction during the winter of 2003-2004.

J2. **Re-evaluation**: During the course of the entire project, changing circumstances and new information will be evaluated to determine whether modifications to subsequent phases of this project should be developed and implemented. This includes remaining sensitive to the municipal bond market to determine whether there may exist an opportunity to significantly reduce costs by refinancing the Town's portion of the project.
Timeframe: Ongoing.

J3. **State Funding**: Continue seeking State funding assistance except where State requirements conflict with Town policy regarding parking and access.
Timeframe: Ongoing.

J4. **Sand Transfer Plant**: Continue to pressure the U.S. Army Corps of Engineers and Palm Beach County to honor their previously made commitments to expedite the replacement or substantial upgrading of the Lake Worth Inlet Sand Transfer Plant.
Timeframe: Ongoing.

J5. **Inlet Related Actions**: Consider, from time to time, appropriate actions which would require the Federal government and/or Port of Palm Beach to pay for beach restoration necessitated by sand loss due to inlet dredging.
Timeframe: Ongoing. [*Revised July 2, 2003*]

J6. **Erosion Control Line Exemption**: Seek modifications to Florida State statutes to exempt properties down drift from inlets (such as the Town of Palm Beach) from Erosion Control Line (E.C.L.) requirements.
Timeframe: By year-end 2003.

K. STORM DRAINAGE

During the mid-1970s, the Town commissioned an engineering report to recommend what infrastructure needed to be constructed to provide better protection against flooding in major rainstorms. The "Smith & Gillespie Long Range Public Works Plan" provided the blueprint for major improvements constructed during the 1980s and 1990s. Flooding throughout the Town has been greatly reduced by these improvements.

However, some of the residential neighborhoods of the North End experienced severe flooding of homes during heavy rainfalls in 2000 and 2001, and less severe flooding (still resulting in private property damage) on other occasions between the late 1990s and 2001. In response, the Town staff improved its procedures for the field operations which prepare for and respond to storms that pose a threat of flooding. The Town also undertook a new study of the drainage system throughout the affected area (5 distinct drainage basins covering the area from Wells Road north to the Lake Worth Inlet), and developed an ambitious multi-year plan to increase the capacity of the storm drainage system.

On September 10, 2002, the Town Council approved a 10-year, $23.7 million pay-as-you-go program to provide new pump stations, expand existing pump stations, provide new and larger pipes along the "trunk lines" connecting smaller pipes to the pump stations, and providing new or larger pipes in some of the residential side streets. The engineering analyses suggest that construction of these improvements will protect all but the 14 lowest elevation homes (some of which have a first floor elevation almost 3 feet lower than the Town's current flood prevention standard of 7.5 feet above sea level) from being flooded during a storm of such intensity that it is expected to occur only once every 100 years. Street flooding and some garage flooding are expected, not only during a "100-year storm" but also during less intense storms.

The early stages of this plan are already being implemented. Full implementation will depend upon the willingness of the South Florida Water Management District (SFWMD) to permit the Town to pump large quantities of water into Lake Worth much faster than the Town's existing system. This permitting process is well underway. The Town hopes to obtain the necessary approvals during 2003.

The 10-year plan is one continuous program, but it may be viewed as Phase I (the pump station and trunk line projects which will benefit the entire area) and Phase II (the pipe projects which will benefit particular streets). The Phase I improvements are planned for construction between 2002 and 2010, and the Phase II improvements are planned for construction between 2009 and 2011. The phases overlap because pump station and trunk

line work may be continuing in some basins while the program progresses to the side streets in other basins.

While developing this program for improving the public infrastructure necessary to better protect against flooding, the Town's elected officials, staff, and consultants also have been developing strategies for reducing the impacts of storm water run-off from private properties into the public drainage system. Town regulations have been substantially strengthened in this regard during 2001 and 2002. Additional measures are being considered for the future.

In addition to considering what regulations and storm drainage improvements are needed to prevent future flooding, the Board considered how system improvements will be made. Specifically, the Board explored whether or not changes are needed in Town policy governing construction contracts and construction project management to ensure that these major projects are completed successfully. During 2001, the Town experienced a very disruptive and unsuccessful project on Bradley Place. In response to that situation and building upon both successful and unsuccessful past experiences, the Town staff proposed over 30 specific improvements to the Town's contracting and project management practices. These were approved by the Town Council and either have been implemented or are being implemented as this Strategic Plan is being written.

The Board is satisfied that the improvements the Town already has made in this area (demonstrated, in part, through the successful completion of the second phase of the Bradley Place project -- on time and under budget -- during 2002) are sufficient to protect the Town's residents from unnecessary disruption and costs in the future. Therefore, the action statements for this topic focus upon the technical issues and include no specific recommendations regarding the management of Town projects.

Storm Drainage Actions

K1. **System Improvements**: Implement trunk lines and pump stations as set forth in the Town's adopted drainage system improvement program.
Timeframe: Ongoing and to be completed by December, 2010.

K2. **Re-evaluation of Phase II**: Following completion of improvements noted in K1 above for each distinct drainage basin, the Town will reevaluate needs, priorities, and financing of future storm drainage improvements on residential side streets.
Timeframe: Complete re-evaluation during 2008.

K3. **Modified Development Standards**: Identify opportunities to adjust development standards for increased water retention in an effort to further reduce storm water loads from properties being redeveloped.
Timeframe: By year-end 2003.

K4. **Drainage Upgrade on Individual Properties**: Encourage the installation of upgraded storm drainage systems to meet current or new storm water standards on properties which are not otherwise being redeveloped. [*Revised July 2, 2003*] *Timeframe: Ongoing.*

K5. **Drainage on State Roads**: Submit a request to Florida Department of Transportation to improve drainage on State Roads, especially A1A. *Timeframe: Mid-year 2003.*

L. FINANCIAL MANAGEMENT

Over the past few years many steps have been taken to improve the financial management of the Town, enhance the budget document, and to communicate financial information to the citizens.

Since August 2001, the Town Council has adopted twelve (12) new financial policies that address Town reserves, budgetary control, debt management, fixed asset replacement, dock replacement and a revenue shortfall plan. These policies were adopted to safeguard the Town's financial resources and to ensure fiscal stability.

The budget process and budget document also have been improved. A balanced budget is proposed and a complete budget document is presented at the Town Council's July public budget hearing. The document includes trend information, reserve analyses, revenue and expenditure detail with explanations of increases or decreases over the prior year, and millage and taxable value information in the appendix. Prior to that, in March of each year, the Mayor and Town Council hold a special meeting to discuss with the staff and the public the priority Townwide goals for the coming year and any anticipated changes in the budget.

The Town publishes the following reports annually to communicate the Town's financial condition and report the cost of service delivery to the citizens of the Town:

- ✓ A Comprehensive Annual Financial Report (CAFR) which includes the audited financial statements of the Town;
- ✓ A Comprehensive Annual Budget Document which contains the budget for the upcoming fiscal year as well as detailed information on all of the funds of the Town;
- ✓ A Budget in Brief which contains abbreviated information from the Comprehensive Annual Budget Document; and
- ✓ An Annual Report which contains financial information from CAFR and information on Town services and operations, presented in easy to read format. This document is mailed to all of the citizens of the Town.

The above documents have been recognized by the Government Finance Officers Association (GFOA) for excellence in meeting the stringent criteria set forth by the organization. The CAFR has been awarded GFOA's Certificate of Excellence in Financial Reporting for 14 consecutive years, the Distinguished Budget Presentation Award has been given to the Town on 10 occasions, and the Annual Report issued for fiscal year 2001 was presented an Award for Outstanding Achievement in Popular Annual Financial Reporting.

Staff prepared for the Strategic Planning Board a draft long term financial plan which summarized the current financial condition of the Town, reviewed revenue and expenditure trends, compared the Town's finances to other communities, and presented a preliminary 5-year financial forecast.

The current General Fund balance of approximately $15,200,000 represents 31% of the FY2003 Budget and is approximately $3,000,000 over the required minimum of approximately $12,200,000 (25% of the FY2003 Budget). All other reserves of the Town, with the exception of the Par 3 Golf Fund reserve, also are at or over policy established minimums. In FY 2002 the Town Council established a Marina Fund Dock Replacement Reserve to fund the replacement cost of the construction of the Town's docks. In the future, staff will be proposing appropriate levels for a Health Insurance Fund reserve and Risk Insurance Fund reserve.

Staff prepared a survey as a part of the long term financial plan to determine how the Town compares financially with other similar Florida municipalities. The data used for the benchmark analysis was based on the September 30, 2001, audited financial statements. In most cases, the Town ranked favorably as compared to the other communities. The population used for the per capita analysis was the Town's census figure of 9,676 which does not include seasonal residents.

The General Fund forecast, without debt service for new projects, indicates a stable millage rate through FY 2007. If taxable value does not increase as much as anticipated (6.5% per year), there may be some margin within the estimates to maintain millage rate stability. If the taxable value increases more than we have estimated, there may be ample room to finance new projects and add services without a millage rate increase or to maintain current service levels and lower the millage rate.

The Town's other funds, which include the Enterprise Funds, Internal Service Funds, Capital Funds and Debt Service funds do not indicate any trends that may be cause for concern with the exception of the Par 3 Golf Course Fund. Staff will make recommendations during 2003 to improve the long term financial performance of this fund.

The Strategic Planning Board recognizes that the Town of Palm Beach bears a large share of the tax burden for Palm Beach County. For every $100 of property taxes payed by an owner of property in the Town, only $20 returns to the Town; $80 provides services elsewhere in the County. During FY 2002, Town property owners paid approximately

$27 million in Town taxes and approximately $110 million in taxes collected by Palm Beach County, the Palm Beach County School District, and other non-Town taxing authorities. We recognize that increasing property taxes will have the effect of forcing residents from their homes. We urge the Town Council to take a proactive role in approaching the Florida State Legislature to promote tax fairness for Palm Beach residents.

Overall, the current financial condition of the Town and its projected future capability are such that the actions proposed in this plan can be adequately financed.

Financial Management Actions

L1. **Town Balance Sheet**: Improve awareness of the Town's overall financial condition with a GASB34 required Statement of Net Assets which reflects all Town assets (land, facilities, equipment, etc.) This statement is similar to a private sector Balance Sheet.
Timeframe: This will be included in the FY2003 audited financial statement in the proper form but with only part of the needed information. The report will contain all necessary information (including the value of all Town infrastructure) by the FY2007 audited financial statements.

L2. **Fund Balances:** Reassess and, as necessary, adjust Town policy regarding fund balances and reserves, employing the following principles:
- Manage Town's funds as one set of funds, for decision making purposes (not for accounting purposes).
- Provide for adjustments in reserves between enterprise funds, as needed.

Timeframe: Ongoing.

L3. **Financing Methods**: Continue Town policy regarding decisions on long term vs. short term financing (bonds vs. "pay-as-you-go"), by applying case by case evaluations of options depending on nature of investment, competitive bond rates, equity for taxpayers, etc.
Timeframe: Ongoing.

L4. **Golf Course**: Assess the financial condition and structure of golf course operations.
Timeframe: By year-end 2003.

L5. **Tax Information**: Continue and enhance the distribution of information to inform citizens regarding the structure and components of local property taxes (chart of tax district / taxing authority allocations).
Timeframe: Ongoing.

L6. **Disaster Preparedness**: Be prepared to establish an emergency line of credit to draw upon during response to and recovery from a natural or man-made disaster, if the Town's ample reserves are exhausted by an extreme disaster.
(See Recommendation E6.)
Timeframe: Ongoing.

L7. **Property Taxes**:

A. Approach the Florida State Legislature to promote tax fairness for property owners in the Town of Palm Beach.
Timeframe: By year-end 2003.

B. Inform residents of benefits of registering their property for a State of Florida "Homestead Exemption."
Timeframe: Ongoing.

TOWN OF PALM BEACH

STRATEGIC PLAN IMPLEMENTATION SCHEDULE

MAY 13, 2003
(Revised July 2, 2003)

TOWN COUNCIL POLICY MATTERS

2003

Review of "Ongoing" Recommendations: Town Council review and approval, modification, or deletion of each Strategic Plan recommendation which included the timeframe "ongoing."
Timeframe: Summer of 2003.

D3. **Young Families**: Pursue community enhancements and other actions to attract, encourage and support young families, including but not limited to the following:
b) Provide playground at north end (nursery site), if feasible.
Timeframe: Investigate feasibility by mid-year 2003.

F1. **Emergency Water Supply - Modify Agreement**: Modify present agreement with West Palm Beach (if necessary) to allow development of an emergency (not an additional) water source.
Timeframe: By mid-year 2003.

G5. **Construction Parking**: Identify and apply techniques to reduce the impact of construction parking, including but not limited to:
a) Centralized/shared parking.
b) Off-island parking.
Timeframe: Early actions by mid-year 2003. Expanded investigation to coincide with Traffic and Parking Improvement Plan.

A3. **Boards and Commissions**: Review and revise Town policies regarding appointed commissions and boards to include the following considerations:
- Clarify commission and board "missions" to provide for greater coordination, consistency with policies and the Strategic Plan, clarity of purpose and authority, etc.
- Define requirements relating to levels of experience and/or mandatory courses applicable to the expertise relevant to each board and commission.
- Consider providing additional training to enhance the effectiveness of boards and individuals.
- Interview procedures and/or requirements.

Timeframe: By year-end 2003.

A4. **Public Communications**: Expand opportunities for public communication and involvement in Town governance, including the following:

b) Publish a Town Newsletter mailed to every resident on a regular interval.
Timeframe: Commence by year-end 2003.

D2. **Underground Utilities**: Pursue opportunities to place utilities underground, including the following:

a) Oversee an evaluation of the technological and economic feasibility of installing utility lines underground to provide information to decide on the desirability of proceeding on a long-term project. The study should include alternate methods of financing. The word "oversee" is used since there are resources such as local civic organizations, representatives of other municipalities, etc., who are readily available to assist in such an effort.
Timeframe: By year-end 2003.

b) Investigate opportunities for limited, prioritized, high visibility "demonstration" projects, including finance mechanisms and public-private cost sharing.
Timeframe: By year-end 2003.

D5. **Nuisance factor – Noise**: Improve the effectiveness of the Town's noise ordinance including revised noise standards, measurement, enforcement techniques, etc. Accomplishment of this objective may require additional personnel. Pursue tighter regulations on internal combustion equipment such as leaf blowers and chain saws.
Timeframe: By year-end 2003 and ongoing, as opportunities arise.

G1. **Traffic & Parking Improvement Plan:** Prepare an integrated traffic and parking improvement plan to include the following components:

<u>Traffic Circulation</u>
Opportunities will be identified to improve traffic flow for the convenience of residents and to mitigate non-local traffic impacts through the following work tasks:

- Measurement, evaluation and projection of local traffic volumes, capacities and congestion levels.
- Identification of components of present and future traffic (resident, employee, visitor, through-traffic).
- Identification of on-island and off-island traffic bottlenecks and constraints (bridges, intersections) and evaluation of potential remedies.
- Identification of present and future traffic signal needs.
- Identification and evaluation of opportunities to improve efficiency of traffic flows (round-abouts, adjusted signal timing, removal of on-street parking, etc.).
- Identification of opportunities, costs and benefits of greater Town influence/responsibility for present County/State roads.

Parking Management

Opportunities will be identified to optimize utilization and convenience of publicly available parking through the following work tasks:

- Supply/Demand analysis to confirm and document the sufficiency of the existing on and off-street public parking supply.

- Utilization analysis to document patterns of under-utilization and identify opportunities for more efficient use.
- Analysis of potential operational improvements (meters, regulations, restricted parking areas, employee incentives, etc.), including the following:
    a) Relocate business employee parking to remote lots.
    b) Coordinate with business organizations.
    c) Centralize parking system management.
    d) Provide for one-hour or other shorter term parking on at high demand locations to increase utilization of existing parking resources.
    e) Improve parking facility signage and other means to enhance public awareness.
    f) Provide for short term/immediate action demonstration projects to test the effectiveness of the preceding parking management techniques.
    g) Encourage/mandate shared parking agreements.
    h) Allow valet parking to be offered in controlled settings to promote convenient vehicle drop-off and greater use of off-street parking spaces.
    i) Offer and/or encourage affordable monthly contracts for off-street parking.
    j) Expand Town's on-street permit parking on streets adjacent to business districts.
    k) Require vehicles to be moved to another zone (not just to another space) when their allocated time has expired.

Timeframe: Complete Traffic and Parking Improvement Plan by year-end 2003.

G2. **Traffic Impediments**: Identify opportunities to remove external traffic impediments, including but not limited to:

a) Reduced impact of boat traffic/bridge openings, from changed schedule/policies for bridge openings.
b) Modifications to traffic flows and signalization on mainland through greater coordination of Palm Beach County and West Palm Beach.

Timeframe: Investigation to coincide with Traffic and Parking Improvement Plan and implementation ongoing.

G3. **Visitation Impacts**: Identify and implement techniques to mitigate the traffic impacts of visitation, including but not limited to: Alternative modes of convention visitor travel (shuttles, etc.) and tightened guidelines/restrictions on tour buses.

Although shuttles and tour buses may reduce vehicular traffic among those intent on a visit to Palm Beach, they may also facilitate even greater visitation loads, while incurring various traffic, noise and parking impacts associated with the accommodation of large vehicles. Therefore, these and other trade-offs associated with alternative means of travel for visitors should be investigated further.
Timeframe: Investigation to coincide with Traffic and Parking Improvement Plan.

G6. **Employee Traffic**: Evaluate the traffic components/impacts of business employee traffic in coordination with business community. Identify short-range opportunities to mitigate employee rush hour traffic through carpooling, flexible schedules, remote parking, etc.
Timeframe: Investigation to coincide with Traffic and Parking Improvement Plan.

H1. **Neighborhood Impacts**: Limit impact of commercial encroachments on neighborhoods by requiring neighborhood impact assessment for all residential-to-commercial re-zonings and increases in commercial intensity.
Timeframe: By year-end 2003.

J6. **Erosion Control Line Exemption**: Seek modifications to Florida State statutes to exempt properties down drift from inlets (such as the Town of Palm Beach) from Erosion Control Line (E.C.L.) requirements.
Timeframe: By year-end 2003.

L7. **Property Taxes**: Approach the Florida State Legislature to promote tax fairness for property owners in the Town of Palm Beach.
Timeframe: By year-end 2003.

2004

A1. **Strategic Planning**: Continue and expand the strategic orientation of Town government with the following measures:

b) Monitor and periodically revise the Strategic Plan.
Timeframe: The Mayor and Town Council will, at least annually, review progress on implementing this Plan and make appropriate modifications, as needed. The Plan will be formally updated at least every 5 years, or to coincide with Comprehensive Plan updates.

A5. **Zoning Season**: Expand annual zoning season to include October and May, allowing changes to the Town's Zoning Code and/or Comprehensive Plan to be made between October 1st and May 31st of any "Winter Season."
Timeframe: By May of 2004.

I1. **Neighborhood Scale**: Consider additional actions to maintain appropriate neighborhood scale and reduce the impact of large homes inconsistent in size and/or design with established neighborhood conditions. Provide for "reasonableness" by accepting gradual evolution in neighborhood scale and by avoiding severe restrictions on house sizes to levels below market acceptance.

a) Property Assemblage: Discourage multiple lot assemblages beyond neighborhood norms by regulating maximum lot size, limiting the number of parcels which may be merged, or by other comparable means.
Timeframe: 2003-2004 Zoning Season (May 2004).

b) Neighborhood Determinations: Conduct a street-by-street examination of neighborhood scale to determine appropriate size thresholds for each affected neighborhood.
Timeframe: By mid-year 2004.

e) Landscaping: Consider additional regulations to require maintenance and replacement of landscaping, as needed, to ensure continued compliance with landscape conditions imposed by the Architectural Commission, the Landmark Preservation Commission, and/or the Town Council.
Timeframe: By year-end 2004.

F2. **Emergency Water Supply Investigation**: Initiate investigations of options for the provision of an emergency water source for the Town of Palm Beach, including:
- Research technical alternatives, costs and funding mechanisms to provide a reverse osmosis, or similar, emergency water source under Town control.
- Research feasibility and costs of Town water system emergency connections to private (golf course) reverse osmosis systems (at The Breakers, The Everglades Club, and Palm Beach Country Club), including upgrading those systems to potable water quality.

Timeframe: By year-end 2004.

2005

H2. **Commercial Development Limits**: Review the adequacy of existing protective measures against unwanted forms of commercial development (chains, drive-through) and add additional protections as necessary, including:
- Review and strengthen "town-serving" commercial development ordinance.
- Tighten commercial development standards to prevent certain uses which are determined to be inappropriate in the Town.
- Explore ways to promote retention of small and independent Town-serving businesses.

Timeframe: By May 2005.

I1. **Neighborhood Scale**: Consider additional actions to maintain appropriate neighborhood scale and reduce the impact of large homes inconsistent in size and/or design with established neighborhood conditions. Provide for "reasonableness" by accepting gradual evolution in neighborhood scale and by avoiding severe restrictions on house sizes to levels below market acceptance.

c) Regulations: Enact regulatory measures to limit size of homes to neighborhood norms, averages, or other identified thresholds, promoting evolutionary growth in homes in contrast to revolutionary changes in neighborhood character.
Timeframe: 2004-2005 Zoning Season (May 2005).

I2. **Residential Density Increases:** Take actions to limit increases in density through the subdivision of properties, including:
- Adjustments to north-end zoning districts, including conversion of areas of R-B to R-A / R-AA zoning districts (along the Ocean and the Lake).
- Limit densities associated with the subdivision of large estates via maximizing percentage for preservation of open green space, or by other comparable means.

Timeframe: 2004-2005 Zoning Season (May 2005).

D2. **Underground Utilities**: Pursue opportunities to place utilities underground, including the following:

d) Investigate the feasibility of a program to place utilities underground following a natural disaster.
Timeframe: To coincide with Comprehensive Plan update.

2006

F3. **Emergency Water Supply Preparation**: Make contractual agreements and complete preliminary engineering to allow rapid installation of emergency water source if future circumstances require such installation.
Timeframe: By year-end 2006.

2010

A8. **Charter Review**: Consider appointing a Charter Review Commission near the end of the current planning period.
Timeframe: By year end 2010.

TOWN STAFF ADMINISTRATIVE MATTERS

2003

K5. **Drainage on State Roads**: Submit a request to Florida Department of Transportation to improve drainage on State Roads, especially A1A.
Timeframe: Mid-year 2003.

E1. **Comprehensive Emergency Management Plan**: Complete, review, update, and strengthen the Town's Comprehensive Emergency Management Plan.
Timeframe: Complete by year-end 2003, then review and update annually thereafter.

E3. **Public Education**: Increase outreach to residents regarding how each can individually be better prepared for and effectively recover from a severe storm or other disaster.
Timeframe: By year-end 2003 and ongoing.

J1. **Beach Nourishment**: Implement the Expanded Mid-Town Beach Renourishment Project and the Phipps Ocean Park Beach Restoration Project.
Timeframe: Complete Mid-Town project construction during the winter of 2002-2003 and Phipps project construction during the winter of 2003-2004.

K3. **Modified Development Standards**: Identify opportunities to adjust development standards for increased water retention in an effort to further reduce storm water loads from properties being redeveloped.
Timeframe: By year-end 2003.

L1. **Town Balance Sheet**: Improve awareness of the Town's overall financial condition with a GASB34 required Statement of Net Assets which reflects all Town assets (land, facilities, equipment, etc.) This statement is similar to a private sector Balance Sheet.
Timeframe: This will be included in the FY2003 audited financial statement in the proper form but with only part of the needed information. The report will contain all necessary information (including the value of all Town infrastructure) by the FY2007 audited financial statements.

L4. **Golf Course**: Assess the financial condition and structure of golf course operations.
Timeframe: By year-end 2003.

2003-2010

K1. **Drainage System Improvements**: Implement trunk lines and pump stations as set forth in the Town's adopted drainage system improvement program.
Timeframe: Ongoing and to be completed by December, 2010.

2008

K2. **Re-evaluation of Drainage System Improvements - Phase II**: Following completion of improvements noted in K1 above for each distinct drainage basin, the Town will reevaluate needs, priorities, and financing of future storm drainage improvements on residential side streets.
Timeframe: Complete re-evaluation during 2008.

Conditional

E5. **Building Code**: If the State permits, identify opportunities to strengthen the local building code to reduce risks of property damage.
Timeframe: Within one year of an applicable change in State laws.

RECOMMENDATIONS FOR ONGOING ACTIONS

A1. **Strategic Planning**: Continue and expand the strategic orientation of Town government with the following measures:

a) Continue to apply the principles of goal-driven management and performance standards throughout the organization.

e) Any time staff proposes a policy action that is intentionally inconsistent with this Strategic Plan, the inconsistency shall be declared and explained in writing.

A4. **Public Communications**: Expand opportunities for public communication and involvement in Town governance, including the following:

a) Continue to publish Town documents and information in an accessible, user-friendly form.

c) Consider expanded use of media for public information, including cable TV, Town web page, etc.

d) Provide for annual community forums for residents to discuss issues of interest and concern.

A6. **Flexibility and Responsiveness**: Continue the Town's policy of monitoring, evaluating, and changing policies and operations as dictated by changing needs and circumstances.

A7. **Intergovernmental Relations**: Continue to build and maintain relationships with officials in neighboring municipalities and higher levels of government, enabling the Mayor, Town Council, and staff to effectively address issues that affect the Town but are beyond its jurisdiction.

B1. **Police Department Vigilance**: Continue to focus vigilant attention upon the Town's vulnerabilities to certain types of crime.

B2. **Police Department Communication**: Continue to ensure optimal communications between the Town's Police Department and County, State and Federal law enforcement agencies.

B3. **Police Department Excellence:** Provide for public recognition of, and continue to improve upon, the Town's excellent record in police protection including its rapid response time, low crime rates, anticipation of threats, etc.

B4. **Police Department Monitoring and Evaluation**: To ensure that the Town's Police Department remains a national leader in law enforcement and security, continually measure actual performance against established goals, including:

a) Maintain a favorable overall community approval rating for the performance of the Palm Beach Police Department as measured by the Palm Beach Police Department Citizen Satisfaction Survey.

b) Maintain departmental accreditation by the commission on Accreditation for Law Enforcement Agencies, Inc. (national) and the Commission for Florida Law Enforcement Accreditation, Inc. (state).

c) Maintain a crime clearance rate that is higher than the national average as measured by the Uniform Crime Index. [*Revised July 2, 2003*]

B5. **Domestic Security:** Continuously update and apply anti-terrorism plans, in close coordination with other applicable government agencies.

B6. **Police Department Community Relations**: Maintain and expand communications between the Police Department and the public, including continued sessions of the excellent Citizens' Police Academy program.

C1. **Additional Medical Services**: Encourage private or non-profit health care providers in efforts to expand the array of quality medical services available to Palm Beach residents, including:
- A local basic medical care clinic.
- Full-fledged coronary and stroke units at Good Samaritan Medical Center.
- State of the Art equipment and procedures that take full advantage of advancements in medical care. [*Revised July 2, 2003*]

C2. **EMS**: Provide for public recognition of, and continue to improve, the Town's state-of-the-art EMS facilities and training.

C3. **Fire-Rescue Department Monitoring and Evaluation**: To ensure that the Town's Fire-Rescue Department remains a national leader in emergency medical services, continually measure actual performance against established goals, including:

a) Improve first due unit response time to all zones by ensuring arrival of the first due unit to all emergency incidents within four minutes or less 90% of the time.

b) During 2003, initiate planning phase for Fire-Rescue Department accreditation by the year 2006. [*Revised July 2, 2003*]

C4. **Fire-Rescue Department Community Relations**: Maintain and expand communications between the Fire-Rescue Department and the public, including future sessions of the excellent Citizens' Fire Academy program which was recently established.

D1. **Open Space and Beautification**: Continue Town policy of preserving existing open spaces and pursue opportunities for parks, beautification and open space enhancements including:

a) Identify opportunities for expansion of open space and recreation areas.

b) Seek opportunities to retain open spaces during redevelopment of large estates.

c) Whenever possible, take action to preserve large open green spaces that are privately owned (e.g. the three privately owned golf courses).

D3. **Young Families**: Pursue community enhancements and other actions to attract, encourage and support young families, including but not limited to the following:

a) Retention of public and private schools, with no net loss of green space.

D4. **Cultural Institutions**: Nurture and encourage private cultural institutions in and near the Town to sustain and expand their services to the public.

D6. **Nuisance Factor – Feral Cats**: Continue Town actions (using Town and private resources) to humanely reduce the feral cat population problem, including a "trap/neuter/relocate" program and/or "trap/neuter/release" program in partnership with PB Cats, Palm Beach County Animal Care and Control, and/or other public or private animal welfare agencies or persons.

E2. **Intergovernmental Coordination During Emergencies**: Provide for optimal coordination with County, State, and Federal emergency management agencies.

E4. **Human Resources**: Plan to utilize contractual services, temporary employees, and volunteers, as needed, to ensure a sufficient work force to accomplish post-disaster damage assessment, communication, and relief services.

E6. **Financial Preparedness**: Be prepared to establish an emergency line of credit to draw upon during recovery from a natural or man-made disaster, if the Town's ample reserves are exhausted by an extreme disaster.
(See Recommendation L6.)

F4. **Private Water Systems**: Encourage private emergency potable (R.O.) water sources and alternative irrigation sources for new and existing condominium developments.

G4. **Construction Traffic**: Continue improving policies and practices to minimize traffic disruptions from public and private construction (e.g. Bradley Place 2002).

H3. **Lake Worth Casino Area**: Regulate Town commercial uses and monitor City of Lake Worth commercial uses east of Lake Worth Bridge so as to protect the interests of South End Town residents.

I1. **Neighborhood Scale**: Consider additional actions to maintain appropriate neighborhood scale and reduce the impact of large homes inconsistent in size and/or design with established neighborhood conditions. Provide for "reasonableness" by accepting gradual evolution in neighborhood scale and by avoiding severe restrictions on house sizes to levels below market acceptance.

d) Architectural Variety: Promote the maintenance and modernization of existing homes (in lieu of "tear downs") through the judicious granting of variances and a flexible approach to architectural review.

J2. **Beach Nourishment Re-evaluation**: During the course of the entire project, changing circumstances and new information will be evaluated to determine whether modifications to subsequent phases of this project should be developed and implemented. This includes remaining sensitive to the municipal bond market to determine whether there may exist an opportunity to significantly reduce costs by refinancing the Town's portion of the project.

J3. **State Funding for Beaches**: Continue seeking State funding assistance except where State requirements conflict with Town policy regarding parking and access.

J4. **Sand Transfer Plant**: Continue to pressure the U.S. Army Corps of Engineers and Palm Beach County to honor their previously made commitments to expedite the replacement or substantial upgrading of the Lake Worth Inlet Sand Transfer Plant.

J5. **Inlet Related Action:** Consider, from time to time, appropriate actions which would require the Federal government and/or the Port of Palm Beach to pay for beach restoration necessitated by sand loss due to inlet dredging.
[*Revised July 2, 2003*]

K4. **Drainage Upgrade on Individual Properties**: Encourage the installation of upgraded storm drainage systems to meet current or new storm water standards on properties which are not otherwise being redeveloped.
[*Revised July 2, 2003]*

L2. **Fund Balances:** Reassess and, as necessary, adjust Town policy regarding fund balances and reserves, employing the following principles:
- Manage Town's funds as one set of funds, for decision making purposes (not for accounting purposes).
- Provide for adjustments in reserves between enterprise funds, as needed.

L3. **Financing Methods**: Continue Town policy regarding decisions on long term vs. short term financing (bonds vs. "pay-as-you-go"), by applying case by case evaluations of options depending on nature of investment, competitive bond rates, equity for taxpayers, etc.

L5. **Tax Information**: Continue and enhance the distribution of information to inform citizens regarding the structure and components of local property taxes (chart of tax district / taxing authority allocations).

L6. **Disaster Preparedness**: Be prepared to establish an emergency line of credit to draw upon during response to and recovery from a natural or man-made disaster, if the Town's ample reserves are exhausted by an extreme disaster.
(See Recommendation E6.)

L7. **Property Taxes**: Inform residents of benefits of registering their property for a State of Florida "Homestead Exemption."

APPENDIX B

Glossary of Terms

ACCREDITATION - An intense process which analyzes all facets of a department's operations and recognizes compliance with established standards of excellence.

ADAPTIVE MANAGEMENT - A process whereby a project is constructed, monitored, and compared to expected performance. Subsequent projects may be modified to improve performance based on what is learned from this process.

ANGLE OF VISION - A line drawn from the front yard property line 50 degrees either side of a line drawn perpendicular or radial to the front yard property line; intended to limit the maximum width of a structure on the lot.

BUILDING HEIGHT PLANE - A plane extending at an inclined angle from the intersection of the front yard property line and either the grade for a lot or seven and one-half feet mean sea level; intended to limit the maximum height of a structure on the lot.

CITIZEN FIRE ACADEMY - Periodic, informative training sessions offered to the residents of Palm Beach to provide education and awareness of the Fire-Rescue Department's activities, services, and capabilities.

CITIZEN POLICE ACADEMY – Periodic, informative training sessions offered to the residents of Palm Beach to provide education and awareness of the Police Department's activities, services, and capabilities.

COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES, INC. - An independent accrediting body established in 1979 to develop nationally recognized standards for law enforcement agencies.

COMMISSION FOR FLORIDA LAW ENFORCEMENT ACCREDITATION, INC. - An accreditation body established by Florida state statutes to enact standards designed specifically for Florida law enforcement agencies.

COMPREHENSIVE EMERGENCY MANAGEMENT PLAN - A written plan intended to reduce the vulnerability of the people and property of a community to a wide range of emergencies by preparing for efficient evacuation and shelter of threatened or affected persons; providing for the rapid and orderly provision of relief to persons and for the restoration of services and property; and providing for the coordination of activities relating to emergency preparedness, response, recovery, and mitigation among and between the Town and other governmental agencies and with the private sector.

COMPREHENSIVE PLAN - A plan that meets the statutory requirements of the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. 163.3164, that consists of materials in such descriptive form, written or graphic, as may be appropriate to the prescription of principles, guidelines, and standards for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the community.

COMPREHENSIVE PLAN EVALUATION AND APPRAISAL REPORT - A statutorily required evaluation and appraisal report to be adopted by a local government once every seven years which assesses the progress of that community in implementing the local government's comprehensive plan.

COUNCIL/MANAGER FORM OF GOVERNMENT - A system of local government that combines the strong political leadership of elected officials in the form of a Mayor and Town Council with the strong managerial experience of an appointed local government professional in the person of a Town Manager.

CRITICALLY ERODED - A designation for a segment of beach by the Florida Department of Environmental Protection based on specific State criteria that examines sand erosion and threats to upland structures.

CUBIC CONTENT RATIO - A measure of land use intensity represented by the relationship between a building's height times width times depth, as compared to the land area of the lot.

DESIGN GUIDELINES – A set of general guidelines for development, in lieu of specific lot, yard and bulk requirements.

DRAINAGE BASIN - A section of Town in which rainwater will flow from the higher elevations to a common low point. Each basin has specific boundaries that define its limits based on street elevations.

EMERGENCY OPERATIONS CENTER - A safe and secure facility staffed by a liaison team of Police, Fire-Rescue, Public Works, administrative, and emergency management personnel equipped with a myriad of communication tools and other equipment necessary to adequately prepare for and respond to a variety of natural and man-made disasters which may befall a community.

ENTERPRISE FUND - A self supporting fund designed to account for activities supported by user charges.

EROSION CONTROL LINE - The property line between State lands and upland property, established based on the elevation of mean high water on the beach on a particular day.

FERAL - A wild or non domesticated animal.

FISCAL YEAR - A 12-month period to which the annual operating budget applies and at the end of which a government determines its financial position and the results of its operations. By

State Law, the fiscal year for the Town of Palm Beach and all Florida local governments is October 1 to September 30.

FIRST DUE UNIT - First arriving and most appropriate vehicle and personnel that render emergency assistance on an incident.

FLOOR AREA RATIO – A measure of land use intensity represented by the relationship between a building's floor area and the land area of the lot.

FRONT LINE UNIT - An emergency vehicle which is staffed with personnel on a 24-hour basis, ready to respond to emergency incidents.

FUND BALANCE - The fund equity of governmental funds. Changes in fund balances are the result of the difference of revenues to expenditures for a given period.

GASB - Government Accounting Standards Board - The ultimate authoritative accounting and financial reporting standard setting body for state and local governments. The GASB was established in June 1984 to replace the NCGA.

GASB34 - Governmental Accounting Standards Board (GASB) Statement No. 34, which established a new framework for the financial reports of state and local governments to promote fiscal and operational accountability.

GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) - An association of public finance professionals founded in 1906 as the Municipal Finance Officers Association.

GROUP USE – a broad description for the use of a parcel or structure or portion thereof. There are three primary land uses in the Town: residential, commercial and public/private group use.

HARDBOTTOM - Rock outcroppings that occur naturally in the ocean which support varying levels of marine habitat.

INFRASTRUCTURE - Long-lived capital assets that normally are stationary in nature and normally can be preserved for a significantly greater number of years than most capital assets. Examples of infrastructure assets include roads, bridges, tunnels, drainage systems, and lighting systems.

INLET MANAGEMENT PLAN - A plan that examines the impact of an inlet on sand resources and proposes solutions to identified problems.

INTERNAL SERVICE FUND - A proprietary fund type that may be used to report any activity that provides goods or services to other funds, departments, or agencies of the primary government.

MEMBRANE - A man-made material that acts as a "filter" to screen microscopic impurities from non-potable water.

MILLAGE RATE - The tax rate applied to each thousand dollars of taxable assessed valuation which results in the tax levy. Example: A 4.0 millage rate applied to property with a taxable valuation of $1,000,000 would generate a tax levy in the amount of $4,000 of ad valorem revenue.

NONCONFORMING USE – A use lawfully in existence on the effective date of an ordinance which renders the use no longer in conformance with the zoning district in which the use is situated.

OVERLAY DISTRICTS – A set of zoning requirements which, when adopted, represent additional or substitute requirements in a specified district. The underlying zoning requirements remain.

PALM BEACH POLICE DEPARTMENT CITIZEN SATISFACTION SURVEY - A survey conducted periodically by the Palm Beach Police Department to determine the performance of the department in meeting the needs of the residential and business community, and to provide the department with feedback on how it can improve operational effectiveness and efficiency.

PAY-AS-YOU-GO FINANCING - A term used to describe the financial policy of a governmental unit which finances all of its capital outlays from current revenues rather than by long-term borrowing.

PAY-FOR-PERFORMANCE MERIT PAY SYSTEM - A compensation system designed to differentially reward employees based upon their workplace performance vis-à-vis specific objective criteria which reflect the Town's workplace expectations for employee performance. Within an established range, employees who perform better receive larger pay raises.

POTABLE WATER - Water meeting drinking quality standards. (Non-potable water may be used for irrigation or other purposes, but is not safe for human consumption.)

PRINCIPAL OF EQUIVALENCY (parking) – A method of determining an inventory of existing parking to determine the net parking requirement for a proposed new use.

PUMP STATION - A structure that collects water in a drainage basin and discharges it, via multiple pumps, to the Intracoastal Waterway.

R-B ZONING DISTRICT – The largest single-family zoning district in the Town, allowing a maximum of 4 single-family residential units per acre.

REFERENDUM - A governmental issue or measure submitted for a popular vote.

RESERVES - Funds that have been accumulated and set aside for a specific purpose.

RESPONSE TIME - The measure of time between receipt of a call in the dispatch center and arrival of emergency responders on the scene.

REVERSE OSMOSIS (RO) - A water treatment method where non-potable water is forced

under pressure through a membrane which removes impurities, producing potable water.

SAND TRANSFER PLANT - A facility that pumps sand from one side of an inlet to the other side in an attempt to restore the natural flow of sand that is being blocked by the inlet.

SLIDING SCALE – A ratio of building cubic content to lot size, such that the relative allowable building size increases in relationship to a decrease in lot size.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) - An organization created by the Florida State Legislature that controls the allocation of water to competing users and regulates water flow in a 16 County area which includes Palm Beach County.

SPECIAL EXCEPTION – Uses or structures which are allowable as conditional uses authorized in a zoning district only in accordance with the specific conditions specified in the Town Code and as approved by the Town Council, but which cannot be located in a zone as a matter of right and which may be revoked if any of the required conditions to approval and operation are violated.

STORM EMERGENCY RESPONSE PLAN - A detailed and organized written plan to safeguard the population of the Town of Palm Beach and its employees, as well as personal and Town property, in the event of an approaching hurricane or tropical storm.

SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (SEIS) - A document required by the U.S. Army Corps of Engineers that defines the social, economic and environmental impact of a project. It is used by the Corps to help decide if a permit should be issued.

SUPPLY/DEMAND ANALYSIS - Studies conducted by the Palm Beach Police Department Parking Control Unit to determine whether existing parking spaces in a given area are adequate to meet parking demand.

TAXABLE VALUE - A valuation set upon real estate or other property by the Palm Beach County Property Appraiser as a basis for taxes levied by the County, the Town, and other public agencies.

THREAT AND VULNERABILITY IDENTIFICATION/ANALYSIS/MITIGATION - An ongoing process of threat assessment in order to determine the vulnerability of potential terrorist targets in the community, and, based on analysis of these threats, the establishment of proactive law enforcement measures in order to reduce the likelihood of a successful terrorist act in the community.

TOWN CHARTER - A Town or municipal charter is similar in nature to a constitution, being superior to all ordinances enacted by the Town, though inferior to all applicable state laws.

TRUNKLINE - A large pipe that transports rainwater from many smaller pipes to a pump station.

UNIFORM CRIME REPORT PART I CRIME INDEX - A statistical report submitted to the State and Federal Governments indicating the total number of serious offenses occurring in the community.

UTILIZATION ANALYSIS - Studies conducted by the Palm Beach Police Department Parking Control Unit to determine whether parking spaces regulated by time, permit, or other restrictions are under-utilized in order to identify opportunities for more efficient use.

VARIANCE – A modification from the literal interpretation of the zoning code, other than those relating to use requirements. A variance may be granted only by the Town Council and only when an applicant demonstrates a hardship not of their own making which is particular to the applicable property.

RESOLUTION NO. 16-01

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, CREATING A STRATEGIC PLANNING BOARD

WHEREAS, a strategic planning process can provide direction for the delivery of Town services, a means for defining and achieving the specific goals and objectives of the Town, and a method for evaluating the accomplishment of those goals and objectives, and

WHEREAS, an adopted strategic plan can provide basic policy direction to all functions and operations of Town government regarding the orderly social, economic, and physical development of the Town, and

WHEREAS, the Town Council of the Town of Palm Beach desires to be proactive in preparing for the future of the Town, which without benefit of visioning and strong planning initiatives undertaken today, may lead to unanticipated problems in the operations of the Town of Palm Beach in the future.

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

Section 1. The Town Council hereby authorizes the formation of an ad hoc advisory Strategic Planning Board. The Strategic Planning Board shall submit a proposed strategic plan to the Town Council for its consideration no later than the regular meeting of the Town Council to be held in May 2003. The strategic plan shall cover a period of five years forward from the fiscal year in which it is submitted, shall be in a form that will permit it to be periodically updated, and shall contain or take account of the following: (1) a comprehensive mission

statement, (2) broad strategic long-term goals which express the preferred future state of the Town, (3) an assessment of the Town's internal and external environment, including key demographic, economic, social, and cultural factors, that could significantly affect the Town's vision of itself and its values, (4) an evaluation of the Town's long-term assets and current resources, and the resources needed to achieve its strategic goals, (5) an appraisal of intergovernmental issues, technological and other opportunities that may be available, and long-range problems and issues that need to be addressed, and (6) one or more action plans, which incorporate the foregoing and discuss the Town's strengths that should be maximized, its weaknesses that should be minimized or eliminated, opportunities that should be explored, threats facing the Town that should be addressed, and activities and programs that should be eliminated, created, or restructured to achieve the Town's strategic goals.

Section 2. The Strategic Planning Board shall have advisory functions only and shall consist of seven members. Mayor Lesly S. Smith and Town Manager Peter Elwell or Assistant Town Manager Thomas Bradford are hereby appointed as members of the Strategic Planning Board. At the regular meeting of the Town Council to be held in March 2001, Mayor Lesly S. Smith shall nominate up to five residents of the Town with a proven track record in strategic planning or equivalent experience in either the public or private sector to serve on the Strategic Planning Board.

Section 3. The term of office of the members of the Strategic Planning Board shall cease on the date such board submits a proposed strategic plan to the Town Council for its consideration, whereupon such board shall automatically be dissolved without further action of the Town Council.

Section 4. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED IN A REGULAR, ADJOURNED SESSION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH ASSEMBLED THIS 13TH DAY OF FEBRUARY, 2001.

Lesly S. Smith, Mayor

Jack McDonald, Council President

Samuel C. McLendon, President Pro-Tem

William J. Brooks, Councilman

Norman P. Goldblum, Councilman

Allen S. Wyett, Councilman

ATTEST:

Mary A. Pollitt, Town Clerk

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TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda

Regular Agenda - New Business

Agenda Title

Discussion on Gate at Root Trail Public Access Point

Presenter

Bobbie Lindsay, Council President Pro Tem

ATTACHMENTS:

- **E-Mail Dated October 7, 2021, from William and Sheila McHenry**

-----Original Message-----
From: William McHenry <wsmchenry@aol.com>
Sent: Thursday, October 07, 2021 10:06 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: Proposed Ordinance for the Root Trail Beach Access

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

Dear Council Members,

We are supporting the Root Trail residents effort to have extended hour use of the beach. We have owned our home on Root Trail for 26 years and during that time have enjoyed having full beach access.
It seems very unfair to suddenly restrict that access in order to resolve a problem that was not caused by the residents of Root Trail.

Hopefully the Council will consider our concerns and amend the ordinance to grant Root Trail residents more access to the beach.

Sincerely,

William and Sheila McHenry
126 Root Trail

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda
Ordinances - Second Reading

Agenda Title
Elimination of Designated Town Caucus Time

ORDINANCE NO. 25-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Ordinance 18-2021 at Section 2 Relating To Section 34-56, Notice to the Qualified Voters of the Town of Palm Beach, to Delete the Reference to the Time of the Caucus; Adding a New Section 3 Providing for an Amendment to Section 34-81 Titled Petition Confirming Nomination Required; Form; Amending the Form of the Petition to Substitute the Month of December for the Month of January to Conform to the New Caucus Date; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing for an Effective Date.

Presenter
Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- **Ordinance No. 25-2021**

ORDINANCE NO. 25-2021

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

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

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

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

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

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

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

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

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

Notice to the Qualified Voters of
The Town of Palm Beach

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

All qualified voters of the town are entitled to be present and to place in nomination such candidates as they desire. For a nomination to be effective, it must be seconded and all nominations and seconds thereto may be made only by qualified voters of the town.

Dated,_____day of_____, 20__.

/s/_____
Town Clerk

All other sections of Section 34-56 shall remain unchanged.

Section 2. Section 34-81 of the Town Code of Ordinances titled Petition Required for Nomination, Form is hereby amended to read as follows:

Sec. 34-81. Petition confirming nomination required; form.

In order that any candidate may appear on the official ballot at the general election he shall, in addition to being nominated at the required caucus, file or cause to be filed with the town clerk the petition required by section 5.03(b) of the Charter. Such petition shall be in the following form:

To the Town Council
of the Town of Palm Beach:

The undersigned qualified voters of the Town of Palm Beach do hereby confirm the nomination of_____as (councilmembers or mayor, as the case may be) regularly made at the caucus held at the town hall on the first Tuesday of ~~January~~December, or on a date at least ninety-five (95) days prior to the election date, whichever comes first, and do hereby petition your honorable body to place his name on the official ballot to be used in the general election in group_ (in the event of the nomination for mayor, the group shall not be designated).

(Code 1982, § 2-28)

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can

be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 23rd day of September, 2021, and for second and final reading on this 12th day of October, 2021.

_____
Danielle H. Moore, Mayor

_____
Margaret A. Zeidman, Council President

_____
Bobbie Lindsay, Council President Pro Tem

_____
Julie Araskog, Town Council Member

ATTEST:

_____
Edward A. Cooney, Town Council Member

_____
Queenester Nieves, CMC, Town Clerk

_____
Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda

Ordinances - First Reading

Agenda Title

Proposed Ordinance to Amend Chapter 66 of the Town Code, Regarding Artificial Turf

ORDINANCE NO. 23-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 66 Natural Resource Protection, Article I, in General, Section 66-2, Definitions, and Article IV, Vegetation, Division 5, Regulations, by Adding Sections 66-313, Artificial Turf Locations and 66-314, Artificial Turf Standards; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Presenter

Wayne Bergman, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Memorandum Dated September 24, 2021, from Wayne Bergman, Director of Planning, Zoning and Building**
- **Ordinance No. 23-2021**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Proposed Ordinance to Chapter 66 of the Town Code Regarding Artificial Turf – Ord. No. 23-2021

Date: September 24, 2021

GENERAL INFORMATION

At the July 1, 2021 ORS meeting, committee members and staff engaged in a robust discussion regarding the potential regulation of artificial turf within the Town. After much discussion at the July 1 meeting, the committee directed staff to prepare language for inclusion in Chapter 66 of the Town Code of Ordinances. Staff drafted language to address the definition of artificial turf, allowed locations, the formal review and approval process, and some simple installation standards.

This language was reviewed by the ORS Committee at their meeting on September 2, 2021. The ORS Committee requested that two more sections (penalty / fines and existing turf) be added to the draft language, along with an addition to the proposed standards to deal with lead content of the turf. Also, the ORS Committee requested that staff prepare a policy of recommended best practices for the selection of artificial turf that could be provided to the members of Arcom and Landmarks.

This was reviewed by the Town Council at their September 14, 2021 regular meeting. The Council suggested a minor change in the proposed definition of artificial turf and they requested the removal of all proposed language dealing with existing turf.

Staff re-drafted the ordinance to includes these changes. The draft ordinance was reviewed by Skip Randolph for form and legal sufficiency. Ordinance No. 23-2021 is ready for First Reading at your October 12, 2021 meeting.

cc: Jay Boodheshwar, Deputy Town Manager
James Murphy, Assistant Planning, Zoning and Building Director
John Randolph, Town Attorney

ORDINANCE NO. 23-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 66 NATURAL RESOURCE PROTECTION, ARTICLE I, IN GENERAL, SECTION 66-2, DEFINITIONS, AND ARTICLE IV, VEGETATION, DIVISION 5, REGULATIONS, BY ADDING SECTIONS 66-313, ARTIFICIAL TURF LOCATIONS AND 66-314, ARTIFICAL TURF STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 66, Natural Resource Protection, Article I, In General, Section 66-2, Definitions, is hereby amended by adding the definition of Artificial Turf, to read as follows:

"Sec. 66-2. – Artificial Turf - Definitions.

[Add] Artificial Turf – A product manufactured from synthetic materials that simulates the appearance of natural turf, grass, sod or lawn.

Section 2. Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 5, Regulations, is amended by adding Section 66-313, Artificial Turf – Locations, and Section 66-314, Artificial Turf - Standards, to read as follows:

[New] Sec. 66-313. – Artificial Turf - Locations.

In all zoning districts, artificial turf shall be reviewed and may be approved in accordance with the ARCOM Project Designation Manual, or Project Designation Guide for Landmarked and Historically Significant Building properties, and may be installed in only rear and side yards, or as a driveway accent in the front yard. Artificial turf shall not be installed in any front yard areas, except as a driveway accent, or in any areas visible from the public right-of-way (regardless of whether it is in the rear or side yard). No artificial turf shall be installed in the public right-of-way.

[New] Sec. 66-314. – Artificial Turf - Standards.

All artificial turf shall comply with the following minimum standards:

A. *Artificial turf installation shall be approved by either the Architectural Review Commission or the Landmarks Preservation Commission (depending upon the property designation) and all artificial turf installation requires a building permit.*

B. *Artificial turf is calculated as impervious surface and shall not count towards landscape open space.*

C. *Artificial turf material shall be lead-free."*

Section 3. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 12th day of October, 2021, and for second and final reading on this 9th day of November, 2021.

_____	_____
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
_____	_____
Queenester Nieves, CMC, Town Clerk	Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda

Ordinances - First Reading

Agenda Title

Proposed Ordinance to Amend Chapter 66 of the Town Code, Regarding Native and Invasive Vegetation

ORDINANCE NO. 24-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 66 Natural Resource Protection, at Article I, in General, Section 66-2, Definitions; at Article IV, Vegetation, Division 1, Generally, Section 66-212, Purpose and Intent; at Article IV, Division 3, Plans, Section 66-285; and at Article IV, Vegetation, Division 5, Regulations, Section 66-311; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Presenter

Wayne Bergman, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Memorandum Dated September 24, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**
- **Ordinance No. 24-2021**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2021

To: Mayor & Town Council

Via: Kirk Blouin, Town Manager

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

Re: Native Landscaping Regulations Amendments – Ord. No. 24-2021

Date: September 24, 2021

GENERAL INFORMATION

Chapter 66, Natural Resource Protection, was updated in early 2019 to address the benefits of using native landscape. The update included a requirement for new landscape projects to include at least 25% native vegetation. Native landscape plants were identified by referencing a few different Florida plant lists and guides.

Since the adoption of the update, staff and applicants have questioned how the 25% requirement should be calculated and which plant list or guide was best to follow. These questions have remained unanswered for about a year and a half. Landscape plans today show compliance with the 25% minimum, but there is no specificity on how the 25% is calculated and the plans usually do not show which list or guide was followed to delineate native verses non-native plants. These issues were presented to the Town Council last year and the matter was forwarded to the ORS Committee to review.

Staff made a presentation to the ORS Committee on July 1, 2021. The questions of how to calculate the 25%, which plant guide should be followed, and whether 25% was an appropriate amount of natives, were posed to a few landscape design professionals over the past year, and their responses were provided to ORS. A lengthy discussion occurred at the meeting and options were reviewed, but ORS did not find answers to the questions raised by staff and others. As a result, the matter went back to Town Council on August 10, 2021 to seek direction on how to resolve the open issues. The matter was deferred by the Town Council at that meeting until September 14, 2021. That delay provided an opportunity for ORS Committee consider and review the matter further at their September 2, 2021 meeting.

During their September 2, 2021 meeting, the ORS Committee again had a lengthy discussion on the native plant matter. The ORS Committee agreed at that meeting to recommend the following to the Town Council:

- Calculate the native plant requirement based upon the quantity of plants, not by the plant coverage.

- Increase to 35% the minimum amount of native plants in each of the following five categories: trees, palms, shrubs, ground cover and vines. Each of these categories would require a minimum of 35% native plants.

- Use the Institute for Regional Conservation ("IRC"), Natives for Your Neighborhood as the sole listing for native plants. This online list allows to filter by zip code.

- Use the Florida Invasive Plant Species Guide ("FLIP") as the list for Category 1 and 2 invasive plants.

The Town Council again reviewed the matter at their September 14, 2021 meeting. The Council agreed with the recommendations made by the ORS Committee and asked staff to draft an ordinance to cover the recommended changes. The draft ordinance was reviewed by Skip Randolph for form and legal sufficiency. Ordinance No. 24-2021 is ready for First Reading at your October 12, 2021 meeting.

cc: Jay Boodheshwar, Deputy Town Manager
James Murphy, Assistant Planning, Zoning and Building Director
John Randolph, Town Attorney

ORDINANCE NO. 24-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 66 NATURAL RESOURCE PROTECTION, AT ARTICLE I, IN GENERAL, SECTION 66-2, DEFINITIONS; AT ARTICLE IV, VEGETATION, DIVISION 1, GENERALLY, SECTION 66-212, PURPOSE AND INTENT; AT ARTICLE IV, DIVISION 3, PLANS, SECTION 66-285; AND AT ARTICLE IV, VEGETATION, DIVISION 5, REGULATIONS, SECTION 66-311; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 66, Natural Resource Protection, Article I, In General, Section 66-2, Definitions, is hereby amended by changing the definitions of "Native Plant Species" and "Pestilent Exotic / Invasive Species", to read as follows:

"Native plant species shall be the plant species indigenous to the Town of Palm Beach, Florida region and found through the Institute for Regional Conservation ("IRC"), Natives for Your Neighborhood." ~~ecological communities of South Florida, as indicated as native to South Florida by the University of Florida in the Atlas of Vascular Plants, or that can be scientifically documented to be native to South Florida.~~

Pestilent exotic/invasive species means species as identified by the Florida Invasive Plant Species Guide ("FLIP")~~Exotic Pest Plant Council's Invasive Plant List~~."

~~Pestilent exotic species means any specimen of Melaleuca (Melaleuca quinquenerva), Australian Pine (Causarina spp.), or Brazilian Pepper (Schinus terebinthifolius), regardless of size."~~

Section 2. Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 1, Generally, is amended at Section 66-212, Purpose and Intent, subsection (6), to read as follows:

"Sec. 66-212. - Purpose and intent.
It is the intent of the town to promote the health, safety and welfare of existing and future residents of the town by establishing minimum standards for the protection of natural plant communities, and the installation and continued maintenance of landscaping within the town, in order to:

(6) Eradicate Category I invasive exotic plant species and eradicate or control Category II invasive exotic plant species as listed on the most current Florida ~~Exotic Pest Plant Council's List of Invasive Plant Species~~Invasive Plant Species Guide ("FLIP")."

Section 3. Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 3, Plans, is amended at Section 66-285, General, to read as follows:

"Sec. 66-285. - General.

(1) At least ~~25~~ 35 percent of all new required landscaping, in the form of trees, palms, shrubs, vines and ground cover plants, ~~other than grass,~~ shall consist of native vegetation. To determine appropriate native vegetation the ~~Xeriscape Plant Guide by the South Florida Water Management District, or if available County or regional lists as amended may~~ Institute for Regional Conservation ("IRC"), Natives for Your Neighborhood, shall be used."

Section 4. Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 5, Regulations, Subdivision I, In General, is amended at Section 66-311, Prohibited Plants, Subsections (a) and (c) is removed, regarding Prohibited Species and Future Removal Requirements, to read as follows:

"Sec. 66-311. - Prohibited plants.

(a) Prohibited species. ~~The following plants have been shown to be~~Plants identified as pestilent exotic species ~~and~~ shall not be installed as landscape material, and shall be removed from property as part of development and redevelopment activity, ~~and~~ prior to the issuance of a permit for said development and redevelopment activity." ~~or pursuant to the schedule and terms specified in subsection (c) of this section:~~

~~(c) Future removal requirements. In addition to the removal requirements set forth in subsection (a) above, a property owner shall remove or cause to be removed or eradicated the prohibited invasive non-native vegetation listed in subsection (a) above by January 1 of the year specified in the following table:~~

~~COMMON NAME~~	~~SCIENTIFIC NAME~~	~~YEAR~~
~~Old-World Climbing Fern~~	~~Lygodium microphyllum~~	~~2004~~
~~Air Potato Vine~~	~~Dioscorea bulbifera~~	
~~Melaleuca, Punk Tree~~	~~Melaleuca quinquenervia~~	~~2006~~
~~Brazilian Pepper~~	~~Schinus terebinthifolius~~	~~2008~~

~~COMMON NAME~~	~~SCIENTIFIC NAME~~	~~YEAR~~
~~Carrotwood~~	~~Cupaniopsis anacardiodies~~	
~~Earleaf Acacia~~	~~Acacia auriculiformis~~	~~2010~~
~~Schefflera~~	~~Schefflera actinophylla~~	~~2006~~
~~Australian Pine*~~	~~Casuarina spp.~~	~~2012*~~
~~Kudzu~~	~~Pueraria montana var. lobata~~	~~2008~~

~~* The 2012 date relating to the removal of the Australian Pine, Casuarina spp. shall only be applicable to Australian Pines which are within 500 feet of a county designated natural area described in subsection (d) below, i.e., the Palm Beach Island Sanctuaries.~~
~~Upon removal of the prohibited and invasive non-native vegetation specified under this section, the property owner shall maintain the property free of such prohibited invasive non-native vegetation."~~

Section 5. 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 6. 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 7. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 8. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this ____ day of _____, 2021, and for second and final reading on this ____ day of _____, 2021.

_____ Danielle H. Moore, Mayor

_____ Margaret A. Zeidman, Town Council President

_____ Julie Araskog, Town Council Member

Edward Cooney, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Queenester Nieves, CMC, Town Clerk

Bobbie Lindsay, Council President Pro Tem

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda

Ordinances - First Reading

Agenda Title

Proposed Ordinance to Amend Section 42-199 of the Town Code, Regarding Construction Hours

ORDINANCE NO. 26-2021 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; Providing for Quiet Work and Limitations to Indoor Activity; and at Subsection (C) Exceptions to Delete Subsection (4) as an Exception; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- **Memorandum Dated October 6, 2021, from Jay Boodheshwar, Deputy Town Manager**
- **Ordinance No. 26-2021**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Modification of Section 42-199 of the Town Code, Regarding Construction Hours
Ordinance No. 26-2021

Date: October 6, 2021

STAFF RECOMMENDATION

Staff recommends the Town Council approve Ordinance No. 26-2021 on first reading, modifying Section 42-199 of the Town Code pertaining to hours for construction work.

GENERAL INFORMATION

At the September 14, 2021, Town Council meeting, Council had a robust discussion regarding the recommendations of the ORS Committee, pertaining to modifications to regulations associated with hours of construction. The attached ordinance and highlights below are reflective of the final desires for modifications to Section 42-199 of the Town Code.

1. Require "quiet work" only from 8:00 am – 9:00 am on a year-round basis and not just during the peak season.
2. Eliminate Saturday construction hours during the winter peak season, beginning on the Monday preceding Thanksgiving through the end of April.
3. Permit Saturday "indoor work" only from May 1 through the Monday preceding Thanksgiving.
4. Prohibit arrival to construction sites before 7:30 am and restrict any kind of site activity until 8:00 am on a year-round basis.

TOWN ATTORNEY REVIEW

This Ordinance has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachment

cc: Carolyn Stone, Assistant Town Manager
Department Directors
James Murphy, Assistant Director of Planning, Zoning and Building
Ben Alma, Support Services Manager

ORDINANCE NO. 26-2021

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; PROVIDING FOR QUIET WORK AND LIMITATIONS TO INDOOR ACTIVITY; AND AT SUBSECTION (c) EXCEPTIONS TO DELETE SUBSECTION (4) AS AN EXCEPTION; 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 Saturday, Sunday and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other outdoor construction-related noise be permitted before 9:00 a.m. Beginning on May 1 until the Monday preceding Thanksgiving, ~~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. In no event shall heavy equipment or other outdoor construction-related 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 ~~during which all of the noise and machinery prohibitions identified in section 42-198 are applicable~~ and limited to indoor activity; 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 sites prior to 7:30 a.m. and are restricted from conducting any kind of site activity prior to 8:00 a.m. on a year round basis.

(c) Exceptions.

(1) It shall be within the discretion of the town council when in its opinion the operation of any of the prohibited machinery or appliances mentioned in subsection 42-198(a) shall not be overly offensive to the residents or inhabitants of the town in the vicinity of the equipment's operation to grant an exception to this section.

(2) The operation of equipment relating to essential services of the town and equipment operating during emergency conditions shall be exempted from subsection (a).

(3) At the discretion of the director of planning, zoning and building, or his representative, emergency work for non-town related essential services may be authorized at any time during the year.

~~(4) Interior work not resulting in noise tending to disturb people in the vicinity thereof, shall be allowed during the hours of 9:00 a.m. and 5:00 p.m. on Saturdays during the period commencing on the Monday preceding Thanksgiving and ending on April 30.~~

(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.

Section 2. 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 3. 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 4. Codification

This Ordinance shall be codified and made part of the official Code of Ordinances of the Town of Palm Beach.

<u>Section 5.</u> **Effective Date**

This Ordinance shall take effect thirty-one days after its adoption, as provided by law.

PASSED AND ADPOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 12th day of October, 2021, second reading and final adoption on this ___ day of ____, 2021.

_____	_____
Danielle H. Moore, Mayor	Margaret A. Zeidman, Town Council President
	_____
	Bobbie Lindsay, Council President Pro Tem
	_____
	Julie Araskog, Town Council Member
	_____
	Lewis S.W. Crampton, Town Council Member
_____	_____
Queenester Nieves, CMC, Town Clerk	Edward A. Cooney, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2021

Section of Agenda

Ordinances - First Reading

Agenda Title

Proposed Ordinance to Amend the FY21 Budget

ORDINANCE NO. 27-2021 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, 2020, and Providing an Effective Date.

Presenter

Jane Le Clainche, Director of Finance

ATTACHMENTS:

- **Memorandum dated October 1, 2021, from Jane Le Clainche, Director of Finance**
- **Ordinance 27-2021**
- **Exhibit A**
- **Exhibit B**
- **Exhibit C**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jane Le Clainche, Director of Finance

Re: Amendment to the General Fund, Health Fund, and Par 3 Golf Course FY21 Budgets
Ordinance No. 27-2021

Date: October 1, 2021

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance No. 27-2021, which amends the General Fund, Health Fund, and Par 3 Golf Course Fund FY21 budgets.

GENERAL INFORMATION

A budget amendment is required to appropriate additional funds in the General Fund, Health Fund and Par 3 Golf Course Fund for larger than expected expenditures as described below:

In the General Fund, special assignment overtime duty came in over budget due to the high demand. These expenses are fully offset by the additional revenue. In addition, funds were not budgeted for the municipal election so funding has been added for these expenses.

In the Health Fund, excess health claims due to several COVID claims and a few non-COVID related large claims caused this fund to come in over budget. Funding has been added in part from insurance reimbursements, and the balance from reserves.

The Par 3 Golf Course Fund, has had an extremely successful year. Revenues at the end of August were at 120% of budget. Due to the success, several expenditure accounts will be over budget, such as; cost of merchandise sold, bank merchant charges, and greens maintenance are the major contributors. These expenses are offset by additional budgeted revenues.

This Ordinance will amend the General Fund, Health Fund and Par 3 Golf Course Fund budgets for the above mentioned items.

FUNDING/FISCAL IMPACT

The Ordinance will amend the General Fund Budget (001) by $485,000, the Health Fund (502) by $800,000, and the Par 3 Golf Course Fund budget (402) by $550,000.

TOWN ATTORNEY REVIEW

This Ordinance has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments
Jll
cc: Jay Boodheshwar, Deputy Town Manager
Carolyn Stone, Assistant Town Manager
Department Directors
John C. Randolph, Town Attorney

ORDINANCE NO. 27-2021

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, 2020, 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, 2020; 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, 2021; and

WHEREAS, the budget amendment is necessary for the General Fund, Health Fund and Par 3 Golf Course Fund; 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, Health Fund, and Par 3 Golf Course Fund budgets for the fiscal year commencing October 1, 2020, 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 12th day of October, 2021, and for second and final reading on this 9th day of November, 2021.

_____	_____
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
_____	_____
Queenester Nieves, CMC, Town Clerk	Lewis S.W. Crampton, Town Council Member

Exhibit A

Town of Palm Beach, Florida
General Fund
Budget Amendment

	Budget FY2020	Budget FY2021	Ordinance No. 11-2021 Amendment	Ordinance No. 27-2021 Amendment	FY2021 Amended Budget
Revenues					
Ad Valorem Taxes	$55,979,439	$57,134,058			$57,134,058
Non Ad Valorem Taxes	6,459,000	6,351,000			$6,351,000
Licenses & Permits	10,843,800	4,245,100			$4,245,100
Intergovernmental	1,099,600	956,000			$956,000
Charges for Services	6,289,199	5,384,700		$485,000	$5,869,700
Fines and Forfeitures	942,000	916,000			$916,000
Investment Earnings	1,230,000	904,715			$904,715
Miscellaneous Revenues	490,728	494,500			$494,500
Interfund Transfers	25,000	25,000			$25,000
Transfer From Fund Balance	1,083,000	1,304,500	1,123,108		$2,427,608
Transfer from Building Fund	0	3,200,000			$3,200,000
Total Revenues	**$84,441,766**	**$80,915,573**	**$1,123,108**	**$485,000**	**$82,523,681**
Expenditures					
Department					
Legislative	$154,400	$154,400			$154,400
General Government	614,643	863,542			$863,542
Town Manager	774,011	802,615			$802,615
Town Clerk	307,400	316,092		$35,000	$351,092
Advice and Litigation	528,200	390,000			$390,000
Human Resources	752,902	766,810			$766,810
Information Systems	2,775,010	2,935,478			$2,935,478
Finance	1,818,911	1,774,049			$1,774,049
Recreation and Tennis	1,682,074	1,865,276			$1,865,276
Planning/Building/Zoning	4,215,179	1,401,621			$1,401,621
Library	352,650	352,650			$352,650
Fire-Rescue	14,456,969	14,590,586			$14,590,586
Police	16,809,302	16,870,733		$450,000	$17,320,733
Public Works	15,777,708	16,076,276			$16,076,276
Contingency	610,000	600,000			$600,000
Transfer to Other Funds					$0
Transfer to CIP	2,420,000	2,662,000	$1,123,108		$3,785,108
Transfer to Coastal	6,520,211	4,777,000			$4,777,000
Transfer to UU Fund	144,450	165,000			$165,000
Transfer to Debt Service	5,983,913	5,691,148			$5,691,148
Transfer to Risk Fund	1,900,819	2,010,439			$2,010,439
Transfer to OPEB Trust Fund	423,014	429,858			$429,858
Extraordinary Transfer to Retirement Fund	5,420,000	5,420,000			$5,420,000
Total General Fund Expenditures	**$84,441,766**	**$80,915,573**	**$1,123,108**	**$485,000**	**$82,523,681**
Revenues Over/(Under) Expenditures	**$0**	**$0**	**$0**	**$0**	**$0**

Exhibit B

Health Insurance Fund (502)
Revenue and Expense Summary

	FY2019 Actual	FY2020 Actual	FY2021 Budget	Ordinance No. 27-2021 FY2021 Amendment	FY2021 Amended Budget
Revenues					
Employer Contributions	3,681,886	3,679,772	3,689,570		3,689,570
Employee Contributions	854,612	827,276	825,000		825,000
Interest Income	271,569	231,822	200,000		200,000
Miscellaneous Revenue	221,291	306,122	-	150,000	150,000
TOTALS	5,029,358	5,044,992	4,714,570	150,000	4,864,570
Expenses					
Salaries and Wages	58,693	60,275	87,326		87,326
Employee Benefits	3,537,090	3,802,631	4,665,812	800,000	5,465,812
Contractual	84,483	78,292	114,280	-	114,280
Commodities	1,177	473	1,035		1,035
Other (Contingency)	-	-	500,000		500,000
TOTALS	3,681,443	3,941,671	5,368,453	800,000	6,168,453
Total Revenues Over/(Under) Expenses	1,347,915	1,103,321	(653,883)	(650,000)	(1,303,883)
Beginning Fund Equity	5,441,579	6,789,494	7,892,815	7,892,815	7,892,815
ENDING NET ASSETS	6,789,494	7,892,815	7,238,932	7,242,815	6,588,932

Exhibit C

Par 3 Golf Course Fund (402)
Revenue and Expense Summary

	FY2019 Actual	FY2020 Actual	FY2021 Budget	Ordinance No. 27-2021 Amendment	FY2021 Amended Budget
Revenues					
Golf Teaching Services	44,083	37,000	50,000		50,000
Resident Pass Fees	9,000	8,500	10,000		10,000
Non-resident Pass Fees	-	-	3,000		3,000
12 Play Pass - Regular Rate	1,820	3,150	1,500		1,500
12 Play Pass - Resident Rate	4,466	4,750	6,000		6,000
Greens Fees - Regular Rate	398,370	480,000	480,000	200,000	680,000
Greens Fees - Resident Rate	57,677	160,000	65,000		65,000
Greens Fees - Reg Weekends & Holidays	411,334	420,000	480,000	200,000	680,000
Greens Fees - Resident Weekend & Holidays	98,894	33,000	130,000		130,000
Merchandise Sales	202,154	200,000	225,000	150,000	375,000
Food and Beverage Sales	453,183	455,000	400,000		400,000
Riding Cart Rental - Resident Rate	69,684	65,000	72,000		72,000
Riding Cart Rental - Regular Rate	264,979	250,000	285,000		285,000
Pull Cart Rental	34,065	43,000	30,000		30,000
Club Rentals	78,654	70,000	80,000		80,000
Driving Range	99,476	110,000	105,000		105,000
Driving Range - 10 bucket program	20,243	15,000	25,000		25,000
Programs and Special Events	3,074	3,000	4,000		4,000
Golf Pro Administrative Fee	3,695	-	-		-
Golf Outings	71,240	85,000	85,000		85,000
Gift Certificates Sold	18,952	25,000	30,000		30,000
Gift Certificates Redeemed	(14,452)	(25,000)	(30,000)		(30,000)
Maint. And Improvement Fee	114,515	-	-		-
Sales Tax Commission	360	150	500		500
Golf Now Transaction Fee	5,193	3,500	1,500		1,500
Electricity - Par 3	3,962	5,000	4,000		4,000
Interest Income	4,079	-	-		-
Miscellaneous Revenue	646	-	-		-
TOTALS	2,459,347	2,451,050	2,542,500	550,000	3,092,500
Expenses					
Salaries and Wages	475,054	569,252	552,436		552,436
Employee Benefits	386,336	288,231	293,395		293,395
Contractual	583,278	574,935	680,285	450,000	1,130,285
Commodities	298,925	337,425	338,350	100,000	438,350
Capital Outlay	-	-	-		-
TOTALS	1,743,593	1,769,843	1,864,466	550,000	2,414,466
Operating Revenues Over/(Under) Expenses	715,755	681,207	678,034	-	678,034