TENTATIVE:
SUBJECT TO
REVISION

TOWN OF PALM BEACH

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

OCTOBER 10, 2023

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 D. Lindsay, President Pro Tem
Julie Araskog
Ted Cooney
Lew Crampton

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. MODIFICATIONS TO THE AGENDA

IV. APPROVAL OF AGENDA

V. PRESENTATIONS

A. Updated Comprehensive Parking Plan Page 9
Lew Crampton, Town Council Member

VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

A. Presentations By the Applicants and Appointments to the Planning and Zoning Commission Page 43
Kelly Churney, Acting Town Clerk

VII. COMMENTS OF MAYOR DANIELLE H. MOORE

VIII. COMMENTS OF TOWN COUNCIL MEMBERS

IX. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

X. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

1. Town Council Meeting Minutes Page 84
Kelly Churney, Acting Town Clerk

a. September 12, 2023, Town Council Meeting Minutes
b. September 12, 2023, Special Town Council Meeting Minutes
c. September 13, 2023, Town Council Development Review Meeting Minutes
d. September 21, 2023, Special Town Council Meeting Minutes

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of September 27, 2023 Page 124
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 105-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding extension of General Banking and Merchant Card Processing Services to TD Bank, N.A. for October and November 2023. Page 151
Dean Mealy, Procurement and Contract Manager

2. RESOLUTION NO. 121-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town of Palm Beach Master Fee Schedule By Modifying Fees and Providing an Effective Date. Page 154
Bob Miracle Deputy Town Manager - Finance and Administration

3. RESOLUTION NO. 122-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Designating Town Depositories for Fiscal Year 2024 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 Page 162

of the Town Code of Ordinances.

Bob Miracle Deputy Town Manager - Finance and Administration

4. RESOLUTION NO. 127-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving the award of RFP No. 2023-30, Holiday Lighting to Rileighs Outdoor Decor LLC dba Christmas Designers Florida in the amount of $155,565 and a five-year award in the amount of $780,000 based on satisfactory performance and budget authorization. Page 166

   Dean Mealy, Procurement and Contract Manager

5. RESOLUTION NO. 128-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving the award of ITB No. 2023-33 Vegetation and Litter Removal Cleaning to Image Janitorial Services Inc. in the amount of $54,828 and establishing a project budget of $60,000 and a five-year award in the amount of $300,000 based on satisfactory performance and budget authorization. Page 170

   Dean Mealy, Procurement and Contract Manager

6. RESOLUTION NO. 129-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding RFP No. 2023-46, IT Consultant and Support Services to Insight Public Sector Inc., Sentinel Technologies Inc., and Morse Communications Inc. in the annual amount of $300,000 and establishing a five-year award in the amount of $1,500,000 based on satisfactory performance and budget authorization. Page 174

   Dean Mealy, Procurement and Contract Manager

7. RESOLUTION NO. 130-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding ITB No. 2023-34, Temporary Labor Services to Spur Staffing as the Primary Awardee and Anytime Labor - Southeast Florida LLC as the Secondary Awardee in the annual amount of $300,000 and a five-year award in the amount of $1,500,000 based on satisfactory performance and budget authorization. Page 178

   Dean Mealy, Procurement and Contract Manager

8. RESOLUTION NO. 131-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding RFQ No. 2023-47, Traffic Engineering Consultant to The Corradino Group, Inc. and establishing a five-year award based on satisfactory performance and budget authorization. Page 182

   Dean Mealy, Procurement and Contract Manager

9. RESOLUTION NO. 132-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Blanket Purchase Order to Jacober Creative Design and Marketing Services in the amount of $250,000 for FY24. Page 186

   Dean Mealy, Procurement and Contract Manager

10. RESOLUTION NO. 133-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Page 189

Purchase Order to Richard Maxwell, Inc. DBA King Tree Services in the amount of $60,000 and Establishing a five-year budget of $300,000 based on satisfactory performance and budget authorization.

Dean Mealy, Procurement and Contract Manager

11. RESOLUTION NO.134-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Collective Bargaining Agreement Between the Town and the Professional Firefighters/Paramedics, Palm Beach County, Local 2928. Page 192

    Gillian Barth, Director of People and Culture

C. OTHER

1. Health Insurance Rates for Calendar Year 2024 Page 248

   Gillian Barth, Director of People & Culture

2. Consideration of Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon and Construction of the 2023 Palm Beach Harbor Inlet Maintenance Dredging Project Page 254

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

3. Status Report of Delinquent Accounts and Request for Authorization to Write-off Uncollectible Accounts Page 259

   Bob Miracle, Deputy Town Manager - Finance and Administration

4. Request from the Town of Palm Beach United Way and Hope for Depression Research Foundation for 5K Run/Walk Events Page 297

   Carolyn Stone, Deputy Town Manager

XI. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

B. Old Business

1. Town-Wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status Page 330

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

XII. ORDINANCES

A. First Reading

1. Proposed Ordinance to Amend Chapter 10 of the Town Code Relative to Temporary Animal Permits Page 346

   ORDINANCE NO. 016-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 10, Animals; Section 10-10. Temporary Permits, Section 10-11. Penalties, And By Adding New Sections 10-12. Duties Of Permittee, 10-13. False Information Prohibited In

Application, 10-14. Permits Nontransferable, 10-15. Waiver Of Provisions, And 10-16. Possession; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

2. Proposed Ordinance to Amend Chapter 78 of the Town Code Relative to Charitable Solicitation Permits Page 361

ORDINANCE NO. 018-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 78, Peddlers And Solicitors At Article III. Charitable Solicitations Division 1. Generally, By Amending Section 78-77. Definitions, By Deleting Section 78-79. Receipts Required, By Amending Section 78-80. Misrepresentation Prohibited And By Renumbering Said Section, And By Adding Section 78-80. Duties Of Permittee And 78-81. Possession; Further Amending Division 2. Permit At Section 78-101. Required; Exceptions, Section 78-102. Application, Section 78-104. Town To Issue Permit, Section 78-105. Fees, Section 78-106. Permit Form, Duration, Section 78-108. Credentials For Solicitors, Section 78-109. Permit Suspension, Revocation, By Deleting Sections 78-110. Permittee To Keep Records, Section 78-111. Reports Required, By Amending Section 78-112. Appeals And Section 78-113. Penalties And By Renumbering Said Sections; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

3. Proposed Ordinance to Amend Chapter 94 of the Town Code Relative to Auction Permits Page 382

ORDINANCE NO. 019-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 94. Sales At Article II. Auctions And Auctioneers By Deleting Section 94-31. Night Sales Prohibited And Section 94-32. Prohibited In Season On Certain Streets, By Amending Section 94-33. Permit Required And By Renumbering Said Section, By Renumbering Section 94-34. Permit Limitation, By Amending Section 94-35. Application And Section 94-36. Standards For Issuance And By Renumbering Said Sections, By Deleting Section 94-37. Notice Of Approval Or Denial, By Amending Section 94-38. Appeal Procedure And By Renumbering Said Section, By Renumbering Section 94-39. Duties of Permittee And Section 94-40. Possession, By Deleting Section 94-41. Revocation, And By Adding The Following New Sections 94-38. False Information Prohibited In Application, 94-39. Permits Nontransferable And 94-40. Waiver Of Provisions; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

4. Proposed Ordinance to Amend Chapter 94 of the Town Code Relative to Closing-Out or Distress Sale Permits Page 402

ORDINANCE NO. 020-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 94. Sales At Article III, Closing-Out Or Distress Sales At Division 2. Permit By Amending Section 94-101. Required, By Deleting Section 94-102. Application Required; Form, Contents, By Amending Section 94-103. False Information Prohibited in Application And By Renumbering Said Section, By Deleting Section 94-104. Investigation, Issuance Of Permit; Duration, By Renumbering Section 94-106. Not Transferable, By Amending Sections 94-107. Denial Of Permit, 94-108. Renewal, And 94-109. Fees And By Renumbering Said Sections, By Deleting Section 94-110. Permit Suspension, By Amending Section 94-111. Permit Revocation, Appeals And By Renumbering Said Section, By Renumbering Section 94-112. Display Required, By Amending Section 94-113. Duplicate Application And Inventory To Be Kept On Premises And Section 94-114. Records Required; Inspection And By Renumbering Said Sections, By Renumbering Section 94-115. Additions To Stock Prohibited And Section 94-116. Accuracy of Advertising, By Amending Section 94-117. Statement Required in Advertising And By Renumbering Said Section, By Renumbering Section 94-118. Marketing Of Distressed Goods, By Amending Section 94-119. Doing Business Beyond Closing Date And By Renumbering Said Section, And By Adding The Following Sections, 94-116. Duties Of Permittee, 94-117. Waiver Of Provisions, 94-118. Penalties, 94-119. Possession; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

5. Proposed Ordinance to Amend Chapter 106 of the Town Code Relative to Special Event and Religious Display Permits Page 422

ORDINANCE NO. 021-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 106, Streets, Sidewalks And Other Public Places At Article VII, Special Events On Public Property At Division 1. Generally By Amending Section 106-258. Penalties, By Adding The Following New Sections 106-259. Permits Nontransferable, 106-260. Waiver Of Provisions And 106-261. False Information Prohibited In Application; Further Amending Division 2. Permit At Section 106-282. Application, Section 106-283. Standards For Issuance, By Deleting Section 106-284. Notice Of Approval Or Denial, By Amending Section 106-285. Appeal Procedure And By Renumbering Said Section, By Renumbering Section 106-286. Duties of Permittee, By Amending Section 106-287. Possession

and By Renumbering Said Section, By Deleting Section 106-288. Revocation, By Renumbering Section 106-288.1. Walks and Runs, And By Adding A New Section 106-288. Religious Holiday Symbol Permits; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

6. Proposed Ordinance to Amend Chapter 22 of the Town Code Relative to Commercial Motion Picture Making Permits Page 478

ORDINANCE NO. 022-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 22, Businesses At Article IV. Commercial Motion Picture Making, Division I. Generally At Section 22-127. Penalty For Violations; Further Amending Division 2. Permit At Sections 22-151. Required; Application Fee, 22-152. Application, 22-153. Prerequisites To Issuance, And By Adding New Sections 22-154. Appeals, 22-155. Duties Of Permittee, 22-156. False Information Prohibited In Application, 22-157. Permits Nontransferable, 22-158. Waiver Of Provisions And 22-159. Possession; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

XIII. ANY OTHER MATTERS

XIV. ADJOURNMENT

Procedures for Public Participation:

Note 1: **Live Stream audio:** To watch/listen live, visit the 'Public Meetings' webpage on the Town's website at www.townofpalmbeach.com. and select the "View Event" or "Click Here to Listen" button.

Note 2: Any citizen is entitled to be heard concerning any matter under the sections entitled 'Communications from Citizens' and 'Public Hearings', subject to the three-minute limitation. The public also can speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion. 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. In-person or virtual Public Comment is limited to three minutes and must be preceded by your name and address for the record. As a public business meeting, the Town Council President retains the right to limit discussion on any issue.

Alternative public comment is also welcome for Town Council Meetings via four methods:

1. To make a public comment virtually (for Town Council Meetings Only), email a request to publiccomment@townofpalmbeach.com and identify the desired agenda item(s) to be addressed

2. Written public comment submittals should be sent to publiccomment@townofpalmbeach.com.

3. Direct written entry into the public meeting record through the eComment portal on the Public Meetings webpage.

4. Mail or in-person submittal of written document to the Town Clerk's Office at Town Hall no later than the Friday prior to the meeting.

Note 3: **Appeals:** If a person decides to appeal any decision made with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made for such purposes, which shall include the testimony and evidence upon which the appeal is to be based.

Note 4: Disabled persons needing accommodations to participate in this meeting are requested to call the Clerk's Office at (561) 838-5416 at least one day prior to the meeting.

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Presentations

Agenda Title
Updated Comprehensive Parking Plan

Presenter
Lew Crampton, Town Council Member

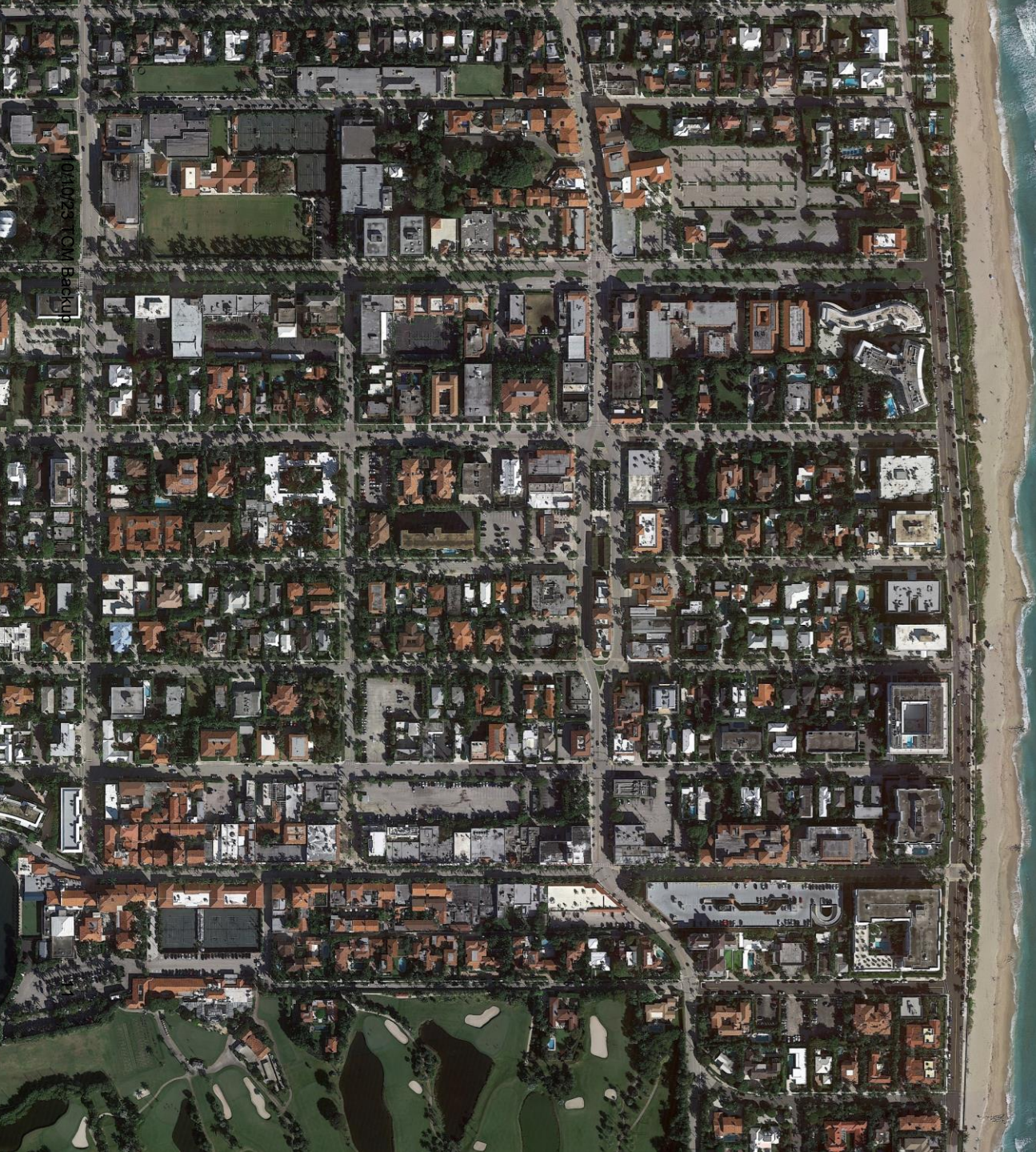
ATTACHMENTS:

- **Parking Plan**

Town of Palm Beach

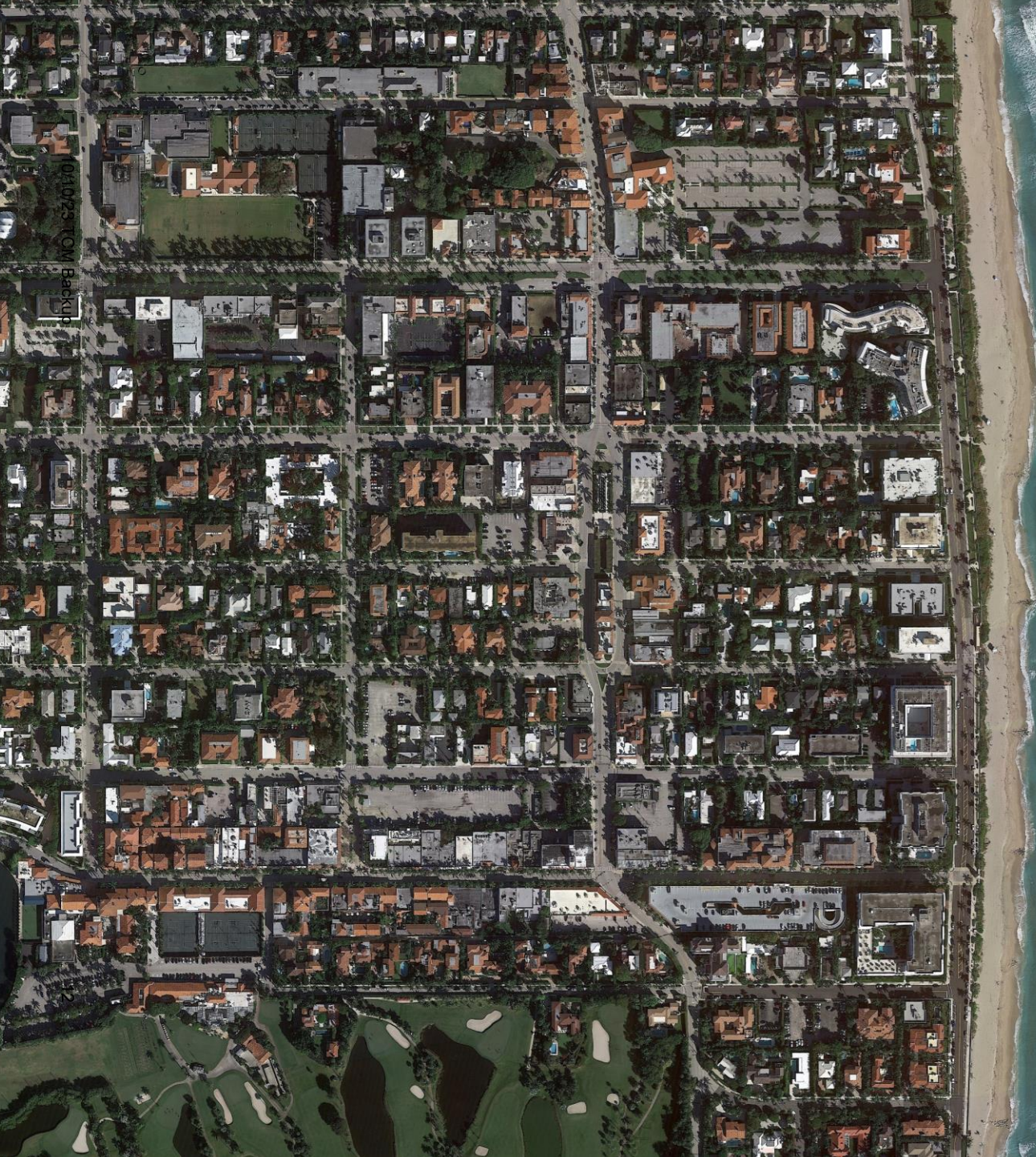
Comprehensive Parking Plan

A plan to reduce traffic, increase parking availability, and implement a data-driven approach to parking management



Parking Goals:

- Availability and Accessibility
- Safety and Security
- Uniformity and consistency
- Best use of inventory
- Data-driven decision making



Topics:

- Resident Parking Decal
- Expansion of ParkMobile
- Free 30-Minute Parking
- Parking Enforcement
- Road Signs

New Resident Decal Program

Parking Permit

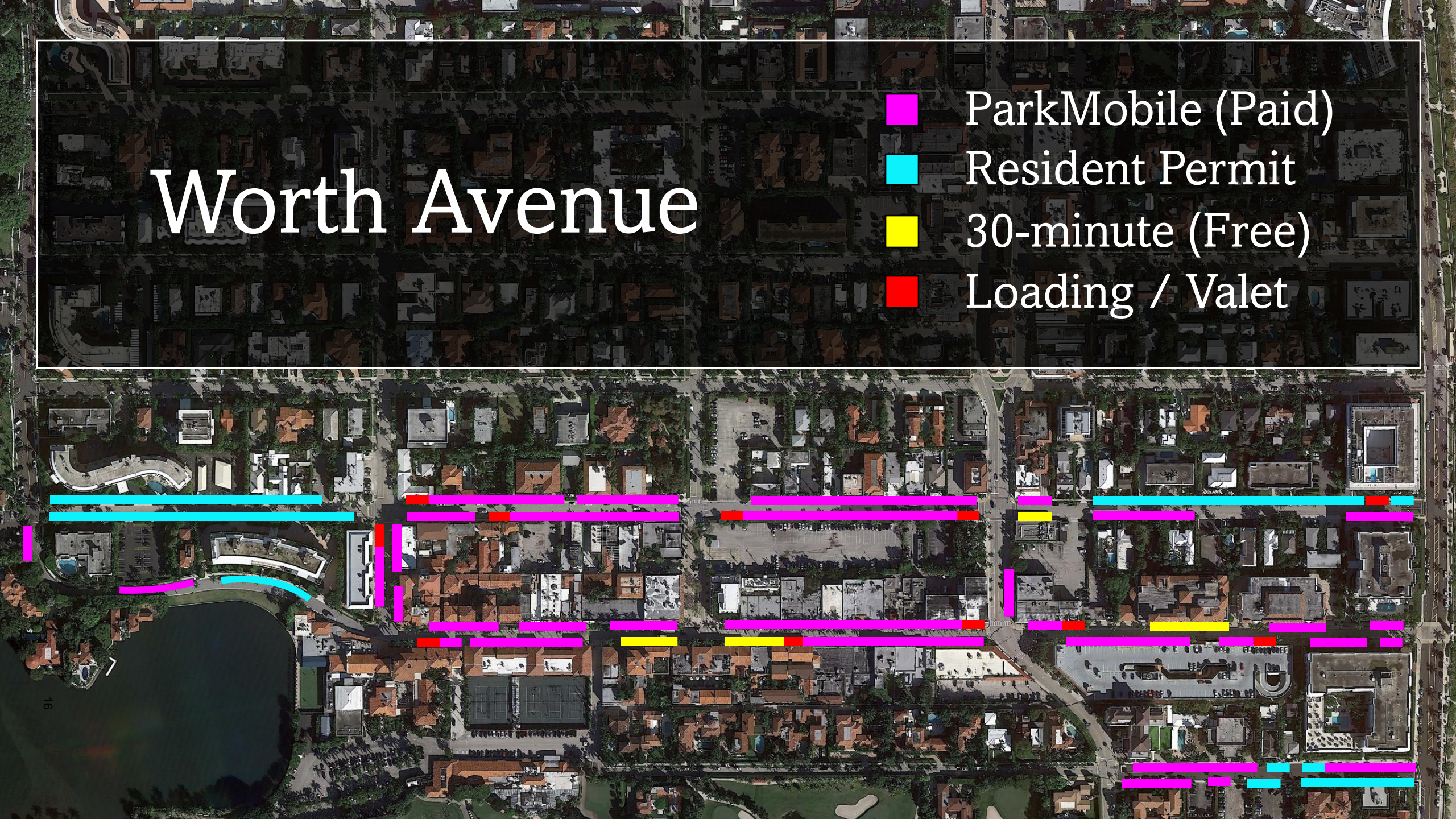
- Available to all residents
- Decal cost: $50 (each)
- Two per residence
- Annual renewal
- Time limits apply
- Not for use in RPP spaces

Resident Parking Permits (RPP)

- Four permits (max)
  - Hang tags
  - Decals
- Decal option covers permit and paid spots
- Decal cost: $100 (each)
- Two decals (max)

Expansion of ParkMobile

Worth Avenue



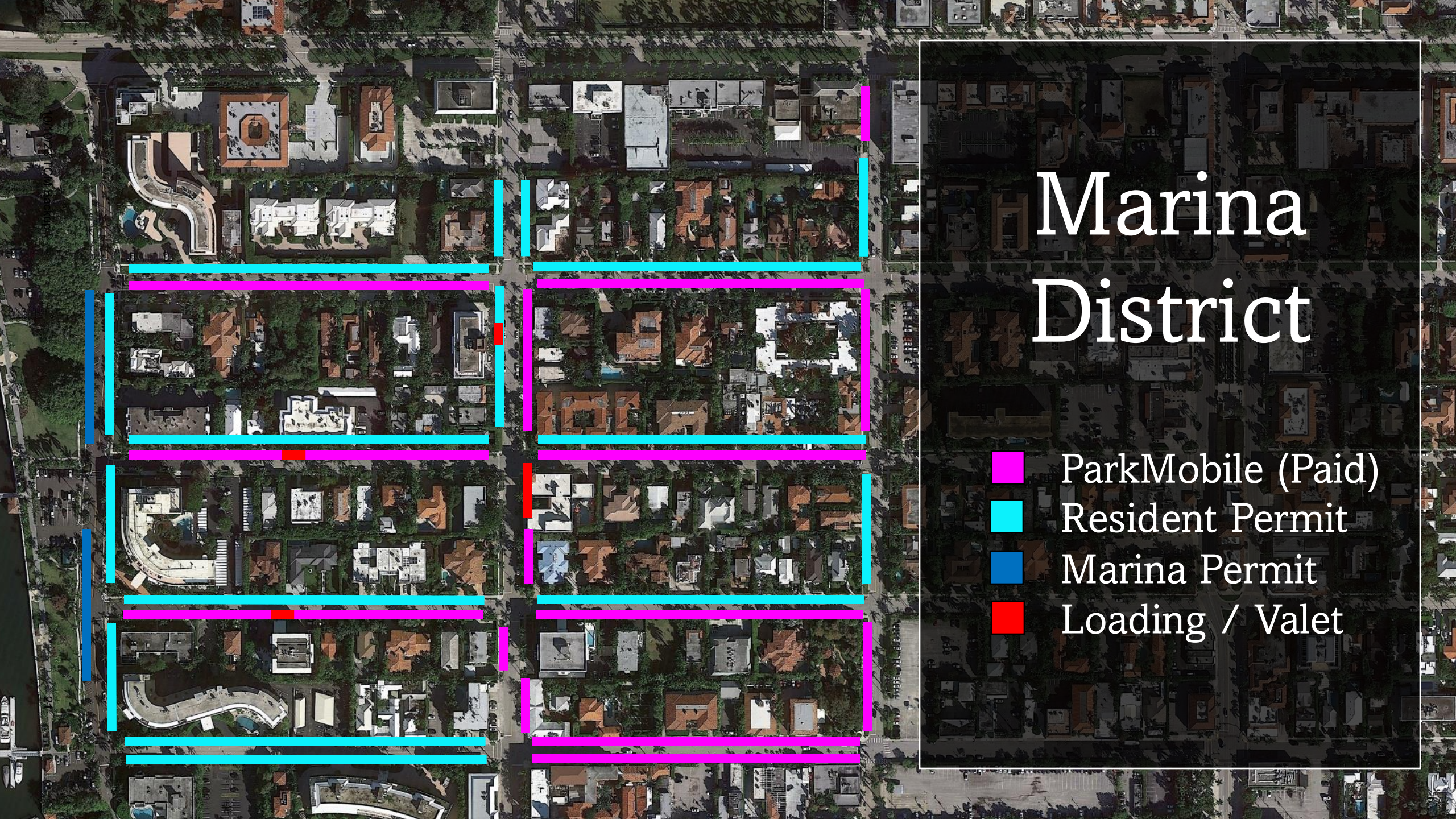
ParkMobile (Paid)

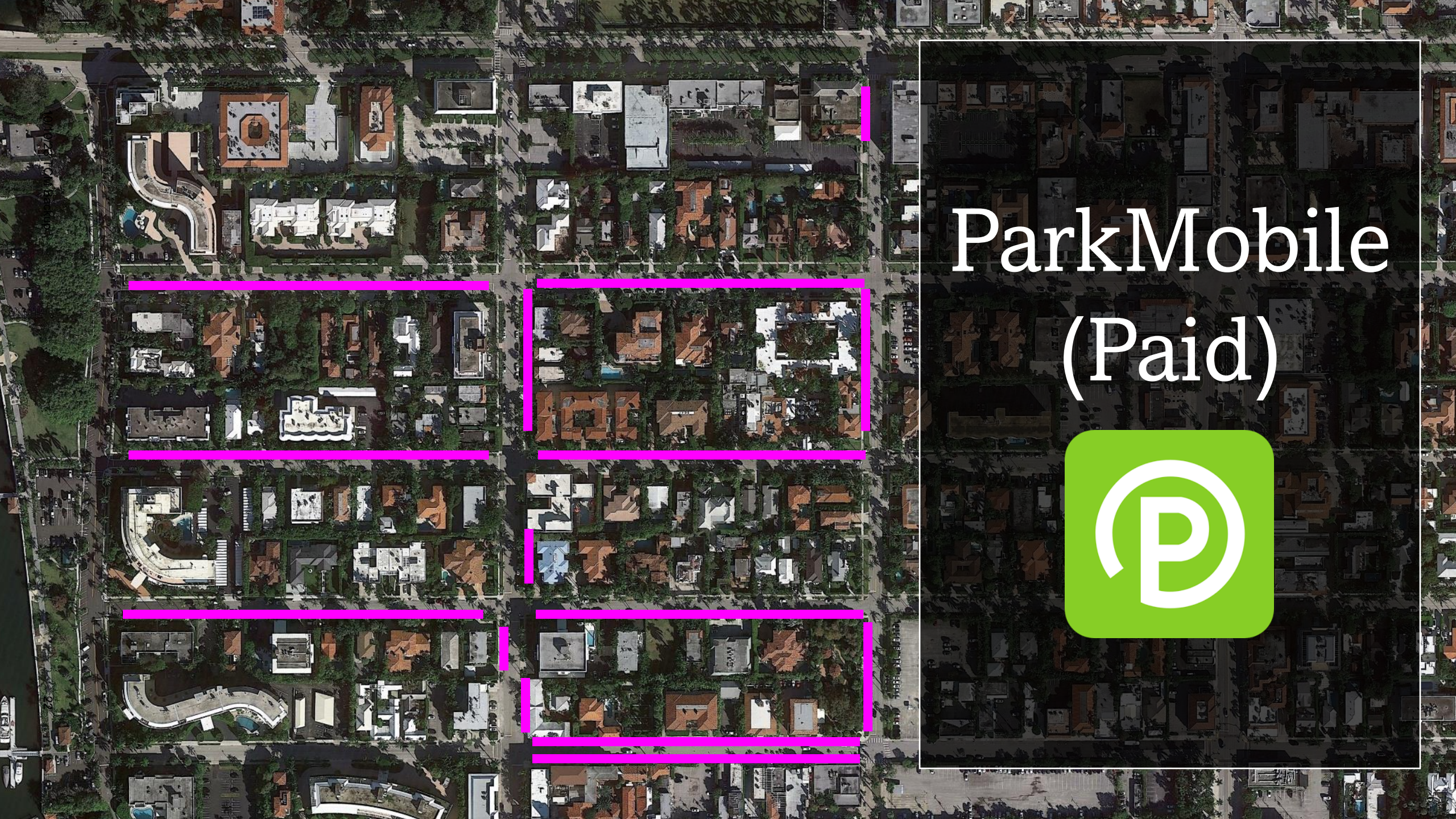
Resident Permit

(No Change)

30-minute (Free)

Loading / Valet

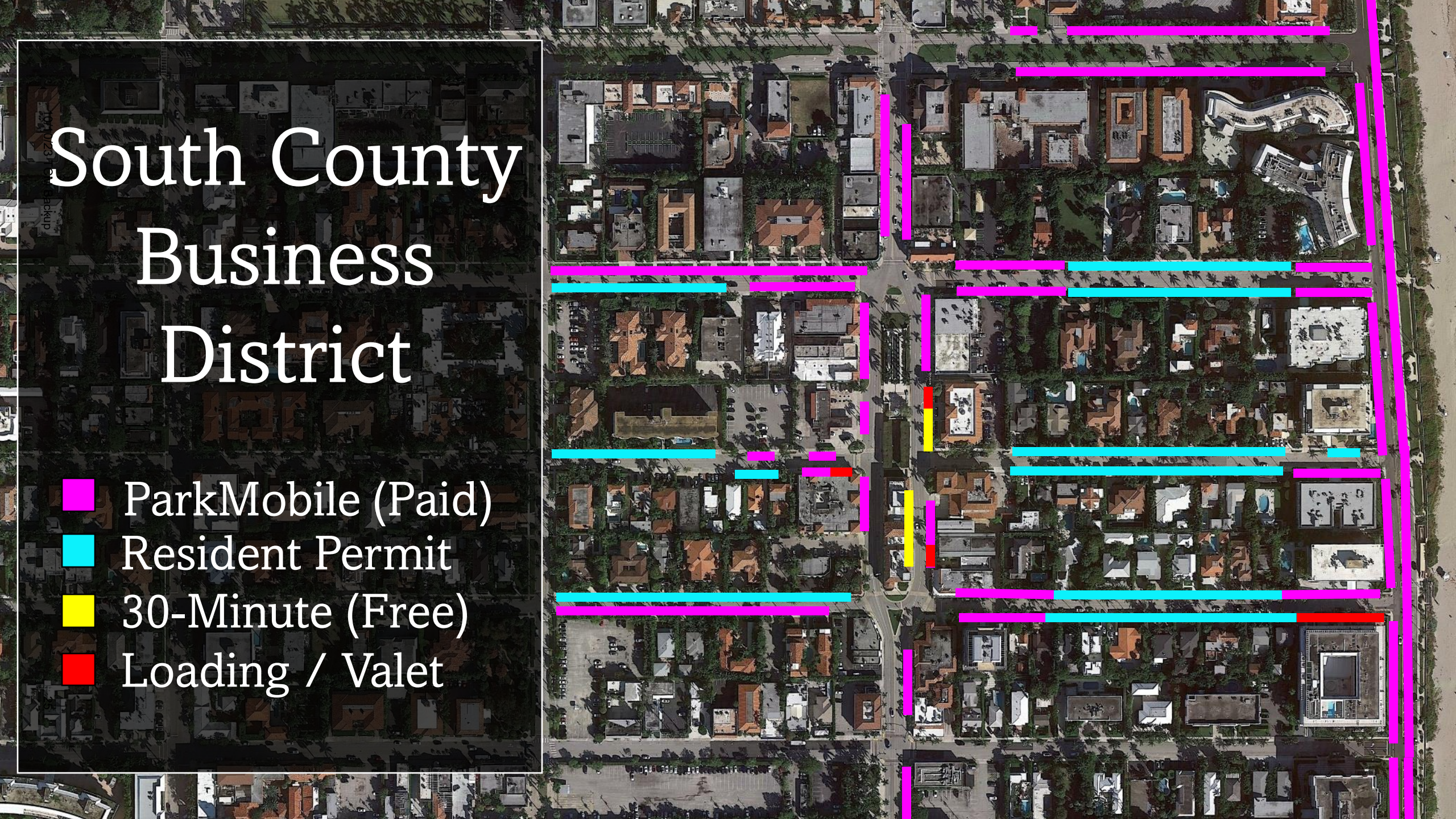

Marina District
ParkMobile (Paid)
Resident Permit
Marina Permit
Loading / Valet


ParkMobile
(Paid)

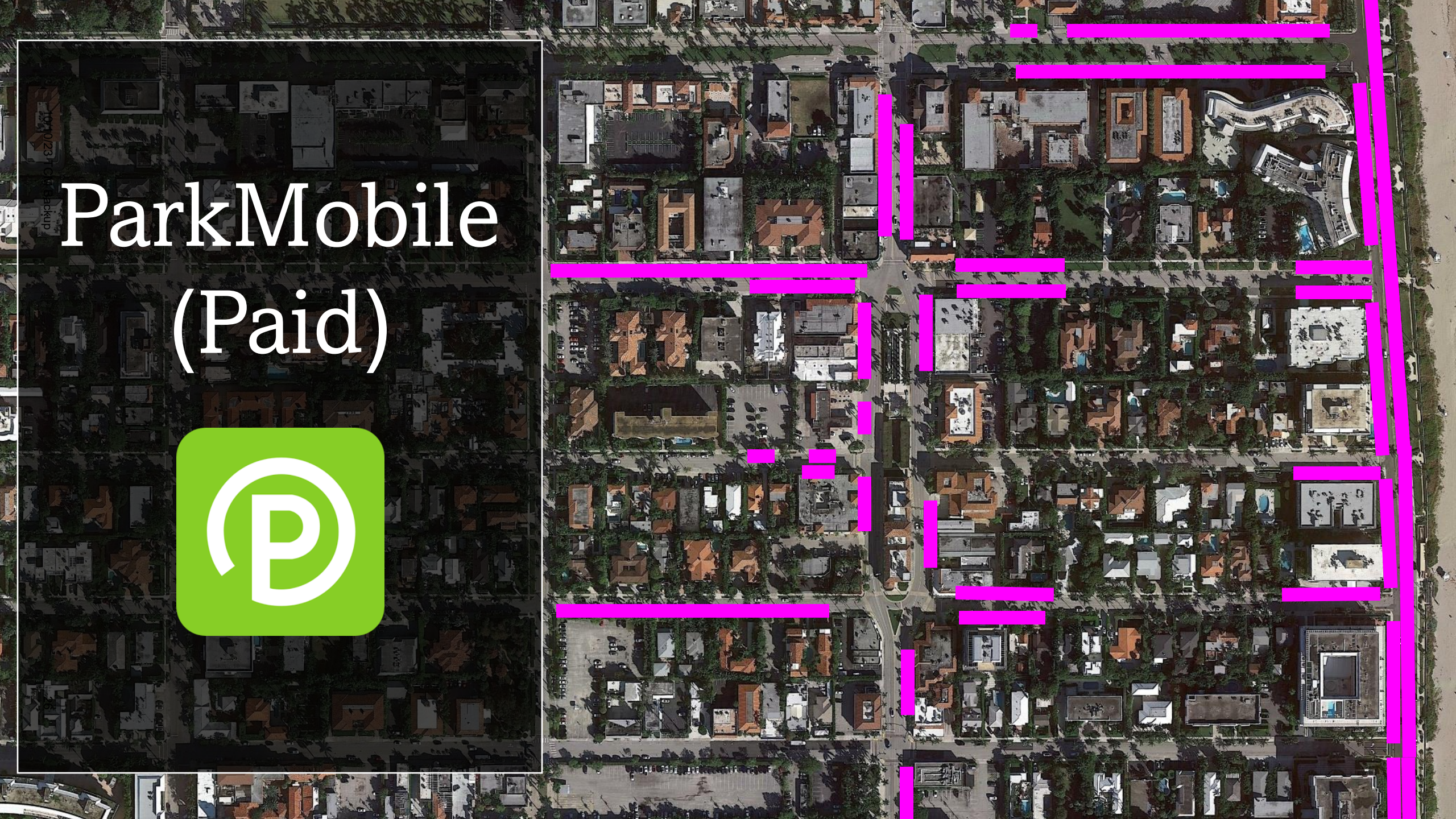
Resident & Marina Permit

Loading Zones

South County Business District



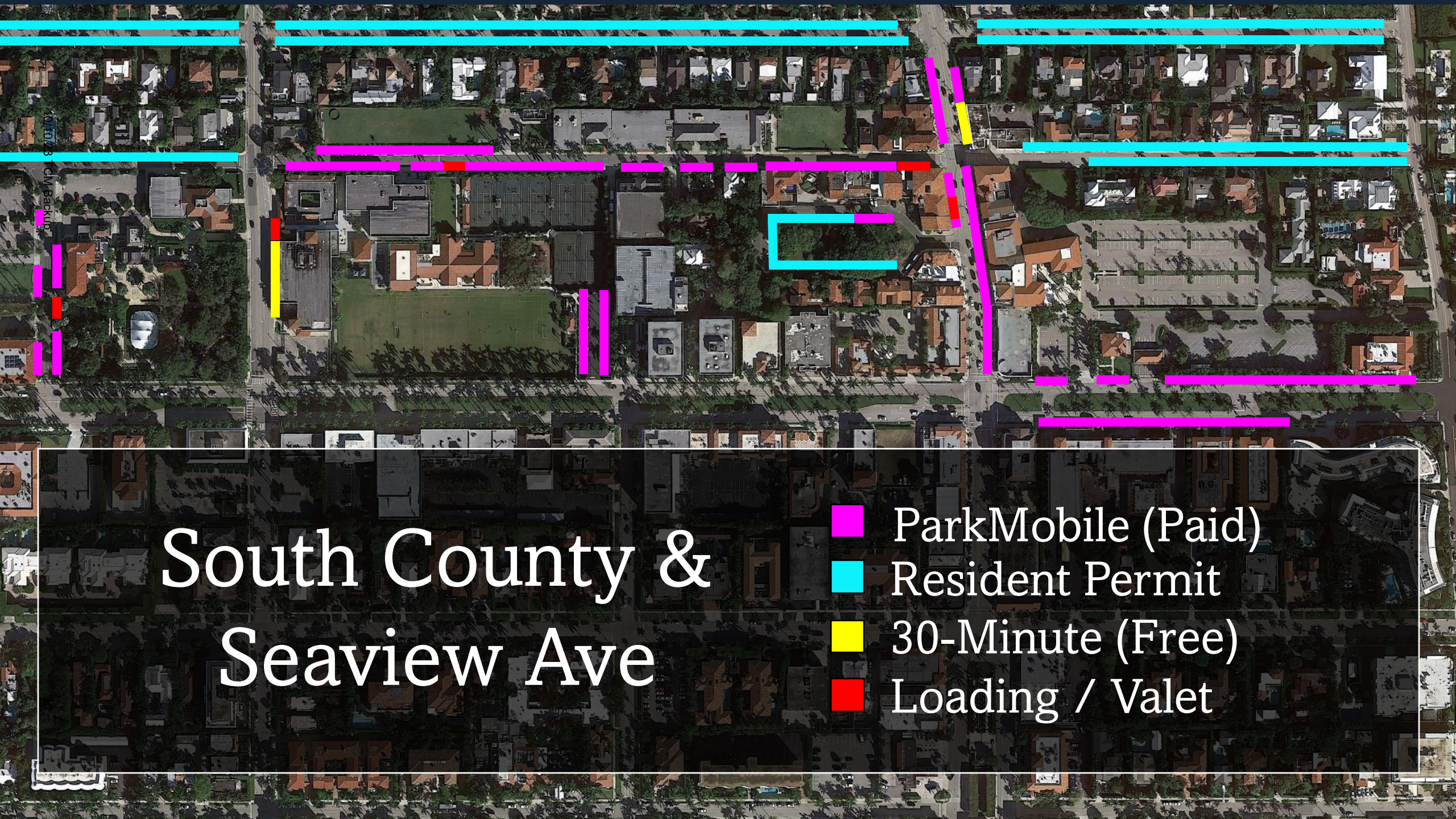
ParkMobile (Paid)

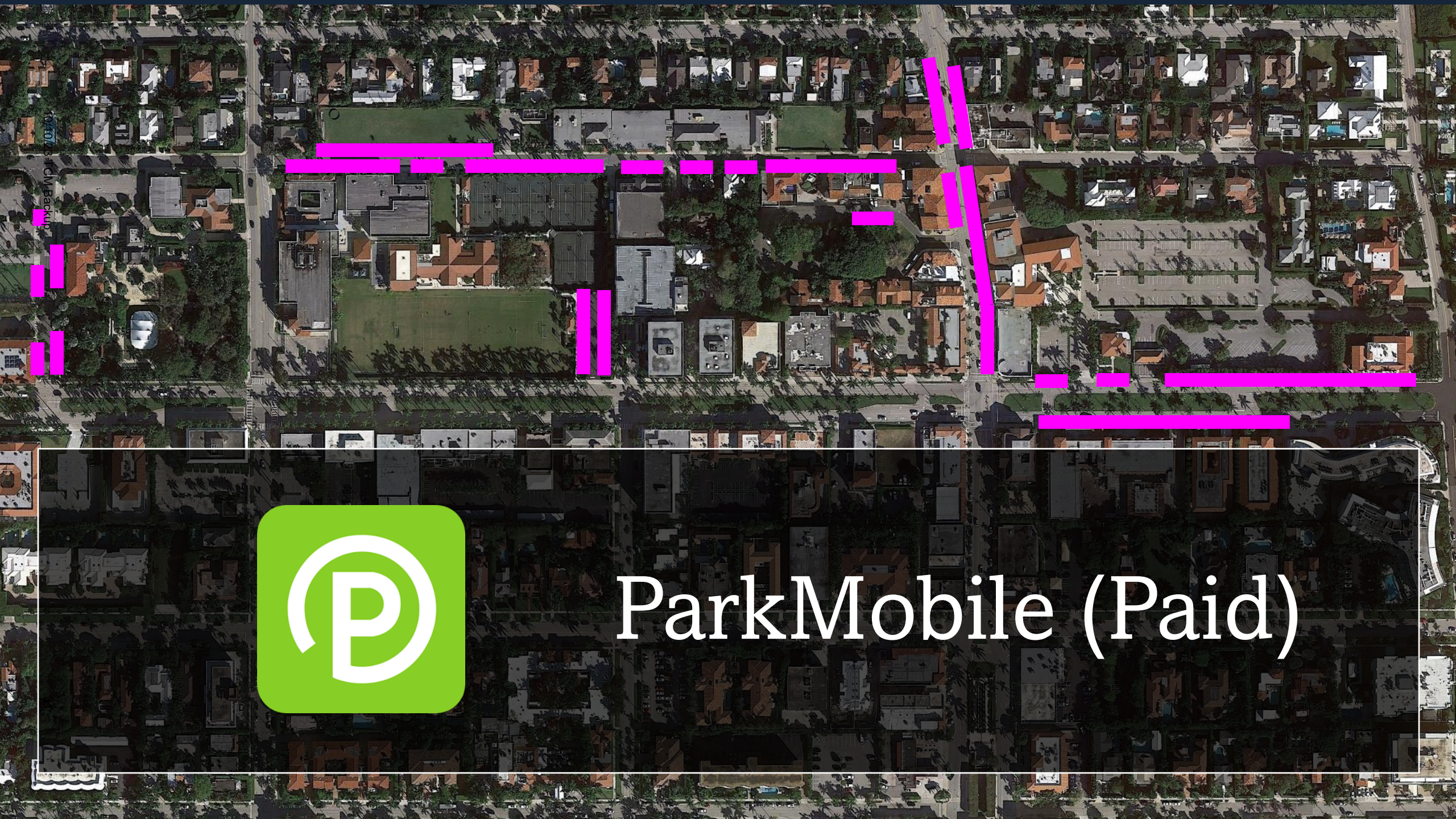


Resident Permit

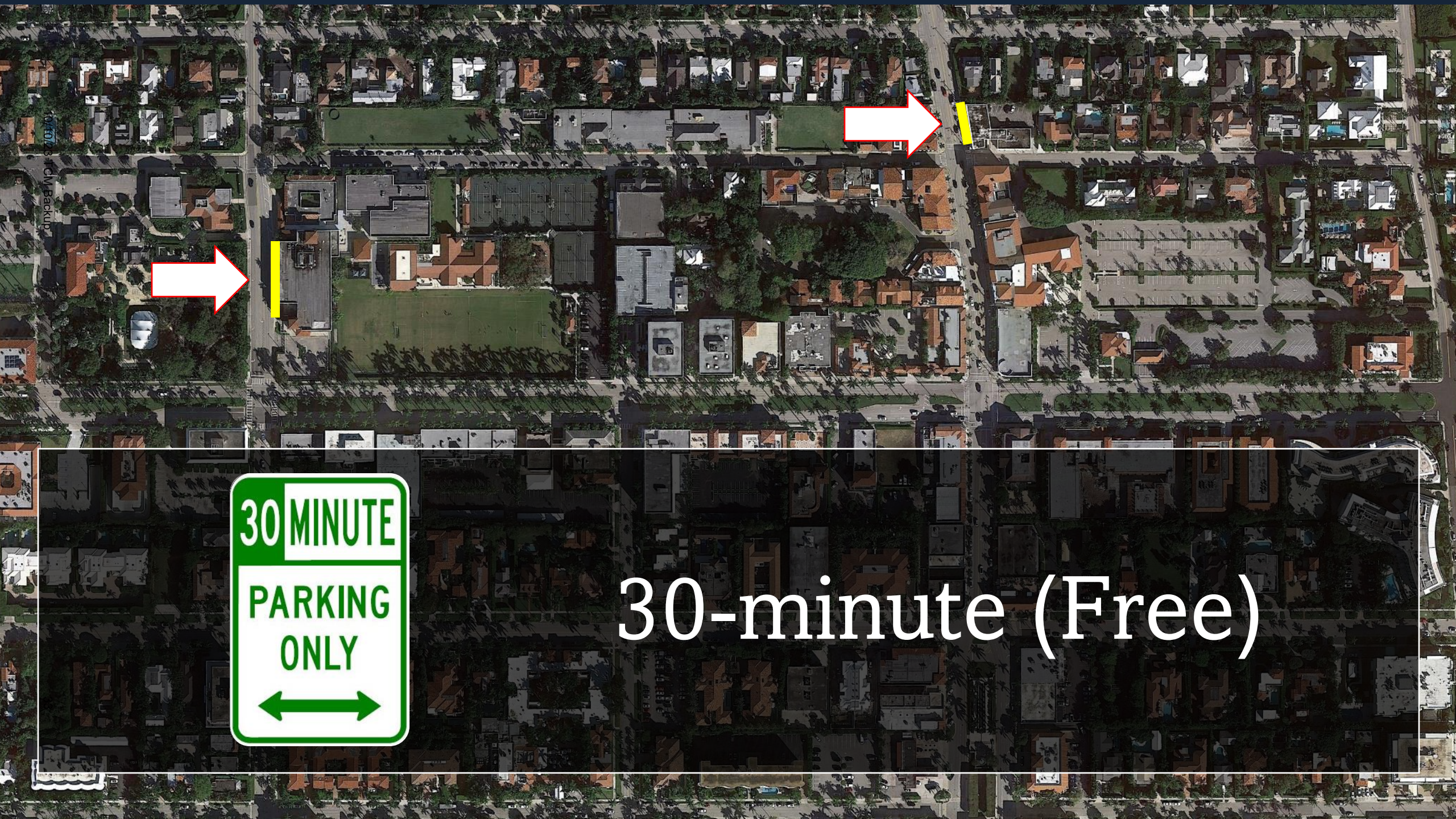
30-minute (Free)

Loading / Valet


10/10/23 TCM Backup
South County &
Seaview Ave
ParkMobile (Paid)
Resident Permit
30-Minute (Free)
Loading / Valet


ParkMobile (Paid)

Resident Permit



30-minute (Free)

10/10/23 #CM Backup

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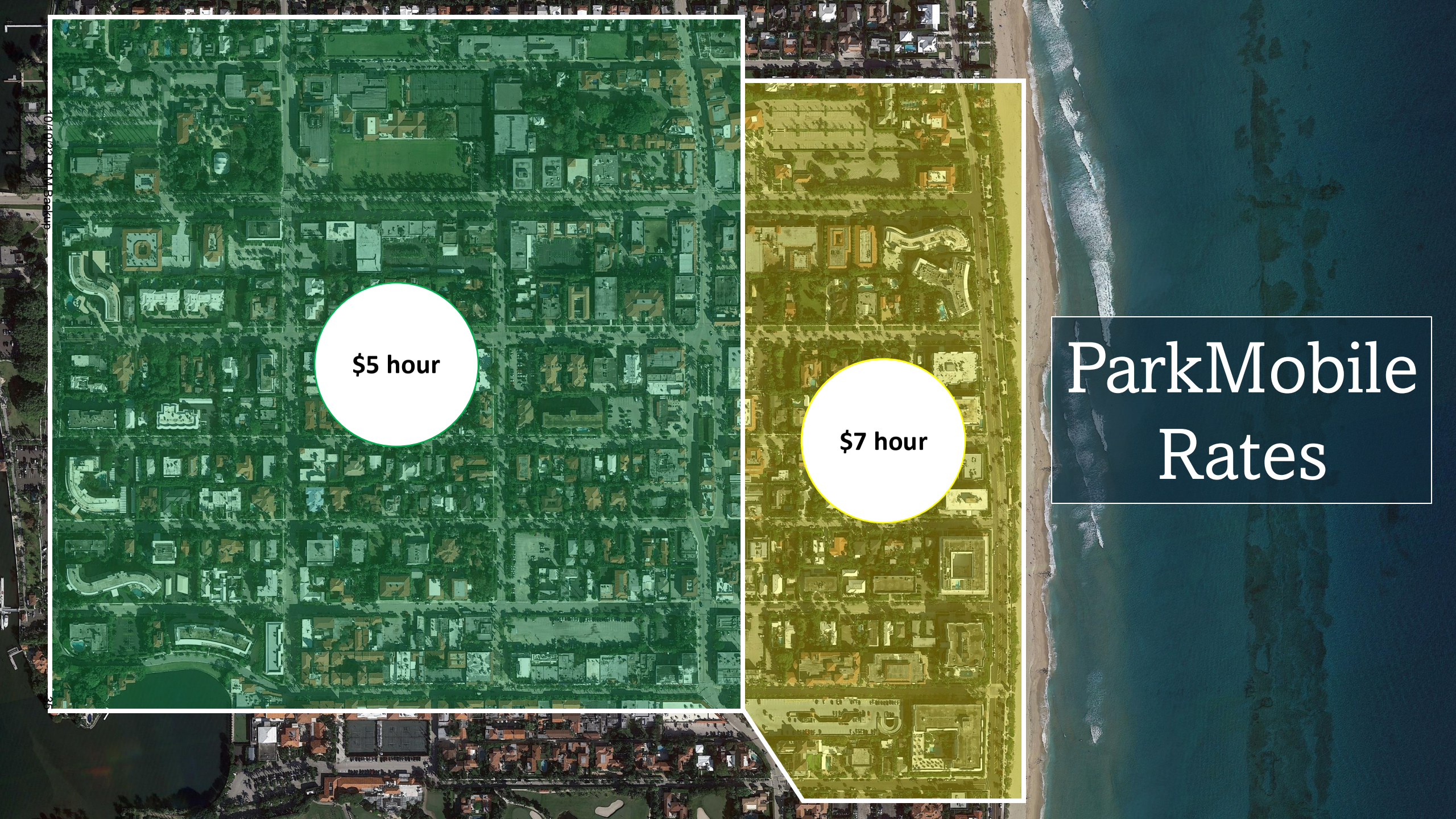
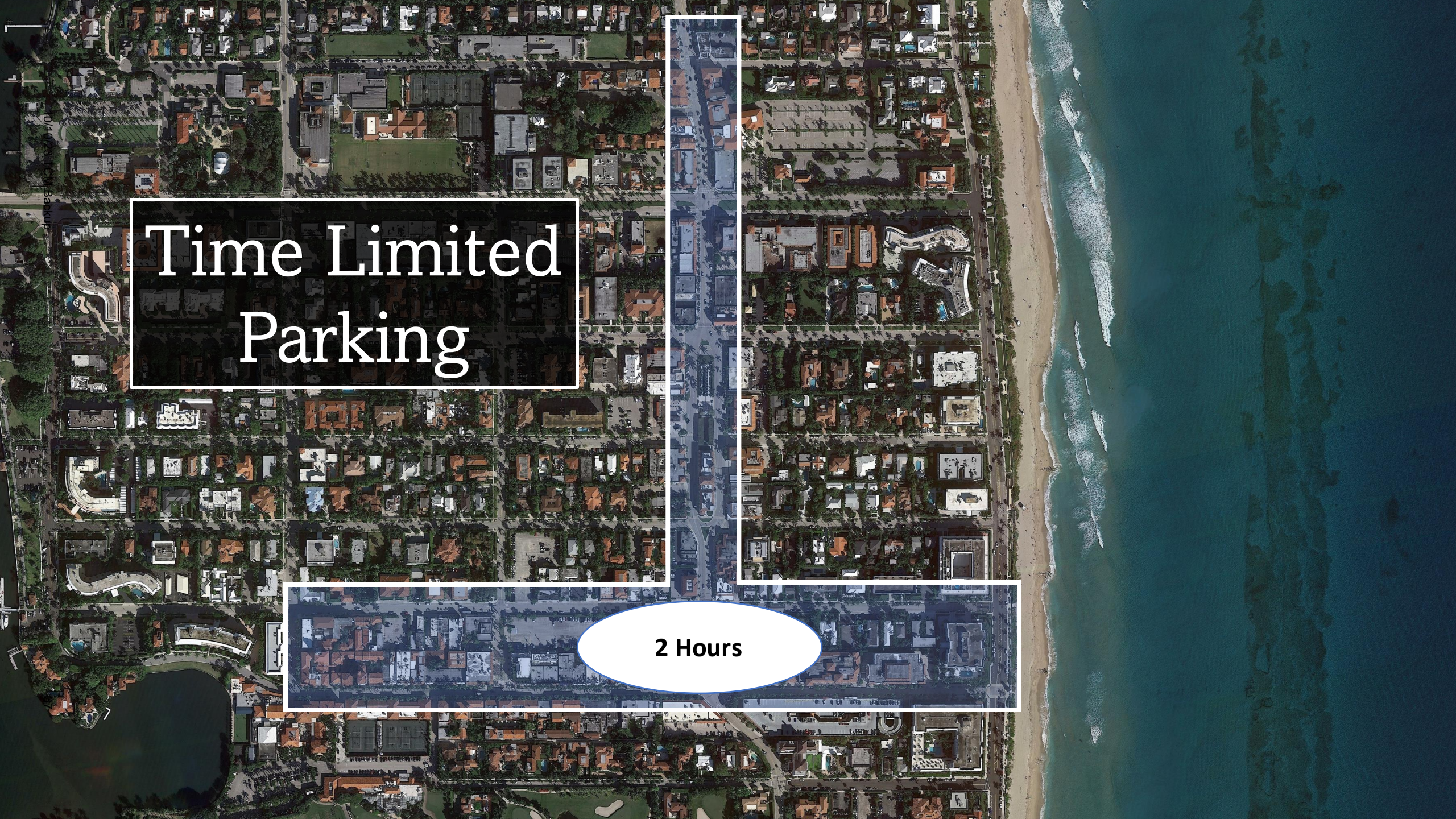
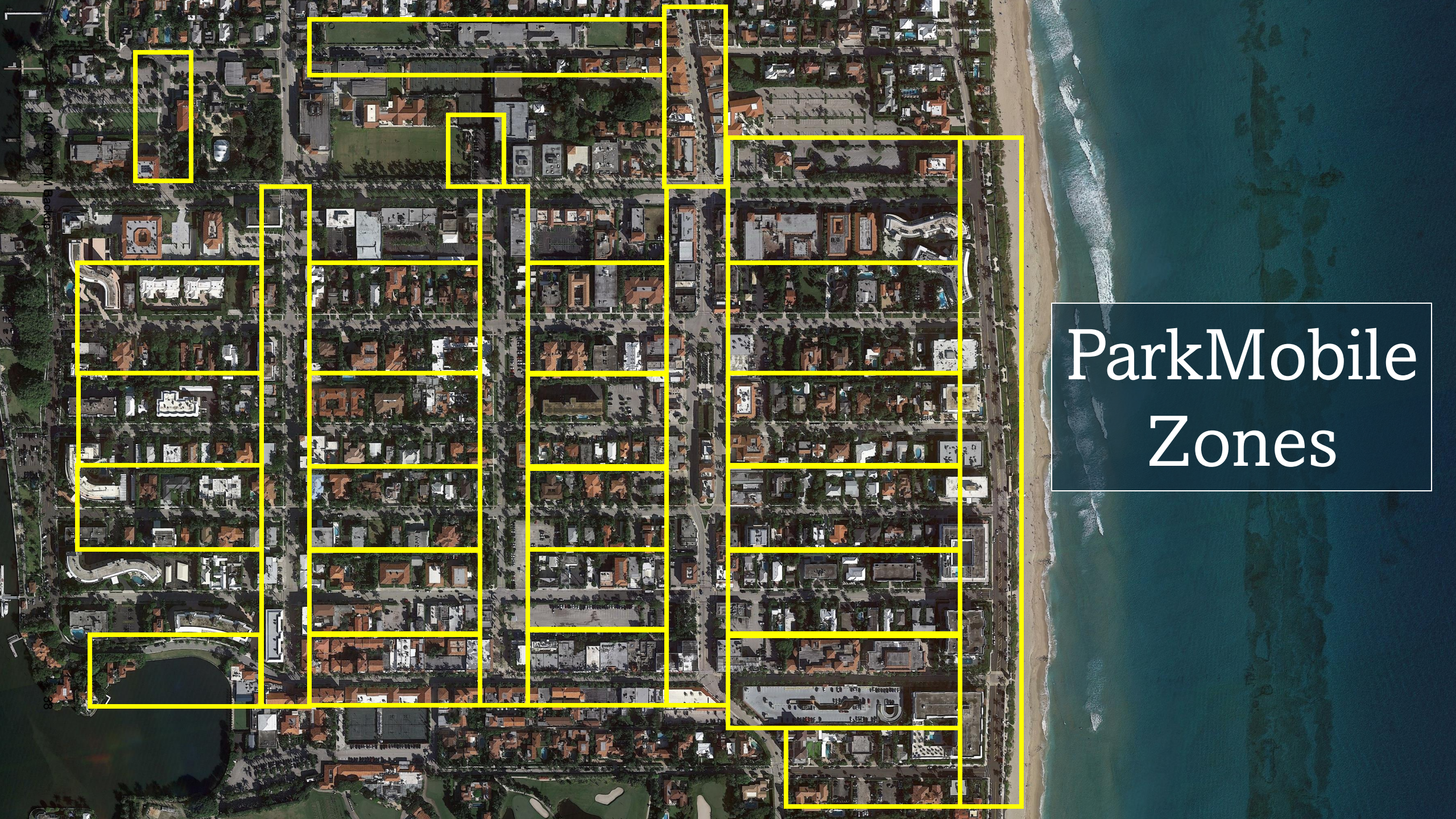


ParkMobile Rates

8 AM -
Midnight
8 AM -
Midnight
8 AM – 6 PM
ParkMobile
Hours


Time Limited Parking
2 Hours


ParkMobile
Zones

Parking Enforcement

Wayfinding Signs

Summary

- Uniform policies and consistent signage
- Policies that are tailor fit to meet the needs of the community
- Data-driven decision making
- Best use of parking inventory
- Increased space turnover

Questions

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

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

Presenter

Kelly Churney, Acting Town Clerk

ATTACHMENTS:

- **Memorandum Dated October 2, 2023, from Kelly Churney, Acting Town Clerk**
- **Member Roster**
- **Attendance Record**
- **Status Sheet**
- **Sample Ballot - Regular Members**
- **Sample Ballot - Alternate Member**
- **Application - Marilyn Beuttenmuller**
- **Application - William Gilbane**
- **Application - Martin Klein**
- **Application - Jorge Sanchez**
- **Application - John Tatooles**

TOWN OF PALM BEACH

Information for Town Council Meeting on October 10, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Kelly Churney, Acting Town Clerk

RE: Planning and Zoning Commission Appointment of Three (3) Regular Members and One (1) Alternate Member

DATE: October 2, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint three (3) regular members and one (1) alternate member to the Planning and Zoning Commission. These members will fill the vacancies created due to the term expirations of Rick Pollock, Marilyn Beuttenmuller, Jorge Sanchez and William J. Gilbane. Rick Pollock is the only member who is termed out and therefore, not eligible for reappointment.

GENERAL INFORMATION

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

1. Marilyn Beuttenmuller – 1555 North Lake Way, Palm Beach, FL;
2. Jorge Sanchez – 239 Southland Road, Palm Beach, FL.

The Town Clerk's office has received two (2) applications for **PROMOTION TO REGULAR MEMBER** from:

1. William Gilbane – 675 N. Lake Way, Palm Beach, FL;
2. John J. Tatooles - 122 Ocean View Road, Palm Beach, FL.

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

1. Martin Klein – 1060 N. Ocean Boulevard, Palm Beach, FL.

Attachments

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

PLANNING & ZONING COMMISSION MEMBERS

NAME AND ADDRESS	APPOINTED	TERM EXPIRES
Gail Coniglio, **Chair**	09/14/2021 (3 yr term)	09/30/2024 (Term 1)
Rick Pollock, **Vice Chair**	10/13/2020 (3 yr term)	09/30/2023 (Term 2)
	10/10/2017 (3 yr term)	09/30/2020 (Term 1)
	12/9/2014 (3 yr term)	09/30/2017 (Term 1 Alternate)
Richard M. Kleid	09/14/2021 (3 yr term)	09/30/2024 (Term 2)
	10/09/2018 (3 yr term)	09/30/2021 (Term 1)
Michael Vincent John Spaziani	10/13/2022 (3 yr term)	09/30/2025 (Term 2)
	10/10/2019 (3 yr term)	09/30/2022 (Term 1)
	05/08/2018 (3 yr term)	09/30/2019 (Term 0)**
Eric Christu	10/13/2022 (3 yr term)	09/30/2025 (Term 2)
	05/13/2020	09/30/2022 (Term 1)**
	10/10/2019 (3 yr term)	05/13/2020 (Term 2 Alternate)
Marilyn N. Beuttenmuller	10/13/2020 (3 yr term)	09/30/2023 (Term 1)
	05/08/2018 (3 yr term)	09/30/2020 (Term 1 Alternate)
Jorge Sanchez	10/13/2020 (3 yr term)	09/30/2023 (Term 1)
	05/13/2020	10/13/2020 (Term 1 Alternate)

** to complete the remainder of R.Sammons' unexpired term which is greater than 50% and as such will count as Term 1.

Alternate Commission Members

William J. Gilbane	10/13/2020 (3 yr term)	09/30/2023 (Term 1)
Nicki McDonald	03/02/2021 (3 yr term)	03/02/2024 (Term 1)
John J. Tatooles	03/02/2021 (3 yr term)	03/02/2024 (Term 1)

TOWN OF PALM BEACH
PLANNING & ZONING COMMISSION

ATTENDANCE RECORD 2022

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

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

TOWN OF PALM BEACH
PLANNING & ZONING COMMISSION

ATTENDANCE RECORD 2023

MEMBERS	1/1/2023	2/1/2023	3/1/2023	4/27/2023	5/3/2023	6/7/2023	6/7/2023	7/6/2023	8/2/2023	9/6/2023	10/4/2023	11/8/2023	12/6/2023
Gail Coniglio	X	X	X	P	P	P	P	X	X	X			
Richard Kleid	X	X	X	P	P	P	P	X	X	X			
Rick Pollock	X	X	X	E	P	P	P	X	X	X			
Michael Spaziani	X	X	X	P	P	E	E	X	X	X			
Eric Christu	X	X	X	P	P	P	P	X	X	X			
Marilyn Beuttenmuller	X	X	X	P	P	P	P	X	X	X			
Jorge Sanchez	X	X	X	P	P	E	U	X	X	X			
ALTERNATE MEMBERS													
William Gilbane	X	X	X	P	P	P	P	X	X	X			
Nicki McDonald	X	X	X	P	P	P	P	X	X	X			
John Tatooles	X	X	X	P	P	P	P	X	X	X			

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

Status Sheet

PLANNING AND ZONING COMMISSION

Next appointment: Tuesday, October 10, 2023, Town Council meeting

Openings advertised via news release: July 28, 2023

Deadline to submit applications: Friday, September 29, 2023

Number of openings: 3 Regular Members and 1 Alternate Member

Applicants

NAME	SEEKING
Marilyn Beuttenmuller	Reappointment
Jorge Sanchez	Reappointment
William Gilbane	Promotion
John J. Tatooles	Promotion
Martin I. Klein	New Appointment

Current members and open seats

NAME	TERM EXPIRES
Regular Members	
Gail Coniglio, Chair	9/30/2024
Rick Pollock, Vice Chair**	9/30/2023
Richard M. Kleid	9/30/2024
Michael Vincent John Spaziani	9/30/2025
Eric Christu	9/30/2025
Marilyn Beuttenmuller*	9/30/2023
Jorge Sanchez*	9/30/2023
Alternates	
William J. Gilbane*	9/30/2023
Nicki McDonald	3/02/2024
John J. Tatooles	3/02/2024

Highlighted in yellow=term currently expiring
*=Applied for reappointment
**=Termed out

BALLOT FOR APPOINTMENT OF **REGULAR** MEMBER(S) TO THE PLANNING & ZONING COMMISSION (PZC)

Town Council Meeting on October 10, 2023

Positions to be filled: **_3_ Regular Members**

Please circle _3_ from the list of names appearing below

Regular Members Applying for Reappointment
(Listed Alphabetically)

Marilyn Beutenmuller

Jorge Sanchez

Alternate Members Applying for Promotion

William J. Gilbane

John J. Tatooles

Others Who Have Submitted Applications

Martin I. Klein

Signature of Town Council Member: _____
Town Council Member

BALLOT FOR APPOINTMENT OF **ALTERNATE** MEMBER(S) TO THE PLANNING & ZONING COMMISSION (PZC)

Town Council Meeting on October 10, 2023

Positions to be filled: **_1_ Alternate Member**

Please circle _1_ from the list of names appearing below

Regular Members Applying for Reappointment
(Listed Alphabetically)

Marilyn Beutenmuller

Alternate Members Applying for Reappointment

William J. Gilbane

Signature of Town Council Member: _____
Town Council Member

Application for Service

Profile

Marilyn
First Name

N.
Middle Initial

Beuttenmuller
Last Name

1555 North Lake Way
Home Address

Suite or Apt

Palm Beach
City

FL
State

33480
Postal Code

marilynbpb@gmail.com
Email Address

Mobile: (561) 254-1786
Primary Phone

Home: (561) 844-0935
Alternate Phone

Question applies to multiple boards

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

MB

Question applies to multiple boards

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

Question applies to multiple boards

Verified - KMC 7/5/23

Upload a Voter Registration Card (Front)

Question applies to multiple boards

Upload a Voter Registration Card (Back)

Which Boards would you like to apply for?

Planning and Zoning Commission: Submitted

In what area of town do you live?

- [x] North

Interests/Experience

Question applies to Planning and Zoning Commission

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

I have been a resident of the town for 45 years, and have benefited from the work of the volunteers on various town commissions. I wish to continue my service on the Planning & Zoning Commission. I believe that my education, professional legal experience, and personal skills have enabled me to be a collegial and contributing member of the Commission since 2018 when I was appointed as an alternate. My legal experience has enabled me to contribute particularly to the proper and correct wording of zoning amendments and has given me the ability to comprehend and anticipate the consequences of changes to sections of the code.

Question applies to Planning and Zoning Commission

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

I desire to continue my service as a regular member of the Planning and Zoning Commission.

Question applies to Planning and Zoning Commission

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

All

Question applies to Planning and Zoning Commission

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

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

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

I have no times that I anticipate being unavailable for meetings.

Question applies to multiple boards

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

Palm Beach Zoological and Conservation Society (officer/board member 37 years); Garden Club of Palm Beach (9 years, past Treasurer and current Vice President); Junior League of the Palm Beaches (officer and Board member 20 years) Norton Museum (past President Young People's President's Council); Cardinal Newman H.S. (Past President of Long Range Planning Committee).

Question applies to Planning and Zoning Commission

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

No direct experience requesting these, but during my 13 years as a staff attorney for the 4th District Court of Appeal I prepared legal memoranda advising the judges of the Court concerning appeals related to comprehensive land planning, zoning, land use, water regulatory, property rights, environmental and other governmental issues.

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

None Selected

Present Occupation

Retired attorney

No. of years

Retired 9 years

Past occupation(s)

Staff attorney Fourth District Court of Appeal; Clerk of Court for the Fourth District Court of Appeal, State of Florida.

No. of years

36

Please provide details regarding your educational background:

B.A. Economics, Dominican University, River Forest IL (1970) M.B.A. University of Florida, Gainesville, FL (1972) J.D. University of Miami, Coral Gables, FL (1977)

Question applies to Planning and Zoning Commission

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

- [x] Law
- [x] Social Sciences
- [x] Geography

Upload a Resume

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

○ Yes ◉ No

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

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

- [x] I Agree

Question applies to Planning and Zoning Commission

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

My educational background, 45 years of residence, and professional experience enable me to continue serving as a contributing member of the Commission in its advisory role to the Town Council regarding municipal planning concepts consistent with the Town's comprehensive land use plan and the current updating of the zoning code. I am familiar with the construct and language of statutes and codes, and have contributed to the development of past code changes during my time with the commission. My experience and education in law and business has resulted in special skills in logic and writing.

Question applies to multiple boards

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

◉ Yes ○ No

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

Margaret Betten, daughter, Executive Director and Market Manager JPMorgan Private Bank, 205 Royal Palm Way, Palm Beach.

Demographics

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

Ethnicity

☑ Caucasian/Non-Hispanic

Gender

☑ Female

Physically Disabled

○ Yes ◉ No

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

☑ I Agree

Question applies to Planning and Zoning Commission

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

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

PLANNING AND ZONING COMMISSION

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

Application for Service

Profile

William — First Name
J. — Middle Initial
Gilbane — Last Name

675 N Lake Way — Home Address
Suite or Apt

Palm Beach — City
FL — State
33480 — Postal Code

billy@billygilbane.com — Email Address

Mobile: (646) 453-9440 — Primary Phone
Alternate Phone

Question applies to multiple boards

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

WJG

Question applies to multiple boards

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

Question applies to multiple boards

Verified - kmc 7/5/23

Upload a Voter Registration Card (Front)

Question applies to multiple boards

Upload a Voter Registration Card (Back)

Which Boards would you like to apply for?

Planning and Zoning Commission: Submitted

In what area of town do you live?

- [x] North

Interests/Experience

Question applies to Planning and Zoning Commission

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

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

Question applies to Planning and Zoning Commission

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

I am applying for Planning and zoning

Question applies to Planning and Zoning Commission

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

All

Question applies to Planning and Zoning Commission

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

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

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

Question applies to multiple boards

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

Question applies to Planning and Zoning Commission

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

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

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

- [x] Palm Beach Chamber of Commerce
- [x] Palm Beach Civic Association
- [x] Citizens' Association of Palm Beach
- [x] Preservation Foundation of Palm Beach

Present Occupation

Investor and Board Member

No. of years

3

Past occupation(s)

Gilbane Inc. - Board Member Gilbane Building Company Senior Executive

No. of years

16

Please provide details regarding your educational background:

Brown University BA New York University MS

Question applies to Planning and Zoning Commission

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

- [x] Architecture
- [x] Law
- [x] Social Sciences
- [x] Urban and Regional Planning
- [x] Building Construction and/or Development

Upload a Resume

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

○ Yes ◉ No

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

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

☑ I Agree

Question applies to Planning and Zoning Commission

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

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

Question applies to multiple boards

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

◉ Yes ○ No

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

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

Demographics

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Ethnicity

☑ Caucasian/Non-Hispanic

Gender

☑ Male

Physically Disabled

○ Yes ◉ No

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

☑ I Agree

Question applies to Planning and Zoning Commission

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

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

PLANNING AND ZONING COMMISSION

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

William J. Gilbane

WILLIAM J. GILBANE III

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

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

.

CAREER HIGHLIGHTS

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

PROFESSIONAL EXPERIENCE

EQUITIX NORTH AMERICA

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

2020 - Present

Advisory Board Chair – Miami, Florida & London

GILBANE BUILDING COMPANY 2003 - 2020

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

Divisional CEO & President – New York City, New York 2011 – 2020

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

Strategic Achievements

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

Commercial Achievements

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

Operational Achievements

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

Team & Culture Achievements

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

Senior Director, Business Development, New York, NY 2009 – 2011

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

Project Manager, New York, NY & Providence, RI 2003 – 2009

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

BOARD AFFILIATIONS

Independent Director, BOD, Gilbane, Inc.. 2020 - Present
Member, Young Presidents Organization (YPO) 2017 – Present
Membership Committee 2017-2020
Member, BOD, The Housing Works Board 2016 – Present
Chair, Membership Committee
Member, BOD, New York Building Congress 2016 – 2020
Trustee, Citizens Budget Commission 2009 – Present
Membership Committee for 2 yrs
Governor, New York Building Foundation 2009 – 2020
Fundraising Committee 5 years
Member, BOD, The Everson Museum of Art 2016 – 2019
Facilities Committee for 3 years
Member, BOD, ACE Mentor Program of America 2010 – 2018
Strategic Planning Committee & Finance Committee for 1 yr
Director, Construction Management Association of America 2013 – 2016

EDUCATION & CERTIFICATIONS

National Association of Corporate Directors, Washington, DC 2020
NACP Directorship Training

Kellogg School of Management, Evanston, IL 2018
Governing Family Enterprises Program

New York University, New York, NY 2013
M.S., Construction Management

Brown University, Providence, RI 1999
B.A., Political Science

Application for Service

Profile

Martin
First Name

I
Middle Initial

Klein
Last Name

1060 North Ocean Blvd.
Home Address

Suite or Apt

Palm Beach
City

FL
State

33480
Postal Code

martin@miklein.com
Email Address

Home: (561) 881-8000
Primary Phone

Mobile: (917) 453-9800
Alternate Phone

Question applies to multiple boards

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

MIK

Question applies to multiple boards

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

Question applies to multiple boards

Upload a Voter Registration Card (Front)

Question applies to multiple boards

Verified -KMC 8/7/23
Upload a Voter Registration Card (Back)

Which Boards would you like to apply for?

Planning and Zoning Commission: Submitted

In what area of town do you live?

☑ North

Interests/Experience

Question applies to Planning and Zoning Commission

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

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

Question applies to Planning and Zoning Commission

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

All

Question applies to Planning and Zoning Commission

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

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

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

None

Question applies to multiple boards

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

Planning and Zoning Commission-20 years. Code Enforcement Board-8 years Palm Beach County Land Development and Regulation Advisory Board 12 years

Question applies to Planning and Zoning Commission

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

Yes. See attached.

Martin I Klein

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

- [x] Palm Beach Chamber of Commerce
- [x] Palm Beach Civic Association
- [x] Citizens' Association of Palm Beach

Present Occupation

Attorney

No. of years

40 years

Past occupation(s)

No. of years

Please provide details regarding your educational background:

See attached resume

Question applies to Planning and Zoning Commission

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

- [x] Law

Upload a Resume

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

- ○ Yes
- ◉ No

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

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

- [x] I Agree

Question applies to Planning and Zoning Commission

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

20 years of experience. See attached.

Question applies to multiple boards

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

○ Yes ◉ No

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

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

Demographics

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

Ethnicity

☑ Caucasian/Non-Hispanic

Gender

☑ Male

Physically Disabled

◉ Yes ○ No

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

☑ I Agree

Martin I Klein

Question applies to Planning and Zoning Commission

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

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

PLANNING AND ZONING COMMISSION

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Addendum to Application for Reappointment
as a Regular Member on the Town of Palm
Beach's Planning and Zoning Commission
Submitted by Martin I. Klein and
Dated August 4, 2023

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

Answer: I am interested in working with the Town Council and others to preserve the quality of our life in Palm Beach and in planning for the next generation of residents. This is not a new interest; Palm Beach has been part of my life for over 50 years since I first spent time here as a child with my grandmother. Over time, I've seen change-some good and some that I would prefer that didn't take place. I resolved to defend and preserve our "oasis" for my child, and for her children.

I believe the "planning function" of the Commission will be more important than ever and that we must develop a long-term vision for our Town. This is particularly true now that we have retained consultants to review our zoning code.

Palm Beach is at a critical juncture. Many of our residents are concerned with what they perceive as over-development, yet that concern is juxtaposed with the desire of a property owner to utilize his or her own property. How we solve that dilemma will shape our Town for generations to come.

Planning and zoning are the core and background of our Town; without it, our Town as we know it will disappear. Planning and zoning are far more delicate and experience demanding than other aspects of local government because it deals with our future-without pictures or submitted plans. It is the guardian of our future.

Our residents want and need a strong, competent planning and zoning commission with members who are knowledgeable in the intricacies of our zoning code, in Town affairs, cognizant of Town history, and who possess significant experience. I believe I meet that requirement and I look forward to continuing to serve our Town. We are losing many with historical reference.

I also believe that I can contribute to solving the current dilemma facing the planning and zoning commission. The commission is vital to the future of the town, but it has deviated from its core mission and its historical function. This has caused the town council to question the future of the commission. I believe I can be a part of the solution and I am anxious to contribute my time, history and talent.

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

Answer: I have served a total of almost 20 years on the Town of Palm Beach's Planning and Zoning Commission, including two years as its Secretary and five years at its Chairman. During that period of time, I attended all of the meetings of the Commission and many meetings of the Town Council, including those on zoning and planning issues.

I served on the Town of Palm Beach's Code Enforcement Board for over two years until I resigned to accept appointment to the Planning and Zoning Commission. Now I have served an additional 3 years. I particularly enjoyed my service on the Code Board. My fellow commissioners were a delight to work with; I am proud to call them my friends; the Town staff, particularly the Code Enforcement staff, originally with the Building Department and then with the Police Department, were a source of great personal and professional satisfaction, and finally serving on the Board gave me insight into enforcing some of the issues facing the Planning and Zoning Commission. I am pleased to have been re-appointed to the Code Enforcement Board and I continue to enjoy my service, but I realize that my talent and experience can best be utilized on Planning and Zoning.

I also completed nine years of service on the Palm Beach County Land Development Regulation Advisory Board. This gave me a countywide perspective on land use regulation that I hope adds to my ability to serve on our Town's Planning and Zoning Commission.

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

Answer: From my extensive service on the Town's Planning and Zoning Commission and my service on the County's Land Development Regulation Advisory Board, I am familiar with both our comprehensive plan, the County's ULDC and various planning and zoning processes. From a Commission and Board Member's perspective, I have seen and have reviewed many such submissions and accordingly have considerable experience in such matters.

Question.Please provide details concerning your educational background.

Answer: I graduated Lehigh University in 1969, graduated American University School of Law in 1972 while also working for the U.S. Senate where I was privileged to work for Senators Kennedy and Javits in areas of labor, education and public welfare. I have written numerous articles for law publications, have chaired legal conferences, and appeared as a guest columnist in many other publications. I have also been president of one of New York's largest religious institutions and chaired the board of an airline (Global Aviation) among other things. My resume is attached.

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

Answer: I believe that my answers above more than completely describe why I am qualified to serve on the Town's Planning and Zoning Commission. I have a lifetime of training and experience in the law. I have had more than fifteen years of service on the Commission. At a time when history is so important, I possess history of our Town and our planning and zoning processes that I don't think many others have. I am familiar with our zoning code. Finally, I have followed land use issues not only in Palm Beach but also in our larger community and have utilized my experience on a countywide level as well.

Additionally, having spent so many years in Palm Beach, I believe I understand its history, its ever-changing demographics, and the needs of our residents. Planning and zoning are a specialized commitment with which I am very familiar and the results of which are of utmost concern to me.

MARTIN I. KLEIN

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

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

EXPERIENCE

Martin I. Klein, PC, New York, NY and Palm Beach, FL
Founder/Managing Partner (1995 to present)

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

Shea & Gould, New York, NY
Partner (1993 to 1995)

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

Dreyer & Traub, New York, NY
Partner (1980 to 1993)

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

BOARD/APPOINTED POSITIONS

Global Aviation Holdings, Peachtree City, GA
Chairman of the Board (January 2014 to present)
Director (2013 to present)

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

City of New York, New York, NY
Administrative Law Judge, Environmental Control Board (2007 to 2010)
- Conducted hearings and adjudicated violations of city and state statutes and ordinances.
- Reviewed and adjudicated appeals of ECB decisions for the Appeal Section.

Central Synagogue, New York, NY
Honorary President and Trustee (1999 to 2018)
President (1995 to 1999)
- Led a major non-profit organization, overseeing business strategy, operations/administration, finance and fundraising for a 7,000-member congregation (one of the largest/oldest in the US); previously served as Vice President and Treasurer.
- Significantly increased congregation membership and enrollment in the early childhood and religious schools; led organization through a $50 million reconstruction and organizational recovery project following a fire disaster.
- Led monthly Board of Trustee meetings and various weekly committee meetings.

Palm Beach County Citizen's Committee on Airport Noise
Member (2022-
Review airport noise conditions for County and consider potential noise mitigation

Planning and Zoning Commission of The Town of Palm Beach, Palm Beach, FL
Member (1994 to 2002, 2009 to 2014)
Chairman (1998 to 2000; 2017-2020)
- Reviewed plans for town residential and commercial projects.
- Analyzed population density, determined short/long-term town planning goals and identified community needs and zoning/development priorities.

Palm Beach County Land Development Regulation Advisory Board, Palm Beach, FL
Member (2004 to 2013)
- Conducted periodic review and updates to the County's Unified Land Development Code and Comprehensive Plan.
- Advised the Board of County Commissioners on land use regulations to protect the health, safety and welfare of the county residents.

Chock Full O'Nuts Corporation (NYSE), New York, NY
Director and Chairman of Audit Committee (1987 to 1994)

Regency Equities Corporation (OTC), Beverly Hills, CA
Director (1978 to 1979)

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

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

SELECTED PROFESSIONAL MEMBERSHIPS

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

LICENSURE

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

ADDITIONAL INFORMATION

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

EDUCATION

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

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

Town of Palm Beach

Application for Service

Profile

jorge
First Name

a
Middle Initial

sanchez
Last Name

239 southland road
Home Address

Suite or Apt

palm beach
City

FL
State

33480
Postal Code

jorge@smila.net
Email Address

Primary Phone

Alternate Phone

Question applies to multiple boards

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

yes Verified KMC 7/5/23

Question applies to multiple boards

Upload a Voter Registration Card (Front)

Question applies to multiple boards

Upload a Voter Registration Card (Back)

Which Boards would you like to apply for?

Planning and Zoning Commission: Reapplying

In what area of town do you live?

☑ North

Interests/Experience

Question applies to Planning and Zoning Commission

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

I have served through the past decades on several of our architectural boards& I would like to assist in correcting the inadequacies in our building codes.

Question applies to Planning and Zoning Commission

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

Not presently

Question applies to Planning and Zoning Commission

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

All except for one of the mandatory meetings

Question applies to Planning and Zoning Commission

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

None Selected

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

I will be able to attend all future meetings

Question applies to multiple boards

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

My first one was ARCOM in the late 70's (?) at the time there were no time restrictions. Since then I have served in ARCOM, Landmarks & P&Z several times each.

Question applies to Planning and Zoning Commission

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

In my discipline I am evolved in one way or another constantly.

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

- ☑ Palm Beach Civic Association
- ☑ Preservation Foundation of Palm Beach
- ☑ Other

Present Occupation

Landscape Architecture

No. of years

50

Past occupation(s)

Cattle; sugarcane grower; banking; private investments

No. of years

Since the early 70's

Please provide details regarding your educational background:

Villanova University '71

Question applies to Planning and Zoning Commission

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

- [x] Landscape Architecture/Design
- [x] Urban and Regional Planning

Upload a Resume

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

- ○ Yes
- ◉ No

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

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

- [x] I Agree

Question applies to Planning and Zoning Commission

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

My years of experience in the field & my knowledge of our town

Question applies to multiple boards

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

○ Yes ◉ No

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

All members of the extensive Phipps family; Tina Fanjul & her issue

Demographics

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

Ethnicity

☑ Prefer not to Answer

Gender

☑ Male

Physically Disabled

○ Yes ◉ No

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

☑ I Agree

Question applies to Planning and Zoning Commission

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

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

PLANNING AND ZONING COMMISSION

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

JORGE A. SÁNCHEZ de ORTIGOSA
Principal and President, *SMI Landscape Architecture*

Education

B.A., Villanova University, Pennsylvania, 1971

ALL SMI Landscape Architecture projects - Selected Experience;

Gibbes Museum, Charleston, South Carolina. Opening May 2016. Complete design services for the exterior landscape of the Gibbes Museum, and for a new garden connected to the museum that will function as a contemplative space, but can also be used for events.

West Palm Beach, Florida - Waterfront Park and Commons. 1.5 linear mile system of artful waterfront linking botanical parks, commons, city center green market, floating docks and pedestrian pathways. Partners with collaborative design team of ecologic-environmental, public artists and engineers. Developed an urbane aesthetic green infrastructure. Project was published in Topos International Review of Landscape Architecture and Urban Design.

The New York Botanical Garden, 'Cuba In Flower' Orchid Show….February through April 2010
The New York Botanical Garden, 'Orto Botanico"….May through September 2013

Norton Museum of Art, West Palm Beach, Florida – Complete site design services for major expansion of museum building and surrounding gardens. Work included design of a large expanse of land serving as key visual linking the museum to the Intracoastal Waterway.

Pan's Garden, Palm Beach, Florida: A preservation and restoration project which focused on the architectural and botanical heritage of the Town of Palm Beach. The garden collections function as an educational facility, developing awareness and appreciation of nature and South Florida plant material.

Awards

Arthur Ross Award Recipient, 2010, Landscape Architecture, for bringing classical themes and structure to the wild abundance of tropical gardens.

Affiliations

Board of Directors Member, Garden Conservancy
Former Commissioner, Landmarks Preservation Commission, Town of Palm Beach
Former Commissioner Architectural Review Commission, Town of Palm Beach
Commissioner, Planning and Zoning Board, Town of Palm Beach
Former Director, Mounts Botanical Garden
Fellow, National Tropical Botanical Gardens Kauai, Hawaii
Former Director, Community Foundation of Palm Beach and Martin County, Florida
Former Director, Preservation Foundation of Palm Beach, Florida
Former Director, Downtown Action Committee, City of West Palm Beach
Director, Horticultural Society of South Florida
Former Director, WXEL
Former Board Member, Hemingway Preservation Foundation, Inc.

Received 7/17/23 KMC

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

PLANNING AND ZONING COMMISSION

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail to townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form. (Please be advised that members of the Planning and Zoning Commission must file an annual financial disclosure form per State law.)

Name: John J Tatooles

Residence Address: 122 Ocean View Rd, PB

Mailing Address: same as residence

Home Telephone: 312-485-5252 (cell)

E-mail Address: jjt5959@gmail.com

Work Telephone: 561-629-5279 (home)

I am a registered voter of the Town of Palm Beach JJT (please initial) 7/17/23 KMC ✓

Appointment to Planning and Zoning Commission requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application.

1. Why are you interested in serving on the Planning and Zoning Commission? (Please explain and attach additional pages if necessary)

I am currently an alternate on the PZ Comission and am seeking an upgrade to a voting member. I would like to continue the work we have begun. PZ is about the future of the Town. At this critical juncture, I hope to continue to provide thoughtful input to PZ and Town Council that relfect the needs and concers of our residents. I am also an "estate section" resident which representation is lacking on PZ.

2. How many meetings of the Planning and Zoning Commission have you attended in the last year? all

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

Currnelty am an alternate on the PZ Commission, seeking an upgrade to voting member intomy 3rd year of term, have attended all scheduled meetings

Town of Palm Beach Hospice Board Member and current Treasuer, 4 years, and have attended all meetings

Town of Palm Beach United Way, 5 years allocation committe member and have attended all meetings

4. Are you willing and available to attend meetings of the Planning and Zoning Commission as described below?

A.	Meetings which last a full day (9:30 a.m. to 5:00 p.m., or even later)?	Yes ☑	No ☐
B.	Meetings on consecutive dates?	Yes ☑	No ☐
C.	Meetings which might be scheduled for multiple dates within the same month	Yes ☑	No ☐
D.	Meetings scheduled year-round	Yes ☑	No ☐

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

NONE - Am a full-time resdient generally availalbe for all meetings

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

Yes - in both my capacity as an attorney and individual in Illinois and Wisconsin worked for or requested zoning approvals as part of a project I was involved with or working for.

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

- ☐ Palm Beach Chamber of Commerce
- ☑ Palm Beach Civic Association
- ☐ Citizens' Association of Palm Beach
- ☑ Preservation Foundation of Palm Beach
- ☐ North End Property Owners Association
- ☑ Other Palm Beach Historical Society

8. Present occupation. attorney No. of years. 35+

Employer.

Hogan, Marren, Babbo, &Rose, Ltd.

9. Past occupation(s). N/A No. of years.

Employer(s).

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

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

11. Please provide details regarding your educational background:

DePauw University, BA 1981; Washington and Lee University, JD 1984; New York Unviersity, LLM 1985; Unviersity of Chicago Basic Program - non degreed certificate of completion

12. Why do you feel that you are qualified to serve on the Town's Planning and Zoning Commission? (Attach additional page if necessary)

I have served on PZ for almost 3 years. I have attended all meetings. I actively particapte, review all material provided, perfrom additional research and educate myself on the matters at hand. I have 18 years of historcial knowledge as a resident of the Town and the insight that comes from that. I listen and hopefully provide sound guidance and input to relfect the goals, concerns and aspirations of our Town residents.

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

Family Member Name	Relationship	Address	Occupation	Employer
Victor Moore	spouse	122 Ocean View Rd, PB	retired	

14. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations?
NO

15. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.
☑ I will resign from the PZ alternate position if I am appointed to the position I am seeking in this application.
board/committee/commission

16. In the event you are applying to be a Regular Member of Planning and Zoning Commission and you are not successful, will you accept appointment as an Alternate Member of the Commission should the Town Council wish to appoint you as an Alternate Member? ☑ Yes ☐ No

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

☐ African American
☐ Asian American
☐ Hispanic American
☐ Native American
■ Caucasian
☐ Not known

GENDER

☐ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ■ No

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

SIGNATURE: _____ DATE: July 17, 2023

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

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

PLANNING AND ZONING COMMISSION

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TOWN OF PALM BEACH
Town Council Meeting on: October 10, 2023

Section of Agenda
Minutes

Agenda Title
Town Council Meeting Minutes
Kelly Churney, Acting Town Clerk

a. September 12, 2023, Town Council Meeting Minutes
b. September 12, 2023, Special Town Council Meeting Minutes
c. September 13, 2023, Town Council Development Review Meeting Minutes
d. September 21, 2023, Special Town Council Meeting Minutes

Presenter

ATTACHMENTS:

- **September 12, 2023, Town Council Meeting Minutes**
- **September 12, 2023, Special Town Council Meeting Minutes**
- **September 13, 2023, Town Council Development Review Meeting Minutes**
- **September 21, 2023, Special Town Council Meeting Minutes**

TOWN OF PALM BEACH

MINUTES OF THE TOWN COUNCIL MEETING
HELD ON TUESDAY, SEPTEMBER 12, 2023

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of September 12, 2023 was called to order at 9:30 a.m. On roll call, all council members were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Town Clerk Gayle-Gordon gave the Invocation and Council President Zeidman led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

The following modification was made to the agenda:

Revisions were made to ORDINANCE NO. 016-2023 on pages 15, 25, 26 and 27.

IV. APPROVAL OF AGENDA

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

V. PRESENTATIONS

A. Presentation by Rove Regarding Tesla Ride Service in Palm Beach
Lew Crampton, Town Council Member

Council Member Crampton introduced Gianpaolo de Felice, who presented the program.

Mayor Moore asked if residents would be able to flag down one of the vehicles rather than using the app. Mr. de Felice said yes.

Council Pro Tem Lindsay asked about the hours of operation and wondered how to ensure the service would remain in the Town of Palm Beach exclusively. She asked how much advertising would be displayed on the vehicles since mobile advertising does not reflect Town of Palm Beach preferences. Mr. de Felice responded.

Council Member Araskog asked what type of background checks would be conducted on the operators. She thought the highest level of background check would be desired. She noted that the Town of Palm Beach is twelve miles in length and asked if the service would encompass the entire island since the presentation indicated an eight mile radius. In addition, Council Member Araskog did not think alcohol should be advertised on the vehicles.

Council Member Cooney expressed some hesitation about the program. He had received feedback from constituents who reside primarily on the island's north end. There were concerns expressed about unintended consequences as well as advertising.

Council President Zeidman agreed with the sensitivity to advertising on the vehicles.

Council Member Crampton advocated for the program and suggested some of the creative opportunities that the program could bring to the town.

Jane Holzer, resident, addressed the Town Council, supporting the Rove program.

The Town Council agreed to discuss the program again in November since a decision did not need to be made immediately.

VI. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore announced the following employee milestones:

Cory McCloskey – 5 Years of Service Police Department

Kendall Reyes – 15 Years of Service Police Department

Kathryn Ranieri – 15 Years of Service People and Culture

Mayor Moore asked everyone to continue to pray for Rob Weber's speedy recovery.

Mayor Moore stated that there has been a successful pilot program with the Coast Guard for a reduction in the number of bridge openings. Citizens may use the Town website to share their impressions with the Coast Guard concerning bridge openings.

Mayor Moore asked the Town Council to offer support with regard to recent approval of the mid-town segment of the Palm Beach County Federal Shore

Protection Project funding for FEMA and the US Army Corp of Engineers for the implementation of early beach renourishment of mid-town. This would be in response to impacts from Hurricane Nicole, which occurred in 2022. Unfortunately, the Army Corp of Engineers had requirements that prohibited them from performing this project without the Town providing fully executed perpetual easements for 100% of the properties within the project footprint. Senator Scott and Senator Rubio have expressed willingness to add language to the Emergency Funding Bill, which would allow the Town to implement projects for the already designated funding. The staff has drafted a letter asking the Senators to move this initiative forward, and the letter will be sent with support of the Town Council.

There were no objections. Mr. Brazil provided some additional clarification.

Council President Pro Tem Lindsay confirmed that no sand would be provided without an easement.

Patricia Strayer, Public Works, noted this was only for funds being received to replace the sand lost during Hurricane Nicole.

Council President Pro Tem Lindsay thanked everyone who had worked with the Coast Guard to reduce the number of bridge openings. Mr. Blouin said this would not be a permanent change. He said it was important for the commissioners and the public to share their thoughts with the Coast Guard. He said boats could get priority if there was a high volume of complaints from boat operators. The County Mayor and the City of West Palm Beach have also worked collaboratively on the bridge opening issue. Mayor Moore requested that an e-mail blast be sent out with the information regarding contacting the Coast Guard with comments concerning the bridge openings.

VII. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog asked about meter parking being changed to mobile app and would like to look at all policies before making changes. She noted that many people do not use the Park Mobile app. Robert Miracle, Deputy Town Manager – Administration and Finance stated that several of the kiosks have reached the end of life, are unsightly and more people were using the ParkMobil app. Council Member Crampton responded that the kiosks were unsightly and the Town was following up on complaints received. Mr. Miracle explained the use of the resident parking sticker program which will be brought to the Town Council at a future meeting.

Council President Zeidman said this has been a topic of discussion for several years, and a decision would have to be made to move forward. Eliminating the kiosks may be part of the updates required.

Council President Pro Tem Lindsay said the biggest complaint she had heard was that the kiosks were not visible enough. She said they were old technology, and it was good to update the process. Mr. Miracle said the locations for paid parking would not

change.

Council Member Cooney urged restraint on rolling out the sticker program. He did not think the program should be rushed. He also thought the paid parking component and the stickers would work together.

Council President Pro Tem Lindsay stated that the committee did discuss this, and a decision had been made to begin with two stickers per household. No problems were identified with advance issuance of the stickers to residents who were not RPP and who sign up for the program.

Council Member Crampton stated that parking was one of the serious problems in Town and the solution could have some unintended consequences.

Council Member Araskog stated that she would like the sticker program to go forward as soon as possible.

Council President Zeidman directed staff to move forward with the resident parking sticker program issuing two (2) stickers per household.

Council Member Cooney suggested this could be an opportunity for the Police and Fire Departments to do some outreach regarding 9-11 in the schools in the future.

Council Member Cooney also discussed public notices. He referred to an article in the Sunday newspaper about public notices that may have led the public to believe they were not being notified. He affirmed that the Town of Palm Beach would continue publications in the newspaper.

Council Member Cooney publicly extended condolences to the family of Jimmy Buffett, long-time resident in the Town of Palm Beach.

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

Denise Budnitz, 44 Cocoanut Row, expressed frustration about the parking program. She thought the only people who were granted permission to use the streets of Palm Beach for parking were those who were either not present year around or those who only kept a space available for when they had visitors. Mr. Blouin responded.

Mr. Fred Wright, a Palm Beach Towers resident, discussed the area under the north bridge where pedestrians and bicyclists recreate daily. He suggested that the area be secured with a railing to prevent people from falling into the rocks. Mr. Brazil noted that right of way was under the jurisdiction of FDOT, and that staff would contact them with this request. Mr. Wright said the Palm Beach Board of Development had referred to South Florida as Wall Street of the South. He said traffic had become very heavy and wanted to see the town take additional traffic control measures.

IX. APPROVAL OF CONSENT AGENDA

The following items were pulled from the Consent Agenda and heard as follows:

1) Item No. IX.B.1 RESOLUTION NO. 100-2023 Pulled and Heard as Item No. X.A.1
2) Item No. IX.B.2. RESOLUTION NO. 101-2023 Pulled and Heard as Item No. X.A.2
3) Item No. X.C.1. Permission to Close North County Road from Wells Road to Miraflores Drive for Annual Tree Trimming Pulled and Heard as Item No. X.A.3
4) Item No. X.C.2. Authorization for Road Closure of South Ocean Boulevard for a Crane to Install Palm Trees at 256 S. Ocean Blvd. Pulled and Heard as Item No. X.A.4.

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

A. MINUTES

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

   a. August 8, 2023, Town Council Meeting Minutes
   b. August 9, 2023, Special Town Council Meeting Minutes (Closed Door Session)
   c. August 9, 2023, Town Council Development Review Meeting Minutes

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of August 23, 2023
   Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 100-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Designation and/or the De-Designation of the Historic/Specimen Trees at 1265 South Ocean Boulevard and 60 Blossom Way, Providing an Effective Date.
   H. Paul Brazil, P.E., Director of Public Works

2. RESOLUTION NO. 101-2023 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 FY2024 In The Amount of $1,859,376 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 $50,000; 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 $65,792; Conditioning All Matters Contained Herein Subject To Approval of The Fiscal Year 2024 Budget; And Authorizing The Town Manager To Execute The Non-Exclusive Insurance Broker Services Agreements With Relation, AJG And PGCS On Behalf Of The Town.
Dean Mealy, Procurement and Contract Manager

3. RESOLUTION NO. 102-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Award to Contract Unleaded and Diesel Fuel through Southeast Florida Governmental Purchasing Cooperative to Port Consolidated in the Annual Amount of $600,212 and Establishing a Project Budget of $690,243 for FY24.
Dean Mealy, Procurement and Contract Manager

4. RESOLUTION NO. 103-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Award to Contract for Office Supplies to Office Depot in the Amount of $79,750 and Establishing a Project Budget of $87,000 for FY24.
Dean Mealy, Procurement and Contract Manager

5. RESOLUTION NO. 104-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB 2023-39 Electrical Services to a combination CR Dunn, Inc., Grid One Electrical Construction, Inc., Sullivan Electric Pump Inc., Universal Electric of Florida, Inc., and Wilco Electrical LLC as Primary, Secondary or Tertiary Awardees in the Amount of $102,300 and Establishing a Project Budget of $117,645 and Establishing a Five-Year Award in the Amount of $621,795 based on Satisfactory Performance and Budget Authorization.
Dean Mealy, Procurement and Contract Manager

6. RESOLUTION NO. 106-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Blue Line Innovations in the Amount of $70,000 for Police Uniforms Utilizing the City of Lakeland Florida Contract.
Dean Mealy, Procurement and Contract Manager

7. RESOLUTION NO. 107-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Proposal from MCCI Laserfiche from Premise to the Cloud in the Amount of $162,154.38 and Establishing a Project Budget of $172,000.
Dean Mealy, Procurement and Contract Manager

8. RESOLUTION NO. 108-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Blanket Purchase Order to Gov Connection utilizing the OMNIA Partner's #R210402 Contract in the Amount of $150,000.
Dean Mealy, Procurement and Contract Manager

9. RESOLUTION NO. 109-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Blanket Purchase Order to Insight Public Safety in the amount of $275,000 for OMNIA Partners Cobb County IT Products & Services #23-6692-03 contract.
Dean Mealy, Procurement and Contract Manager

C. OTHER

1. Permission to Close North County Road from Wells Road to Miraflores Drive for Annual Tree Trimming
H. Paul Brazil, P.E., Director of Public Works

2. Authorization for Road Closure of South Ocean Boulevard for a Crane to Install Palm Trees at 256 S. Ocean Blvd.
H. Paul Brazil, P.E., Director of Public Works

X. REGULAR AGENDA

A. Matters Pulled from Consent Agenda: If needed

1. RESOLUTION NO. 100-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Designation and/or the De-Designation of the Historic/Specimen Trees at 1265 South Ocean Boulevard and 60 Blossom Way, Providing an Effective Date.
H. Paul Brazil, P.E., Director of Public Works

Mr. Brazil presented Resolution No. 100-2023, where there were several historical specimen trees in the area of Blossom Way. The properties had been consolidated, and the site would be redeveloped. The property owner and the arborist had been very prudent about the historical species of trees, and some would have to be relocated due to development. The property owner was asking to de-designate some of the trees, which would be replaced with trees either as good or better. The new trees would then be designated historical.

Council Member Cooney thought a deadline should be associated with this type of request. Mr. Brazil thought a deadline could be added.

Council President Pro Tem Lindsay wanted to make sure the replacement trees would be of comparable size to the trees being removed. Mr. Brazil confirmed.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Resolution No. 100-2023 with a deadline of one year from today's date. On roll call, the Motion passed unanimously.

2. RESOLUTION NO. 101-2023 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 FY2024 In The Amount of $1,859,376 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 $50,000; 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 $65,792; Conditioning All Matters Contained Herein Subject To Approval of The Fiscal Year 2024 Budget; And Authorizing The Town Manager To Execute The Non-Exclusive Insurance Broker Services Agreements With Relation, AJG And PGCS On Behalf Of The Town.
Dean Mealy, Procurement and Contract Manager

Mr. Miracle said everything proposed was in the Risk Reserve Fund and would be absorbed within that fund. No change would be made to the millage rate.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 101-2023. On roll call, the Motion passed unanimously.

3. Permission to Close North County Road from Wells Road to Miraflores Drive for Annual Tree Trimming
H. Paul Brazil, P.E., Director of Public Works

Council President Pro Tem Lindsay stated that in the future, she would prefer the annual tree trimming be done in July rather than after school starts. Mr. Brazil responded that staff would do their best in the future to get this done in June or July.

Council Member Cooney said many of the trees appeared to be top heavy. He would like to see the trees on the east side of County Road trimmed a little more because of hurricane season.

Council President Zeidman said the heart of the request was to have the Town Manager approve the road closure each year for annual tree trimming.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to authorize Public Works to close North County Road from North Wells Road to Miraflores Drive for Annual Tree Trimming and also

to allow the schedule to be set up with the Town Manager without returning to Town Council, with the understanding that there will be an effort made with the Town staff and arborist to have the tree trimming occur in late June or July. On roll call, the Motion passed unanimously.

4. Authorization for Road Closure of South Ocean Boulevard for a Crane to Install Palm Trees at 256 S. Ocean Blvd.
   H. Paul Brazil, P.E., Director of Public Works

Motion was made by Council Member Araskog and seconded by Council Member Cooney to approve road closure of South Ocean Boulevard for Installation of Palm Trees at 256 S. Ocean Blvd. On roll call, the Motion passed unanimously.

B. Old Business

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

Patricia Strayer, Public Works, presented an update on the town-wide undergrounding project. She said much coordination had been done with residents while keeping the roadways navigable. October was the target for replacing flags of concrete in the town, and by the end of November, the disruptive drilling work in mid-town would be completed. Conversions to the underground utilities were already being done south of Worth Avenue. She also noted that the FEMA grant projects phase 5 north and south were progressing smoothly.

Council Member Cooney had some concerns about the chicanes along Oleander Avenue. He asked how the staff was feeling about easement acquisition. Ms. Strayer said one month ago, letters were sent to all of the residents on Oleander because they had initially said no. The residents were placed on notice that by September 5, 2023, if there was no progress, demonstration chicanes would be installed. There has been some good luck with the demonstration chicanes, and all of the issues are anticipated to be resolved within the next two months. Council Member Cooney asked Ms. Strayer to look into North Lake Way, the northbound lane, between Sanford Drive and Kawama Lane; where a steel plate in the road is jarring when one is driving over the plate.

2. Evaluation of Alternatives to Relocate Garbage and Recycling Pickup at Lake Drive Park – September 2023 Update
   TIME CERTAIN: 11:30A.M.
   H. Paul Brazil, P.E., Director of Public Works

Mr. Brazil stated that at the July 11, 2023, Town Council meeting, staff had been tasked with providing additional information for the Town Council regarding the possible

relocation of solid waste (garbage) compactor facilities.

Gordon Thompson with Baird and Associates presented the Lake Drive Park Landscape open space calculations which had been submitted to the Landmarks Preservation Commission along with final numbers as part of the Town Marina Project.

Council President Zeidman noted that the Town Council had been asked to consider relocation of garbage and recycling pick-up for the Marina at Lake Drive Park to a space in the park. She noted with any loss of green space, a referendum would be triggered.

David Cowan, Chen Moore and Associates was present to discuss alternatives for relocating solid waste collections within the Public Works facility. He provided a history of events leading to this consideration. He gave an overview of how a relocation would impact the Park.

Mr. Brazil asked the Town Council to provide direction to staff to continue moving forward with this project which would cost $600,000. He said the funding had not been budgeted for this initiative. Mr. Blouin suggested that due to the potentially large financial impact of this project, it be held for the following fiscal year budget process, and the funding be designated in the 2024-25 budget.

Council President Pro Tem Lindsay thanked everyone for looking at a new location for the marina garbage collection. She thought the plan that had been presented was a workable solution, and she believed the 727-square-foot green space deficit could be found. She also agreed with Mr. Blouin to prioritize this in the next fiscal year's budget. She noted that everything from the sidewalk at Royal Palm Way down to Peruvian was considered a park by plat.

Mr. Brazil anticipated that as a process, this plan would be made very public during the season, approval would be obtained from the Town Council after an allowance for public participation, the plan would then be presented to the Landmarks Preservation Commission, and subsequently, brought back to the Town Council. He said there would be several opportunities for public input.

Mayor Moore did not favor removing any parking spaces since parking was premium for the marina. Also, the cost of the project was concerning. She expressed hesitation about unintended consequences.

Council President Zeidman shared a concern that if everyone had thoroughly looked at the original plans, the location of the garbage facility would have been clear. She acknowledged there had been a timeline, and the Town Council had missed the fact that the location of the garbage facility would become an issue. She believes this to be a unique situation that was missed and does not see any issue that would set a precedent. Council President Zeidman was not in favor of removing the pathways because the park was for the enjoyment of every resident in the Town. She would not support

moving something that was good for everyone so that it would be better for one condominium neighborhood. Additional parking had not been secured, and the existing parking was being used. Council President Zeidman said the condominiums in the 315 building were a concern because they would not like the noise. She said the garbage would be best located in the north end of the park, which is a more utility-friendly area.

Mr. Brazil confirmed that, conceptually, the Town Council would like to move this project forward and place it in next year's budget. He said staff would refine this as a project proposed in next year's budget.

The Town Council directed staff to move the project forward and to add the proposed cost of $600K to next year's budget after input from residents.

Jason Debrincat, Assistant Director of Public Works, confirmed the project would be fine for public works operations. Marina staff would be outside of the facility, and the only operation for dumping would be within that compound.

Frank Slattery, 369 South Lake Drive, stated that the condominium owners understood and appreciated what the Town Council was considering. He agreed that public input was necessary, although he felt most of the issues had been discussed ad nauseam.

John David Corey, Australian Avenue, was pleased with the analyses, and agreed with Council President Zeidman. He noted there had not been a discussion about the existing trash collection facility. He asked if the existing garbage collection area could be restored as green space.

3. Discussion Regarding Public Participation at Future Public Meetings
Julie Araskog, Town Council Member

Council Member Araskog explained her concerns about the Architectural Review Commission and Landmarks Preservation Commission. She had received complaints from people who had to sign up before they could speak at a meeting.

The Town Council and staff discussed meetings and using Zoom technology to allow for public participation. There were some concerns expressed about the cost and the allocation of staff resources.

Mr. Randolph suggested allowance for special requests and topics of great public interest during September and October, until a final decision could be reached with respect to making an ongoing allowance for public participation through technology.

The consensus of the Town Council was for staff to continue utilizing Zoom meetings for the next two (2) months.

C. New Business

1. Proposed 2024 Town Council Meeting Schedule
   Kirk Blouin, Town Manager

Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve the proposed 2024 Town Council Meeting schedule with a change to the March 2024 development review meeting being held on March 11, 2024 and regular town council on March 12, 2024. On roll call, the Motion passed unanimously.

2. RESOLUTION NO. 110-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Update to Purchasing Thresholds.
   Dean Mealy, Procurement and Contract Manager

Mr. Mealy presented the resolution requesting that Mr. Blouin be authorized to expend up to $100K.

Council Member Cooney asked if this covered budgeted items, and Mr. Mealy said yes.

Mayor Moore said that based on research and what other municipalities have been doing, it seemed appropriate. She did request a quarterly report reflective of expenditures associated with this policy change.

Council Member Araskog expressed concern with the request. She thought the Town Council should see the expenditures before approval. Mr. Blouin responded.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 110-2023 with quarterly reports being provided to the Town Council. On roll call, the Motion passed 4-1 with Council Member Araskog dissenting.

3. RESOLUTION NO. 111-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving the retroactive engagement proposal for remediation in the amount of $195,750, authorizing cleanup, and replacement of existing underground fuel tank to Kimley-Horn and Associates, Inc. and authorizing the Town Manager or designee to coordinate with tank manufacturer regarding warranty, insurance company for reimbursement and authorizing support, coordination, and all submittals to applicable agencies specific to this repair.
   Dean Mealy, Procurement and Contract Manager

Ms. Strayer presented the resolution. On July 17, 2023, staff realized there had been a leak in the fuel tank. She said there was a warranty for the tank, and even though

the Town Council was being asked to spend money, it was anticipated that the money would be refunded. Ms. Strayer stated staff was requesting to use the Risk Contingent Fund.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to approve Resolution No. 111-2023. On roll call, the Motion passed unanimously.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve the use of the Risk Contingent Fund. On roll call, the Motion passed unanimously.

XI. ORDINANCES

A. First Reading

1. Proposed Ordinance to Amend the Town Code Relative to Town Clerk Issued Permits

ORDINANCE NO. 016-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To The Application Procedures For Various Events In The Town Including Amendments To Chapter 10, Animals; Section 10-10. Temporary Permits, Section 10-11. Penalties, And By Adding New Sections 10-12. Duties Of Permittee, 10-13. False Information Prohibited In Application, 10-14. Permits Nontransferable, 10-15. Waiver Of Provisions, And 10-16. Possession; Also Amending Chapter 22, Businesses At Article IV. Commercial Motion Picture Making, Division I. Generally At Section 22-127. Penalty For Violations; Further Amending Division 2. Permit At Sections 22-151. Required; Application Fee, 22-152. Application, 22-153. Prerequisites To Issuance, And By Adding New Sections 22-154. Appeals, 22-155. Duties Of Permittee, 22-156. False Information Prohibited In Application, 22-157. Permits Nontransferable, 22-158. Waiver Of Provisions And 22-159. Possession; Amending Chapter 78, Peddlers And Solicitors At Article III. Charitable Solicitations Division 1. Generally, By Deleting Section 78-79. Receipts Required, By Renumbering Section 78-80. Misrepresentation Prohibited, And By Adding Section 78-80. Duties Of Permittee And 78-81. Possession; Further Amending Division 2. Permit At Section 78-102. Application, Section 78-104. Town To Issue Permit, Section 78-105. Fees, Section 78-106. Permit Form, Duration, Section 78-109. Permit Suspension, Revocation, By Deleting Sections 78-110. Permittee To Keep Records, Section 78-111. Reports Required, By Amending Section 78-112. Appeals And Section 78-113. Penalties And By Renumbering Said Sections; Further Amending Chapter 94. Sales At Article II. Auctions And Auctioneers By Deleting Section 94-31. Night Sales Prohibited And Section 94-32. Prohibited In Season On Certain Streets, By Amending

Section 94-33. Permit Required And By Renumbering Said Section, By Renumbering Section 94-34. Permit Limitation, By Amending Section 94-35. Application And Section 94-36. Standards For Issuance And By Renumbering Said Sections, By Deleting Section 94-37. Notice Of Approval Or Denial, By Amending Section 94-38. Appeal Procedure And By Renumbering Said Section, By Renumbering Section 94-39. Duties of Permittee And Section 94-40. Possession, By Deleting Section 94-41. Revocation, And By Adding The Following New Sections 94-38. False Information Prohibited In Application, 94-39. Permits Nontransferable And 94-40. Waiver Of Provisions; Further Amending Article III, Closing-Out Or Distress Sales At Division 2. Permit By Amending Section 94-101. Required, By Deleting Section 94-102. Application Required; Form, Contents, By Amending Section 94-103. False Information Prohibited in Application And By Renumbering Said Section, By Deleting Section 94-104. Investigation, Issuance Of Permit; Duration, By Renumbering Section 94-106. Not Transferable, By Amending Sections 94-107. Denial Of Permit, 94-108. Renewal, And 94-109. Fees And By Renumbering Said Sections, By Deleting Section 94-110. Permit Suspension, By Amending Section 94-111. Permit Revocation, Appeals And By Renumbering Said Section, By Renumbering Section 94-112. Display Required, By Deleting Section 94-113. Duplicate Application And Inventory To Be Kept On Premises And Section 94-114. Records Required; Inspection, By Amending Section 94-115. Additions To Stock Prohibited And By Renumbering Said Section, By Renumbering Section 94-116. Accuracy of Advertising, By Amending Section 94-117. Statement Required in Advertising And By Renumbering Said Section, By Renumbering Section 94-118. Marketing Of Distressed Goods, By Amending Section 94-119. Doing Business Beyond Closing Date And By Renumbering Said Section, And By Adding The Following Sections, 94-114. Duties Of Permittee, 94-115. Waiver Of Provisions, 94-116. Penalties, 94-117. Possession; Further Amending Chapter 106, Streets, Sidewalks And Other Public Places At Article VII, Special Events On Public Property At Division 1. Generally By Amending Section 106-258. Penalties, By Adding The Following New Sections 106-259. Permits Nontransferable, 106-260. Waiver Of Provisions And 106-261. False Information Prohibited In Application; Further Amending Division 2. Permit At Section 106-282. Application, Section 106-283. Standards For Issuance, By Deleting Section 106-284. Notice Of Approval Or Denial, By Amending Section 106-285. Appeal Procedure And By Renumbering Said Section, By Renumbering Section 106-286. Duties of Permittee And Section 106-287. Possession, By Deleting Section 106-288. Revocation, By Amending Section 106.288.1. Walks and Runs And By Renumbering Said Section, And By Adding A New Section 106.288. Religious Holiday Symbol Permits; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

Discussion ensued regarding the ordinance. Town Council members suggested some changes. Suggested grammatical changes should be submitted to the Planning, Zoning and Building Department.

Council Member Cooney noted that, by and large, the changes being proposed were process improvements. There were no substantial changes, but the changes proposed would streamline the process.

This item was deferred to the October 10, 2023, Town Council Meeting for further revisions.

Anita Seltzer, Cocoanut Row, shared her thoughts about the proposed ordinance. She raised the point that the Town Council should review the permit and the ordinance simultaneously.

XII. ANY OTHER MATTERS

XIII. ADJOURNMENT

Motion made by Council Member Araskog and seconded by Council Member Cooney to adjourn the September 12, 2023, Town Council Meeting at 3:06 PM. On roll call, the Motion passed unanimously.

APPROVED:

_____

Margaret A. Zeidman, Town Council President

ATTEST:

_____

Pat Gayle-Gordon, Deputy Town Clerk

_____

Date

TOWN OF PALM BEACH

Minutes of the Special Town Council Budget Meeting Held on September 12, 2023

Public Hearing on Proposed Millage Rate, Tentative FY24 Budget, and Non-Ad Valorem Assessments

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order on September 12, 2023, at 5:04 p.m. On roll call, all elected officials were found to be present, except for Mayor Moore. Council Member Araskog participated remotely via Microsoft Teams.

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 Member Crampton to approve the agenda as presented. On roll call, the motion carried unanimously, 5-0.

IV. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT

No one indicated a desire to speak.

V. PUBLIC HEARING ON PROPOSED MILLAGE RATE, TENTATIVE FY24 BUDGETS AND NON-AD VALOREM ASSESSMENTS

A. Notice of Proposed Property Taxes

Council President Zeidman announced that pursuant to the Notice of Proposed Property Taxes, which had been mailed by the County Property Appraiser to each property owner, the Public Hearing had been announced to commence at 5:01 P.M. Further, she indicated that discussion would include the Fiscal Year 2024 proposed millage rate and tentative General Fund, Debt Service Fund, and other funds budgets, including the approval of Resolution No. 112-2023 and Resolution No. 120-2023. Council President Zeidman then announced a public hearing would also be conducted to discuss non-ad valorem assessments for commercial solid waste collection, town beautification, and underground utility projects, including the approval of the associated resolutions.

B. Proposed Operating Millage Rate

Council President Zeidman stated that the FY2024 General Fund proposed operating millage rate of 2.6110 mills represented a 10% increase over the rolled-back millage rate of 2.3736 mills.

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

Council President Zeidman indicated that, as required by State Law, she would request the Town Manager to identify the reasons why the ad valorem taxes were being increased from the rolled-back rate.

Town Manager Blouin explained that the FY24 General Fund budget increased by $7,620,993 or 7.87% from the FY23 budget. The increase was partially the result of the increase in the transfer to the Capital Improvement Fund for the reconstruction of the North Fire-Rescue Station and other capital projects in the amount of $937,000. In addition, commodity and other contractual services increased by over $1.9 million due to inflationary causes. Salaries and benefit costs increased due to the addition of 6.33 full-time equivalent employees, as well as merit, and COLA increases for employees. Property tax revenue increased by $6,710,810 partly to cover the increase in the Capital Improvement Fund transfer and the balance to cover salary, benefit, contractual, and commodity cost increases.

D. Comments and Questions from the Public

Council President Zeidman called for public comment.

Jim Zisson, 3400 S. Ocean Blvd., asked about the increase of property tax revenue for the Town, to which Town Manager Blouin and Deputy Town Manager Miracle answered. Mr. Zisson asked about any future decrease in property tax revenue and wondered if, in that case, taxes would decrease. Mr. Blouin responded and spoke about the Town's long-term financial plan.

Council President Zeidman spoke about the Town's essential services that must be maintained. She spoke of a time in the past when the Town's revenue decreased, and the essential services had to be reduced. She further discussed how the Town's budget would change if revenue in the Town was decreased.

Council Member Crampton indicated that for the time he had been on the Town Council, taxes had been reduced, the budget had increased, and essential services had been expanded.

Mr. Blouin further discussed how changes would be made if there was a depreciation in real estate values.

E. Discussion and Adoption (with changes, if any) of the Proposed Operating Millage Rate for FY24

1. RESOLUTION NO. 112-2023 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 2023-2024 Fiscal Year.
Bob Miracle, Deputy Town Manager - Finance and Administration

Town Manager Blouin read Resolution No. 112-2023 by title into the record.

Council President Zeidman stated the Resolution would set the proposed millage rate of 2.6110 mills for the General (Operating) Fund.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Resolution No. 112-2023. On roll call, the motion carried unanimously, 5-0.

F. Non-Ad Valorem Assessments

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

	FY23	FY24
Apartments	$13.10/Unit/Month	$13.20/Unit/Month
Low Volume (5 day)	$0.029/SF/Year	$0.029/SF/Year
Medium Volume (5 day)	$0.191/SF/Year	$0.193/SF/Year
High Volume (5 day)	$0.837/SF/Year	$0.844/SF/Year
Low Volume (7 day)	$0.035/SF/Year	$0.036/SF/Year
Medium Volume (7 day)	$0.238/SF/Year	$0.246/SF/Year
High Volume (7 day)	$1.041/SF/Year	$1.075/SF/Year

Director Brazil stated that the Town staff recommends the approval of Resolution No. 113-2023, which is the annual assessment rate resolution for the proposed non-ad valorem service assessments for commercial solid waste collection.

Council President Zeidman called for public comment.

Jim Zisson, 3400 S. Ocean Blvd., asked Director Brazil how much of his budget was related to beachscape management. Director Brazil responded and stated he could answer any questions one-on-one.

1. RESOLUTION NO. 113-2023 A Resolution of 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 Severability and Providing an Effective Date.
   H. Paul Brazil, P.E., Director of Public Works

   Town Manager Blouin read Resolution No. 113-2023 by title into the record.

   Motion made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to approve Resolution No. 113-2023. On roll call, the motion carried unanimously, 5-0.

2. RESOLUTION NO. 114-2023 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; Confirming the Preliminary Rate Resolution; Approving the Final Assessment Rolls; Providing for the Continued Collection of the Improvement Assessments to Fund the Worth Avenue Improvement Project and Imposition of the Maintenance Assessments to Fund the Related Maintenance Services; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing Severability and an Effective Date.
   Bob Miracle, Deputy Town Manager - Finance and Administration

   Director Miracle stated that the Town staff recommends the approval of Resolution No. 114-2023, which is the annual rate resolution for the proposed improvement debt service and maintenance assessments for the Worth Avenue Commercial District Assessment Area, with total gross assessments at $1,205,065.

   Town Manager Blouin read Resolution No. 114-2023 by title into the record.

   Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Resolution No. 114-2023. On roll call, the motion carried unanimously, 5-0.

3. RESOLUTION NO. 115-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Provision of the Underground Utility Improvements Within the Via Fontana Assessment Area; Approving the Updated Assessment Roll; Providing for the Continued Collection of the Assessments to Fund the Underground Utility Improvements Within the Via Fontana Assessment Area; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing Severability and an Effective Date.
Bob Miracle, Deputy Town Manager - Finance and Administration

Director Miracle stated that the Town staff recommends the approval of Resolution No. 115-2023, which is the annual rate resolution for the proposed assessments for the Via Fontana Underground Assessments, with the total gross assessments at $14,031.60.

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

Town Manager Blouin read Resolution No. 115-2023 by title into the record.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 115-2023. On roll call, the motion carried unanimously, 5-0.

4. RESOLUTION NO. 116-2023 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; Confirming the Preliminary Rate Resolution; Approving the Final Assessment Rolls; Providing for the Continued Collection of the Improvement Assessments to Fund the Peruvian Avenue Improvement Project and Imposition of the Maintenance Assessments to Fund the Related Maintenance Services; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing Severability and an Effective Date.
Bob Miracle, Deputy Town Manager - Finance and Administration

Director Miracle stated that the Town staff recommends the approval of Resolution No. 116-2023, which is the final assessment resolution for the proposed improvement debt service, as well as maintenance assessments for the Peruvian Avenue 400 Block Streetscape project assessment area, with the total gross assessments at $117,210.99.

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

desire to speak.

Town Manager Blouin read Resolution No. 116-2023 by title into the record.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Resolution No. 116-2023. On roll call, the motion carried unanimously, 5-0.

5. RESOLUTION NO. 117-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Provision of the Underground Utility Improvements Within the Townwide Underground Utility Assessment Area; Approving the Updated Assessment Roll; Providing for the Continued Collection of the Assessments to Fund the Underground Utility Improvements Within the Townwide Underground Utility Assessment Area; Providing for the Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing Severability and an Effective Date.
Bob Miracle, Deputy Town Manager - Finance and Administration

Director Miracle stated that the Town staff recommends the approval of Resolution No. 117-2023, which is the annual rate resolution for the proposed assessments for the Townwide Underground Utility Assessment Area, with the total gross assessments at $3,688,181.98.

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

Town Manager Blouin read Resolution No. 117-2023 by title into the record.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to approve Resolution No. 117-2023. On roll call, the motion carried unanimously, 5-0.

6. RESOLUTION NO. 118-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Provision of the Underground Utility Improvements Within the Nightingale - La Puerta Assessment Area; Approving the Updated Assessment Roll; Providing for the Continued Collection of the Assessments to Fund the Underground Utility Improvements Within the Nightingale - La Puerta Assessment Area; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing Severability and an Effective Date.
Bob Miracle, Deputy Town Manager - Finance and Administration

Director Miracle stated that the Town staff recommends the approval of Resolution No. 118-2023, which is the annual rate resolution for the proposed assessments for the Nightingale - La Puerta Underground Assessment Area, with the total gross assessments at $41,058.51.

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

Town Manager Blouin read Resolution No. 118-2023 by title into the record.

Motion made by Council Member Crampton and seconded by Council Member Cooney to approve Resolution No. 118-2023. On roll call, the motion carried unanimously, 5-0.

7. RESOLUTION NO. 119-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Provision of the Underground Utility Improvements Within the Lake Towers Assessment Area; Approving the Updated Assessment Roll; Providing for the Continued Collection of the Assessments to Fund the Underground Utility Improvements Within the Lake Towers Assessment Area; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing Severability and an Effective Date.
   Bob Miracle, Deputy Town Manager - Finance and Administration

   Director Miracle stated that the Town staff recommends the approval of Resolution No. 119-2023, which is the annual rate resolution for the proposed assessments for the Lake Towers Assessment Area, with the total gross assessments at $11,656.93.

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

   Town Manager Blouin read Resolution No. 119-2023 by title into the record.

   Motion made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 119-2023. On roll call, the motion carried unanimously, 5-0.

G. Discussion and Adoption (with changes, if any) of a Tentative Operating Budget, Debt Service Budget and Budgets for Other Funds for FY24

   1. RESOLUTION NO. 120-2023 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 2023-2024 Fiscal Year.
Bob Miracle, Deputy Town Manager - Finance and Administration

Town Manager Blouin read Resolution No. 120-2023 by title into the record.

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

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to approve Resolution No. 120-2023. On roll call, the motion carried unanimously, 5-0.

H. Second and Final Public Hearing to Adopt the Final Millage Rate and Budgets will be on Thursday, September 21, 2023, at 5:01 p.m., in the Town Council Chambers

Council President Zeidman announced that the final public hearing to adopt the final millage rate and budgets will be on Thursday, September 21, 2023, at 5:01 p.m. in the Town Council Chambers.

VI. ANY OTHER MATTERS

Council Member Cooney thanked Town Manager Blouin and the staff for their work on the budgets.

VII. ADJOURNMENT

Motion made by Council Member Cooney and seconded by Council Member Crampton to adjourn the meeting at 5:39 p.m. On roll call, the motion carried unanimously, 5-0.

APPROVED:

_____
Margaret A. Zeidman, Town Council President

ATTEST:

_____
Kelly Churney, Acting Town Clerk
Date: _____

TENTATIVE:
SUBJECT TO
REVISION

TOWN OF PALM BEACH

Minutes of the Development Review
Town Council Meeting
Held on September 13, 2023

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order on September 13, 2023, at 9:30 a.m. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore stated that on October 12, 2023, there would be a presentation on the new financial reporting form, Form 6. She recommended that anyone who needs this information attend the meeting.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Crampton stated that during the October Town Council Meeting, there would be a detailed recap of the 7-point parking program. He stated that the Town planned to implement as much of this plan as possible by January.

Council Member Araskog offered thoughts and prayers for those experiencing the storm in the Northeast.

V. COMMUNICATIONS FROM CITIZENS – 3-MINUTE LIMIT, PLEASE

No one indicated a desire to speak.

VI. APPROVAL OF AGENDA

Wayne Bergman, Director of Planning, Zoning and Building, stated there were a couple of modifications to the agenda. Item VIII. A. ZON-23-07, was moved from the consent agenda. At the end of the meeting, an additional agenda item would be heard, Waiver of Town Code Section 18-237, for Building permit Extension at 250 Algoma Road.

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

VII. CONSENT AGENDA

A. **ZON-23-087 625 CREST RD—VARIANCES** The applicant, 625 Crest Road, LLC, a Delaware limited liability company (Jim Hoffman, Agent), has filed an application requesting Town Council review and approval for (2) variances for a boat dock which (1) exceeds maximum dock widths (walkways and platforms) and (2) which is greater than 30% of the width of the parcel.

Motion made by Council Member Araskog and seconded by Council Member Crampton to approve the consent agenda. Motion carried unanimously, 5-0.

VIII. REGULAR BUSINESS

A. **Items Pulled From Consent Agenda**

ZON-23-071 (ARC-23-093) 220 ARABIAN RD (COMBO) - SPECIAL EXCEPTION The applicant, 206 CARIBBEAN LLC (Robert Frisbie), has filed an application requesting Town Council approval for a Special Exception for the construction of new two-story single-family residence on an existing nonconforming parcel which is deficient in lot width required in the R-B Zoning District. The Architectural Commission shall perform the design review component of the application. [The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject property. The Architectural Review Commission approved this project. Carried 7-0.]

Council Members Araskog, Cooney, Crampton, and Lindsay declared ex-parte communications.

Maura Ziska, attorney for the applicant, and Lauren Urquhart from Dailey Janssen Architects presented an overview of the project and the zoning requirements for the project.

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

Council Member Araskog requested that the wall be high enough to hide all the equipment necessary for this project. Ms. Urquhart confirmed they would return to the town council if the equipment exceeded this height.

Motion made by Council Member Crampton and seconded by Council Member Araskog to approve Special Exception No. ZON-23-071, 220 Arabian Road, as said applications meet the criteria set forth in sections 134-299 and 134-329, respectively of the Town Code and finding that approval of the Site

Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met and that satisfactory provision and arrangement has been made concerning items (1) through (11) of section 134-329, and with the condition that if the height of the generator and A/C equipment is not covered by the wall enclosure, the applicant must return to the Town Council with a variance request for a higher wall height. Motion carried unanimously, 5-0.

B. **Update on Royal Poinciana Playhouse**

Maggie Zeidman, Town Council President; Wayne Bergman, Director of Planning, Zoning and Building

Council President Zeidman began the discussion by pointing out that Palm Beach was set apart from other cities due to the history and culture preserved through the significant architecture in the Town. She impressed the importance of the collaborative relationship between the Landmarks program and the Preservation Foundation of Palm Beach, which has the common goal of preservation. She asked the Town to move forward, focusing on correcting the process so that the Town's vital architecture continues to be preserved. Council President Zeidman discussed the history of the Royal Poinciana Playhouse, the opening, the closing, WS Development's current 99-year lease of the playhouse, and the importance of the 1979 Agreement, which outlines how the Playhouse must remain a theater for the performing arts. She further discussed the Glazer Family, how they were the right fit as an operator after a long and exhaustive search, and their efforts to renovate the theater. When construction began, the building was found structurally unsound for the public after the review of two different engineering firms and Wayne Bergman, on behalf of the Town as the building official. Council President Zeidman stated that Mr. Bergman made the decision to send the project back to the Landmarks Preservation Commission (LPC) as an update. She acknowledged that while the update was provided, it was not as clear or explicit as it could have been, leaving many unaware of the plans for significant demolition. Council President Zeidman said that while the Code outlines the review of demolition and reconstruction by the LPC, it does not explicitly state how the review is to be processed. She thought the Town Council, with the assistance of the LPC and staff, should consider amending the Code to detail the demolition process so there are no future missteps. She asked the Town Council to consider the two legal concepts of equitable estoppel and the lack of an appeal when listening to the discussion.

Town Attorney Skip Randolph provided a legal overview of the issue. He made several points in response to some of the allegations and questions raised concerning the subject. Attorney Randolph believed that Wayne Bergman, the Town's Planning and Zoning Director and Building Official, had properly handled the matter using his best judgment. He also believed it would make little sense to send this matter back to the Landmarks Preservation Commission to readdress the issuance of the Certificate of Appropriateness because that would only further delay the reinstallation of exterior walls, which had been demolished. He said the Town's goal and the property owner's goal was to bring the structure substantially back to its original form. He said the Landmarks Preservation Commission had thoroughly vetted the matter at their last meeting and had made no recommendation to readdress the propriety of issuing a Certificate of Appropriateness for the project. Instead, the Landmarks Preservation Commission chose to work with staff to come up with potential code amendments and

procedures necessary to avoid these types of issues with future applications. Presently, this matter remains in the jurisdiction of the Landmarks Preservation Commission, and Attorney Randolph advised it should remain as such. He rebutted some of the allegations against the Town's Landmarks Preservation Commission and staff by the Preservation Foundation and others, as they were not as clear as they were made out to be. Lastly, the matter has come before the Town Council today as an update, not to request Council action.

Planning, Zoning, and Building Director Wayne Bergman spoke about the importance of his role as a building official in ensuring the safety of buildings. He said that sometimes safety must be considered over preservation efforts, although preservation is important, too. He stated that there was no unlawful expansion of demolition for this project. In his view, there was no need for a Certificate of Appropriateness modification under the requirements of the Town's rules. Mr. Bergman stated the level of demolition and reconstruction at the Playhouse was approved under the original Certificate of Appropriateness on February 16, 2022, or during the updated presentation made on November 16, 2022. In his determination, the project scope, demolition, and construction were within the Certificate of Appropriateness 22-003. He stated that there had been no unlawfully expanded scope of demolition work at the Playhouse. Mr. Bergman reiterated that the Playhouse was a Design Class 3 Commercial Building, which meant that the building would pose a high risk to the public or significantly disrupt the community should the building be damaged. It was also classified as a threshold building, as defined by Florida Statute 553, a state designation that means a building that must meet the highest level of safety and structural integrity. When designed and constructed, threshold buildings can only be inspected by structural engineers. He asserted that this project was never considered rehabilitation or alteration under the Florida Building Code.

The attorney representing the applicant, Jamie Crowley, with Gunster Law Firm, spoke on the applicant's behalf. He did not think it was appropriate to revisit Mr. Bergman's decision. He stated that the process provided to the developer had been followed. He agreed that the process could use some clarification. Council Member Crampton asked why the new information regarding the walls was not first shared with the Preservation Foundation before the demolition. Mr. Crowley responded that perhaps this should have been done. Council Member Araskog asked if any staff member told him that he needed to get a modification to the Certificate of Appropriateness. She questioned why there was no clear presentation of what would happen with the demolition.

Samantha David, WS Development, gave an overview of the project. Ms. David confirmed in response to Council Member Araskog's question that they explored other alternatives.

Clerk's note: A short break was taken, and the meeting reconvened promptly.

Council Member Araskog suggested the applicant return to the Landmarks Preservation Commission (LPC) for an informal hearing. The applicant stated that she would like to do anything to put the public at ease but would not like to put the project at further risk. She feared the ramifications of an informal hearing, considering the consequences of the last one.

Mr. Crowley confirmed that he had advised his client against moving backward

with the project. He understood the Town Council's desire to have this project be heard again by the Landmarks Preservation Commission. However, he reiterated the project was being done under a valid permit.

Council President Zeidman supported the project being returned to the Landmarks Preservation Commission for further discussion and direction. She stated that it was the responsibility of the Landmarks Preservation Commission to decide on reconstruction projects.

Council Member Cooney discussed the importance of the character-defining details in a historic building. He understood the intent and commitment to fully reconstruct the building but thought many details needed to remain faithful to the original design of the building.

Betsy Shiverick, Chairman of the Preservation Foundation of Palm Beach, disagreed with Mr. Randolph and Mr. Bergman's interpretation of the Code and felt that the project should have returned to the Landmarks Preservation Commission. She stated that she believed the project should return to the Landmarks Preservation Commission so they could review and approve how the building would look upon completion. She stated that the goal of the Preservation Foundation of Palm Beach is to ensure that going forward, there would be no harm to the Landmarks program, or any other landmark, and that the playhouse be rebuilt in as sensitive and authentic manner as possible. Amanda Skier, with the Preservation Foundation of Palm Beach, also shared her thoughts on the issue, referencing past similar preservation examples when she felt the proper process was followed and demolition was avoided. She stressed the importance of transparency. Ms. Skier stated that from the examples she had provided, it was clear that demolition had always required a Certificate of Appropriateness for approval, even if that meant bringing it back to the LPC for modification. She noted that perhaps it needed to be codified so that the intent of the code would never be misinterpreted again. Ms. Shiverick and Ms. Skier answered questions from the Council Members.

Sue Patterson, Landmarks Preservation Commission Chair, spoke about coming up with solutions for the future. She said the Landmarks Preservation Commission had already discussed and would be able to come up with more solutions. The Council Members responded to her comments. They agreed on the importance of finding solutions and keeping the process as simple as possible to not overburden developers and property owners.

Council President Zeidman called for public comment.

Martin Klein, 116 North Ocean Blvd, stated that he believed the Code had been followed. He felt that changes were being made to the Playhouse to preserve it due to the decay that had caused much disrepair and contributed to the Playhouse being closed for decades. He advocated for trusting the process and believed that staff had acted with the best intentions.

K.T. Catlin, 265 Fairview Road, advocated for updating the review process and increasing oversight of the Playhouse to avoid similar surprises in the future.

Kay Gilman, 44 Cocoanut Row, advocated withholding judgment until the project

completion.

Jane Day, a preservation consultant, expressed her opinion that this project should return to the Landmarks Preservation Commission. She provided examples of projects that have returned to the Landmarks Preservation Commission in the past, stating there are precedents for this, as deemed necessary.

Dave Lawrence, President and CEO of the Cultural Council for Palm Beach County, stated that this project would provide urgently needed space for performers in the community. He was not in favor of slowing this process down. He stated there is a real need for flexible space for performers to rehearse and perform.

Cheryl Mendelson, the newly appointed Executive Director of The Innovate, urged against delays to the project. She stated that now is the time to reimagine the Poinciana Playhouse into a world-class Cultural Arts Center, a new symbol of pride for the Town of Palm Beach where community and culture will converge.

Mary Lewis Moews, Senior Director of Philanthropy at The Innovate spoke. She advocated for continuing the project without further delay.

Robert Hamon, President and CEO of the Center for Creative Innovation, the Foundation School, and the Blue Planet Global Classroom in West Palm Beach. He expressed interest in the future possibilities the Playhouse would offer their students.

Anne Pepper, 333 Seaspray Ave, advocated for focusing on making the process more explicit so this situation does not repeat itself. She believed that more oversight on projects should be put in place to preserve Palm Beach.

Council Member Lindsay thought this project should return to the Landmarks Preservation Commission.

Council Member Araskog discussed the previous quality of the Playhouse and the artists that performed there. She felt that the project should have gone back in front of the Landmarks Preservation Commission. She also wondered why the soil investigation took so long.

Council Member Cooney stated that he felt the public was owed transparency in the future and advocated for a focus on rebuilding the Playhouse structure and restoring best practices for the preservation program. He did not want to slow progress on this project. However, he believed the demolition decision should have been made with the Landmarks Preservation Commission.

Council Member Crampton believed that the Preservation Foundation should have been included earlier and thought evaluating these projects could improve from this current situation. He stressed how this project had demonstrated how important preservation is to the community.

Mayor Moore did not feel it was necessary to take the project back to the

Landmarks Preservation Commission. She felt it best for the project to move forward. Mayor Moore expressed the waste of time and money thus far.

Council Member Lindsay suggested more oversight over future projects to ensure there would not be further surprises.

Council Member Araskog reiterated her suggestion to have another informal hearing before the Landmarks Preservation Commission.

Council President Zeidman stated that the preservation processes should be improved, and the Landmarks Preservation Commission should have more meaningful participation going forward. She thought the project should have gone back to the Landmarks Preservation Commission, and the recommendations should go back to the Landmarks Preservation Commission now.

Mr. Randolph said no direction was being provided by the Town Council for this item to return to the Landmarks Preservation Commission. They had already said they would look for solutions at their next meeting.

Clerk's note: A lunch break was taken, and the meeting reconvened promptly.

C. **Discussion Regarding Revisiting Properties Once Considered for Landmarks but Not Designated**

1. Developing the Policy on When to Revisit a Property That Was Not Designated in the Past as a Landmark
2. List of Properties That Have Been Previously Reviewed for Landmarking
3. Letter to Properties

Wayne Bergman, Director of Planning, Zoning and Building

Director Bergman questioned whether the Council would be interested in putting together a policy for property owners that had been considered but were never designated landmarks. This program would be voluntary. Director Bergman suggested that the trigger to send the invitation be a change in ownership. He provided an updated list of approximately 97 properties.

Mr. Randolph suggested that the letter be written and sent by the Mayor.

Council Member Lindsay and Mayor Moore thought this was a good idea. Council Member Cooney did as well but was hesitant about a policy or a guideline at this time. He was uncomfortable approving this concept and allowing it to go to the Landmarks Preservation Commission. He was supportive of a letter being sent by the mayor. Council Member Cooney was also comfortable with the Town Council being involved in the process, as discussed. Council Member Araskog agreed that it should be a voluntary process for new owners and that the mayor should send the letter. She suggested that the Council review about 5 per month. Council President Zeidman agreed that this policy should be for new property owners.

D. **2023/2024 Designation Dates**

Wayne Bergman, Director of Planning, Zoning and Building

Council President Zeidman wondered if setting a day aside for designation hearings would be possible. Director Bergman suggested picking one day in April for particularly time-consuming designation hearings. However, when a property owner was willing and ready to be designated, that hearing could occur on any agenda. Council Member Cooney was opposed as he thought getting applicants to agree to one day would be difficult. Council Member Araskog was in favor of choosing one day. Council Member Lindsay thought that those who may oppose a landmark designation might negatively influence those who may favor it, and for this reason, she thought it best to not have one day set aside. Council President Zeidman agreed with this, and the Council agreed to leave the process as is, with dissent from Council Member Araskog.

E. **Discussion Regarding Declaration of Use Agreement Templates**

Wayne Bergman, Director of Planning, Zoning and Building

Mr. Bergman suggested having a Declaration of Use Agreement prepared in advance to help save applicants and the Town Council some time in the future. He said the draft document needed further review and editing with Attorney Randolph. The draft template was created by merging numerous Declaration of Use Agreements together.

Mr. Randolph thought this was a good idea. Council Member Cooney supported this idea and thought this would bring more consistency into the review of applications and would create a stronger starting point that could eliminate potential issues. Council Member Araskog thought the template was a good idea but had suggestions for modifications. Council Member Lindsay questioned whether this would apply to hotels and clubs and noted that this does not happen often. Council Member Araskog thought these templates could be used for various types of properties.

F. **Discussion Regarding Permit Time Extensions**

1. Notification to Neighbors
2. Administrative Extensions
3. Duration of Permits

Wayne Bergman, Director of Planning, Zoning and Building

Director Bergman presented information about permit time extensions. He stated that nothing in the code mandated a contractor to notify neighbors not adjacent to the subject property when a permit extension was requested. In addition, he would like to be able to give an extension of several weeks without having to send the contractor before the Town Council, and perhaps this could be codified. Mr. Bergman wanted to compare the Town's current permit durations to other communities and potentially modify them.

Council Member Lindsay noted that there were still issues with supply chains due to the COVID-19 pandemic, particularly with custom homes. For this reason, she thought this was a good idea. Council Member Araskog thought that the amount of

time extension should be flexible. Council Member Cooney liked the idea of notifying neighbors beyond just the abutting houses and supported the short-term extensions. He was concerned about the residents having construction fatigue. Council President Zeidman asked how they would know whether the neighbors had been notified.

Leigh Dunston, 282 Monterey Road, stated that at least five projects were happening on Monterey Road simultaneously and asked whether the neighbors could receive notice when the permit nears expiration so they could express their views about what they have observed. President Zeidman asked what could be done if these projects go longer than their permit allows. Mr. Randolph responded. Mr. Dunston stated that the current conditions do not allow people to peacefully enjoy their homes. He would like an opportunity to meet with Attorney Randolph and Mr. Bergman to help figure out a way to incentivize people to get their construction projects to completion in a reasonable amount of time. Council Member Lindsay asked if there was any legal way for the town to limit the number of permits on one street. Mr. Bergman would reach out to Mr. Dunston.

The consensus of the Town Council was to allow Mr. Bergman a short extension time, and to formalize the notice on notification to neighbors beyond those who are adjacent to the subject property.

G. **Review the Administrative Approval Policy for Landmarked Buildings**

Julie Araskog, Council Member

Council Member Araskog requested a hold be placed on staff approvals for two months and, instead, have the chair of the Landmarks Preservation Commission and the architect be present. Director Bergman reminded the Town Council that the approvals referred to as staff approvals for the Landmarks Preservation Commission were technically administrative approvals, which include the Town's consultants and the chair of the Landmarks Preservation Commission, Sue Patterson. Council Member Cooney stated that involvement by the Chair was defined in Chapter 54 of the Code. He stated that the Code already allowed an architect to be designated if the chair preferred not to be part of the review team. He thought any type of hold sounded too much like a moratorium. He did not believe that landmarked property owners should be singled out. He did not favor changing the staff approval process as he believed it works.

IX. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **ZON-22-021 (ARC-22-022) 160 SEAVIEW AVE (COMBO) – VARIANCES** The applicant, Coral Beach Corporation (Angela Feldman, President) and Seaview Holdings, Inc. (David Feldman, Director), has filed an application requesting Town Council review for variances to exceed the point of measurement elevation higher than allowed to be measured from and to reduce the required street

side yard setback for a new guest house on combined parcels at 160 and 170 Seaview Avenue. ARCOM will perform design review of the application. This item shall be deferred pending Architectural Commission action.

Please note: This item was deferred to the October 11, 2023, meeting at the Approval of the Agenda, Item V.

b. **ZON-23-002 (ARC-22-241) 624 ISLAND DR (COMBO) - VARIANCES** The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Town Council review and approval Variances (1) to exceed the maximum amount of lot coverage, (2) to exceed the maximum amount of Cubic Content Ratio (CCR), (3) to exceed the maximum allowable building height, and (4) to exceed the maximum allowable overall building height, in the R-B zoning district in conjunction with the enclosure of an existing open-air courtyard of a two-story residence with a new clerestory. The Architectural Commission will perform design review of the application. This item shall be deferred pending Architectural Commission action.

Please note: This item was deferred to the October 11, 2023, meeting at the Approval of the Agenda, Item V.

c. **ZON-23-063 (ARC-23-039) 599 S COUNTY RD (COMBO) – VARIANCES** The applicant SAS Realty Enterprises LLC (Greg Simonian, President), has filed an application requesting Town Council review and approval for a variance to exceed the maximum overall building height, as part of the construction of a new two-story single-family dwelling. The Architectural Commission shall perform design review of the application. This item shall be withdrawn, variance no longer needed.

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

d. **ZON-23-059 (ARC-23-063) 1265 N LAKE WAY (COMBO)– SITE PLAN REVIEW**The applicant, 1265 N Lake Way LLC (Maura Ziska, Manager), has filed an application requesting Town Council Site Plan Review for development of single-family dwelling on a lot deficient in lot width in the R-B zoning district. The Architectural Commission shall perform design review of the application. This item shall be deferred pending Architectural Commission action.

Please note: This item was deferred to the October 11, 2023, meeting at the Approval of the Agenda, Item V.

e. **ZON-23-054 (ARC-23-064) 1473 N OCEAN BLVD (COMBO) – VARIANCES** The applicants, William C. Powers & Marianne Elaine Elmasri, have filed an application requesting Town Council review and approval for (2) variances from (1-2) north and southside setback requirements. The Architectural Commission shall

perform design review of the application. This item shall be deferred, pending Architectural Commission action.

Please note: This item was deferred to the October 11, 2023, meeting at the Approval of the Agenda, Item V.

f. **ZON-23-086 (ARC-23-088) 292 ORANGE GROVE RD (COMBO) – VARIANCE** The applicants, Stephen and Kerri Meyers, have filed an application requesting Town Council review and approval for (1) variance to exceed the maximum Cubic Content Ratio (CCR) for the construction of a new two-story single-family residence. The Architectural Commission shall perform the design review component of the application. This item shall be deferred pending Architectural Commission action.

Please note: This item was deferred to the October 11, 2023, meeting at the Approval of the Agenda, Item V.

2. New Business

a. **ZON-23-068 (ARC-23-090) 206 CARIBBEAN RD (COMBO) - SITE PLAN REVIEW** The applicant, Walter Wick, has filed an application requesting Town Council review and approval for Site Plan Review to allow development of a new single-family residence on a platted nonconforming parcel deficient in lot width and lot area required in the R-B Zoning District. The Architectural Commission shall perform the design review component of the application. This item shall be deferred pending Architectural Commission action.

Please note: This item was deferred to the October 11, 2023, meeting at the Approval of the Agenda, Item V.

b. **ZON-23-070 (ARC-23-092) 217 BAHAMA LN (COMBO) - SITE PLAN REVIEW** The applicant, James and Sarah McCann, have filed an application requesting Town Council review and approval for Site Plan Review for the construction of new two-story single-family residence on a non-conforming platted lot which is 90 feet in depth in lieu of the 100-foot minimum depth required in the R-B Zoning District. The Architectural Commission shall perform the design review component of the application. This item shall be deferred pending Architectural Commission action.

Please note: This item was deferred to the October 11, 2023, meeting at the Approval of the Agenda, Item V.

c. **ZON-23-077 (ARC-23-108) 162 E INLET DR (COMBO) - VARIANCE** The applicants, David and Jill Shulman, have filed an application requesting Town Council review and approval for a variance to (1) exceed the maximum allowable Cubic Content Ratio (CCR) for the construction of enclosed additions and a rear awning to the single-family residence. The Architectural Commission shall perform the design review component of the application. This item shall be deferred pending Architectural

Commission action.

Please note: This item was deferred to the October 11, 2023, meeting at the Approval of the Agenda, Item V.

d. **ZON-23-084 (ARC-23-109) 600 TARPON WAY (COMBO)—SPECIAL EXCEPTION AND VARIANCES** The applicants, Frank and Annie Falk, have filed an application requesting Town Council review and approval for 7 variances, including (1-2) for building height plane reductions, (3- 6) to locate mechanical equipment within the front yard, (7) to exceed maximum site wall height within the front yard, and a Special Exception for reduced vehicular gate setbacks on a dead-end street, for the construction of a new two-story single-family residence over 10,000 SF and sitewide landscape and hardscape improvements. The Architectural Commission shall perform the design review component of the application. This item shall be deferred pending Architectural Commission action.

Please note: This item was deferred to the October 11, 2023, meeting at the Approval of the Agenda, Item V.

B. **Time Extensions and Waivers**

1. Waiver of Town Code Section 18-237, For Building Permit Extension at 2320 S Old Ocean Blvd.

Wayne Bergman, Director of Planning, Zoning and Building Department, described the building permit extension request.

Council Member Cooney declared a conflict of interest because the applicant was his former employer. He left the room during the discussion.

Joshua Berkoff, Berkoff Builders, LLC, spoke on behalf of Lawrence Moens. He stated that he had sent out notices to all neighbors and had received no complaints. He stated that the owner had changed the plan, and there were some supply delays. He requested another extension of one year.

Mayor Moore confirmed with Mr. Berkoff that this was his second time requesting an extension. Council Member Lindsay recommended an extension of 32 weeks. Council Member Araskog suggested they continue working until the season starts by Thanksgiving, then break during the season, and resume on April 1. This would give the neighbors a break during the season prior to the contractor resuming work.

Motion made by Council Member Araskog and seconded by Council Member Zeidman to grant an extension of 32 weeks, with the condition that the contractor shall be allowed to work until the Monday before Thanksgiving and shall not resume work until April 1, 2024. Motion carried unanimously, 4-0.

2. Waiver of Town Code Section 18-237, For Building Permit Extension at 250 Algoma Rd

Wayne Bergman, Director of Planning, Zoning and Building Department, described the building permit extension request.

Travis Radak spoke on behalf of Mark Radak of Lauren Mar Builders and requested a 3-month extension to finish the project and close out permits. Council Member Lindsay noted that the permit expired in June and asked why it took this long for him to request the extension. The applicant responded that he was not notified that the permit had expired and was unaware that there was a set expiration date. She was concerned that this extension would overlap with the upcoming season. Council Member Cooney noted that other work would still be occurring on this property during the season due to a second permit being active until 2024, so he did not believe that not extending this permit would affect the neighbors much. Council Member Araskog stated that she was inclined to grant this approval so long as the street was not obstructed, and all cars parked on the property.

Motion made by Council Member Araskog and seconded by Council Member Crampton to grant an extension of 3 months provided that all cars for interior and exterior work shall park on the property. Motion carried unanimously, 5-0.

X. ANY OTHER MATTERS

Council President Zeidman thanked staff members, the BIS team, and the Town's IT Department for being present to make sure the meeting went smoothly utilizing the new technology.

XI. ADJOURNMENT

Motion made by Council Member Lindsay and seconded by Council Member Cooney to adjourn the meeting at 4:47 p.m. Motion carried unanimously, 5-0.

APPROVED:

_____
Margaret A. Zeidman, Town Council President

ATTEST:

_____
Kelly Churney, Acting Town Clerk
Date: _____

TOWN OF PALM BEACH

Minutes of the Special Town Council Budget Meeting Held on September 21, 2023

Public Hearing on Final Millage Rate and FY24 Budget

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order on September 21, 2023, at 5:01 p.m. On roll call, all elected officials were found to be present, except for Mayor Moore and Council President Zeidman.

II. PLEDGE OF ALLEGIANCE

Council President Pro Tem Lindsay led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion made by Council Member Cooney and seconded by Council Member Crampton to approve the agenda as presented. On roll call, the motion carried unanimously, 4-0.

IV. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT

No one indicated a desire to speak.

V. PUBLIC HEARING ON FINAL MILLAGE RATE AND FY24 BUDGET

A. Proof of Publication

Acting Town Clerk Churney stated that notice of the meeting was published in the

Palm Beach Post on Monday, September 18, 2023. Proof of publication was received by the Town Clerk's Office and provided to the Town Council for review.

B. Announcement of Proposed Operating Millage Rate

Council President Pro Tem Lindsay stated at the September 12, 2023, Public Hearing, the Mayor and Town Council tentatively approved the proposed millage rate for the General Fund Operating Millage of 2.6110 mills. The Town of Palm Beach Fiscal Year 2023 General Fund proposed an operating millage rate of 2.6110 mills, representing a 10% increase from the "rolled-back millage rate" of 2.3736 mills.

Council Member Crampton indicated that this was the sixth year that the Town Council had lowered the millage rate for the Town. He reminded everyone that the Town remained a full-service town. He thought the lower millage rate was a result of the hard work of the staff and of the Town Council.

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

Town Manager Blouin stated that the FY24 General Fund budget increased by $7,620,993 or 7.87% from the FY23 budget. The increase is partially the result of the increase in the transfer to the Capital Improvement Fund for the reconstruction of the North Fire-Rescue Station and other capital projects in the amount of $937,000. In addition, commodity and other contractual services increased by over $1.9 million due to inflationary causes. Salaries and benefit costs increased due to the addition of 6.33 full-time equivalent employees, as well as merit, and COLA increases for employees. Property tax revenue increased by $6,710,810 partly to cover the increase in the Capital Improvement Fund transfer and the balance to cover salary, benefit, contractual, and commodity cost increases.

D. Comments and Questions from the Public

No one indicated a desire to speak.

E. Resolutions

1. RESOLUTION NO. 124-2023 - 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, 2023, And Ending September 30, 2024; Setting Forth Certain Information Regarding The Rolled-Back Millage Rate; Directing The Town Manager Or The Deputy Town Manager, Finance And Administration To Adjust The Adopted Millage Rate In The Event Of Changes In The Assessment Roll And Taxable Value; Providing An Effective Date.
Bob Miracle, Deputy Town Manager - Finance and Administration

Town Manager Blouin read Resolution No. 124-2023 by title only.

Motion made by Council Member Crampton and seconded by Council Member Cooney to approve Resolution No. 124-2023. On roll call, the motion passed unanimously, 4-0.

2. RESOLUTION NO. 125-2023 - 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, 2023, And Ending September 30, 2024; Providing For An Effective Date.
Bob Miracle, Deputy Town Manager - Finance and Administration

Town Manager Blouin read Resolution No. 125-2023 by title only.

Motion made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 125-2023. On roll call, the motion passed unanimously, 4-0.

VI. ANY OTHER MATTERS

Amanda Skier, Preservation Foundation of Palm Beach, expressed her gratitude to the Town Council and the staff for supporting the gift for Phipps Ocean Park.

The Town Council expressed their excitement for the project.

VII. ADJOURNMENT

Motion made by Council Member and seconded by Council to adjourn the meeting at 5:11 p.m. Motion carried unanimously, 5-0.

APPROVED:

_____
Bobbie D. Lindsay, Town Council President Pro Tem

ATTEST:

_____
Kelly Churney, Acting Town Clerk
Date: _____

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Minutes

Agenda Title
Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of September 27, 2023

Presenter
Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated October 3, 2023 from Wayne Bergman, Director of Planning, Zoning and Building**
- **Minutes of the Architectural Review Commission Meeting of September 27, 2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Approval of the Architectural Review Commission Meeting Minutes of September 27, 2023

Date: October 3, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of September 27, 2023.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Review Commission recommends that the Town Council approve major items considered at the regularly scheduled meeting of September 27, 2023.

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 20, 2023

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. Smith called the meeting to order at 9:00 a.m.

II. **ROLL CALL**

Jeffrey W. Smith, Chairman	PRESENT
Richard F. Sammons, Vice Chairman	ABSENT (Unexcused)
John David Corey, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Thomas Kirchhoff, Member	PRESENT (Arrived at 9:02 a.m.)
Kenn Karakul, Member	PRESENT (Arrived at 9:05 a.m.)
Elizabeth Connaughton, Member	PRESENT (Arrived at 9:02 a.m.)
Dan Floersheimer, Alternate Member	ABSENT (Unexcused)
Joshua L. Martin, Alternate Member	PRESENT
Katherine "KT" Catlin, Alternate Member	PRESENT

Staff Members present were:
Friederike Mittner, Design and Preservation Manager
Sarah Pardue, Design & Preservation Planner
Jordan Hodges, Design & Preservation Planner
Kelly Churney, Acting Town Clerk

III. **PLEDGE OF ALLEGIANCE**

Chairman Smith led the Pledge of Allegiance.

IV. **APPROVAL OF MINUTES**

Motion made by Mr. Corey and seconded by Ms. Shiverick to approve the minutes of the August 23, 2023, meeting as presented. Motion carried unanimously, 7-0.

V. **APPROVAL OF THE AGENDA**

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

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

Ms. Churney administered the oath and continued to do so throughout the meeting as necessary.

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

Mr. Corey commented positively on the construction screenings in the Town and thought they looked much better in general. He hoped the Town had a rigorous standard for the construction screening.

Ms. Catlin thought the construction screening on the corner of Fairview and N. County Road was insufficient. She commented how the screening in Town either looked good or disgraceful. She noticed more company logos on the screening and construction companies' names on larger signage. Finally, she warned residents always to check to see if a permit is needed for work.

Wayne Bergman, Director of the Planning, Zoning and Building Department, introduced a new staff member in the Planning, Zoning and Building Department, Friederike Mittner. Mr. Bergman provided Ms. Mittner's resume to the Commission and stated he was pleased that Ms. Mittner has joined his team as the Design and Preservation Manager.

James Murphy, Assistant Director of Planning, Zoning and Building, discussed the Code language, which outlined the process for elected project deferrals. He indicated that the staff would begin immediately enforcing the requirements outlined in the Code.

VIII. **COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3-MINUTE LIMIT, PLEASE)**

There were no comments heard at this time.

IX. **PROJECT REVIEW**

X. **CONSENT AGENDA**

1. **ARC-23-116 150 WORTH AVE—THE ESPLANADE**. The applicant, Wilson 150 Worth LLC, has filed an application requesting Architectural Commission review and approval for the after-the-fact permanent removal of the existing second floor wood trellis along the Worth Avenue approved arcade of the Esplanade.
2. **ARC-23-118 143 SEMINOLE AVE**. The applicant, Lisa Pevaroff, has filed an application requesting Architectural Commission review and approval for the removal and reconfiguration of the driveway with associated landscape and hardscape.
3. **ARC-23-122 (ZON-23-093) 241 JUNGLE RD (COMBO)**. The applicant, 241 Jungle Rd Trust, has filed an application requesting Architectural Commission review and approval for the installation of a new generator and site screening walls and gate including a variance to exceed the maximum screening wall height. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Clerk's Note: This item was pulled from the consent agenda under Item V., Approval of the Agenda, and was subsequently heard under Projects Pulled from Consent Agenda

4. **ARC-23-124 111 REEF RD**. The applicants, Steve Rabin and Johnathon Winslow, have filed an application requesting Architectural Commission review and approval for the construction of an enclosed addition and a covered loggia, exterior modifications including roof and window replacement, and sitewide landscape and hardscape improvements including the construction of a pool and new site walls.
5. **ARC-23-127 231 BRADLEY PL**. The applicant, Bradley Palm LLC. (Rep. Tim Hanlon), has filed an application requesting Architectural Commission review and approval for the installation of a new generator and masonry screening walls at the northeast corner of the commercial property.

Motion made by Ms. Shiverick and seconded by Mr. Karakul to approve the consent agenda as amended, with the removal of ARC-23-122, 241 Jungle Road. Motion carried unanimously, 7-0.

Projects Pulled from Consent

1. **ARC-23-122 (ZON-23-093) 241 JUNGLE RD (COMBO)**. The applicant, 241 Jungle Rd Trust, has filed an application requesting Architectural Commission review and approval for the installation of a new generator and site screening walls and gate including a variance to exceed the maximum screening wall height. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Mr. Corey asked about the item on the consent agenda when it needed a variance. Mr. Murphy responded. He indicated his concerns about the generator proposed for the corner of the property in the setbacks.

Daniel Kahan, Smith and Moore Architects, presented the plans for the proposed generator placement at the existing residence.

Mr. Corey favored the design and aesthetics but recommended the professional obtain a letter of support from the neighbor.

Call for disclosure of ex parte communication: Disclosure by Messrs. Karakul and Kirchhoff.

Mr. Kirchhoff suggested replacing the gate with a wall. Mr. Kahan stated that most of the gate could be changed to a wall with a single gate.

Motion made by Mr. Corey to approve the project with a 4-foot-wide gate and the remainder of the gate converted to a block wall.

Mr. Karakul, the former property owner, thought the gate was more appropriate in the location than a block wall. Mr. Corey suggested adding landscaping in front of the wall. Mr. Kahan agreed to add additional plantings in front of the wall.

Motion amended by Mr. Corey and seconded by Ms. Shiverick to approve the project with a 4-foot-wide gate, and the remainder of the gate converted to a block wall with additional plantings in front of the wall portion to soften the space. Motion carried 5-2, with Messrs. Karakul and Martin dissenting.

Motion made by Mr. Corey and seconded by Mr. Kirchhoff that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously, 7-0.

A. **MAJOR PROJECTS-OLD BUSINESS**

1. **ARC-23-057 (ZON-23-049) 2 S COUNTY RD** The Breakers Palm Beach, Inc. (Alex Gilmurray), has filed an application requesting Architectural Commission review and approval for the renovation and expansion of the existing tennis area, including replacements of 10 existing courts, addition of 2 courts, addition of pickleball courts, shade structures, decorative fencing, new service path, stretching area and landscape improvements; requiring town council review of special exception, site plan review, and variances. This is a combination project that shall also be reviewed by Town Council as it relates to zoning relief/approval.

   Ms. Pardue provided staff comments on the project.

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

   Jamie Crowley, attorney for the applicant, explained the requested variances and advocated for a positive recommendation to the Town Council.

   Paul Leone, CEO of The Breakers, presented the modifications for the proposed tennis area restoration.

   Ms. Shiverick inquired about the shape of the shade structures; she was concerned about the structure's look. She also asked about the change of the lattice in the fencing. Mr. Leone discussed his intent to have the best-looking fencing where possible. Ms. Shiverick further asked about the proposed lighting height and confirmed it was the existing height of the current lighting. She also asked for further shade trees along the east of the property. Mr. Crowley discussed the intent to stay with native planting material and outlined the proposed trees.

   Alex Gilmurray, CFO of The Breakers, explained the proposed fencing and why the mesh was used around the courts. Mr. Gilmurray discussed the types of structures considered for the tennis courts.

   Mr. Corey was in favor of the landscape screening material. He liked the proposed fencing around the courts; however, he was concerned about the

material since it was plastic. He also expressed concern about increasing the number of shade structures and indicated he could not support them. Mr. Corey thought the lighting height was fine; however, he did not find them attractive.

Ms. Connaughton was concerned about the shape of the shade structure but thought the white color of the structures was preferable.

Mr. Smith liked the fence material; he thought wood material would require too much maintenance. He liked the white color for the structures. He did not believe the courts would be seen from the street. He supported the application.

Mr. Kirchhoff agreed with Mr. Smith's comments.

Ms. Catlin thought the structures looked a bit agricultural. She supported the white color for the structures. She imagined the shade structures would look more like a pergola. She worried that the structures would be very visible and thought they should be more of an extension of the existing structures.

Mr. Leone disagreed and thought the site would not be seen from the street.

Mr. Martin supported the project. He commented on the tennis courts at the Town's Recreation center and thought the proposal was more attractive.

Ms. Shiverick wondered if a different awning company and shape would be worth exploring. She thought the lighting was industry standard and supported the lighting. Messrs. Leone and Gilmurray discussed the companies and shapes that were considered.

Motion made by Mr. Martin and seconded by Mr. Karakul to approve the project as presented. Motion carried 5-2, with Mr. Corey and Ms. Shiverick dissenting.

Motion made by Mr. Martin and seconded by Mr. Karakul that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously, 7-0.

2. **ARC-23-063 (ZON-23-059) 1265 N LAKE WAY** 1265 N Lake Way LLC (Maura Ziska, Manager), has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence with final hardscape and landscape and a nonconforming lot. The application shall be reviewed by the Town Council as it pertains to zoning relief/approval.

Mr. Hodges provided staff comments on the project.

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

Daniel Menard, LaBerge & Menard, presented the architectural modifications proposed for the new residence.

Mr. Smith called for public comment. No one indicated a desire to speak.

Ms. Catlin liked the changes made to the architecture. She requested that the truck logistics plan enter the site via N. County Road. She talked about how the trucks using N. Lake Way was unsafe.

Todd MacLean, Todd MacLean Outdoors, stated that he had changed the logistics plan to use N. County Road.

Ms. Shiverick thought the changes were nice. She questioned the color proposed for the body of the home; she thought the color was a bit muddy. She thought a tone with a pink cast would be nice. Mr. Menard asked Ms. Shiverick to provide a recommendation as he was open to the change. Ms. Shiverick also recommended a different choice of lanterns on the Lake Trail.

Mr. Karakul thought the home was well done and custom in feeling. He thought the professional listened to the comments from the Commission.

Mr. Corey asked about the trees on the Lake Trail. Mr. MacLean responded. Mr. Corey thought the material on the Lake Trail would be nice, and the home's roofline has improved.

Ms. Connaughton complimented the design. She thought the masonry plinths below the wood piers on the rear two-story loggia felt slightly heavy; she asked if they could be modified. She also agreed with Ms. Shiverick on the Lake Trail lanterns and the body color of the home.

A short discussion ensued about the masonry below the columns on the second-story loggia. Mr. Menard recommended pinching the columns in to lighten up the masonry below.

Motion made by Mr. Karakul and seconded by Ms. Shiverick to approve the project as presented, with the condition that the columns on the second-floor rear loggia shall be adjusted to lighten the masonry below. Motion carried 6-1, with Mr. Martin dissenting.

3. **ARC-23-066 1421 N LAKE WAY** Reef Road LLC, has filed an application requesting Architectural Commission review and approval construction of a new two-story residence with associated landscape and hardscape.

Ms. Pardue provided staff comments on the project.

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

Roger Janssen, Dailey Janssen Architects, presented the architectural modifications proposed for the new residence.

Steve West, Parker Yanette Design Group, presented the landscape and hardscape modifications proposed for the site.

Mr. Smith called for public comment. No one indicated a desire to speak.

Ms. Catlin liked all the changes. She thought the proposed home was beautiful.

Mr. Corey thanked the landscape architect; he thought the landscaping material on the front was much better. He thought the home worked well on the lot, especially since it was on a corner lot. He stated he supported the project.

Mr. Kirchhoff thought the design had come a long way. He supported the project.

Ms. Connaughton also thought the home was nice on the street. She wondered if the professional considered a nine-over-nine light pattern for the windows on the first floor. She preferred the previous front door.

Ms. Shiverick thought the changes were great. She suggested that the charm of the home could be enhanced by a different color pattern, other than white and blue. Mr. Janssen stated he would study the colors with the owner.

Mr. Smith thought the design was good. He questioned the light pattern for the sliders on the west elevation.

Mr. Kirchhoff agreed with Mr. Smith's comment on the sliders, and he preferred the six-over-nine light pattern for the windows. He preferred the front door surround and colors as presented.

Motion made by Mr. Corey and seconded by Mr. Karakul to approve the project as presented, with the condition that the light pattern for the sliders is reverted to the previously proposed design, as well as for the owner to study the colors for the home and the light pattern for the first story windows. Motion carried unanimously, 7-0.

Bruce Parslay, owner, thanked the Commissioners for their time and their input to help produce a better home for his family.

4. **ARC-23-099 274 MONTEREY RD** Morton Pierce, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with sitewide landscape and hardscape improvements.

Mr. Hodges provided staff comments on the project.

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

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

Dustin Mizell, Environment Design Group, presented the landscape and hardscape modifications proposed for the site.

Mr. Smith called for public comment.

David Kelso, 255 Monterey Road, presented his objections to the proposed home.

Leigh Dunston, 282 Monterey Road, asked the landscape architect about the survivability of the Queen Crepe Myrtle tree if it is to be moved. Mr. Mizell answered his questions. Mr. Dunston thought there was willful negligence on behalf of the professionals. He requested a deferral or denial of the project.

Mr. Kirchhoff asked if the survey outlined the trees in question. Mr. Perry stated the trees were not identified as historic on his survey and that the team was unaware of the historic nature of the trees until September 6, when the Public Works department notified him. Mr. Kirchhoff thought the home should be deferred to allow modifications to the site plan.

Mr. Smith stated he could not approve of any plan that shows the relocation of either of the specimen trees.

Mr. Corey stated he could not see a reduction in the current design. He thought the home was too wide and would stand out on the street. He thought the home should be denied. He thought the home should be broken into two pieces.

Ms. Shiverick agreed with Mr. Corey and thought the home could be sited in the southeast corner with an L shape, so the specimen trees were honored. She supported a denial of the home.

Motion made by Mr. Corey and seconded by Ms. Shiverick to deny the home, based on Section 18-205 (a) (8). Motion carried unanimously, 7-0.

5. **ARC-23-088 (ZON-23-086) 292 ORANGE GROVE RD** Stephen and Kerri Meyers, have filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with sitewide landscape and hardscape improvements, requiring (1) variance for Cubic Content Ratio (CCR). The Town Council shall review the application as it pertains to the zoning relief/approval.

Mr. Hodges provided staff comments on the project.

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

Roger Janssen, Dailey Janssen Architects, presented the architectural modifications proposed for the new residence.

Dustin Mizell, Environment Design Group, stated there were no updates to the landscape and hardscape.

Mr. Smith called for public comment. No one indicated a desire to speak.

Mr. Karakul thought the home was well done and fit the area. He liked the orientation of the home. He liked the landscaping as proposed.

Ms. Catlin liked the home. She preferred the loggia without additional columns, so it felt more open. She asked that the truck logistics be changed to North County Road rather than North Lake Way.

Mr. Corey thought the design fit the area, especially on the corner lot. He liked the proposed color palette. He wondered if the parapet wing railings should be removed; he thought a lighter railing would lighten the home. Mr. Janssen responded.

Mr. Kirchhoff thought the home looked too massive on Orange Grove. He recommended sliding the garage to the rear by five feet. He thought the second-floor windows looked too small.

A discussion ensued about the front yard if the garage was moved to the rear of the lot.

Ms. Connaughton agreed with Mr. Kirchhoff. She wondered if the service areas, including the garage, could be tightened up. She agreed with the comment to shift the garage back to the rear of the lot.

Ms. Shiverick thought the house was nice but needed to be thinned. She thought the presence on Orange Grove would be large.

Ms. Connaughton was confused by the parapet walls. Mr. Karakul disagreed and thought the look made the home feel more customized.

Motion made by Mr. Kirchhoff to defer the home to the October 25, 2023, meeting to reassess the garage design and parapet walls.

A discussion ensued about directions to provide to the professional.

Motion seconded by Ms. Shiverick. Motion carried unanimously, 7-0.

6. **ARC-23-064 (ZON-23-054) 1473 N OCEAN BLVD** William C. Powers & Marianne Elaine Elmasri, have filed an application requesting Architectural Commission review and approval for renovations and additions to an existing one-story residence, requiring setback variances. This is a combination project that shall be reviewed by Town Council as it pertains to zoning relief/approval.

   Ms. Pardue explained to the Commission that considering the new deferral procedures, the professional would explain the request for deferral in person.

Patrick Segraves, SKA Architect + Planner, stated that he was requesting a one-month deferral as he was trying to work on concerns expressed by some of the neighbors.

Motion made by Mr. Karakul and seconded by Mr. Martin to defer the project to the October 25, 2023, meeting. Motion carried unanimously, 7-0.

7. **ARC-23-090 (ZON-23-068) 206 CARIBBEAN RD** Walter Wick, has filed an application requesting Architectural Commission review and approval for construction of a new two-story residence with landscape, hardscape and pool on a nonconforming parcel. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Mr. Hodges provided staff comments on the project.

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

Roger Janssen, Dailey Janssen Architects, presented the architectural modifications proposed for the new residence.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape modifications proposed for the site.

Mr. Smith called for public comment.

Alison Reed, 1520 N. Ocean Blvd., asked for an additional wall height and shutters on the top three windows that would overlook her master bedroom and bathroom. She also inquired about the mechanical equipment moved adjacent to her property.

Lisa Wick, owner of the property, stated that she had worked with Mr. Janssen to address all the comments received from the neighbors.

Mr. Corey asked about the landscape options. Mr. Mizell stated that the driveway had been altered, and option A was being proposed.

Mr. Martin thought the previous plan had a more elegant look on the street.

Ms. Shiverick had an issue with the entry to the home. She thought more importance was given to the parking and driveway. She questioned with the tripartite window on the front of the home. She also questioned the appeal of the front façade. Mr. Janssen responded.

Mr. Kirchhoff was not in favor of the home. He questioned the front façade of the home and how the lot was maxed out. He questioned the proposed massing.

Ms. Connaughton thought the previous entry was more charming and engaging. She suggested lowering the roof in the previous entry. She thought the garage mass was dominating the entry in the current design.

Mr. Corey wondered why the two-story element on the current proposal was very thin. He also questioned the large amount of paving proposed. He liked the courtyard design of the previous proposal. He recommended increasing the front massing and thinning out the one-story portion of the home in the rear.

Ms. Catlin thought the new design was short on character. She thought the lot called for a cottage-style home.

Mr. Karakul suggested trying to split the garage or move it to the rear of the home. He thought the front façade needed some work.

Mr. Smith thought the design was the best due to the lot size and the comments from the neighbors. He was not in favor of the lights over the garage door and thought the landscaping plan was weak.

Motion made by Ms. Shiverick and seconded by Mr. Corey to defer the project to the November 20, 2023, meeting to allow the professional to consider the comments from the Commissioners. Motion carried 6-1, with Mr. Smith dissenting.

8. **ARC-23-092 (ZON-23-070) 217 BAHAMA LN** James and Sarah McCann, have filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence and associated landscape and hardscape on a lot substandard in lot depth in the R-B zoning district. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Ms. Pardue provided staff comments on the project.

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

Roger Janssen, Dailey Janssen Architects, presented the architectural modifications proposed for the new residence.

Cory Meyer, Nievera Williams Design, presented the landscape and hardscape modifications proposed for the site.

Mr. Smith called for public comment.

James Freney, 214 Bahama Lane, expressed concerns about the proposed new home. He indicated his reasons for his opposition to the proposed design.

Robin Weeks, 210 Jamaica Lane, expressed concerns about the proposed new home.

Mr. Karakul thought the previous design was superior to the proposed design. He thought the design was awkward. He thought it was fatter, less charming, and less interesting than the previous design.

Mr. Kirchhoff thought the design had improved with the reduction of width. He suggested lowering a portion of the roof that connected the main house and the garage. He thought the increase in the roof over the front entry was unsuccessful. He also suggested reducing the roof pitch of the cricket between the two main roofs. He was not in favor of the north façade and thought it needed more character.

Mr. Corey thought the home was too big and lacked character. He thought the wing of the home with the chimney was interesting but then thought the garage design was lacking. He thought the details of the home could be improved. He thought the neighborhood analysis clearly showed how big the home would appear.

Ms. Shiverick thought the design was still too large. She liked some of the features in the previous design, like the pergola on the south elevation. She questioned the prominence of the chimney. She liked the dormers over the garage in the previous design. She also thought the windows on the second floor seemed too small. She was in favor of the Seagrape trees at the entrance. She was not in favor of the lights over the garage doors.

Ms. Connaughton agreed with many of the Commissioners. She liked some of the elements of the previous design and some of the new design. She was in favor of the pergola in the previous design. She thought the home was fat in the plan and thought some areas could be simplified and tightened up.

Mr. Corey thought the home was too big for a north end, mid-block home. Mr. Janssen stated that there were other two-story homes on the street.

Mr. Martin thought removing the massing in the current design helped the design. He thought the professional needed some clear direction.

Mr. Smith did not believe the design went in the right direction from the previous month. He thought the façade needed work. He was not in favor of the mass over the front entry.

Mr. Karakul pointed out the bulk in the design.

Mr. Kirchhoff suggested losing the second-floor space over the garage.

Ms. Shiverick suggested looking for inspiration in the design of 217 Mockingbird Trail.

Motion made by Mr. Corey and seconded by Ms. Shiverick to defer the project to the November 20, 2023, meeting to allow the professional to consider the comments from the Commissioners. Motion carried unanimously, 7-0.

9. **ARC-23-107 (ZON-23-077) 162 E INLET DR** David and Jill Shulman, have filed an application requesting Architectural Commission review and approval for the construction of enclosed additions and a rear awning requiring a variance to exceed maximum allowed Cubic Content Ratio (CCR), fenestration modifications, and rear yard landscape and hardscape modifications, including the construction of a new pool. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Mr. Karakul and Ms. Connaughton.

M. Timothy Hanlon, attorney for the applicant, explained the requested variances and advocated for a positive recommendation to the Town Council.

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

Don Skowron, BGS Landscape Architecture & Engineering, presented the landscape and hardscape modifications proposed for the site.

Mr. Smith called for public comment. No one indicated a desire to speak.

Mr. Corey found the addition to be not in keeping with the house, especially since the home was at the top of the allowable CCR. He stated he could not support the addition. He thought the front door, fenestration, and landscaping were okay. Mr. Segraves stated that the owners never used the balcony and hoped the change would look like an enclosed sleeping porch.

Ms. Catlin thought the rear of the home was not connected to the front of the home.

Mr. Kirchhoff was not in favor of the balcony addition. He recommended a flat roof with a parapet on top of the addition. He thought the pergola should be lower than the roof eve.

Ms. Shiverick favored the existing arched windows and did not believe the proposed non-mullioned windows were appropriate. She also was not in favor of the proposed height of the pergola. She thought the arched doors on the front elevation should be renovated to become a front door.

Ms. Connaughton agreed with Ms. Shiverick's assessment of the arched doors. She thought the stone on the balcony was a bit heavy; she recommended changing the material to a wood product. Mr. Segraves described the issue with all the doors on the rear elevation. Ms. Connaughton thought the loss of the arched doors was a loss in the home's character.

Mr. Martin thought the redesign was not nearly as charming as the existing home. He questioned the pergolas as proposed.

Mr. Corey agreed and thought the changes were going in the wrong direction. He wondered if a denial was appropriate.

Motion made by Mr. Kirchhoff and seconded by Mr. Corey to defer the project to the November 20, 2023, meeting to allow the professional to consider the comments from the Commissioners. Motion carried unanimously, 7-0.

10. **ARC-23-074 (ZON-23-061) 100 WORTH AVE (COMBO)** The applicant, The Winthrop House, has filed an application requesting Architectural Commission review and approval for an exterior renovation to an existing seven-story residential building including the installation of new storefronts at the ground level, new stucco, repairs and paint finishes to all elevations, the removal of exterior brick finish materials along all façades, the installation of new metal balconies guardrails along all balconies, removal and replacement of balustrade parapet at rooftop, sitework including new surface material, removal of existing drive aisle and parking lanes, new landscaping, modifications to the existing porte-cochere, and new pedestrian gates and a new vehicular gate; and including a variance for the removal of on-site parking. This is a combination project that shall be reviewed by Town Council as it pertains to zoning relief/approval.

    Clerk's note: This item was deferred to the October 25, 2023, meeting at Item V., Approval of the Agenda.

11. **ARC-23-033 1440 S OCEAN BLVD**. The applicant, 1440 South Ocean Trust (Ronald Kochman, Trustee), has filed an application requesting Architectural Commission review and approval for a new 2-story residence over 10,000 square feet and accompanying hardscape, landscape, pool, site walls and gates.

    Clerk's note: This item was deferred to the October 25, 2023, meeting at Item V., Approval of the Agenda.

12. **ARC-22-241 (ZON-23-002) 624 ISLAND DR (COMBO)**. The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Architectural Commission review and approval for the construction of a new rooftop clerestory projection enclosing an existing open-air interior courtyard to an existing two-story residence including variances from building height, lot coverage and Cubic Content Ratio (CCR). This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

    Clerk's note: This item was deferred to the October 25, 2023, meeting at Item V., Approval of the Agenda.

Clerk's note: A lunch break was taken at 12:50 p.m. The meeting resumed at 2:00 p.m. Mr. Martin returned at 2:04 p.m.

B. **MAJOR PROJECTS-NEWBUSINESS**

1. **ARC-23-120 (ZON-23-088) 1600 S OCEAN BLVD (COMBO).** The applicant, PB Pavilion Trust (Michael Vineberg, Robert G. Simses and Peter Flanagan, Trustees), has filed an application requesting Architectural Commission review and approval for one-story additions to an previously approved two-story residence, including an addition in the required side (north) yard setback, raising the roof parapet height in the required side (north) yard setback, and an addition in the required side (south) yard setback. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Ms. Pardue provided staff comments on the project.

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

Harold Smith, Smith and Moore Architecture, Inc., presented the architectural plans proposed for the addition to the existing residence.

JP Molyneux, Molyneux Interiors & Decoration, commented on the proposed architecture.

Mr. Smith called for public comment. No one indicated a desire to speak.

Mr. Corey was confused about the presentation; he asked to see what had been approved in the plan. Mr. H. Smith discussed the new items in the proposed plans. Mr. Corey asked about the variances for the new items.

Maura Ziska, attorney for the applicant, explained the requested variances and advocated for a positive recommendation to the Town Council.

Mr. Corey asked about the new location for the cooling tower. Mr. H. Smith showed the Commission the new location. Mr. Corey wondered if the variances could be reduced if the garage was moved to the south. Mr. H. Smith explained why that was not possible. Mr. Corey thought the entire plan was overdone.

Mr. Kirchhoff recommended raising the band on the addition. He was glad that the cooling tower was being moved. Mr. Kirchhoff also recommended adding balustrades to allow the terrace to be used. Mr. H. Smith stated he could make that change.

Ms. Shiverick agreed that the variance requests were minor. She thought the changes were fine but warned that the home should not return for any more changes. She wondered what the previous space for the cooling tower would become. Mr. H. Smith responded. Ms. Shiverick liked the entry and garage space as proposed. Ms. Shiverick asked about the material to be used for the folly that would house the cooling tower. Messrs. H. Smith and Molyneux outlined the folly.

Mr. Smith stated he was shocked to see the variance requests on the large lot. He was not in favor of the parapet or the pergolas. He thought the plan was

aggressive. He wondered if the professional considered moving the tennis court towards the lake. He stated he could not support the request.

Mr. Kirchhoff wondered if the kitchen variance could be eliminated. Mr. H. Smith responded.

Mr. Corey agreed with Mr. Smith and wondered why variances were needed on such a large site.

Ms. Pardue stated that the cooling tower would need to be approved separately since it was not included in the original application.

Motion made by Mr. Kirchhoff to approve the project as presented with the change in the banding around the front entrance and the addition of the balustrade around the upper terrace. Motion failed for lack of a second.

Motion made by Mr. Kirchhoff and seconded by Mr. Corey to defer the project to the November 20, 2023, meeting to allow the professional to consider the comments from the Commissioners. Motion carried unanimously, 7-0.

Clerk's note: Mr. Karakul returned at 2:45 p.m.

2. **ARC-23-117 (ZON-23-091) 341 PERUVIAN AVE (COMBO).** The applicant, Villa Giardino Land Trust (Jeff and Elizabeth Louis), has filed an application requesting Architectural Commission review and approval for the construction of a new fabric tent and package receptacle requiring a front setback variance, and the construction of a new masonry screening wall for the installation of a new generator and air conditioning equipment, requiring a wall height variance. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Mr. Hodges provided staff comments on the project.

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

Jaime Torres Cruz, Fairfax & Sammons, presented the architectural modifications proposed for the existing residence.

Mr. Smith called for public comment. No one indicated a desire to speak.

Ms. Shiverick thought the carport element, as proposed, was charming. She fully supported the project. She also thought there was an existing hardship, so she supported the variance request. She requested that the red tent color would match the barrel tile.

Mr. Martin thought the design was creative and a gift to the street.

Motion made by Mr. Martin and seconded by Mr. Corey to approve the project as presented. Motion carried unanimously, 7-0.

Motion made by Ms. Shiverick and seconded by Mr. Martin that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously, 7-0.

3. **ARC-23-121 (ZON-23-094) 428 SEABREEZE AVE (COMBO)**. The applicants, Dr. Chauncey Crandall and Deborah Crandall, have filed an application requesting Architectural Commission review and approval for the design of a new two-story single-family residence and sitewide landscape and hardscape improvements, requiring a Special Exception and Site Plan Review for the redevelopment of a non-conforming lot and variances to reduce setback requirements and to not provide garage parking. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Mr. Hodges provided staff comments on the project.

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

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

Dustin Mizell, Environment Design Group, presented the landscape and hardscape modifications proposed for the site.

Mr. Corey thought the project was interesting. He asked if the height of the floors would be increased. Mr. Segraves responded and discussed how the heights would be increased. Mr. Corey asked about the material for the windows and doors. Mr. Segraves responded. Mr. Corey expressed concern about replacing the thin French doors on the second floor.

Ms. Shiverick wondered if it would be more cost-effective to renovate the existing home. She was in favor of the new landscape plan. Mr. Segraves discussed why the home was being reconstructed and the interior changes that would occur in the new plan.

Mr. Kirchhoff asked about the material to be used on the sleeping porch. Mr. Segraves discussed the material to be used.

Ms. Connaughton asked about the steps on the front that were being proposed. Mr. Segraves described the proposed steps. Ms. Connaughton thought the steps should be straight, squared off, and of brick material.

Ms. Catlin liked the plans for the home; however, she pointed out the lack of storage in the plan.

Mr. Martin thought the existing entry should be reconstructed. He was not in favor of the curvature in the proposed stairs. Mr. Segraves agreed.

Mr. Smith called for public comment. No one indicated a desire to speak.

Motion made by Mr. Karakul and seconded by Mr. Martin to approve the project as presented, with the condition that the front steps shall be squared and of brick material. Motion carried unanimously, 7-0.

Motion made by Mr. Karakul and seconded by Mr. Corey that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously, 7-0.

C. **MINOR PROJECTS - OLD BUSINESS**

1. **ARC-23-084 286 ORANGE GROVE RD**. The applicant, Harry M. & Deirdre Harnett Shaw, has filed an application requesting Architectural Commission review and approval for a first-floor expansion of an existing two-story residence, redesign of front door, all new impact rated exterior doors and windows, minor hardscape reconfiguration, pool reconfiguration.

   Ms. Pardue provided staff comments on the project.

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

   Yiannis Varnava, Varnava Design Studio, presented the newly proposed front door for the existing residence.

   Motion made by Mr. Karakul and seconded by Mr. Kirchhoff to approve the project as presented. Motion carried unanimously, 7-0.

2. **ARC-23-103 308 ARABIAN RD** Conan and Brooke Laughlin, have filed an application requesting Architectural Commission review and approval for landscape and site modifications, including replacement of the existing driveway and the construction of a new spa and covered loggia with an outdoor fireplace in the rear yard.

   Mr. Hodges provided staff comments on the project.

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

   Cory Meyer, Nievera Williams Design, presented the landscape and hardscape modifications proposed for the site.

   Caroline Forrest, MHK Architecture, reviewed the changes to the accessory structures in the rear of the yard.

Mr. Corey asked about access to the loggia from the cabana. Ms. Forrest responded. Mr. Corey thought the loggia looked heavy and not elegant; he thought the element needed some whimsy.

Mr. Kirchhoff suggested making the loggia a bit thinner and thinning the columns. Ms. Forrest stated she matched the columns on the current residence. Mr. Kirchhoff recommended making the columns more of the size on the second-floor balcony.

Ms. Shiverick thought the decorative wall inside the loggia needed something decorative. Ms. Forrest agreed. Ms. Shiverick recommended lowering the roof to appear lower than the cabana.

Mr. Smith wondered about adding a tent with curtains between the two buildings. He thought it would be very whimsical.

Mr. Martin suggested a lean-to rather than a loggia. A discussion ensued about the possible solutions.

Mr. Kirchhoff suggested lowering the roof and adding a beam and a cedar ceiling.

Ms. Connaughton thought the project was fine. She suggested adding a smaller column in the middle of the loggia.

Ms. Catlin was bothered by the two peaked roofs; she suggested a flat roof that mimicked a trellis.

Mr. Corey suggested an open wood pergola rather than the proposed pitch roof.

Motion made by Ms. Shiverick and seconded by Mr. Corey to defer the project to the October 25, 2023, meeting.

Ms. Forrest asked if the landscaping could be approved so that work could continue.

Ms. Shiverick asked about the driveway replacement. Mr. Meyer responded.

Motion amended by Ms. Shiverick and seconded by Mr. Corey to approve the landscape and hardscape portion of the project and to defer the loggia portion of the project to the October 25, 2023, meeting. Motion carried unanimously, 7-0.

Clerk's note: Mr. Karakul left the meeting at 3:29 p.m.

3. **ARC-23-110 (ZON-23-079) 2773 S OCEAN BLVD** Carlyle House Condominium, has filed an application requesting Architectural Commission review and approval for demolition and redesign of the existing north and south parking areas with new hardscape, installation of two new pedestrian entrance canopies, new exterior proposed stair, gate

and wall improvements, and modifications to existing modifications address identification monument signage in the public r-o-w swale, including variances from lot coverage, landscape open space and monument signage requirements. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Ms. Catlin.

Don Skowron, BGS Landscape Architecture & Engineering, presented the plans for the proposed entrance canopies.

Mr. Corey asked about the columns for the awning. Mr. Skowron explained the material of the columns and how they would be sitting on the pavement. Mr. Corey asked about the awning and how it would look and drain water. Mr. Skowron responded. Mr. Corey thought the proposal was a vast improvement on the previous proposal.

Ms. Connaughton asked to see the rendering of the proposed with the whole building. Mr. Skowron stated he did not have that image. Ms. Connaughton asked about the location of the front doors compared to the awning. Mr. Skowron responded. Ms. Connaughton stated she would have preferred to have seen something made of concrete and more in the mid-century design style. Mr. Skowron discussed the budget limitations for the project.

Motion made by Mr. Kirchhoff and seconded by Mr. Corey to approve the project as presented. Motion carried unanimously, 7-0.

4. **ARC-23-002 (ZON-23-015) 160 ROYAL PALM WAY – THE PALM HOUSE HOTEL (COMBO)**. The applicant, LR PALM HOUSE, LLC., has filed an application requesting Architectural Commission review and approval for modifications to previously approved improvements at the site, including the relocation of mechanical equipment to the roof, the construction of new site walls, parapet alterations, and pool deck lighting, requiring a variance for rooftop air conditioning equipment height and requiring Site Plan Review. This is a combination project that shall also be reviewed by Town Council as it relates to the zoning relief/approval.

   Clerk's note: This item was deferred to the October 25, 2023, meeting at Item V., Approval of the Agenda.

D. MINOR PROJECTS-NEWBUSINESS

1. **ARC-23-114 354 CHILEAN AVE, VILLA A.** The applicants, Samuel and Leslie Dashiell, have filed an application requesting Architectural Commission review and approval for the installation of a new pedestrian gate visible from a right-of-way.

   Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Mr. Corey and Mses. Catlin and Connaughton.

Samuel Dashiell, the owner, presented the photographs of the pedestrian gate proposed for the existing residence.

Mr. Smith called for public comment.

Lynn Splawn, 354 Chilean Ave, discussed the items that existed that had not been approved. She indicated that the gate had not been approved by the board of the condominium.

Mr. Smith stated that to obtain a permit, board approval would be necessary. He asked that the Commissioners focus on the architecture of the gate.

Mr. Corey asked to see the previously existing gate. Staff showed the previous gate. Mr. Corey was in favor of the previous gate. He recommended creating a gate like the balcony railings with a panel for privacy. He thought the proposed gate was not in keeping with the architecture and questioned the height of the door above the pilasters. He stated he could not support the current proposal.

Mr. Dashiell stated he would replace the gate if that were the Commissioners' request.

Mr. Kirchhoff also thought the gate was too tall with the existing piers. He asked the applicant to return with something more in keeping with the building.

Motion made by Ms. Shiverick and seconded by Mr. Kirchhoff to defer the project to the October 25, 2023, meeting to return with a gate more in keeping with the building. Motion carried unanimously, 7-0.

Mr. Dashiell asked the Commission for further direction. The Commissioners provided further comments.

2. **ARC-23-119 266 FAIRVIEW RD**. The applicant, Linda Fennell, has filed an application requesting Architectural Commission review and approval for landscape modifications and a driveway reconfiguration.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Mr. Corey and Mses. Catlin and Connaughton.

Todd MacLean, Todd MacLean Outdoors, presented the landscape and hardscape modifications proposed for the site.

Ms. Shiverick asked about the removal of the west Bottlebrush tree; she thought something with a canopy was needed to replace the tree. Mr. MacLean responded by discussing the tight space and the reason for the change.

Mr. Corey understood the concern with the existing driveway. Mr. Corey thought the tree removed was a beautiful specimen. Mr. Corey asked if the Bottlebrush tree on the east would grow. He also asked about matching the material in the driveway. Mr. MacLean responded.

Ms. Catlin supported the reconfiguration. She wondered if a car could be parked in the space on the side of the driveway. Mr. MacLean responded.

Motion made by Mr. Corey and seconded by Mr. Martin to approve the project as presented. Motion carried unanimously, 7-0.

3. **ARC-23-125 700 S COUNTY RD**. The applicant, Paul Kozloff, has filed an application requesting Architectural Commission review and approval for the installation of a new "S" tile roof.

Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Ms. Catlin.

Roy Rodriguez, an employee of the Kozloffs, presented the roofing material replacement for the existing roof. Mr. Rodriguez showed the Commission samples of the existing and proposed materials.

Ms. Shiverick asked if Mr. Rodriquez had searched for the existing roof material for the replacement and wondered if the owner would replace the roof material with barrel tile. Mr. Rodriguez discussed the budget issues.

Martin Klein, attorney for the Kozloffs, stated they would comply with the Commission's request. However, since the proposal was an in-kind replacement, they thought they would search for similar material. Mr. Klein stated he understood that barrel tile was preferred.

Mr. Kirchhoff did not believe the s-tile material was appropriate for the estate section.

Ms. Catlin understood that the s-tile material was not an inferior project. However, she also understood there was a style preference for architecture. Since the existing home was approved with the s-tile, she believed the in-kind material request was appropriate.

Mr. Corey thought the proposed image of the s-tile material looked like plastic. However, the samples looked a bit different. He wondered if the sample was made in a multi-toned color. Mr. Rodriquez showed a photograph of the multi-colored s-tile. Mr. Corey supported the s-tile in a dual shade.

Mr. Kirchhoff thought the sample of the s-tile looked too big.

Ms. Shiverick thought regular barrel tile material would improve the look of the home, especially since the home was in the estate section.

Motion made by Mr. Martin and seconded by Mr. Corey to defer the project to the October 25, 2023, meeting to study different tile roofing materials.

A discussion ensued about the motion. Mr. Hodges indicated that the project could be approved by staff, in coordination with the Chair, if they proposed barrel tile.

Motion carried 5-2, with Ms. Catlin and Mr. Smith dissenting.

4. **ARC-23-129 220 ONONDAGA AVE** . The applicant, Peter E Sayer, has filed an application requesting Architectural Commission review and approval for sitewide landscape and hardscape modifications.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Mr. Corey and Mses. Catlin and Shiverick.

Andres Paradelo, Paradelo Burgess Design Studio, presented the landscape and hardscape modifications proposed for the site.

Mr. Corey asked about the replacement material. Mr. Paradelo responded.

Mr. Smith called for public comment.

Peter Sayer, the owner, discussed the reason for the change in fencing material. He indicated that he believed the pool contractor obtained the required permit when he installed the fence.

Susan Gary, 229 Onondaga Avenue, discussed how she was an affected neighbor and could barely see the fence from the front of the property. She added her support for the Sayers in allowing them to keep the installed fence.

Bill and Anne Metzger, 277 Esplanade Way, inquired about the landscape plan at the southwest corner of the property. Mr. Paradelo discussed the plans to remove the existing Bird of Paradise. Ms. Metzger asked for the specimen to be cleaned up. Mr. Metzger asked if landscaping would be installed to shield their view of the long fence. Mr. Paradelo responded and discussed the potential of installing landscaping at the back of the site.

Mr. Corey wondered if notice was given to the neighbors, to which Mr. Hodges provided confirmation. Mr. Corey stated he was concerned since many residents were not in town. Mr. Corey was not in favor of the PVC fencing material, especially without any mitigation for the neighbors. He questioned the Gumbo Limbo trees proposed.

Ms. Catlin wondered if the fencing could be pulled in to allow landscaping material to be added for screening.

Ms. Shiverick asked about the proposed driveway material. Mr. Paradelo showed the Commission material samples. Ms. Shiverick asked about the hardscape in the rear yard. Mr. Paradelo stated the material was travertine.

Mr. Kirchhoff wondered why a beige-colored travertine was not used in the driveway. He was not in favor of pulling the fencing in to place landscaping on the exterior due to maintenance issues. He stated he was willing to accept the fence as installed.

Mr. Smith stated that the neighbors also accepted the fencing material as installed.

Mr. Corey was concerned that there could be some additional neighbors that did not support the project.

Mr. Kirchhoff asked about where each neighbor lived in relation to the site. Mr. Paradelo responded.

Ms. Shiverick wondered if the driveway could be approved with a lighter material to match the hardscape in the rear of the home. Mr. Paradelo stated the hesitation with the lighter material was future tire marks. Ms. Shiverick wondered if a one-month deferral for the fence would be appropriate to allow all neighbors to comment. Mr. Smith reminded the Commission that the owner was being fined daily.

Mr. Metzger stated that the neighbor to the south expressed concern to him about her lack of privacy with the removal of the hedge.

Ms. Pardue confirmed the project was noticed by the applicant.

Mr. Sayer stated the neighbor to the south stated she would have been in attendance to support the project had she not been traveling.

Motion made by Mr. Corey to defer the project to the October 25, 2023, meeting to allow the professional to return with material samples for the front driveway, as well as the Town to suspend any fines being placed on the property while the Commission is addressing the issue.

Ms. Pardue stated she could make the request but could not confirm the fines would be suspended. Mr. Paradelo stated that they had asked Code Enforcement to hold the fines; however, they said they would not stop the fines until the project had been resolved.

A discussion ensued about whether Code Enforcement would stop the fines. Town Attorney Randolph weighed on the request to abate the fines.

Ms. Catlin thought the Town should work with the residents in this instance.

Mr. Corey thought the Commission should look at the architecture as a whole

when making their decision. He did not believe the Commission should be pressured into deciding due to the ongoing fines.

Motion amended by Mr. Corey to defer the project to the October 25, 2023, meeting to allow the professional to return with material samples for the front driveway and different options for the fencing material.

Ms. Connaughton wondered if the shape of the driveway could also be studied.

Motion seconded by Ms. Shiverick. Motion carried 5-2, with Mr. Kirchhoff and Ms. Catlin dissenting.

XI. UNSCHEDULED ITEMS

A. Public

There were no comments heard at this time.

B. Staff

There were no comments heard at this time.

C. Commission

There were no comments heard at this time.

XII. NEXT MEETING DATE – Wednesday, October 25, 2023

XIII. ADJOURNMENT

Motion made by Mr. Martin and seconded by Ms. Catlin to adjourn the meeting at 5:03 p.m. Motion carried unanimously, 7-0.

The next meeting will be held on Wednesday, October 25, 2023, at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully Submitted,

Jeffrey W. Smith, Chairman
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 105-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding extension of General Banking and Merchant Card Processing Services to TD Bank, N.A. for October and November 2023.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated September 26, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 105.2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on October 10, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA Deputy Town Manager, Finance and Administration

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

RE: Resolution No. 105-2023, Awarding the Extension of General Banking and Merchant Card Processing Services to TD Bank, N.A. for October, and November 2023

DATE: September 26, 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 105-2023, awarding the extension of General Banking and Merchant Card Processing Services to TD Bank, N.A. for October and November 2023.

SUMMARY EXPLANATION/BACKGROUND

Town Council awarded RFP No. 2018-46 for General Banking and Merchant Card Processing Services to TD Bank, N.A on September 13, 2018.

During the past five years, the Town has had an exceptional working relationship with TD Bank NA.

The Procurement and Contract Manual permits contracts to be extended past the original awarded period if it is in the best interest of the Town. Bob Miracle requested that we extend our current contract with TD Bank, N.A. This extension will provide his team with the opportunity to explore other options if so desired. The Town is still working out the final details of the extension of a long-term contract.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 105-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING EXTENSION OF GENERAL BANKING AND MERCHANT CARD PROCESSING SERVICES TO TD BANK, N.A. FOR OCTOBER AND NOVEMBER 2023

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. 105-2023, awarding extension of General Banking and Merchant Card Processing Services to TD Bank, N.A. for October and November 2023.

Section 2. The Town Manager is hereby authorized to execute the Contract and 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 10th day of *October 2023*.

_____	_____
Danielle H. Moore, Mayor	Margaret A. Zeidman, Town Council President
	_____
	Bobbie D. Lindsay, Council President Pro Tem
	_____
ATTEST:	Julie Araskog, Town Council Member
	_____
	Edward A. Cooney, Town Council Member
_____	_____
Kelly Churney, Acting Town Clerk	Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 121-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town of Palm Beach Master Fee Schedule By Modifying Fees and Providing an Effective Date.

Presenter
Bob Miracle Deputy Town Manager - Finance and Administration

ATTACHMENTS:

- **Memorandum Dated September 27, 2023, from Robert Miracle, Deputy Town Manager - Finance and Administration**
- **Resolution No. 121-2023**
- **Master Fee Schedule**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2023

To: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

From: Robert Miracle, Deputy Town Manager – Finance and Administration

Re: Amendment of Master Fee Schedule

Date: September 27, 2023

STAFF RECOMMENDATION

Staff recommends approval of Resolution No. 121-2023 amending fees for Development Review, Lien and Open Permit Searches, Construction Permits, Other Permits and Police Public Safety from the Master Fee Schedule for the Town.

GENERAL INFORMATION

Changes to Development Review Fees are proposed to clarify and cleanup current fees being charged for Historically Significant Building Application, Resubmittal and Staff Approval fees. These fees were previously included with Landmark fees. Other language including some strikethroughs were added throughout the fee schedule to better define existing fees.

eRecording Fee, which is in a different section in the Master Fee Schedule, was added under Data Processing Services to reflect that Planning, Zoning and Building Department will be recording documents.

Other Permit Fees are being streamlined to simplify and better reflect the cost associated with the permits being requested. Also, for Special Permits, there's now a differential between usage fees for residents and non-residents.

For the Police Department, an annual review of related fees resulted in the request to increase fees for Door-to-Door Solicitation permits, fingerprinting and identification cards. These fee increases were requested in order to more accurately capture and reimburse the Town for staff and material costs incurred in providing these services.

The Town Manager's Office is streamlining and updating the Special Events Permit and Temporary Animal fees to better reflect the current costs in administering these applications.

If adopted by Town Council, the revised fees will take effect immediately upon Town Council approval.

FUNDING/FISCAL IMPACT

The fiscal impact for the PZB fees will have a nominal impact while the Police and TMO changes will have a negligible impact due to less frequency of the fees.

TOWN ATTORNEY REVIEW

This resolution has been reviewed by the Town Attorney for legal form and sufficiency.

Attachments

cc: John C. Randolph, Town Attorney
Carolyn Stone, Deputy Town Manager for Business Enterprise and Culture
Chief Nicholas Caristo, Police Chief
Wayne Bergman, Director of Planning, Zoning and Building
Jessica Savidge, Administrative Manager
Kelly Churney, Acting Town Clerk

RESOLUTION NO. 121-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN OF PALM BEACH MASTER FEE SCHEDULE BY MODIFYING FEES AND PROVIDING AN EFFECTIVE DATE.

WHEREAS; the Town Council has adopted the Town of Palm Beach Master Fee Schedule, and;

WHEREAS; Town staff has proposed revisions to the fees relating to Development Review, Lien and Open Permit Searches, Construction Permits, Other Permits and Police Public Safety, and

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

Section 1. The Master Fee Schedule for Development Review Fees, Lien and Open Permit Searches, Construction Permits, Other Permits and Police Public Safety Services on Exhibit "A" (attached):

Section 2. The adopted fines shall become effective immediately upon Town Council approval.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of October 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

Town of Palm Beach Master Fee Schedule

DEVELOPMENT REVIEW FEES			
ARCHITECTURAL REVIEW FEES:			
ARCOM Application, Major	$2,750.00		PZB
ARCOM Application, Minor	$1,500.00		PZB
ARCOM Application, Staff Approval	$350.00		PZB
ARCOM Application deferral, Major or Minor	$500.00		PZB
~~ARCOM Application deferral, Minor~~	~~$300.00~~		~~PZB~~
ARCOM Resubmittal Fee	$1,000.00		PZB
ARCOM Appeal of Board Determination	$2,000.00		PZB
ARCOM Appeal of Staff Determination	$2,000.00		PZB
Historically Significant Building Application	$750.00	NEW	PZB
Historically Significant Building Resubmittal	$250.00	NEW	PZB
Historically Significant Building, Staff Approval	$150.00	NEW	PZB
Landmark Application	$750.00	NEW	PZB
Landmark COA Amendment	$750.00	NEW	PZB
Landmark Application Deferral	$500.00	NEW	PZB
Landmark Resubmittal Fee	$250.00		PZB
Landmark Application, Staff Approval	$150.00		PZB
Landmarks Appeal of Board Determination	$2,000.00		PZB
Landmarks Commission Appeal of Staff Determination	$2,000.00		PZB
Landmark Tax Abatement ~~Preparation~~ Fee	$1,500.00		PZB
DEVELOPMENT REVIEW FEES:			
Address Change	$500.00		PZB
Appeal, Administrative Decision	$2,000.00		PZB
Clarification Hearing Request, by Applicant	$1,000.00		PZB
Comp Plan, FLUM Amendment, Small-Scale	$5,000.00		PZB
Comp Plan, FLUM Amendment, Large-Scale	$6,000.00		PZB
Comp Plan, Text Amendment	$5,000.00		PZB
DEP Permit Zoning Determination~~s~~ Letter Request	$500.00		PZB
Development Review Consultant Reports & Escrow	As Quoted		PZB
Kitchen Agreement	$500.00		PZB
Lot Split Application	$3,000.00		PZB
Outdoor Café Permit, Annual, Plus Per Seat Below	$1,000.00		PZB
Outdoor Café - Per Seat	$50.00		PZB
Plat	$5,000.00		PZB
PUD Application	$6,000.00		PZB
Replat	$5,000.00		PZB
Site Plan Review, Administrative	$1,500.00		PZB
Site Plan Review, All SFD; and PUD/MFD/Commercial, 200 sq ft or less	$2,250.00		PZB
Site Plan Review, PUD, MFD/Commercial, over 200 sq ft	$5,000.00		PZB
Site Plan Review, Resubmittal	$1,000.00		PZB
Special Exception	$3,000.00		PZB
Special Exception, MFD/Commercial	$3,500.00		PZB
Special Exception, Resubmittal	$1,000.00		PZB
Special Exception, Use, Modification, and/or Expansion	$2,000.00		PZB
Subdivision, Preliminary	$5,000.00		PZB
Subdivision, Final	$5,000.00		PZB
Subdivision, Impact Study	Minimum 2% of Estimate of Sub-Division Improvements Plus Either $300/Platted Lot or $10/FF/Lot, Whichever is Greater		PZB
Project/Permit Time Extension/Waiver of Construction Hours	$500.00		PZB
Town Council Resubmittal ~~Fee~~	$1,000.00		PZB
Town Council Deferral	$500.00	NEW	PZB
Traffic Concurrency Determinations and Escrow	As Quoted		PZB
Unity of Title Agreement	$750.00		PZB

Variance, SFD	$1,250.00	PZB
Variance, Flood	$2,500.00	PZB
Variance, MFD/Commercial	$3,000.00	PZB
Variance, Resubmittal	$1,000.00	PZB
Variance, Uses or Structures	$2,000.00	PZB
Waiver, Advanced Irrigation Program Application	$300.00	PZB
Waiver, Advanced Irrigation Program Transfer ~~Fee~~	$100.00	PZB
Waiver, Dimensional	$2,000.00	PZB
Zoning Code, Text Amendment-Proposed	$1,500.00	PZB
Zoning Code, Text Amendment-Studied	$5,000.00	PZB
Zoning Code, Zoning District Change	$5,000.00	PZB
Zoning Verification Letter (per parcel or address)	$500.00	PZB
MISCELLANEOUS FEES:		
Landmark Manual, Owner, first one	No Charge	PZB
Landmark Manual, Owner, all subsequent ones	Actual Cost	PZB
Landmark Manual, Non-Owners	Actual Cost	PZB
Landmark Plaque, Owner, first one	No Charge	PZB
Landmark Plaque, Owner, all subsequent ones	Actual Cost	PZB
LIENS & OPEN PERMIT SEARCHES		
Lien Searches (within 7 days)	$100.00	FIN
Lien Searches, expedited (within 2 days)	$200.00	FIN
Open Permit Searches (within 7 days)	$100.00	PZB
Open Permit Searches, expedited (within 2 days)	$200.00	PZB
PERMITS, CONSTRUCTION (Includes Dune Construction)		
(BCAIF) Building Code Administrators & Inspectors Fund Surcharge (F.S. 468.631)	1.5% of Permit Fee, Minimum $2.01	PZB
Building Board of Adjustments, Appeal of Building Official Determination	$1,000.00	PZB
Certificate of Completion	$200.00	PZB
Construction Permit Fee, including Conservation, Tent and Landscape Permits	**Town plan review and Town inspections** - 2.8% of Construction Value, Minimum $100.00; **Private Provider plan review and Town inspections** - 2.59% of Construction Value, Minimum $100.00 **Town plan review and Private Provider inspections** - 2.1% of Construction Value, Minimum $100.00; **Private Provider plan review and Private Provider inspections -** 1.89%, Minimum $100.00	PZB
Project / Permit Time Extension / Waiver of Construction Hours	$500.00	PZB
Construction Permit, Extension Fee, Reactivation Fee, Processing Fee, Re-inspection Fee, Re-issuance Fee, and Renewal Fee	$200.00	PZB
Construction Permit, Issuance Fee	70% of Permit Fee Calculation	PZB
Construction Permit, Plan Review Fee, each permit	30% of Permit Fee Calculation, Min. $75.00	PZB
Construction Permit, Refund Processing Fee	$200.00	PZB
Construction, Permit Revision Fee (includes one page)	$150 + $50/pg. thereafter	PZB
Construction Permit, Time Extension Fee, Request Submitted Within Time Allowed	$ .10 per sq ft, minimum	PZB
Construction Permit, Time Extension Fee, Request Submitted after Permit Expiration	$0.20 per sq ft/min. $1,000.00/day	PZB
Construction Permit, Transfer Fee	$200.00	PZB

Construction Product Approval Review	$2,000.00	PZB
~~Contractor Registration, One-time only~~	~~$25.00~~	~~PZB~~
Dune Vegetation Permits, Class I, Major	$3,500.00	PZB
Dune Vegetation Permits, Class I, Minor	$1,400.00	PZB
Dune Vegetation Permits, Class II, All Other	$140.00	PZB
Dune Vegetation Permits, Class II, Beach/Dune Trimming	$700.00	PZB
Dune Vegetation Permits, Class III	No Charge	PZB
Electrical Release Agreement	$150.00	PZB
Flood Zone Certification (FIRM) Letter	$100.00	PZB
Department of Business and Professional Regulation Surcharge (F.S. 553.721)	1.0% of Permit Fee, Minimum $2.00	PZB
Major Plan Re-Check Fee (determined by Building Official)	Minimum 10% of the Construction Permit Calculation Fee	PZB
Preliminary Plan Review Fee (separate from Plans Examination Fee)	$1,500.00	PZB
~~Tent Permit Fee~~	~~3% of Construction Value, Min. $75.00~~	~~PZB~~
Tent Permit, Extension Fee (Use over 15 days)	$1,500/month, or portion thereof	PZB
Tent Permit, Re-inspection Fee for Multiple Events, Per Event	$100.00	PZB
Work Completion Bond	135% of Construction Value	PZB
Work Completion Bond Processing Fee	$200.00	PZB
PERMITS, OTHER		
Auction Permit	$200.00	TCO
Charitable Solicitation Permit ~~(must be submitted at least 60 days before event or late fees applied)~~		TCO
~~*Events Estimated to Raise $5,000 or less*~~	~~$240.00~~	TCO
~~*First Event Estimated to Raise over $5,000*~~	~~$500.00~~	TCO
~~*Second Event Estimated to Raise over $5,000*~~	~~$240.00~~	TCO
Application Fee, 60 days or greater from event	$500.00	TCO
Application Fee, less than 60 days from event	$750.00	TCO
Closing Out/Distress Sale Permit	$30.00	TCO
Commercial Motion Picture Filming Permit	$1,500.00, in addition to $1,000.00/day filming fee	TCO
Door-to-Door Solicitation (requires Livescan fingerprinting, additional $50 fee)	$50.00 NEW	CE
Erection and Display of Unattended Symbols Relating to Religious Holidays Permit	$150.00	TCO
Garage Sale Permit	$30.00	FIN
Newsrack Administration Fee	$25.00	FIN
Parade Permit	$360.00	CE
Temporary Animal Permit	~~$250.00~~	~~TCO~~
Application Fee, 60 days or greater from event	$300.00	TCO
Application Fee, less than 60 days from event	$500.00	TCO
Special Events Permits		
~~Application Fee(see additional fees below)~~	~~$300.00~~	~~TCO~~
Application Fee, 60 days or greater from event	$500.00	TCO
Application Fee, less than 60 days from event	$750.00	TCO
Damage Deposit Fees - All Locations	$2,500.00	TCO
~~**Damage Deposit Fees - Bradley Park and (Memorial Park no Permit issued)**~~		
~~*50 people or less*~~	~~$400.00~~	~~TCO~~
~~*51 - 100 people*~~	~~$1,000.00~~	~~TCO~~
~~*100 and over*~~	~~$2,000.00~~	~~TCO~~
~~**Damage Deposit Fees - Lake Drive Park and Phipps South Ocean Park**~~		
~~*50 people or less*~~	~~$200.00~~	~~TCO~~
~~*51 - 100 people*~~	~~$400.00~~	~~TCO~~
~~*100 and over*~~	~~$1,000.00~~	~~TCO~~
~~**Damage Deposit Fees - Other Locations**~~		
~~*Phipps Ocean Park (Chickee Hut Only)*~~	~~$150.00~~	~~TCO~~
~~*Public Beaches*~~	~~$150.00~~	~~TCO~~

~~*All Other Public Spaces*~~	~~$150.00~~		~~TCO~~
Usage Fees, residents-all locations	$500.00/hour		TCO
Usage Fees, non-residents - all locations	$750.00/hour		TCO
~~*Bradley Park and Memorial Park*~~			
~~*50 people or less*~~	~~$100.00/hr.~~		~~TCO~~
~~*51 - 100 people*~~	~~$250.00/hr.~~		~~TCO~~
~~*100 and over*~~	~~$400.00/hr.~~		~~TCO~~
~~*Lake Drive Park and Phipps South Ocean Park*~~			
~~*50 people or less*~~	~~$100.00/hr.~~		~~TCO~~
~~*51 - 100 people*~~	~~$250.00/hr.~~		~~TCO~~
~~*100 and over*~~	~~$400.00/hr.~~		~~TCO~~
~~*Phipps South Ocean Park (Chickee Hut Only)*~~	~~$100.00/hr.~~		~~TCO~~
PUBLIC SAFETY SERVICES, POLICE			
FINGERPRINTING FEES:			
Fingerprinting-physical card, Town Resident Civilians (except employee applicants)	$30.00	NEW	PD
Fingerprinting-Livescan, Town Required (except employee applicants)	$50.00	NEW	PD
Fingerprinting, Children	No Charge		PD
MISCELLANEOUS FEES:			
Identification Cards, each (good for 1 year)	$50.00	NEW	PD
Passport Photos, for 2 photos	$15.00		PD
SPECIAL ASSIGNMENT (OFF-DUTY) DETAILS FEE:			
Special Assignment Details (3 hour minimum)	$80.00/hr.		PD
Special Assignment Details (3 hour minimum) - Premium Days (as defined by Res. No. 176-2015)	$110.00/hr.		PD

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 122-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Designating Town Depositories for Fiscal Year 2024 Pursuant to Section 2-517 of the Town Code of Ordinances and Designating Parties to Sign Checks or Warrants on Behalf of the Town Pursuant to Section 2-36 of the Town Code of Ordinances.

Presenter
Bob Miracle Deputy Town Manager - Finance and Administration

ATTACHMENTS:

- **Memorandum Dated September 29, 2023, from Bob Miracle, Deputy Town Manager - Finance and Administration**
- **Resolution No. 122-2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2023

To: Mayor & Town Council

Via: Kirk Blouin, Town Manager

From: Bob Miracle, Deputy Town Manager – Finance and Administration

Re: Designation of Town Depositories and Parties Authorized to Sign Checks or Warrants on Behalf of the Town for Fiscal Year 2024
Resolution No.

Date: September 29, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 122-2023 designating the Town depositories and authorized parties to sign checks and warrants on behalf of the Town for fiscal year 2024.

GENERAL INFORMATION

Pursuant to sections 2-36 and 2-517 of the Town of Palm Beach Code of Ordinances, the Town Council must annually designate Town depositories and authorized parties to sign checks and warrants on behalf of the Town.

TOWN ATTORNEY REVIEW

Town Attorney review is not necessary for this resolution since it is the standard resolution used every year and was previously approved by the Town Attorney.

Attachment

RESOLUTION NO. 122-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, DESIGNATING TOWN DEPOSITORIES FOR FISCAL YEAR 2024 PURSUANT TO SECTION 2-517 OF THE TOWN CODE OF ORDINANCES AND DESIGNATING PARTIES TO SIGN CHECKS OR WARRANTS ON BEHALF OF THE TOWN PURSUANT TO SECTION 2-36 OF THE TOWN CODE OF ORDINANCES.

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

Section 1. Pursuant to Section 2-517 of the Town Code of Ordinances, the Town Council hereby designates the following financial institutions as depositories for Fiscal Year 2024:

1) TD Bank, N.A. (Checking and Merchant Accounts)

2) Florida League of Cities (Excess Funds)

3) PFM Asset Management LLC (Excess Funds)

4) FL PALM (Public Assets for Liquidity Management)

5) TD Wealth Management (Custody Account)

6) Salem Trust (Custody Account)

7) BankUnited (Money Market and Certificates of Deposit Accounts)

8) Qualified Public Depositories per Florida State Statute 280.02

Section 2. Pursuant to Section 2-36 of the Town Code of Ordinances, funds may be withdrawn from the Town's bank accounts referenced in Section 1, upon checks, warrants, or wire transfers duly signed by the Town Manager and the Town's Deputy Town Manager – Finance and Administration.

In the absence of or as may be designated by the Town Manager, the Deputy Town Manager – Business Enterprise and Culture may sign checks, warrants, or wire transfers in the place and instead of the Town Resolution.

In the absence of or as may be designated by the Deputy Town Manager – Finance and Administration, Controller, or the Budget and Payroll Manager may sign checks, warrants, or wire transfers in the place and instead of the Deputy Town Manager – Finance and Administration. The Town Manager and Deputy Town Managers are not authorized to countersign each other's signatures; nor are the Controller and Budget and Payroll Manager authorized to countersign each other's signatures.

Section 3. To open a new account, all current authorized account signatures will sign the appropriate paperwork. To close an existing account, the financial institution will be notified by letter signed by the Deputy Town Manager – Finance and Administration or Town Manager.

Section 4. Pursuant to Section 2-36 of the Town Code of Ordinances, funds may be withdrawn from the Town bank account designated for the payment of liability, property and worker's compensation

claims upon checks, warrants, or wire transfers duly signed by two designated staff members of the Town's contracted third-party claims administrator.

Section 5. The Town Clerk is hereby directed to furnish a certified copy of this Resolution to TD Bank, N.A., Florida League of Cities, N.A., PFM Asset Management LLC, Florida Education Investment Trust Fund, TD Wealth Management, Salem Trust, BankUnited, and any additional Qualified Public Depositories utilized by the Town. Resolution No. 122-2023.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of October 2023.

_____
Danielle H. Moore, Mayor

_____
Margaret A. Zeidman, Town Council President

_____
Bobbie Lindsay, Town Council President Pro Tem

_____
Julie Araskog, Town Council Member

ATTEST:

_____
Edward A. Cooney, Town Council Member

_____
Kelly Churney, Acting Town Clerk

_____
Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 127-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving the award of RFP No. 2023-30, Holiday Lighting to Rileighs Outdoor Decor LLC dba Christmas Designers Florida in the amount of $155,565 and a five-year award in the amount of $780,000 based on satisfactory performance and budget authorization.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated September 26, 2023 from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 127-2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Bob Miracle, CPA, Deputy Town Manager, Finance and Administration

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

RE: Approving the award of RFP No. 2023-30, Holiday Lighting to Rileighs Outdoor Decor LLC dba Christmas Designers Florida in the amount of $155,565 and a five-year award in the amount of $780,000 based on satisfactory performance and budget authorization, **Resolution No. 127 -2023**

DATE: September 26, 2023

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the award of RFP No. 2023-30, Holiday Lighting to Rileighs Outdoor Decor LLC dba Christmas Designers Florida in the amount of $155,565 and a five-year award in the amount of $780,000 based on satisfactory performance and budget authorization.

GENERAL INFORMATION

The existing contract award expired on September 30, 2023. It was awarded on July 7, 2017, to Christmas Designers, Inc. During their five years, the firm provided excellent service to the Town.

The new RFP No. 2023-30 for Holiday Lighting was issued on August 2, 2023. The solicitation was broadcast through DemandStar, Public Purchase, the Town website, and the Palm Beach Post.

The Town received six submissions for the RFP.

The selection committee consisted of:

Voting	**Non-Voting**
Carolyn Stone	Ryan Canterbury-facilitator
Paul Colby	
Melissa Ladd	

The following firms submitted for the RFP:

- All Seasons Imports DBA The Christmas Palace
- Christmas decor by Elves
- Randy's Holiday Lighting
- Rileighs Outdoor Decor LLC dba Christmas Designers Florida
- Shellard Lighting Designs LLC
- Sherlock Tree Company

The selection committee unanimously voted to maintain the current vendor, Rileighs Outdoor Decor LLC dba Christmas Designers Florida.

FUNDING/FISCAL IMPACT

Funding for the project will be from the Public Works Department operating budget.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 127-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF RFP NO. 2023-30, HOLIDAY LIGHTING TO RILEIGHS OUTDOOR DÉCOR LLC DBA CHRISTMAS DESIGNERS FLORIDA IN THE AMOUNT OF $155,565 AND A FIVE-YEAR AWARD IN THE AMOUNT OF $780,000 BASED ON SATISFACTORY PERFORMANCE 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. 127-2023, approving the award of RFP No. 2023-30, Holiday Lighting to Rileighs Outdoor Decor LLC dba Christmas Designers Florida in the amount of $155,565 and a five-year award in the amount of $780,000 based on satisfactory performance and budget authorization.

Section 2. The Town Manager is hereby authorized to execute the Contract and 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 10th day of *October 2023*.

_____
Danielle H. Moore, Mayor

_____
Margaret A. Zeidman, Town Council President

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Bobbie D. Lindsay, Council President Pro Tem

ATTEST:

_____
Julie Araskog, Town Council Member

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Edward A. Cooney, Town Council Member

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Kelly Churney, Acting Town Clerk

_____
Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 128-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving the award of ITB No. 2023-33 Vegetation and Litter Removal Cleaning to Image Janitorial Services Inc. in the amount of $54,828 and establishing a project budget of $60,000 and a five-year award in the amount of $300,000 based on satisfactory performance and budget authorization.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated September 26, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 128-2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Bob Miracle, CPA, Deputy Town Manager, Finance and Administration

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

RE: Approve the Award of ITB No. 2023-33, Vegetation and Litter Removal Cleaning to Image Janitorial Services, Inc. in the amount of $54,828 and establishing a project budget of $60,000 and a five-year award in the amount of $300,000 based on satisfactory performance and budget authorization, **Resolution No. 128 -2023**

DATE: September 26, 2023

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the Award of ITB No. 2023-33, Vegetation and Litter Removal Cleaning to Image Janitorial Services, Inc. in the amount of $54,828 and establishing a project budget of $60,000 and a five-year award in the amount of $300,000 based on satisfactory performance and budget authorization.

GENERAL INFORMATION

The existing awarded ITB No. 2018-28 expired on September 30, 2023. The incumbent vendor is Property Works. The contract was for a five-year period.

The solicitation's scope noted the following: the awarded contractor is responsible for debris/litter removal and cleaning of streets, sidewalks, curbing and common areas in the commercial area and the Town's right of ways Monday through Friday.

Procurement and Contract Management issued ITB No. 2023-33 on July 31, 2023. The solicitation was broadcast on Demandstar, Public Purchase, the Town website, and the Palm Beach Post to over 401 potential suppliers.

The Town received four submissions from the following firms:

- Brightstar Property Maintenance Services, Inc
- Image Janitorial Services Inc
- Jai-Alexia Consulting, Inc.
- Property Works

The low bid submitted by Brightstar Property Maintenance Services Inc. was found to be non-responsive due to the lack of years of required experience.

After review with Public Works, the recommendation is to award Image Janitorial Services. The

firm submitted documentation to show they met the requirements of the bid. All references were vetted.

FUNDING/FISCAL IMPACT

Funding for this award will be from the departmental operating budget.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 128-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF ITB NO. 2023-33 VEGETATION AND LITTER REMOVAL CLEANING TO IMAGE JANITORIAL SERVICES INC. IN THE AMOUNT OF $54,828 AND ESTABLISHING A PROJECT BUDGET OF $60,000 AND A FIVE-YEAR AWARD IN THE AMOUNT OF $300,000 BASED ON SATISFACTORY PERFORMANCE 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. 128-2023, approving approve the Award of ITB No. 2023-33, Vegetation and Litter Removal Cleaning to Image Janitorial Services, Inc. in the amount of $54,828 and establishing a project budget of $60,000 and a five-year award in the amount of $300,000 based on satisfactory performance and budget authorization.

Section 2. The Town Manager is hereby authorized to execute the Contract and 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 10th day of *October 2023*.

_____	_____
Danielle H. Moore, Mayor	Margaret A. Zeidman, Town Council President
	_____
	Bobbie D. Lindsay, Council President Pro Tem
	_____
ATTEST:	Julie Araskog, Town Council Member
	_____
	Edward A. Cooney, Town Council Member
_____	_____
Kelly Churney, Acting Town Clerk	Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 129-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding RFP No. 2023-46, IT Consultant and Support Services to Insight Public Sector Inc., Sentinel Technologies Inc., and Morse Communications Inc. in the annual amount of $300,000 and establishing a five-year award in the amount of $1,500,000 based on satisfactory performance and budget authorization.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated September 26, 2023 from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 129-2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Bob Miracle, CPA, Deputy Town Manager, Finance and Administration

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

RE: Awarding RFP No. 2023-46, IT Consultant and Support Services to Insight Public Sector Inc., Sentinel Technologies Inc., and Morse Communications Inc. in the annual amount of $300,000 and establishing a five-year award in the amount of $1,500,000 based on satisfactory performance and budget authorization, **Resolution No. 129 -2023**

DATE: September 26, 2023

STAFF RECOMMENDATION

Town staff recommends that Town Council award RFP No. 2023-46, IT Consultant and Support Services to Insight Public Sector Inc., Sentinel Technologies Inc., and Morse Communications Inc. in the annual amount of $300,000 and establishing a five-year award in the amount of $1,500,000 based on satisfactory performance and budget authorization.

GENERAL INFORMATION

The existing awarded RFP No. 2018-16 expired on September 30, 2023. The incumbent vendors are Presido Networking Solutions, Saalex Solutions Inc. and Sentinel Technologies, Inc. The contract was for a five-year period.

Procurement and Contract Management issued RFP No. 2023-46 on August 4, 2023. The solicitation was broadcast on Demandstar, Public Purchase, the Town website, and the Palm Beach Post.

The Town received seven submissions from the following firms:

- Cendien
- CyberKrush, LLC
- Flagler Technologies, Inc.
- Insight Public Sector, Inc.
- Morse Communications, Inc.
- Sentinel Technologies, Inc
- Wingu Technology LLC

The selection committee consisted of the following members:

Voting	**Non-Voting**
Jim Palmer	Carlos Santana, facilitator
Melissa Ladd	Duke Basha, facilitator
Jace Lundstrom	
Elvis Martin	

The selection committee unanimously recommended the engagement of the following three firms:

- Insight Public Sector Inc.
- Sentinel Technologies Inc.
- Morse Communications Inc

FUNDING/FISCAL IMPACT

Funding for this award will be from the departmental operating budget.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 129-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING RFP NO. 2023-46, IT CONSULTANT AND SUPPORT SERVICES TO INSIGHT PUBLIC SECTOR INC., SENTINEL TECHNOLOGIES INC., AND MORSE COMMUNICATIONS INC. IN THE ANNUAL AMOUNT OF $300,000 AND ESTABLISHING A FIVE-YEAR AWARD IN THE AMOUNT OF $1,500,000 BASED ON SATISFACTORY PERFORMANCE 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. 129-2023, awarding RFP No. 2023-46, IT Consultant and Support Services to Insight Public Sector Inc., Sentinel Technologies Inc., and Morse Communications Inc. in the annual amount of $300,000 and establishing a five-year award in the amount of $1,500,000 based on satisfactory performance and budget authorization.

Section 2. The Town Manager is hereby authorized to execute the Contract and 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 10th day of *October 2023*.

_____
Danielle H. Moore, Mayor

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Margaret A. Zeidman, Town Council President

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Bobbie D. Lindsay, Council President Pro Tem

ATTEST:

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Julie Araskog, Town Council Member

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Edward A. Cooney, Town Council Member

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Kelly Churney, Acting Town Clerk

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Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 130-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding ITB No. 2023-34, Temporary Labor Services to Spur Staffing as the Primary Awardee and Anytime Labor - Southeast Florida LLC as the Secondary Awardee in the annual amount of $300,000 and a five-year award in the amount of $1,500,000 based on satisfactory performance and budget authorization.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated September 26, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 130-2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Bob Miracle, CPA, Deputy Town Manager, Finance and Administration

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

RE: Awarding ITB No. 2023-34, Temporary Labor Services to Spur Staffing as the Primary Awardee and Anytime Labor -Southeast Florida LLC as the Secondary Awardee in the annual amount of $300,000 and a five-year award in the amount of $1,500,000 based on satisfactory performance and budget authorization, **Resolution No. 130 -2023**

DATE: September 26, 2023

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the Award of ITB No. 2023-34, Temporary Labor Services to Spur Staffing as the Primary Awardee and Anytime Labor -Southeast Florida LLC as the Secondary Awardee in the annual amount of $300,000 and a five-year award in the amount of $1,500,000 based on satisfactory performance and budget authorization.

GENERAL INFORMATION

The existing contract, ITB No. 2018-33, Temporary Labor Services expired on September 30, 2023. The previously awarded vendors were GL Staffing Services Inc. and LaborMax Staffing.

Procurement and Contract Management issued ITB No. 2023-24 for Temporary Labor Services on August 9, 2023. The solicitation was broadcast on DemandStar, Public Purchase, the Town website, and the Palm Beach Post. Eleven submissions were presented for evaluation.

The scope of work notes the following: Employee shall be responsible for general labor duties involving landscaping, litter pick-up, construction, garbage collection, water resources, and irrigation repairs at various Town facilities under the supervision of the respective Contract Coordinator.

During the evaluation process, two of the low bids were found to be non-responsive due to requirements of length of time providing services.

It was determined that Spur Staffing and Anytime Labor – Southeast Florida LLC to be responsive to the bid requirements and therefore are being recommended for the award. It should be noted that Anytime Labor – Southeast Florida LLC was formerly LaborMax Staffing.

FUNDING/FISCAL IMPACT

Funding for this award will be from the respective departmental operating budget.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 130-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING ITB NO. 2023-34, TEMPORARY LABOR SERVICES TO SPUR STAFFING AS THE PRIMARY AWARDEE AND ANYTIME LABOR-SOUTHEAST FLORIDA LLC AS THE SECONDARY AWARDEE IN THE ANNUAL AMOUNT OF $300,000 AND A FIVE-YEAR AWARD IN THE AMOUNT OF $1,500,000 BASED ON SATISFACTORY PERFORMANCE 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. 130-2023, awarding ITB No. 2023-34, Temporary Labor Services to Spur Staffing as the Primary Awardee and Anytime Labor -Southeast Florida LLC as the Secondary Awardee in the annual amount of $300,000 and a five-year award in the amount of $1,500,000 based on satisfactory performance and budget authorization.

Section 2. The Town Manager is hereby authorized to execute the Contract and 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 10th day of *October 2023*.

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Danielle H. Moore, Mayor

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Margaret A. Zeidman, Town Council President

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Bobbie D. Lindsay, Council President Pro Tem

ATTEST:

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Julie Araskog, Town Council Member

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Edward A. Cooney, Town Council Member

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Kelly Churney, Acting Town Clerk

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Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 131-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding RFQ No. 2023-47, Traffic Engineering Consultant to The Corradino Group, Inc. and establishing a five-year award based on satisfactory performance and budget authorization.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated September 26, 2023 from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 131-2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Bob Miracle, CPA, Deputy Town Manager, Finance and Administration

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

RE: Approving the award of RFQ No. 2023-47, Traffic Engineering Consultant to the Corradino Group, Inc and establishing a five-year award based on satisfactory performance and budget authorization, **Resolution No. 131 -2023**

DATE: September 26, 2023

STAFF RECOMMENDATION

Town staff recommend that the Town Council approve the award of RFQ No. 2023-47, Traffic Engineering Consultant, to the Corradino Group, Inc and establishing a five-year award based on satisfactory performance and budget authorization.

GENERAL INFORMATION

The existing awarded RFQ 2017-32 for Traffic Engineering Consultants expired on September 30, 2023. The incumbent for the expiring contract is American Consulting.

Town Procurement issued a new solicitation, RFQ No. 2023-47 on August 24, 2023. Twenty-seven firms reviewed the solicitation and two firms responded to the solicitation.

The Traffic Engineering Consultant Services specified in the new solicitation include, but will not be limited to town wide traffic analysis, traffic counts, review of island ingress/egress roadways, review of FDOT bridge operations, intersection review, assistance to staff pertaining to development review matters, service as expert witness for the Town, review of parking needs of for the Town, review of public parking control and regulation activities, analysis of proposed transportation planning activities, traffic engineering consequences of new development in adjacent communities, assessment of traffic impacts for proposed new structures and provision of traffic engineering services associated with the goals, objectives and policies associated with the Transportation Element of the Town's Comprehensive Plan.

The selection committee consisted of the following staff:

Voting	**Non-Voting**
Wayne Bergman	Antonette Fabrizi
Paul Colby	
Dennis Polski, P.E.	

The two firms that submitted were:

- The Corradino Group
- R.J. Behar & Company, Inc.

The selection unanimously ranked The Corradino Group as the highest ranked firm.

FUNDING/FISCAL IMPACT

Funding for the project will be from PZB operating budget.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 131-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING RFQ NO. 2023-47, TRAFFIC ENGINEERING CONSULTANT TO THE CORRADINO GROUP, INC. AND ESTABLISHING A FIVE-YEAR AWARD BASED ON SATISFACTORY PERFORMANCE 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. 131-2023, awarding RFQ No. 2023-47, Traffic Engineering Consultant to The Corradino Group, Inc. and establishing a five-year award based on satisfactory performance and budget authorization.

Section 2. The Town Manager is hereby authorized to execute the Contract and 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 10th day of *October 2023*.

_____
Danielle H. Moore, Mayor

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Margaret A. Zeidman, Town Council President

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Bobbie D. Lindsay, Council President Pro Tem

ATTEST:

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Julie Araskog, Town Council Member

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Edward A. Cooney, Town Council Member

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Kelly Churney, Acting Town Clerk

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Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 132-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Blanket Purchase Order to Jacober Creative Design and Marketing Services in the amount of $250,000 for FY24.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated September 26, 2023 from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 132-2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Bob Miracle, CPA, Deputy Town Manager, Finance and Administration

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

RE: Approving the Award of a Blanket Purchase Order to Jacober Creative Design and Marketing Services in the amount of $250,000 for FY24, **Resolution No. 132 - 2023**

DATE: September 26, 2023

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the award of a blanket purchase order to Jacober Creative Design and Marketing Services in the amount of $250,000 for FY24.

GENERAL INFORMATION

Jacober Creative Design and Marketing Services is the firm the Town has engaged for all marketing and public relations related to the Palm Beach Marina. This award includes funds for overall\ marketing strategy, social media content, public relations, photography, and video production. A new campaign will be launched for the FY24 season including website design and content.

Town Procurement and Contract Management issued RFP No. 2020-21 for Marina Marketing Services in August 2020 for a three-year term. Jacober Creative Design Services was awarded the RFP by Resolution No. 109-2020.

This contract was for a three-year period that expired on September 30, 2023. Pursuant to the Procurement and Contract Manual, Administrative Procedure No. 1-23-6, Procurement can extend a contract if determined that it is in the best interest of the Town to do so. It would be the intent to resolicit this contract during the upcoming year.

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

FUNDING/FISCAL IMPACT

Funding for the project will be from Account number: 401.35.509.575.30.48.05 in the Marina Fund.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 132-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A BLANKET PURCHASE ORDER TO JACOBER CREATIVE DESIGN AND MARKETING SERVICES IN THE AMOUNT OF $250,000 FOR FY24

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 132-2023, approving a Blanket Purchase Order to Jacober Creative Design and Marketing Services in the amount of $250,000 for FY24.

Section 2. The Town Manager is hereby authorized to execute the Contract and 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 10th day of *October 2023*.

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Danielle H. Moore, Mayor

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Margaret A. Zeidman, Town Council President

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Bobbie D. Lindsay, Council President Pro Tem

ATTEST:

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Julie Araskog, Town Council Member

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Edward A. Cooney, Town Council Member

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Kelly Churney, Acting Town Clerk

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Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 133-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Richard Maxwell, Inc. DBA King Tree Services in the amount of $60,000 and Establishing a five-year budget of $300,000 based on satisfactory performance and budget authorization.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated September 26, 2023 from Dean Mealy, Ii Procurement and Contract Manager**
- **Resolution No. 133-2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Bob Miracle, CPA, Deputy Town Manager, Finance and Administration

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

RE: Approve the Award of a Purchase Order to Richard Maxwell, Inc. DBA King Tree Services in the amount of $60,000 and establish a five-year budget of $300,000 based on satisfactory performance and budget authorization, **Resolution No. 133 - 2023**

DATE: September 26, 2023

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the Award of a Purchase Order to Richard Maxwell, Inc. DBA King Tree Services in the amount of $60,000 and establish a five-year budget of $300,000 based on satisfactory performance and budget authorization.

GENERAL INFORMATION

The Town has had a long history of consulting services with Richard Maxwell. Because of the unique relationship with historic trees, it was determined to note his firm as single source to continue the same services.

PROCUREMENT AND CONTRACT BACKUP

Procurement and Contracts has verified satisfactory performance by Richard Maxwell, Inc. dba as King Tree Services.

FUNDING/FISCAL IMPACT

Funding for this award will be from the departmental operating budget.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 133-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO RICHARD MAXWELL, INC. DBA KING TREE SERVICES IN THE AMOUNT OF $60,000 AND ESTABLISHING A FIVE-YEAR BUDGET OF $300,000 BASED ON SATISFACTORY PERFORMANCE 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. 133-2023, approving a Purchase Order to Richard Maxwell, Inc. DBA King Tree Services in the amount of $60,000 and establishing a five-year budget of $300,000 based on satisfactory performance and budget authorization.

Section 2. The Town Manager is hereby authorized to execute the Contract and 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 10th day of *October 2023*.

_____
Danielle H. Moore, Mayor

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Margaret A. Zeidman, Town Council President

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Bobbie D. Lindsay, Council President Pro Tem

ATTEST:

_____
Julie Araskog, Town Council Member

_____
Edward A. Cooney, Town Council Member

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Kelly Churney, Acting Town Clerk

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Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO.134-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Collective Bargaining Agreement Between the Town and the Professional Firefighters/Paramedics, Palm Beach County, Local 2928.

Presenter
Gillian Barth, Director of People and Culture

ATTACHMENTS:

- **Memorandum Dated September 27, 2023 from Gillian Barth, Director of People & Culture**
- **Resolution No. 134-2023**
- **Collective Bargaining Agreement for Professional Firefighters/Paramedics of Palm Beach County, Local 2928**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Gillian Barth, Director of People & Culture

Re: Collective Bargaining Agreement (TOPB and Professional Firefighters/Paramedics, Local 2928)

Date: September 27, 2023

STAFF RECOMMENDATION

The information contained herein is provided to Town Council for review and approval.

GENERAL INFORMATION

The Collective Bargaining Agreement (Non-Supervisory Unit) between the Town of Palm Beach and the Professional Firefighters/Paramedics, Palm Beach County, Local 2928 expired on September 30, 2023. Following mutual consultation, agreement was reached between the two parties to sign a new three-year contract with the following changes:

Table of Contents	New Addition of TOC
Article 4	Provision for donated employee Union Time Pool for Union Rep business.
Articles 7, 11, 12, 14, 16, 17, 18,19, 22, 24, 25, 31, 38, 42	Updates in language and Manual references (e.g. People & Culture, Employee Manual, relevant dates,).
Articles 11, 16, 19, 25, 26, 27	Incorporation of previously signed MOUs or changes in Town employee policies or practices.
Article 17	Confirmation of annual wage studies and incorporation of new employee placement on Fire Step Plan based on previous experience.
Article 20	Removal of sick leave disincentive (see Article 38).
Article 37	Agreement to reopen negotiations during 3-year period upon mutual agreement
Article 38	Revised sick and injury leave article removing punitive disincentives and replacing with new accountability measures
Appendix A	2023 Fire Rescue Certified Step Plan. While not in the Collective Agreement, it was agreed that commencing on October 1, 2023 annual wage studies would be assessed at the 85th percentile.

The three-year contract has been voted on and ratified by the Collective Bargaining Unit at their meetings of October 2, 3 and 4, 2023. The contract and resolution are attached for signatures.

FUNDING/FISCAL IMPACT

FY 2024: Approximately $36,000.

TOWN ATTORNEY REVIEW

The Town Attorney was consulted throughout the process. Additional counsel was sought from the Town's labor attorney. Advice from both has been incorporated into the recommendations herein.

Attachments GB

RESOLUTION NO. 134-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN AND THE PROFESSIONAL FIREFIGHTERS/PARAMEDICS, PALM BEACH COUNTY, LOCAL 2928.

WHEREAS, the Collective Bargaining Agreement (Non-Supervisory Unit) between the Town of Palm Beach and the Professional Firefighters/Paramedics, Palm Beach County, Local 2928 expired on September 30, 2023; and

WHEREAS, following mutual consultation, agreement was reached between the two parties to sign a new identical contract for a three (3) year period with changes to 19 Articles.

NOW, THEREFORE, be it resolved that the Collective Bargaining Agreement between the Town of Palm Beach and the Professional Firefighters/Paramedics, Palm Beach County, Local 2928 is hereby approved in the manner and form attached hereto.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of October 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

COLLECTIVE BARGAINING AGREEMENT

Non-Supervisory Unit

Town of Palm Beach

&

Professional Firefighters/Paramedics
Palm Beach County, Local 2928

Fiscal Years 2023-24, 2024-25, 2025-26

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ARTICLE 1

PREAMBLE

1.1 This Agreement is entered into by and between the TOWN OF PALM BEACH, hereinafter referred to as the Town, and the PROFESSIONAL FIRE FIGHTERS/PARAMEDICS OF PALM BEACH COUNTY, LOCAL 2928, IAFF, INC., hereinafter referred to as the Union.

1.2 It is the purpose of this Agreement to achieve and maintain harmonious relations between the Town and the Union, to document agreed-upon wages and other terms and conditions of employment, and to provide a procedure for resolution of grievances.

1.3 The provisions of this Article shall not be used as the basis for a grievance or as support for a grievance under any other Article of this Agreement.

ARTICLE 2

RECOGNITION

The Town recognizes the Union as the exclusive bargaining representative for all employees in the non-supervisory bargaining unit certified by the Town of Palm Beach Public Employees Relations Commission, as follows:

INCLUDED: All regular full-time employees of the Town of Palm Beach in the classification of Firefighters/EMT, Firefighter/Paramedic, Firefighter/EMT/Driver Operator, and Firefighter/Paramedic/Driver-Operator.

EXCLUDED: Fire Chief, Assistant Chief of Administration, Assistant Chief of Operations, Emergency Medical Services Coordinator (Division Chief), Fire Marshal (Division Chief),

Training & Safety Officer (Division Chief), Battalion Chief, Assistant Fire Marshal, Administrative Lieutenant, Fire-Rescue Lieutenant/EMT, Fire-Rescue Lieutenant/Paramedic, Fire-Rescue Mechanic, EMS Billing Specialist, Office Assistant II, Administrative Coordinator, Office Manager, and all other employees of the Town of Palm Beach.

ARTICLE 3

DUES DEDUCTION

3.1 Any member of the Union, who has submitted a properly executed dues deduction authorization to the Town, in accordance with a format prescribed by the Town, shall have his/her membership dues and uniform assessments in the Union deducted from his/her wages on a monthly basis. Additionally, upon properly executed authorization, legal services plan payments shall be deducted from the employee's wages on a monthly basis; provided that the legal services plan pursuant to which such payments are being made is not utilized to render legal advice or take legal action against the Town or its elected or appointed officials. Dues, uniform assessments, and legal services plan payments so deducted from each employee's wages shall be forwarded by the Town to the Union. However, the Town shall have no responsibility or liability for any monies once sent to the Union. The Union shall indemnify the Town and hold it harmless against any and all suits, claims, demands, and liabilities which arise out of or by reason of any action taken or not taken by the Town to comply or attempt to comply with the provisions of this Article.

3.2 It shall be the responsibility of the Union to notify the Town of any change in the percentage amount of dues to be deducted at least thirty (30) days in advance of said change. Under no circumstances shall the Town be required to deduct Union fines, penalties, political action payments, or special assessments of any kind.

3.3 Any member of the Union may, on thirty (30) days written notice to the Town and the Union, request that the Town cease making deductions from his/her wages.

3.4 The Union agrees that a reasonable charge for having its dues and uniform assessments deducted by the Town is fifty cents ($.50) per employee for each new enrollment for normal bookkeeping services. Such charges shall be deducted from the amounts forwarded by the Town to the Union.

ARTICLE 4

UNION BUSINESS AND REPRESENTATION

4.1 The District Vice President of the Union shall designate three (3) shift representatives (employees) and three (3) alternate shift representatives (employees) to represent the Union. (An alternate shift representative may represent the Union if the regular shift representative is not available.) It shall be the responsibility of the District Vice President to notify the Town in writing of the name of the three (3) shift representatives and three (3) alternate shift representatives so designated and any change thereto. (A shift representative or alternate shift representative will not be recognized by the Town unless the Fire Chief and the People & Culture Director receive such written notification.)

4.2 The on-duty shift representative shall be permitted to process a formal grievance with the appropriate Town or Departmental official at the Steps of the grievance resolution procedure herein, while on duty; provided that this activity does not interfere with emergency activities or scheduled activities which cannot reasonably be rescheduled. Under no circumstances shall the shift representative leave his/her assigned duties to process a formal grievance under the Steps of the grievance resolution procedure without first obtaining authorization from the Fire Chief, the Assistant Chief of Operations, or their designee. (The on-duty shift representative shall be permitted to represent an employee under investigation during an interrogation under the conditions set forth in this paragraph.) The use of Town equipment and resources, including the Town's e-mail system, for Union business without the approval of the Fire Chief or his designee is prohibited.

4.3 Except for the processing of a formal grievance and the representation of an employee under investigation during an interrogation under the conditions set forth in paragraph 4.2 above, a shift representative shall be paid by the Town only when he/she performs assigned fire and rescue duties and/or work directed by the Town. Union business, including, but not limited to, attendance at negotiations, PERC proceedings, arbitrations, and grievance investigations, shall not be compensated by the Town, unless attendance is required by the Town.

4.4 Each employee shall donate 0.5 hours of any accrued leave, except sick leave, on January 1st to the Union Time Pool. Each employee may also voluntarily contribute any accrued leave, except sick leave, to the Union Time Pool. The Union Time Pool may be used for Union business upon approval by the Union President. Employees shall be released from duty on Union

Time Pool only if the established needs of the service permit; with the approval of the non-bargaining unit supervisor, but such release shall not be unreasonably denied.

4.5 Union Time Pool hours will be used on an hour-for-hour basis.

MEETING ROOM

4.6 The Town agrees to grant the Union permission to use Station 3 meeting rooms for its monthly Union meetings and special Union meetings as space and scheduling permit and under the same conditions as other external organizations. The Union will supply the Town with a schedule of monthly meetings and will provide forty-eight (48) hours of special Union meetings.

4.7 On-duty personnel assigned to Station 3 on the day of the Union meeting shall be allowed to attend; provided that the Union meeting takes place after 1700 hours and that such attendance does not interfere with responding to emergency situations.

4.8 The Union agrees to leave any meeting room in its original condition at the end of the meeting.

ARTICLE 5

BULLETIN BOARDS

5.1 The Town shall provide the Union with twenty-four (24) inches by thirty-six (36) inches space in each fire station in the kitchen/dining room area for the Union's bulletin board. (The Union shall provide the bulletin board.)

5.2 The Union's bulletin board may be utilized for the posting of notices of Union meetings, notices of Union elections and results, minutes of Union meetings, copies of the Union's constitution and by-laws and amendments thereto, notices of Union recreational,

business, and social functions, names of Union officials and changes thereto, and notices of dues increases.

5.3 The Union shall post no material on its bulletin boards which may be characterized as political (other than internal Union elections), which may encourage insubordinate behavior, or which is derogatory or demeaning of Town or Departmental officials or operations. All materials placed upon the Union bulletin boards will be signed and dated by the Union President or another officer of the Union. A copy of all materials to be posted shall be provided to the Fire Chief or the Assistant Chief of Operations prior to posting. Materials which violate the provisions of this Article shall not be posted and may be removed.

ARTICLE 6

MANAGEMENT RIGHTS

6.1 Except as specifically restricted by the provisions of this Agreement, the Town reserves and retains all rights, powers, prerogatives, and authority customarily exercised by Management.

6.2 Except as specifically restricted by the provisions of this Agreement, the Town has the sole and exclusive right to manage and direct any and all of its operations. Accordingly, the Town specifically, but not by way of limitation, reserves the sole and exclusive right to:

A. Exercise complete and unhampered control to manage, direct, and totally supervise all employees of the Town;

B. Decide the scope of service to be performed and the method of service;

C. Determine the size and composition of the workforce;

D. Determine the services to be provided to the public, and the maintenance procedures, materials, facilities, and equipment to be used, and introduce new or improved services, maintenance procedures, materials, facilities, and equipment;

E. Hire and/or otherwise determine the criteria and standards of selection for employment;

F. Determine the number, classification, grade, and types of positions;

G. Fire, demote, suspend, or otherwise discipline bargaining unit employees; set minimum performance standards for service to be offered to the public, and set procedures and standards to evaluate the employees' job performance;

H. Change, modify or alter the composition and size of the workforce, including the right to relieve employees from duty due to lack of work or lack of funding or any other business and/or operational reason, and recall employees;

I. Determine the allocation and content of job classifications and determine all training parameters for all bargaining unit positions, including persons to be trained and extent and frequency of training;

J. Determine whether and to what extent the work required in its operation shall be performed by employees covered hereunder;

K. Modify operations, duties, tasks, and/or responsibilities, temporarily or permanently, in whole or in part, due to operational requirements; determine the number, location, and operation of all divisions and all other organizational units;

L. Establish, amend, revise and implement any program, policy and/or procedure, provided that such action is not unreasonable;

M. Merge, consolidate, expand, curtail, transfer, or discontinue operations, temporarily or permanently, in whole or in part, whenever in the Town's discretion business and/or operational reasons make such curtailment or discontinuance advisable;

N. Contract and/or subcontract any existing or future work;

O. Create, expand, reduce, alter, combine, assign, or cease any job;

P. Control the use of equipment and property of the Town and determine the number and classification of employees assigned to any shift, station, or piece of equipment;

Q. Exercise such other management rights as set forth in Chapter 447, Florida Statutes, and/or as determined by the state or local Public Employees Relations Commission or the courts.

6.3 The above rights of the Town are not all-inclusive but indicate the type of matters or rights which belong to and are inherent in the Town in its general capacity as management. Any of the rights, powers, and authority that the Town had prior to entering into this Collective Bargaining Agreement are retained by the Town unless otherwise restricted by a specific provision of this Agreement. If the Town fails to exercise any one or more of the above functions from time to time, this will not be deemed a waiver of the Town's right to exercise any or all of such functions.

6.4 Nothing herein shall be deemed a waiver of the Union's right to impact bargain if, and to the extent, such right exists under applicable law.

ARTICLE 7

SAFETY COMMITTEE

7.1 There shall be a Town of Palm Beach Fire-Rescue Department Safety Committee. The Safety Committee shall be comprised of four (4) members, i.e., two (2) bargaining unit employees appointed by the Union and two (2) non-bargaining unit employees appointed by the Fire Chief. The Fire Chief, or their designee shall appoint one of the aforesaid bargaining unit or

non-bargaining unit employees to chair the Safety Committee and preside at all of its meetings. The Town Risk Manager shall serve on the Safety Committee in an ex-officio capacity.

7.2 The Safety Committee shall meet quarterly, and such meeting shall be scheduled at the time established by the Fire Chief. (The Fire Chief may, in his/her discretion, schedule a special meeting as he/she deems appropriate.)

7.3 The purpose of the Safety Committee meetings is to discuss problems and issues relating to the safety and well-being of all Fire-Rescue Department personnel and the public.

7.4 The meeting shall be conducted on an informal basis. Any member of the Safety Committee may submit items for consideration at the Safety Committee meeting by providing same to the Fire Chief at least five (5) calendar days prior to the Safety Committee meeting. The Fire Chief shall coordinate the distribution of the Safety Committee agenda and shall also arrange for minutes to be taken and distributed to the Safety Committee members and posted at each Fire-Rescue Station.

ARTICLE 8

WORK STOPPAGES

8.1 There shall be no strikes, work stoppages, slowdowns, interference with work or operations, or picketing in furtherance of any strike or work stoppage, or any form of concerted refusal to perform work by the Union or any employee covered under this Agreement. Picketing, as used herein, shall mean any action which has the effect of preventing any employee from reporting to or continuing to work, or preventing the public from entering any facility.

8.2 The parties agree that any employee who participates in or promotes any of the aforementioned activities may be discharged or otherwise disciplined by the Town. Nothing herein shall restrict the Town from levying different disciplinary actions against different employees based on their involvement in activities prohibited hereunder.

ARTICLE 9

PERSONNEL REDUCTION

9.1 In the event it is necessary to reduce the number of bargaining unit employees, the Town shall first identify the classification(s) to be impacted. Probationary employees in such classification(s) shall be laid off first. Thereafter, the employee in the classification to be reduced with the least seniority shall be laid off first.

9.2 Employees who are laid off from their classifications may bump into the next lower classification in which they previously served or for which they are qualified. The employee(s) to be bumped shall be determined by seniority, i.e., an employee may bump the most junior employee in the classification if that junior employee has less seniority.

9.3 Employees who are laid off shall be recalled to the classifications from which they were laid off in the reverse order of their layoff (last laid off, first recalled); provided that they meet all of the requirements of the classification at the time of the recall. Laid off employees eligible for recall shall be offered recall before new employees are hired into their classification or shall be offered a position in a lower classification for which they are qualified before new employees are hired into such lower classification. An employee's recall rights hereunder shall expire in twelve (12) months from the date of his/her layoff.

ARTICLE 10

SENIORITY

10.1 Departmental seniority shall be determined by reference to the date of last hire with the Department. If two (2) or more employees have the same date of hire, seniority shall be determined by date of application with the Town. If the date of application is not dispositive of the issue, the Town shall utilize the flip of a coin in the presence of a Union representative and the employees involved.

10.2 A current seniority list shall be posted on the Town bulletin board at each fire station on or about the commencement of the fiscal year (October 1).

ARTICLE 11

PROBATIONARY EMPLOYEES

11.1 New employees in the classifications covered by the bargaining unit shall be on probation for a period of one (1) year from the date of hire. With the concurrence of the People & Culture Director, the Fire Chief may extend the one (1)-year probationary period to a maximum of an additional three (3) months, if the Fire Chief determines that such extension is necessary. During the one (1)-year probationary period and any extension thereof, a new employee may be terminated or otherwise disciplined without recourse to the grievance resolution procedure hereunder or any other Town or Departmental grievance/appeals procedure. However, prior to finalizing his decision to terminate such probationary employee, the Fire Chief shall notify the employee of his intention and shall provide the employee (and his/her union representative) with

an opportunity to meet with the Fire Chief and the Assistant Chief of Operations to informally discuss the matter.

11.2 Employees who are promoted will be on probation in the classification to which they are promoted for a period of nine (9) months, which may be extended by three (3) additional months at the discretion of the Fire Chief and upon written notice to the employee. If the Fire Chief determines that such employee has not successfully completed his/her probationary period, the employee may be returned to his/her former classification without recourse to the grievance resolution procedure hereunder or any other Town or Departmental grievance/appeals procedure. However, prior to finalizing his decision to return such employee to his/her former classification, the Fire Chief shall notify the employee of his intention and shall provide the employee (and his/her Union representative) with an opportunity to meet with the Fire Chief and the Assistant Chief of Operations to informally discuss the matter. Conditions relating to sick leave shall be governed by current Town and Department rules, regulations, and policies.)

11.3 Other conditions relating to Paid Time Off (PTO) shall be governed by current Town and Department rules, regulations, and policies.

ARTICLE 12

DISCHARGE AND DISCIPLINARY ACTION

12.1 The Disciplinary Action guidelines set forth in the Department's Rules and Regulations shall apply to the bargaining unit employees hereunder; provided, however, that the

sole and exclusive procedure for appealing any disciplinary action shall be the Grievance Resolution Procedure in Article 13 of this Agreement.

ARTICLE 13

GRIEVANCE RESOLUTION PROCEDURE

13.1 A "grievance" is defined as a dispute regarding the interpretation or application of this Agreement. Grievances are limited to claims which are dependent for resolution exclusively upon interpretation or application of one or more specific provisions of this Agreement. A grievance may be filed by a bargaining unit employee or the Union. In either case, the procedure to be followed is set forth below.

13.2 A grievance for SUSPENSION, DEMOTION or DISCHARGE must be in writing and introduced at Step 3 within 14 calendar days.

13.3 OTHER GRIEVANCES will be presented orally to the Battalion Chief within 14 calendar days of the incident which is the subject of the grievance.

STEP 1	A. Employee and Battalion Chief (BC) discuss grievance. B. If NOT settled orally, grievance will be presented in writing to the BC within 2 working days. C. Battalion Chief provides decision in writing within 7 calendar days.
STEP 2	A. Grievance NOT settled in Step 1 – Employee may, within 7 calendar days, submit grievance in writing to Fire Chief. B. Fire Chief or designee conducts investigation and provides written decision within 7 calendar days.

STEP 3

A. Grievance NOT settled in Step 2 – Employee may, within 14 calendar days, request Town Manager to investigate grievance (this may involve all relevant individuals).

B. Investigative meeting will be held within 14 calendar days. Town Manager provides decision in writing within 14 calendar days of holding investigative meeting. If additional time is needed, it may be allowed by agreement of Town Manager and employee filing grievance. **For disciplinary matters not involving suspension, demotion, or discharge, and performance evaluation appeals (15.3), the Town Manager's determination shall be final.**

STEP 4

SUSPENSION, DEMOTION OR DISCHARGE GRIEVANCES

A. For disciplinary matters involving suspension, demotion, or discharge, the Town Manager's determination may be appealed by the Union to the Town Council. The deadline for filing an appeal to the Town Council shall be 14 calendar days after the Town Manager's written decision.

B. The Town Council shall then hold an informal evidentiary hearing and make a final determination as to whether the disciplinary action was initiated for just cause (as determined by the Town Council) and whether the severity of the disciplinary action was appropriate to the situation. The Town Council may completely uphold, completely reject, or modify the disciplinary action to ensure a fair outcome of the matter.

NON-DISCIPLINARY ACTION GRIEVANCES
(Except for Performance Evaluation Appeals)

C. For non-disciplinary action grievances (except for performance evaluation appeals), the Town Manager's determination may be appealed by the Union to arbitration pursuant to the ARBITRATION section (13.4, et seq.) below.

ARBITRATION

(Non-Disciplinary Action Grievances Except for Performance Evaluation Appeals)

13.4 If a non-disciplinary action grievance (except for a performance evaluation appeal) is not resolved in STEP 3 above, the Union may request arbitration by hand delivery or by certified

or registered mail of a written notice to the Town Manager within twenty-one (21) calendar days of his/her decision in STEP 3 above. Said written notice of arbitration shall include a written statement of the position of the Union with respect to the issues upon which arbitration is being sought. Under no circumstances shall the issues to be arbitrated be expanded from the issues raised at STEP 2 of the grievance procedure.

13.5 Within ten (10) calendar days from receipt of such notice of arbitration, the parties (or either party) shall request a list of nine (9) qualified arbitrators from the Federal Mediation and Conciliation Service. The party requesting arbitration will strike an initial name from the list of arbitrators, with the parties thereafter alternately eliminating, one at a time, from said list of names, persons not acceptable, until only one (1) remains, and this person will be the arbitrator.

13.6 As promptly as possible after the arbitrator has been selected, he/she shall conduct a hearing, consider the grievance, and render his/her decision. It shall be the obligation of the arbitrator to make his/her best effort to rule within thirty (30) calendar days after briefs are filed. The expenses of the arbitration, including the fee and expenses of the arbitrator, shall be shared equally between the parties. Each party shall bear the expense of its own witnesses and of its own representatives, including attorneys, for purposes of the arbitration hearing.

13.7 The arbitrator shall have no authority to change, amend, add to, subtract from, or otherwise alter or supplement this Agreement, or any part thereof, or amendment thereto. The arbitrator shall have no authority to consider or rule upon any matter which is stated in this Agreement not to be subject to arbitration or is not a grievance as defined in this Agreement; nor shall this Collective Bargaining Agreement be construed by the arbitrator to supersede applicable state and federal laws.

13.8 The arbitrator may not issue declaratory opinions and shall confine himself/herself exclusively to the grievance which is presented to him/her. The standard by which the action at issue is to be judged is whether there is a violation of this Agreement. The arbitrator's decision shall be final and binding.

GENERAL PROVISIONS

13.9 No decision of any arbitrator or of the Town Council or the Town Manager in any one case shall create a basis for retroactive adjustment in any other cases. All claims for back wages shall be limited to the amount of wages involved less any unemployment compensation and/or interim earnings that he/she may or might have received during the period involved.

13.10 The resolution of any grievance by the arbitrator or Town Council or the Town Manager resulting in retroactive adjustment, including back wages, shall be limited to a thirty (30)-day period prior to the date of the filing of a grievance at STEP 1.

13.11 It is agreed with respect to this grievance resolution procedure that:

A. It is the intent of the parties that a grievance must be raised at the earliest possible time. Any grievance, in order to be entertained and processed, must be submitted in a timely manner by the grievant (whether the grievant be the Union or an individual employee).

B. Grievances not submitted by the grievant in a timely manner shall be conclusively barred on the merits following the expiration of the prescribed time limit. The arbitrator, the Town Council, or the Town Manager (whichever is applicable) may conduct one hearing to address both the procedural and substantive issues; however, the procedural

issues will be ruled upon before addressing the merits of the dispute. A grievance which is, for any reason, not the subject of a timely response by the Town or the Department shall require the grievant to proceed to the next step, and failure to proceed on a timely basis to the next step shall bar the grievance.

C. The employees covered hereunder may avail themselves of the procedures under Steps 1, 2, and 3 of this Article without regard to Union representation or membership except as provided by Chapter 447, Florida Statutes. (Only the Union may proceed to arbitration or the Town Council, whichever is applicable.) Should an employee elect not to have Union representation, the Town shall provide the Union with copies of all documents filed by the employee or issued by the Town in connection with the grievance.

13.12 The parties agree that the above grievance resolution procedure shall be the exclusive procedure for resolving grievances as defined in paragraph 13.1 above; provided, however, that except for a performance evaluation determination made by the Town Manager, either party shall be entitled to seek review of the final determination of the arbitrator, the Town Manager or the own Council (whichever is applicable) in the circuit court.

ARTICLE 14

DRUG AND ALCOHOL TESTING

14.1 The Town, the Union, and the employees covered hereunder mutually agree that employee substance and alcohol abuse may constitute a danger to the employee, fellow employees, and the general public. It is further agreed that the safety of public property and equipment and the image of the Town and its employees are placed in jeopardy if an employee is involved in substance or alcohol abuse. Accordingly, the Union and the employees covered hereunder agree that the Town shall have the right and authority to require employees to submit to appropriate drug and alcohol testing to detect the presence of any controlled substance, narcotic, drug, or alcohol in accordance with the provisions of the Town's Employee Manual, and the Department's Rules and Regulations, and Departmental Procedures governing substance abuse, including drug and alcohol use.

14.2 Notwithstanding any other provision of this Article, the Town's Employee Manual Regulations, and the Department's Rules and Regulations, and Departmental Procedures, a positive result on any drug or alcohol test may result in appropriate disciplinary action up to and including termination. An employee's refusal to submit to drug or alcohol testing in accordance with the provisions of this Article may result in disciplinary action up to and including termination. Should the Town deem appropriate, it may order an employee, who has tested positive, to undergo rehabilitation in lieu of, or in combination with, disciplinary action. The terms and conditions of such rehabilitation and any follow-up testing shall be prescribed by the Town in consultation with a physician, psychologist, or other substance abuse treatment professional.

14.3 Any testing administered under this Article shall be administered by an appropriate laboratory or testing facility in accordance with the testing procedures set forth in Departmental Procedures.

14.4 The Town has the absolute right to randomly test any bargaining unit member for the existence of alcohol, illegal drugs, or other controlled substances. The selection of an employee for random testing shall be made by a valid method, such as a random number table, a computer based random number generator that is matched with employees' payroll identification numbers or other comparable identification number, or other method which is required and administered by established testing entities.

ARTICLE 15

PERFORMANCE REVIEW

15.1 Employees shall be evaluated periodically by their immediate supervisors. Such evaluations shall be reviewed and approved by non-bargaining unit Department management. Performance evaluations shall be conducted in accordance with such standards and procedures as are established (and from time-to-time revised) by the Town. In the event the Town exercises its right to revise or amend the performance evaluation standards or procedures, it shall provide a courtesy copy of such revisions or amendments to the Union at least seven (7) calendar days prior to implementation.

15.2 Performance evaluations will be considered by the Town and the Department in such personnel matters as promotions, transfers, demotions, terminations, disciplinary actions, and performance-based bonuses.

15.3 A non-probationary employee shall have the right to appeal his/her performance evaluation (rating) through Steps 1, 2 and 3 of the Grievance Resolution Procedure (Article 13).

15.4 The appeal (grievance resolution) procedures set forth in paragraph 15.3 shall be the sole and exclusive procedure for appealing a performance evaluation. (Step 4 in Article 13 of this Agreement cannot be utilized to appeal a performance evaluation.) Throughout the process of appealing his/her performance evaluation, the employee shall, at all times, have the burden of proving that his/her performance evaluation was arbitrary and capricious. With respect to an appeal of a performance evaluation, the decision of the Town Manager (or his designee) in Step 3 of Article 13 of the Grievance Resolution Procedure shall be final and binding on the parties. Probationary employees shall not be entitled to appeal their performance evaluations pursuant to the appeals (Grievance Resolution) procedure in paragraph 15.3 or any other appeals procedure.

ARTICLE 16

PROMOTIONS

16.1 Vacancies in the Driver-Operator classification shall be filled in accordance with the applicable selection processes set forth in the Department's Rules and Regulations. Such vacancies will, insofar as possible, be filled within sixty (60) calendar days after the vacancy occurs.

16.2 Notices of promotional examinations shall be posted on the Department bulletin board at each work location at least ninety (90) days in advance of a target promotional examination date. The written examination will be held no sooner than ninety (90) days after

the notice, nor later than one hundred twenty (120) days after the notice. Source materials from which the examination is drawn will be identified in the examination announcement or concurrent with the issuance of such announcement. Such source materials shall be in print or otherwise obtainable.

16.3 No employee shall be permitted to apply for a promotional examination after the closing date set forth in the examination announcement. Such closing date will be between thirty (30) and thirty-five (35) days prior to the date of the examination.

16.4 In order to be eligible to take a promotional examination, an employee must meet the applicable minimum employment standards set forth in the Department's Rules and Regulations and the applicable educational requirements set forth in Department Procedures as of the closing date for the written examination.

16.5 No employee shall be eligible to take a promotional examination if he/she has received a suspension or higher-level disciplinary action during the twelve (12) months preceding the closing date for the written examination or at any time until the date the examination process is completed.

16.6 A promotional eligibility list shall remain in effect for two (2) years from the date the eligibility list is established or until there are no names remaining on the eligibility list, whichever occurs first. In an effort to maintain a continuous eligibility list, the Town shall make a reasonable effort to produce a new eligibility list in advance of the two (2)-year expiration date of the current eligibility list.

16.7 Upon his/her written request, any applicant on a promotional eligibility list shall be permanently removed from such promotional eligibility list. Any applicant on a promotional

eligibility list shall automatically be permanently removed from such list if he/she receives a suspension or higher-level disciplinary action. In the Fire Chief's discretion, an applicant on a promotional eligibility list may be temporarily removed from such promotional eligibility list if the applicant is on light duty, on disability leave or any other leave of absence, or if the applicant otherwise is not working or is unavailable for work, at any time after the promotional eligibility list is established. Prior to temporarily removing an applicant from a promotional list, the Fire Chief shall advise in writing the applicant of his intention and shall provide him/her with an opportunity to respond thereto.

16.8 Selections for promotions from the promotional eligibility list for Driver-Operator shall be made by the Fire Chief utilizing the Rule of Five (5). Pursuant to the Rule of Five (5), the top five (5) candidates on the promotional eligibility list will be considered for the promotional vacancy. (The Fire Chief may choose any one of the top five candidates on the promotional eligibility list.) If there is a second promotional vacancy after the first selection is made, the number six (6) candidate on the list will be added to the remaining four (4) in order to make five (5) candidates eligible for the next selection. This method will continue until the list is exhausted or expires. Should the Fire Chief pass over a higher ranked candidate in applying the Rule of Five (5), the Fire Chief shall informally counsel the passed over candidate prior to announcing the candidate(s) selected. Any employee who is selected for but refuses a promotion shall automatically be removed from the promotional eligibility list. The Fire Chief, in his sole and exclusive discretion, may reinstate such employee to the promotional eligibility list if he/she determines that the employee had good and sufficient reason for refusing the promotion and

the employee's reinstatement to the promotional eligibility list would be in the best interest of the Department.

16.9 The promotional process shall be set forth in paragraph 16.1 above and as specified in Departmental Rules and Regulations.

16.10 Employees who are promoted to the driver engineer position shall be paid at the next higher step that provides at least 5% and up to 10% increase in base pay.

ARTICLE 17

WAGES

17.1 For Fiscal Years 2023-24, 2024-25, 2025-26, bargaining unit employees will advance one step in the Fire Step Plan effective upon their annual performance review due date. Each step of the Fire Step Plan shall be increased by the amount of any Town-wide Cost of Living Adjustment (COLA) adjustment approved by the Town Council for the fiscal year. The Town will continue its practice of conducting an annual wage study, for the purpose of adjusting wages and maintaining market competitiveness.

17.2 For each fiscal year of this Agreement, bargaining unit employees shall be provided performance bonuses using the same program as the Town's non-bargaining unit, non-exempt employees.

17.3 New employees may be credited for previous full-time, certified experience with other fire departments at a rate of one step per year of experience up to a maximum of five (5) years or Step 5 of the Fire Step Plan.

ARTICLE 18

WORK WEEK

18.1 Twenty-four (24)-hour shift employees shall be regularly scheduled to work twenty-four (24) hours on duty followed by forty-eight (48) off duty, with an additional scheduled unpaid Relief Day (24-hour shift) every seventh shift.

18.2 The starting time for twenty-four (24)-hour shift employees is 0800.

18.3 Relief Days will be assigned by the Fire Chief, or their designee based upon Departmental needs and may be re-assigned as needed.

18.4 The Battalion Chief may, at his discretion, approve the voluntary exchange of Relief Days on a temporary basis by two comparably qualified employees in accordance with Departmental Rules and Regulations.

ARTICLE 19

OVERTIME

19.1 All work performed by twenty-four (24)-hour shift bargaining unit employees, up to and including one hundred forty-four (144) hours in a twenty-one (21) day work cycle, shall be paid at the employee's straight time rate of pay. Work performed in excess of one hundred forty-four (144) hours in the twenty-one (21) day work cycle shall be paid at time and one-half (1.5) the employee's straight time rate of pay. Only time actually worked, annual (vacation), floating holiday, and personal days shall be counted for the purpose of calculating overtime. When an employee utilizes sick, injury, compensatory, worker's compensation, LTD, bereavement, military, jury duty, parental, or any other paid or unpaid leave during the twenty-one (21) day

work cycle, such leave time shall not be considered time worked and shall be excluded from the calculation of overtime.

19.2 Overtime shall be calculated and paid in one-half (1/2)-hour increments.

19.3 An overtime eligibility list shall be maintained within Telestaff to ensure that overtime is offered in a manner that is most efficient to the Department and equitable to the employees. The overtime eligibility list is accessible from the Telestaff program. On-duty officers shall use this list in the event that an employee must be called for overtime.

Minimum staffing on shift must be maintained. Vacant positions should be filled with the most qualified person for the position available, whether it be the overtime person or a more qualified person on duty. When overtime is used to fill a vacant officer's position, officers and acting officers shall be given primary consideration.

The following guidelines shall be used when overtime is needed to meet minimum staffing requirements:

A. Personnel on their Relief Day, sorted by the lowest amount of shift overtime hours, shall be contacted first.

B. Personnel working the off-going shift, sorted by the lowest amount of shift overtime hours, shall be contacted next. The employee with the lowest amount of overtime hours shall be contacted first.

C. Personnel who are off-duty shall be contacted next. The employee with the lowest amount of overtime hours shall be contacted first.

D. When two or more employees in categories A, B, or C have the lowest amount of overtime hours, the employee with the highest seniority shall be called first.

E. If staffing requirements are not met with volunteers pursuant to A through C above, the same process using A through C above shall be followed to mandate overtime assignment(s), provided that the employee with the lowest seniority in the position being filled will be called (mandated) first on a rotating basis (i.e., once the employee with the lowest seniority fills the mandatory overtime, he/she will rotate to the bottom of the list). The position being filled will be based on the lowest classification needed after all promoted rank positions are filled by existing on-duty shift personnel holding the rank required for the position or by utilizing personnel qualified to "act" in the position needed.

F. After being assigned "mandatory overtime," the employee assigned the mandatory overtime has the following options:

a. Work the mandatory overtime as assigned, or

b. Make arrangements for a qualified volunteer employee(s) to work the mandatory overtime hours.

19.4 Time accrued due to special details (PIP, CPR classes, physicals, etc.), Public Assembly Inspections and Special Assignment Overtime will not be included for the purpose of this overtime limit. Absent unusual circumstances (e.g., natural disaster, major fire, etc.), employees shall not be required to work in excess of two (2) consecutive shifts.

19.5 Nothing in this Article shall be construed to require the payment of straight time or overtime for attendance at training seminars or classes unless such seminars or classes were specifically authorized by the Fire Chief prior to the attendance.

ARTICLE 20

SHIFT EXCHANGE

20.1 Shift employees will be allowed shift exchanges in accordance with the provisions of the Department's Rules and Regulations; provided that of the Department's Rules and Regulations shall be modified or interpreted to:

A. Allow shift exchanges on an hour for hour basis, and

B. Require that requests for shift exchanges be submitted no less than twelve (12) hours prior to the beginning of the shift during which the exchange will occur.

ARTICLE 21

CALL-BACK

21.1 When an emergency call-back is ordered for a fire or medical emergency or mutual aid, employees called back will be paid for the actual time worked (i.e., logged-in to logged-out) at their straight time rate or time and one-half rate, whichever is applicable under paragraph 19.1. Employees called back hereunder shall receive a minimum of three (3) hours pay at their straight time rate or time and one-half rate, whichever is applicable under paragraph 19.1. Under no circumstances (and notwithstanding any provision of the Department's Rules and Regulations) shall travel time be paid in connection with a call-back.

ARTICLE 22

EDUCATIONAL ASSISTANCE

22.1 Employees covered hereunder are eligible to receive tuition reimbursement for (a) approved job-related courses of a non-degree program, and (b) approved non-job-related and job-related elective and core courses required for an accredited, job-related degree program. An employee who wishes to receive such tuition reimbursement must have his/her application for educational assistance approved by the Fire Chief and the People & Culture Director prior to enrolling in the course. The amount and other conditions relating to tuition reimbursement shall be governed by the provisions of the Town's Employee Manual and the Department's Rules and Regulations.

22.2 Employees in their initial probationary period will not be eligible to apply for or receive tuition reimbursement. Any employee leaving the employment of the Town less than one full year after the latest date of reimbursement for education assistance shall be required to repay the full amount of any payments made to him/her in the previous 12 months in the form of reimbursements for education expenses or bonuses for educational or vocational accomplishments, certifications, or licensing.

ARTICLE 23

CERTIFICATION

23.1 All employees shall be responsible for making certain that the required state licenses and certifications for their positions are maintained and updated. The loss of such

required licenses or certifications may be grounds for reduction in rank or salary, suspension, or termination.

23.2 The Town will make available in-house Paramedic and EMT Recertification courses to enable the employees covered hereunder to take such courses while on duty. It shall be the responsibility of the employee to make himself/herself available to take such required Recertification courses while on duty. If an employee does not take such required Recertification courses while on duty, off-duty attendance at such courses shall not be considered as time worked, and the Town shall not be required to reimburse the employee for tuition or other fees.

23.3 If the Town requires the employee to take a Recertification course which is not required by the State of Florida and is not available to the employee while on duty, the off-duty time spent by an employee classified as a Lieutenant to take such course shall be considered as time worked.

23.4 Any employee who accepts a position in the Paramedic program under the Town's sponsorship arrangement shall sign an agreement indicating that the employee will remain certified and function as a Department protocolled Paramedic as a condition of employment for a period of ten (10) years unless the employee is unable to do so due to illness or injury. Additionally, any such employee shall remain employed for at least three (3) years or repay the cost of the sponsorship, as follows: (a) if the employee voluntarily leaves employment less than one (1) year after completion, the employee will repay the entire cost of the sponsorship; (b) if the employee voluntarily leaves employment less than two (2) years after completion, the employee will repay sixty-seven percent (67%) of the cost of the sponsorship; and (c) if the

employee voluntarily leaves employment less than three (3) years after completion, the employee will repay thirty-three percent (33%) of the cost of the sponsorship.

ARTICLE 24

UNIFORMS

24.1 Uniform issuance, use, and replacement will be in accordance with the Department's Rules and Regulations.

ARTICLE 25

VACATIONS

25.1 In accordance with the Town Employee Manual, shift employees covered hereunder (i.e., employees on 24-hour shifts are provided an adjusted annual leave policy in lieu of a separate holiday program. Annual leave shall be earned, accrued, used, and scheduled in accordance with the Department's Rules and Regulations, the Town's Employee Manual, and the following additional provisions:

A. Each employee will be guaranteed one primary vacation period per year of one to six (1-6) consecutive leave days. In addition, each employee will be allowed a secondary vacation selection not to exceed four (4) consecutive leave days. This secondary vacation selection, however, is not guaranteed. The Fire-Rescue Chief, at his discretion, may allow additional consecutive leave days for either the primary or secondary selections. Vacation periods shall not exceed thirty (30) calendar days unless approved in writing by the Fire-Rescue Chief or his designee. Vacation periods shall run from February 1st to February 1st.

B. Vacation selection will commence on October 1st and end December 31st of the year preceding the vacation period. Vacation selection will be conducted on a seniority basis.

C. For purposes of vacation scheduling, a total of two employees (officers and non-officers) will be permitted to schedule annual leave per shift, per tour of duty. (Note: In accordance with existing procedure, other leave such as PTO are also subject to these annual leave "slots.") Where staffing permits, the Battalion Chief may authorize a third annual leave "slot." Such third annual leave slot (A/L #3) must be requested in the same manner as other annual leave in accordance with the Department's Rules and Regulations and Section 25.2 below. Additionally, if A/L #3 is to be taken the day of the shift, such leave will be granted by seniority, and the employee taking such leave shall be required to remain on duty until all positions are covered. Employees wishing to "guarantee" an A/L #3 shall do so by securing a standby. Such standby shall be handled in the same manner as a shift exchange and shall be subject to the applicable provisions of Article 20 (Shift Exchange). When authorized (budgeted) Departmental staffing reaches 27 employees per shift, including the Battalion Chief, the above annual leave slots, which include personal days and floating holidays, shall be increased from 2 to 3 per shift, per tour of duty, and the Battalion Chief may authorize a fourth annual leave slot (A/L #4), if staffing permits. Such additional annual leave slot (A/L #4) shall be subject to the above provisions governing A/L #3.

D. After primary and secondary vacation selections are completed, the Battalion Chief, in his discretion, may close any unused annual leave slots for the purpose of

utilizing such slots to send employees to out-of-town classes or otherwise ensure proper staffing without incurring additional overtime expenses.

25.2 Annual leave must be requested at least twelve (12) hours prior to the beginning of the shift for which annual leave is requested. "Turning back" (cancellation of) previously approved annual leave must be requested at least forty-eight (48) hours in advance of the shift for which annual leave was previously approved.

25.3 Annual leave may be used in one (1) hour increments; however, when two or more employees are requesting annual leave during the same time period, the longer request will be awarded first.

25.4 Nothing in this Article shall restrict the authority of the Fire-Rescue Chief to implement a vacation policy that ensures employees will not lose vacation time and the Town will not be forced to staff through overtime involuntarily.

ARTICLE 26

PERSONAL DAYS AND FLOATING HOLIDAYS

26.1 Paid Time Off (PTO) – All regular full-time employees are eligible to receive PTO. Employees working 24-hour shifts are eligible to receive two (2) duty days (48 hours) which must be taken in minimum 12-hour increments. Employees working a 40-hour schedule are eligible for four (4) days (32 hours).

PTO Must be taken within the calendar year earned or it will be forfeited. PTO will not be paid upon termination of employment, nor used during the required notice of termination.

26.2 In accordance with existing procedure, employees must request and receive approval to take PTO.

ARTICLE 27

BEREAVEMENT LEAVE

27.1 In case of death in the immediate family, a regular, full-time employee may be granted leave of absence with pay for the workdays falling within the period between the time of death and the day of the funeral, not to exceed three (3) days (one duty day for 24-hour shift employees) for a funeral within the State of Florida. "Immediate family" is defined as wife, husband, child, brother, sister, parent, grandparent, grandchildren, and any relative permanently residing in the employee's household. For a funeral outside the State of Florida, such leave shall not exceed five (5) days (two duty days for a 24-hour shift employee).

27.2 Upon approval by the Fire Chief, sick leave may be used by eligible employees to attend the funeral of a parent-in-law, brother-in-law, sister-in-law, step-parent. For 40-hour employees, such time shall not exceed three (3) days for a funeral within the State of Florida, or five (5) days for a funeral held outside the State of Florida. For 24-hour shift employees, such time shall not exceed one (1) duty day for a funeral held within the State of Florida or two (2) duty days for a funeral held outside the State of Florida.

ARTICLE 28

COURT TIME

28.1 Any employee in a bargaining unit classification who is required to make an off-duty appearance as a subpoenaed witness in any court, administrative proceeding, or deposition arising out of the employee's duties, will be compensated for the appearance at the rate of straight time or time and one-half the employee's regular hourly rate for the time actually spent in such off-duty court, administrative, or deposition appearance. The employee will receive a minimum of two (2) hours at his/her straight-time or time and one-half rate, whichever is applicable. As a condition precedent to the Town paying any compensation hereunder, the employee will endorse over to the Town any subpoena fee, including mileage and witness fees, received. Transportation to and from such off-duty appearance shall be the sole responsibility of the employee.

ARTICLE 29

JURY DUTY

An employee who is summoned and reports for jury duty, as prescribed by applicable law, shall be paid in an amount equal to the difference between the amount of wages the employee otherwise would have earned by working a regular shift during straight time hours that day and the daily jury duty fee paid by the courts (not including traveling allowances, or reimbursement of expenses) for each day in which he/she reports for, or performs jury duty, and on which he/she otherwise would have been scheduled to work. If jury duty falls outside the employee's regular shift, no reimbursement shall be made.

ARTICLE 30

INSURANCE AND MISCELLANEOUS BENEFITS

The employees covered hereunder shall be provided health, dental, flex plan, long-term disability (LTD), Life Insurance, EAP, ICMA-RC, and workers' compensation benefits and programs under the same terms and conditions as are applicable to the other Town employees. The employees covered hereunder shall be eligible for the Town's Health Savings Account Program and the Town's Retirement Health Savings Plan under the same terms and conditions as are applicable to the other Town employees. Should the Town change the terms and conditions of the aforesaid benefit programs, including, but not limited to, employee premiums and benefits, the employees covered hereunder shall be subject to such changes on the same basis as the other Town employees.

ARTICLE 31

DOCUMENTS

31.1 The Town shall provide copies of public documents to the Union on the same basis as such documents are provided to other members of the public. Where the cost to the Union of such documents is likely to include labor charges (i.e., charges beyond the price of photocopies), the Town will provide the Union with an itemized estimate of the proposed charges in order that the Union can determine whether it wishes to proceed with its request for documents.

31.2 Public documents requested by the Union shall be provided within a reasonable time, provided that the Union makes full payment to the Town in advance of delivery. Where a

document request involves substantial photocopying costs and/or labor charges, the Town will not be required to commence copying, compilation, and/or other production activities until the Union enters into a written agreement confirming that it will pay the itemized costs involved.

31.3 Notwithstanding the foregoing, the Town will provide the Union, without cost, a copy of each of the following documents:

A. The Annual Budget

B. The Annual Audited Financial Statement

C. Any Amendment to the Town's Employee Manual, the Department's Rules and Regulations, or the Department's Procedures.

ARTICLE 32

STATION CONDITIONS

32.1 The Town shall continue to provide washing machines and dryers in each of the fire-rescue stations. Such washing machines and dryers are to be used to clean noncontaminated work uniforms, linens, towels, and other items used in the fire-rescue stations. Such washing machines and dryers are not to be used for personal laundry.

32.2 For the purpose of washing personal protective clothing and contaminated work uniforms, the Town has provided a heavy-duty washer/extractor at Station No. 3. Noncontaminated work uniforms and linens, including blankets, shall not be cleaned in the washer/extractor.

32.3 The Town agrees to comply with all health and safety laws and regulations governing its Fire Stations. The parties, including the bargaining unit employees, agree to jointly cooperate to maintain a safe and healthy work environment.

ARTICLE 33

LABOR RELATIONS COMMITTEE

33.1 There shall be a Labor Relations Committee comprised of three (3) employees designated by the Union, and three (3) non-bargaining unit employees designated by the Town.

33.2 The Labor Relations Committee shall meet quarterly at a time and date mutually agreed upon by the parties. The purpose of the Labor Relations Committee meetings shall be to improve communications and discuss problems and objectives of mutual concern. Such meetings shall be off-the-record in nature, and the discussions shall not be recorded or otherwise documented unless the parties mutually agree in writing to document a particular item. Labor Relations Committee meetings shall not be for the purpose of (or constitute) collective bargaining.

ARTICLE 34

PREVAILING RIGHTS, RULES, AND REGULATIONS

34.1 Except as otherwise provided in this Agreement, the wages, hours, and other conditions of employment of the bargaining unit employees shall be those specifically set forth or specifically incorporated by reference in this Agreement.

34.2 Except as restricted by a specific provision of this Agreement, the Union agrees that the employees covered hereunder shall comply with all programs, policies, and procedures of the Town and the Department, and any amendments thereto.

34.3 Should the Town and/or the Department exercise its right to formulate, amend, revise, and/or implement any program, policy, or procedure, the Town or the Department shall provide a courtesy copy of any new (or amended) program, policy, or procedure to the Union at least seventy-two (72) hours prior to the effective date of implementation. Simultaneous with providing a courtesy copy to the Union, the Town or the Department shall post at each fire station the new (or amended) program, policy, or procedure. "Posting" may be accomplished through electronic mail, telecommunication, bulletin board posting, or any other similar means.

34.4 In the event the Town or the Department exercises its right to issue a new (or amended) program, policy, or procedure, no bargaining unit employee shall be disciplined for violation of any such new or amended program, policy, or procedure until the Town and/or the Department has informed the Union of its posting of such new or amended program, policy, or procedure in accordance with the procedure set forth in paragraph 34.3 above. For the purpose of this Article, hand-delivery or mailing to the Union District Vice President or any other Union steward or representative shall be deemed service upon the Union. Mailing shall be effective upon deposit in the United States Mail by the Town or the Department.

34.5 Nothing contained in this Article shall constitute a waiver of the Union's right to engage in impact bargaining if, and to the extent, required by applicable law.

ARTICLE 35

VOTING

35.1 Employees who are unable to vote during their off-duty hours due to the location of their voting precincts and their work schedules may, in the discretion of the Battalion Chief, be permitted leave without pay (not to exceed two hours) to enable them to vote. To request such leave without pay, the employee shall file a written request with the Battalion Chief advising him/her of the reasons for requesting such leave and providing him/her with confirmation of precinct location and voter registration. Such requests must be made no later than the employee's second-to-last shift prior to the shift for which the leave without pay is being requested.

35.2 It is understood and recognized that employees covered hereunder are normally aware of their upcoming work schedule and, therefore, can vote by absentee ballot if their work schedule causes a conflict with their ability to vote. It, therefore, is further understood that there is no entitlement to leave without pay for voting and that the operating requirements of the Department may preclude such time off (even if previously authorized by the Battalion Chief). Should the Battalion Chief receive a timely request in accordance with paragraph 36.1 above and determine that there are proper grounds for such request, he/she shall schedule the employee's voting time in such a manner as to not interfere with operational requirements. Under no circumstances shall the granting of a request for leave without pay for voting purposes cause the Department additional payroll costs.

ARTICLE 36

SAVINGS CLAUSE

It is agreed by and between the parties that if any provision(s) of this Agreement is held to be unconstitutional, illegal, or otherwise void, such holding shall not affect the remaining portions of the Agreement.

ARTICLE 37

LIMITATIONS ON REOPENING NEGOTIATIONS

37.1 This Agreement contains the entire agreement between the parties in all matters relative to wages, hours, working conditions, and all other matters which have or could have been negotiated by and between the parties prior to the execution of this Agreement. This provision shall not be deemed a waiver of the Union's right to impact bargaining if, and to the extent, required by applicable law.

37.2 The parties, by mutual agreement in writing, may reopen and renegotiate any article in this Agreement.

ARTICLE 38

SICK LEAVE AND INJURY TIME

The Town has a right to expect regular and dependable attendance from its employees. Sick Leave is intended to be used in connection with bona fide illnesses or injuries affecting an employee or a member of an employee's immediate family, as referred to in the Town's Employee Manual.

38.1 In accordance with the Town of Palm Beach Employee Manual, 24-hour shift bargaining employees shall accumulate sick leave at the rate of 3.7 hours per pay period. Department employees shall have their accumulated sick leave reduced by the hours used of approved absence due to illness. Sick leave shall begin to accrue as of the date an employee enters the service of the Town.

38.2 The applicable policies for accruing and utilizing sick leave and those pertaining to injury time are set forth in the Department's Rules and Regulations and the provisions of the Town Employee Manual; provided, however, that notwithstanding any provision of the aforesaid Departmental Rules and Regulations or the Town's Employee Manual, the following shall apply to the employees (other than those on workers compensation leave and FMLA) covered hereunder:

A. Twenty-four (24) hour shift employees who have used more than ninety-six (96) hours of sick leave (not including FMLA) in the current calendar year must provide documentation from a physician, physician assistant, or nurse practitioner of the exact nature and time of the illness which is the basis of the claim in order to be eligible for paid sick leave. Eight (8) hour shift employees who have used more than forty (40) hours of sick leave in the current calendar year

must provide documentation from a physician, physician assistant, or nurse practitioner of the exact nature and time of illness which is the basis of the claim in order to be eligible for paid sick leave. The Town can require a bargaining unit employee to provide documentation from a physician, physician assistant, or nurse practitioner of the exact nature and time of the illness which is the basis of the claim in order to be eligible for paid sick leave if it determines that such action is necessary to address excessive absenteeism or abuse by that employee.

B. If the employee claims sick leave while on vacation leave, vacation leave may not be converted to sick leave without documentation from a physician, physician assistant, or nurse practitioner of the exact nature and time of the illness which is the basis of the claim.

38.3 The Town shall provide Workers' Compensation benefits in accordance with the Town's Employee Manual; provided however, that notwithstanding any provision of or any of its subsections, no employee shall be entitled to receive any extended compensation from the Town beyond the initial thirteen (13) week period of base pay compensation. The Town Manager may, in his/her discretion, extend compensation beyond the initial thirteen (13) week base pay compensation if s/he determines there are unusual or extenuating circumstances. In no event shall such extended compensation exceed an additional thirteen (13) weeks of base pay.

38.4 The parties agree and understand that the nature of the duties and responsibilities of the employees covered hereunder requires that such employees remain physically and mentally capable of performing such duties and responsibilities. Should the Fire Chief (or designee) have a reasonable belief that an employee covered hereunder many not be physically or mentally capable of performing his/her job duties and responsibilities, the Fire Chief (or designee) shall have the right

to order such employee to undergo a fitness for duty examination/evaluation (at the Town's expense) by the Town physician or other appropriate medical, psychological, or vocational professional designated by the Town. The determination as to the employee's fitness for duty will be made by the Town's designated Occupational Health facility in consultation with the employee's physician, if applicable.

38.5 If, in the judgement of the Fire Chief or their designee, sick leave is being abused or where an employee regularly uses sick leave as it is earned, the employee requesting such sick leave shall be required to provide documentation from a physician, physician assistant, or nurse practitioner of the exact nature and time of the illness which is the basis of the claim in order to be eligible for paid sick leave Whenever an employee using sick time leaves their place of residence, they must notify the Battalion Chief on duty in advance of their intended activity and/or destination as well as the duration, as required by the department's rules and regulations. The Fire Chief, or their designee, may call on the absent employee. If the employee is not at home when the Fire Chief, or their designee calls, no sick leave will be approved except with the approval of the Town Manager.

38.6 The definition of abuse shall include but not be limited to, when an employee establishes a pattern of taking certain days off each month, when an employee consistently uses sick leave as it is earned, when an employee consistently uses sick leave prior to or after a previously approved vacation leave, or when an employee consistently uses sick leave before or after a weekend or other regular days off.

38.7 Investigation Process:

The Fire Chief, or their designee, may conduct an investigation of potential sick leave abuse. The Town has the right to impose penalties for employees that are found to abuse sick leave as defined above. Penalty levels will be as follows:

A. First Offense: Written reprimand placed in the personnel file, emphasizing policy adherence, potential referral to an Employee Assistant Program (EAP) and loss of sick time being claimed.

B. Second Offense: Suspension without pay for 24 hours and loss of sick time being claimed.

C. Third Offense: Termination after review of record and circumstances and loss of sick time pay being claimed.

ARTICLE 39

PHYSICAL ABILITIES TEST

39.1 The parties agree to work together to establish a wellness program which will include physical abilities testing.

ARTICLE 40

LIGHT DUTY

40.1 Light duty assignments shall be limited to those employees who are unable to perform their regular job due to an on-the-job (workers' compensation) injury.

40.2 Light duty assignments may be made in the discretion of the Fire Chief. An employee who sustained a work-related injury/illness and has been released by a physician to return to work with restrictions shall present the Fire Chief with a physician's statement detailing his/her condition and work limitations. If the Fire Chief determines that productive work is

available in the Fire-Rescue Department consistent with the employee's medically certified restrictions, the Fire Chief may assign the employee to such work. An employee assigned to such work shall be compensated at the rate of pay applicable to his regular job; provided, however, that a shift employee assigned to 40-hour a week "light duty" job will receive the pay applicable to his/her regular shift job.

40.3 In the sole and exclusive discretion of the Fire Chief, an employee injured off-the-job may be offered alternative (temporary) employment in a position other than his/her regular job; provided that productive work is available and such work is consistent with the employee's medically certified restrictions. The wages, hours, and other conditions of such alternative (temporary) employment shall be those mutually agreed upon by the Town and the employee.

ARTICLE 41

RETIREMENT BENEFITS

41.1. Bargaining unit employees shall be provided retirement benefits in accordance with the Town's Retirement System Ordinance, which shall be amended to reflect the changes in Ordinance No. 35-2019.

ARTICLE 42

DURATION

This Agreement shall take effect upon October 1, 2023, and shall remain in full force and effect until and including September 30, 2026. In order to negotiate the provisions of a new agreement to succeed the provisions of this Agreement, the parties agree to commence negotiations for a successor agreement upon request by either party and negotiations shall then proceed in accordance with applicable law. If a new collective bargaining agreement is not

reached within an appropriate period of time, either party shall be free to invoke the impasse resolution procedures available under Florida law.

SIGNATURE PAGE

For Local 2928:

_____
Jeffrey Newsome
President

_____
(Date)

For the Town:

_____
Kirk Blouin
Town Manager

_____
(Date)

This Agreement was approved by the Town Council of the Town of Palm Beach this _____ day of _____, 2023.

_____
Margaret Zeidman
Town Council President

Attest:

_____
Kelly Churney
Acting Town Clerk

Appendix A

TOPB PROPOSAL 2023

TOPB TA

L2928 TA

APPENDIX A

Fire Rescue Certified FY23 Step Plan (Effective October 1, 2022)

	FY23 FIRE STEP PLAN (Estimated Annual Salary Based on 2,496 Hours Per Year)										
		1	2	3	4	5	6	7	8	9	10
FIREFIGHTER EMT	F1	$57,673.61	$61,132.68	$64,799.21	$68,685.65	$72,805.19	$77,171.80	$81,642.62	$86,372.44	$91,376.28	$96,670.00
FF DRIVER/ENGINEER EMT	F2	$69,385.00	$72,426.62	$75,601.57	$78,915.70	$82,375.11	$85,986.17	$89,865.90	$93,920.68	$98,158.41	$102,587.35
FIREFIGHTER PARAMEDIC	F3	$68,547.00	$71,858.94	$75,330.91	$78,970.62	$82,786.20	$86,786.13	$91,025.10	$95,471.12	$100,134.30	$105,025.25
FF DRIVER/ENGINEER PARAMEDIC	F4	$78,766.00	$81,813.14	$84,978.16	$88,265.62	$91,680.26	$95,227.00	$99,099.56	$103,129.59	$107,323.52	$111,688.00

Fire Rescue Certified FY24 Step Plan (Effective October 1, 2023)

	FY24 FIRE STEP PLAN (Estimated Annual Salary Based on 2,496 Hours Per Year)										
		1	2	3	4	5	6	7	8	9	10
FIREFIGHTER EMT	F1	$58,827.08	$62,393.39	$66,175.90	$70,187.72	$74,442.75	$78,955.74	$83,567.83	$88,449.32	$93,615.96	$99,084.40
FF DRIVER/ENGINEER EMT	F2	$70,772.70	$73,875.15	$77,113.60	$80,494.01	$84,022.62	$87,705.90	$91,663.22	$95,799.09	$100,121.58	$104,639.10
FIREFIGHTER PARAMEDIC	F3	$69,917.94	$73,409.70	$77,075.84	$80,925.06	$84,966.52	$89,209.82	$93,684.69	$98,384.03	$103,319.09	$108,501.70
FF DRIVER/ENGINEER PARAMEDIC	F4	$80,341.32	$83,449.40	$86,677.72	$90,030.93	$93,513.87	$97,131.54	$101,081.55	$105,192.19	$109,469.99	$113,921.76

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Consent - Other

Agenda Title
Health Insurance Rates for Calendar Year 2024

Presenter
Gillian Barth, Director of People & Culture

ATTACHMENTS:

- **Memorandum dated September 30, 2023, from Gillian Barth, Director of People and Culture**
- **Exhibit A - Calendar Year 2024 Medical Rates for Active Employees**
- **Exhibit B - Calendar Year 2024 Medical Rates for Retirees**
- **Exhibit C - Calendar Year 2024 Dental Rates for Active Employees**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Gillian Barth, Director of People & Culture

Re: Health Insurance Rates for Calendar Year (Plan Year) 2024

Date: September 28, 2023

STAFF RECOMMENDATION

The information contained herein is provided to Town Council for review. No action is required.

GENERAL INFORMATION

The Town's Insurance Broker, The Gehring Group, has conducted a review of the claims experience for the medical, prescription, and dental plans for employees and retirees. The review consisted of a 19-month trend analysis using claims history from May 2022 through April 2023.

For active employees, the claims analysis shows a decrease of approximately 0.3% from FY23. This decrease includes a 0.0% maturation factor. Retiree medical claims showed a lower trend on medical claims, at 14.2% reduction from the FY23 budgeted funding amount.

In order to get a complete and more accurate picture, Gehring Group combines the claims experience for both active employees and retirees. They calculate the maximum allowable premiums that can be charged to retirees based on state statute limitations and required commingled claims experience of the retiree and employee group calculation (F.S. 112.0801). The overall decrease for the combined groups over the FY24 budget funding is 4.4%.

In the Benefits Plan Year 2023, there was an increase to bi-weekly premium contributions for employees of 10% and an increase in the Town contribution of 20%. No increase in premium contributions is recommended for Benefits Plan Year 2024.

Due to the flattening of the calculated premium rates in the Retiree Sliding Scales, the Retiree Sliding Scales have been eliminated. The rates have been averaged and adjusted to reflect regular and Medicare premiums and dependent rates for Benefits Plan Year 2024. The Sliding Scales were matrices that utilized intricate formulas for years of service and gross pension pay, requiring more complex coding for payroll deductions and difficult to understand for retirees. The new rates are found in Exhibit B.

Therefore, the FY24 budget for Health and OPEB will remain the same. Should additional funds be needed to cover expenses in FY24, the money will be transferred from the Health and OPEB reserves which are currently overfunded. Please refer to Exhibit A for the employee contribution rates and Exhibit B for the retiree premium rates.

The Town's dental plan was also evaluated. Low administrative fees and claim expenses have allowed for premiums to remain flat during the past twelve years. There will be no increase to contributions for employees, retirees, or the Town for Benefit Plan Year 2024. Refer to Exhibit C for the 2024 dental contribution rates.

FUNDING/FISCAL IMPACT

Sufficient funds exist in the FY24 Health Insurance fund and OPEB Trust to provide for the Town's share of expenses for the healthcare plan as proposed herein.

TOWN ATTORNEY REVIEW

It is not necessary for the Town Attorney to review for legal form and sufficiency.

Attachments

GB:jj

10/10/23 TCM Backup

TOWN OF PALM BEACH - MEDICAL CONTRIBUTION RATES FOR 2024

With Wellness Incentive

		A	B	C	D	E	F	G	H	I	J	K	L	M	N
		Total Monthly Premiums				Town of Palm Beach					Employee				
		Paid Monthly		Premium Difference		Paid Monthly		2024 Cost	Town Contribution Difference		Paid Monthly		2024 Cost	Employee Contribution Difference	
Plan	Tier	2024	2023	%	$	2024	2023	Sharing	%	$	2024	2023	Sharing	%	$
OAP															
	Employee	$616.20	$616.20	0.0%	$0.00	$501.97	$418.31	81.5%	20.0%	$83.66	$114.23	$103.84	18.5%	10.0%	$10.39
	1 Dependent	$683.57	$683.57	0.0%	$0.00	$422.20	$351.83	61.8%	20.0%	$70.37	$261.37	$237.62	38.2%	10.0%	$23.75
	2 Dependents	$1,367.16	$1,367.16	0.0%	$0.00	$844.39	$703.66	61.8%	20.0%	$140.73	$522.77	$475.25	38.2%	10.0%	$47.52
	3+ Dependents	$2,050.73	$2,050.73	0.0%	$0.00	$1,266.60	$1,055.50	61.8%	20.0%	$211.10	$784.13	$712.85	38.2%	10.0%	$71.28
OAPIN															
	Employee	$501.97	$418.31	20.0%	$83.66	$501.97	$418.31	100.0%	20.0%	$83.66	$0.00	$0.00	0.0%	0.0%	$0.00
	1 Dependent	$555.84	$473.32	17.4%	$82.52	$422.20	$351.83	76.0%	20.0%	$70.37	$133.64	$121.49	24.0%	10.0%	$12.15
	2 Dependents	$1,111.66	$946.63	17.4%	$165.03	$844.39	$703.66	76.0%	20.0%	$140.73	$267.27	$242.97	24.0%	10.0%	$24.30
	3+ Dependents	$1,667.51	$1,419.96	17.4%	$247.55	$1,266.60	$1,055.50	76.0%	20.0%	$211.10	$400.91	$364.46	24.0%	10.0%	$36.45

Without Wellness Incentive

		Total Monthly Premiums				Town of Palm Beach					Employee				
		Paid Monthly		Premium Difference		Paid Monthly		2024 Cost	Town Contribution Difference		Paid Monthly		2024 Cost	Employee Contribution Difference	
Plan	Tier	2024	2023	%	$	2024	2023	Sharing	%	$	2024	2023	Sharing	%	$
OAP															
	Employee	$690.14	$690.14	0.0%	$0.00	$501.97	$501.97	72.7%	0.0%	$0.00	$188.17	$188.17	27.3%	0.0%	$0.00
	1 Dependent	$765.60	$765.60	0.0%	$0.00	$422.20	$422.20	55.1%	0.0%	$0.00	$343.40	$343.40	44.9%	0.0%	$0.00
	2 Dependents	$1,531.22	$1,531.22	0.0%	$0.00	$844.39	$844.39	55.1%	0.0%	$0.00	$686.83	$686.83	44.9%	0.0%	$0.00
	3+ Dependents	$2,296.82	$2,296.82	0.0%	$0.00	$1,266.60	$1,266.60	55.1%	0.0%	$0.00	$1,030.22	$1,030.22	44.9%	0.0%	$0.00
OAPIN															
	Employee	$562.21	$562.21	0.0%	$0.00	$501.97	$501.97	89.3%	0.0%	$0.00	$60.24	$60.24	10.7%	0.0%	$0.00
	1 Dependent	$622.54	$622.54	0.0%	$0.00	$422.20	$422.20	67.8%	0.0%	$0.00	$200.34	$200.34	32.2%	0.0%	$0.00
	2 Dependents	$1,245.06	$1,245.06	0.0%	$0.00	$844.39	$844.39	67.8%	0.0%	$0.00	$400.67	$400.67	32.2%	0.0%	$0.00
	3+ Dependents	$1,867.61	$1,867.61	0.0%	$0.00	$1,266.60	$1,266.60	67.8%	0.0%	$0.00	$601.01	$601.01	32.2%	0.0%	$0.00

Retiree Insurance Premium Rates 2024

Open Access Plus (OAP) Plan

	Non-Medicare	Medicare
Retiree	$639.56	$315.57
Retiree + 1 Dependent	$1,351.04	$668.79
Retiree + 2 Dependents	$1,765.78	
Retiree + 3 Dependents	$2,180.53	

Open Access Plus In-Network (OAPIN) Plan

	Non-Medicare	Medicare
Retiree	$542.99	$265.36
Retiree + 1 Dependent	$1,148.05	$563.13
Retiree + 2 Dependents	$1,479.62	
Retiree + 3 Dependents	$1,811.27	

Exhibit C

Updated 09/2022

TOWN OF PALM BEACH - DENTAL CONTRIBUTION RATES FOR 2024

		Total Monthly Premiums				Town of Palm Beach					Employee				
		Paid Monthly		Premium Difference		Paid Monthly		2024 Cost	Town Contribution Difference		Paid Monthly		2023 Cost	Employee Contribution Difference	
Plan	Tier	2024	2023	%	$	2024	2023	Sharing	%	$	2024	2023	Sharing	%	$
Employees															
	Employee	$41.74	$41.74	0.0%	$0.00	$41.74	$41.74	100.0%	0.0%	$0.00	$0.00	$0.00	0.0%	0.0%	$0.00
	1 Dependent	$36.57	$36.57	0.0%	$0.00	$0.00	$0.00	0.0%	0.0%	$0.00	$36.57	$36.57	100.0%	0.0%	$0.00
	2+ Dependents	$60.39	$60.39	0.0%	$0.00	$0.00	$0.00	0.0%	0.0%	$0.00	$60.39	$60.39	100.0%	0.0%	$0.00
Retirees															
	Retiree	$41.74	$41.74	0.0%	$0.00	$0.00	$0.00	0.0%	0.0%	$0.00	$41.74	$41.74	100.0%	0.0%	$0.00
	1 Dependent	$36.57	$36.57	0.0%	$0.00	$0.00	$0.00	0.0%	0.0%	$0.00	$36.57	$36.57	100.0%	0.0%	$0.00
	2+ Dependents	$60.39	$60.39	0.0%	$0.00	$0.00	$0.00	0.0%	0.0%	$0.00	$60.39	$60.39	100.0%	0.0%	$0.00

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Consent - Other

Agenda Title
Consideration of Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon and Construction of the 2023 Palm Beach Harbor Inlet Maintenance Dredging Project

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

ATTACHMENTS:

- **Memorandum dated September 18, 2023, from H. Paul Brazil, P..E., Director of Public Works**
- **USACE Waiver Request**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2023

TO: Mayor and Town Council

VIA: Kirk. W. Blouin, Town Manager

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

RE: Consideration of Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon and Construction of the 2023 Palm Beach Harbor Inlet Maintenance Dredging Project

DATE: September 18, 2023

STAFF RECOMMENDATION

Town staff recommends Town Council approve a waiver for the United States Army Corps of Engineers (USACE) to allow construction related activities outside of the Town Code of Ordinances restrictions for construction dates, hours, and noise levels in the staging area shown in the request from the USACE.

GENERAL INFORMATION

The USACE plans to commence dredging of the Palm Beach Inlet as early as February 2024. The dredged material will be placed in the permitted nearshore placement area. The volume being dredged is less than 100,000 cubic yards, therefore, there will not be placed on the Town's shore. The work is expected to be completed no later than April 30, 2024.

The USACE intends for their contractor to utilize the Lake Worth Lagoon for project staging of offshore equipment. Since the Lake Worth Lagoon east of the Intracoastal Waterway's centerline is within the jurisdictional limits of the Town of Palm Beach, work performed in this area must either conform to the Town Code of Ordinances or be allowed by the Town Council.

This USACE request includes waivers of the following sections of the Town Code of Ordinances:

Section 42-198 – prohibits operation of equipment or machinery during winter, Sundays, and legal holidays (commencing on December 1st and ending May 1st).

Section 42-199 – prohibits work between 5:00 p.m. and 8:00 a.m.

Sections 42-226 through 229 – regulates noise, equipment operation, work hours, and the standard Town requirement to "stand down for the season".

The proposed staging area is the same location used successfully by the USACE in 2020, 2021, and 2022 which is located near to the Port of Palm Beach and nearly 1/3-mile from the Town's lagoon front shoreline.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this item.

Attachment

cc. Patricia Strayer, P.E, Town Engineer
Chris McNees, USACE

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

Programs and Project Management Division
Water Resources Branch

September 5, 2023

Ms. Patricia Strayer
Town Engineer
Town of Palm Beach
951 Okeechobee Road, Suite A
West Palm Beach, FL 33401

Dear Ms. Strayer:

The Jacksonville District, U.S. Army Corps of Engineers (Corps) is preparing to initiate a maintenance dredging event for Palm Beach Harbor. The contract is scheduled to be awarded in January 2024. The dredged material will be placed in the permitted Nearshore Placement Area (NSPA). Construction activities may start as early as February 2024 but are anticipated to start no later than April 2024, and are expected to be completed by June 2024. The Contractor is anticipated to operate marine-based equipment 24 hours a day / 7 days a week. The Corps requests approval from the Town Council for the Contractor to stage within the Town of Palm Beach's jurisdictional limits of Lake Worth Lagoon. The open-water staging area is shown on the attached figure from the project's plans and circled for your ease of reference.

The Corps is requesting variance on the following Town Code of Ordinances for the proposed work:

- Section 42-198 – prohibits operation of equipment or machinery during winter, Sundays, and legal holidays
- Section 42-199 – prohibits work between 5:00 pm and 8:00 am
- Sections 42-226 through 229 – regulates noise, equipment operation, and work hours and the standard Town "stand down for the season" requirement

If you have any further questions or need any additional information, please feel free to contact the undersigned at 904-232-2132.

Sincerely,

Chris McNees

M. Chris McNees
Project Manager

SHEET GENERAL NOTES

1. NO ANCHORING, STORAGE, STAGING, OR STOCKPILING OF VESSELS OR EQUIPMENT WITHIN 5 METERS OF HARDBOTTOM OR SAV.

NO DREDGING THIS SHEET

PEANUT ISLAND

X= 965,500 | X= 966,000 | X= 966,500 | X= 967,000 | X= 967,500 | X= 968,000 | X= 968,500 | X= 969,000

Y= 887,500 | Y= 887,000 | Y= 886,500 | Y= 886,000 | Y= 885,500 | Y= 885,000

STA 15+00 T.B.

STA 10+00 T.B.

STA 5+00 T.B.

STA 0+00 T.B.

STA 20+00 T.B.

"INFO SIGN"

P.I. STA. 0+00.00 T.B.
P.I. STA. 87+92.96 CUT-2

MATCHLINE SHEET C-02 STA. 86+00 CUT-2

RGE. 000

RGE. 150

RGE. VARIES

FLOOD

EBB

HARDBOTTOM
(2011 SURVEY)

SEAGRASS
(2021 SURVEY)

NORTHERN TURNING BASIN

SOUTHERN TURNING BASIN

"LT-12"

"LT-1"

"LT-11"

"LT-13"

"RDB-2"

OPEN WATER STAGING AREA
(SEE NOTE 1)

APPROX. BULKHEAD

APPROX. BULKHEAD

P.I. STA. 22+50 T.B.

CUT-2

PORT OF PALM BEACH

TOWN OF PALM BEACH

AIDS TO NAVIGATION	PLANE COORDINATES	
	X	Y
LT-1 (07/23)	966,431	885,031
RDB-2 (07/23)	966,269	884,923
LT-11 (07/23)	967,917	886,277
LT-12 (07/23)	966,867	886,653
LT-13 (07/23)	967,304	885,032
INFO SIGN	966,303	887,326
INFO SIGN	966,870	886,686

IN-WATER STAGING AREA COORDINATES		
CORNER	(X) EASTING	(Y) NORTHING
NW	966,615.85	885,072.97
NE	967,296.82	885,094.64
SW	966,655.97	884,825.88
SE	967,272.96	884,907.16

DREDGING PLAN
SCALE: 1" = 100'

0 100' 200'

N

ATLANTIC OCEAN

KEY PLAN
NOT TO SCALE

US Army Corps of Engineers®

MARK	DESCRIPTION	DATE

ISSUE EDATE:	
SOLICITATION NO.:	
CONTRACT NO.:	
PRINTED DATE:	2023-09-05
SIZE	ANSI E
FILE NAME	L:\SPD\PB\DGR\MD-CA003.DWG

DESIGNED BY: N. DEGSARAN
DRAWN BY: E. HOWARD
CHECKED BY: L. HEAUSLER
SURVEYED BY: N. DEGSARAN

U.S. ARMY CORPS OF ENGINEERS
JACKSONVILLE DISTRICT
701 SAN MARCO BLVD
JACKSONVILLE, FLORIDA

PALM BEACH HARBOR MAINTENANCE DREDGING,
35-FOOT CHANNEL, PORT CHANNEL
AND SETTLING BASIN
PROJECT NO. P483
PALM BEACH COUNTY, FLORIDA

CIVIL
DREDGING PLAN
STA. 86+00 CUT-2 TO STA. 22+50 T.B.

SHEET ID
C-03

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Consent - Other

Agenda Title
Status Report of Delinquent Accounts and Request for Authorization to Write-off Uncollectible Accounts

Presenter
Bob Miracle, Deputy Town Manager - Finance and Administration

ATTACHMENTS:

- **Memorandum Dated September 26, 2023, from Robert Miracle, Deputy Town Manager, Finance and Administration**
- **Delinquent Account Spreadsheet**
- **EMS Write-Off Listing**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Robert Miracle, Deputy Town Manager

Re: Status Report of Delinquent Accounts and Request for Authorization to Write-off Uncollectible Accounts

Date: September 30, 2023

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	FY2023 Revenue Collected	% of Write off vs. Total Revenue
EMS Charges	$154,753	$405,923	38.12%
Fire False Alarms	$1,296	$31,396	.4%
Code Enforcement	$2,450	1,979,850	.001%
Parking Tickets (FY2020)			
Tickets	$61,865	$979,676	.06%
Penalties	$73,145	$234,144	31.2%
Total	**$293,509**	**$3,630,989**	**.08%**

GENERAL INFORMATION

Status of Delinquent Accounts - Year End Update

Attached is the September 30, 2023, Status of Delinquent Accounts report for your review. This report includes outstanding code enforcement liens and false alarm fees Contractors. The total amount of delinquent accounts on this report equals $104,896.86. Most of the balance is made up of code enforcement liens. The numerous small amounts under code enforcement liens represent code enforcement administrative fees.

EMS Collections

Fire-Rescue is requesting the authority to write off $154,753.00 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 01, 2023: $276,616.83
Total amount of delinquent accounts as of September 01, 2023: $137,721.39
The collection rate for the FY2022 dates of service is currently 72%, the collection rate for the FY2023 dates of service is currently 56 %
Total revenue from EMS fees for FY2023: $405,923

Code Enforcement

Code Enforcement write-offs total $2450.00 for 8 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 $1296.29. The balance consists of eight accounts, COD Mechanical, Absolute Tile & Stone, Aichemy in Art, Davisa Maintenance Group, FTDS Door Service, Josh Semior Maintenance, Spectra Contract Flooring, Promar Building Service. All eight were sent Certified Letters – no response. Also numerous calls and emails to try and collect but no response to those as well.

Parking Tickets

Revenues from parking tickets and associated penalties for FY23 were $91,448.61 higher than FY22.

Last year, Town Council authorized staff to write off unpaid tickets issued during fiscal year 2019. We are requesting that the Town Council authorize staff to write off outstanding parking tickets and penalties issued prior to September 30, 2020, totaling $135,010. This total consists of original tickets issued in the amount of $61,865 and $73,145 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 FY2022 vs. FY2023 write off and receivable balances.

Comparison of FY2022 vs. FY2023 Receivable Report

Write off Amounts

Type of Charge	FY2022	FY2023
EMS Charges	$126,311	$154,753
Code Enforcement Fines	.00	$2,450
Parking Tickets	$99,485	$135,010
Fire False Alarms	$444	$1,296

Balance of Delinquent Accounts

Type of Charge	FY2022	FY2023
Code Enforcement Liens	$3,205,750	$103,400
False Alarm Accounts	$990	$1,497
EMS Charges	$139,663	$137,721
Parking Tickets		
Tickets	$348,495	$453,980
Penalties	$355,565	$432,271

Revenues from above sources

Type of Charge	FY2022	FY2023
Code Enforcement Liens	$418,025	$1,979,850
EMS Fees	$430,561	$405,923
Parking Tickets and Penalties	$888,227	$979,676
False Alarm Revenues	$58,540	$63,121

Town of Palm Beach
Delinquent Accounts
8/30/2023

Name	Address	Case Number	Principal Due	Penalty/ Interest Due	Total Due	Date of Lien	Action Taken
Code Enforcement Liens							
Style Paris	337 Worth Ave	Case #22-611	$0.00	$750.00	$750.00		Daily Running Fine - compliance on 6/21/22
224 Atlantic LLC	224 Atlantic Ave	Case #22-2119	$0.00	$6,500.00	$6,500.00		02/16/23 Admin Fee
County Down Trust	12 Via Vizcaya	Case #23-55	$0.00	$14,250.00	$14,250.00		03/16/23 Admin Fee
Christina & Desmond Keogh	241 El Dorado Lane	Case #23-428	$0.00	$8,500.00	$8,500.00		BO 5/18/23 assess admin fee
Leona Flynn	233 Cherry Lane	Case #22-1743	$0.00	$8,500.00	$8,500.00		BO 7/20/23 assess daily fine $250.00
Erin & Peter Sayer	220 Onondaga Ave	Case #23-575	$0.00	$8,500.00	$8,500.00		BO 7/20/23 assess daily fine $250.00
246 Everglade LLC	246 Everglade Ave	Case #22-540	$0.00	$47,250.00	$47,250.00		BO 7/20/23 Daily Fine $250.00
Samuel Dashiell	354 Chilean Ave	Case #22-1397	$0.00	$8,250.00	$8,250.00		BO 7/20/23 Daily Fine $250.00
127 El Bravo Trust	127 El Bravo Way	Case #23-651	$150.00	$0.00	$150.00		BO 7/20/23 Admin Fees
JHB Seaside Properties	420 Royal Palm Way	Case #23-841	$150.00	$0.00	$150.00		BO 8/17/23 Admin Fees
DLW Investments LLC	209 List Road	Case #23-898	$150.00	$0.00	$150.00		BO 8/17/23 Admin Fees
Meat Market	191 Bradley Place	Case #23-924	$150.00	$0.00	$150.00		BO 8/17/23 Admin Fees
1150 N Ocean Way	1150 N Ocean Way	Case #23-982	$150.00	$0.00	$150.00		BO 8/17/23 Admin Fees
Lake Towers	250 Bradley Place	Case #23-1115	$150.00	$0.00	$150.00		BO 8/17/23 Admin Fees
		Total CEB Fines	**$900.00**	**$102,500.00**	**$103,400.00**		
Fire False Alarm Calls Contractors	**Account Number**	**Location**				**Inspection**	
COD Mechanical	AL-004381	2842 S Ocean Blvd	$75.00	$160.51	$235.51		Cert Letter sent 09/22 - to be written off FY23
Absolute Tile & Stone	AL-004513	180 Canterbury Lane	$75.00	$71.20	$146.20		Cert Letter sent 03/08/23-no response
Alchemy in Art	AL-004518	264 S. County Rd	$75.00	$71.20	$146.20		Cert Letter sent 03/08/23-no response
Davisa Maintenance Group	AL-004472	6 Ocean Ln	$75.00	$101.92	$176.92		Cert Letter sent 03/08/23-no response
FTDS Door Service	AL-004487	350 Royal Palm Way	$75.00	$85.83	$160.83		Cert Letter sent 03/08/23-no response
Josh Semior Maintenance	AL-004468	340 Brazilian Ave	$75.00	$101.92	$176.92		Cert Letter sent 03/08/23-no response
Spectra Contract Flooring	AL-004608	324 Royal Palm Way	$75.00	$45.81	$120.81		Cert Letter Sent 5/17/23 - no response
Promar Building Service	AL-004594	2505 S Ocean Blvd	$75.00	$57.90	$132.90		Cert Letter Sent 5/17/23 - no response
Palm Beach Electronics	AL-004618	300 Parc Monceau	$75.00	$34.82	$109.82		Cert Letter Sent 7/10/23 - no response- not a write off
Blue Water Builders	AL-004648	2842 S Ocean Blvd	$75.00	$15.75	$90.75		Past due notice sent - not a write off
		Total False Alarm Calls	$750.00	$746.86	$1,496.86		
		Total monies due to Town	**$1,650.00**	**$103,246.86**	**$104,896.86**		

CREDIT TRANSACTIONS BY DEPOSIT DATE

Period IS 202110 OR -202110 OR 202111 OR -202111 OR 202112 OR -202112 OR 202201 OR -202201 OR 202202 OR -202202 OR 202203 OR -202203 OR 202204 OR -202204 OR 202205 OR -202205 OR 202206 OR -202206 OR 202207 OR

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PALM BEACH FIRE RESCUE

CREDIT	PATIENT NAME	DOS	INC NUMBER	RUN NUMBER	CHECK NUMBER	DEPOSIT DATE	AMOUNT
WRITE OFF-TF ADMIN ERROR TOTAL:							$765.00
Total Credit Amount:							**$154,753.00**

CREDIT TRANSACTIONS BY DEPOSIT DATE

Period IS 202110 OR -202110 OR 202111 OR -202111 OR 202112 OR -202112 OR 202201 OR -202201 OR 202202 OR -202202 OR 202203 OR -202203 OR 202204 OR -202204 OR 202205 OR -202205 OR 202206 OR -202206 OR 202207 OR

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PALM BEACH FIRE RESCUE

CREDIT	PATIENT NAME	DOS	INC NUMBER	RUN NUMBER	CHECK NUMBER	DEPOSIT DATE	AMOUNT
Write off-Bad Debt		2022-01-05	169847	22-6672		2022-09-30	$240.00
Write off-Bad Debt		2022-04-19	170849	22-702607		2022-09-30	$778.80
Write off-Bad Debt		2022-01-19	169982	22-85322		2022-09-30	$786.00
WRITE OFF-BAD DEBT TOTAL:							**$147,638.21**
Write off-Bankruptcy							
Write off-Bankruptcy		2015-03-16	15000636	15-289677		2022-09-23	$304.35
WRITE OFF-BANKRUPTCY TOTAL:							**$304.35**
Write off-Client Request							
Write off-Client Request			171327	22-1174050		2022-08-15	$96.20
WRITE OFF-CLIENT REQUEST TOTAL:							**$96.20**
Write off-Deceased							
Write off-Deceased		2021-03-05	147498	21-353946		2021-10-19	$93.82
Write off-Deceased		2018-06-17	100463	18-816278		2021-10-25	$250.00
Write off-Deceased		2019-01-03	121736	19-93858		2022-04-25	$132.58
Write off-Deceased		2016-12-01	16002225	16-1187966		2022-05-09	$337.02
Write off-Deceased		2016-11-28	16002197	16-1244499		2022-05-09	$337.02
Write off-Deceased		2017-06-09	17001143	17-711720		2022-05-09	$764.40
Write off-Deceased		2018-06-26	110509	18-867617		2022-05-09	$814.80
WRITE OFF-DECEASED TOTAL:							**$2,729.64**
Write Off-Efforts Exhausted							
Write Off-Efforts Exhausted		2020-11-06	136531	20-1620256		2021-10-14	$806.40
Write Off-Efforts Exhausted		2021-07-14	158532	21-1184724		2022-03-02	$770.40
WRITE OFF-EFFORTS EXHAUSTED TOTAL:							**$1,576.80**
Write off-No Sig							
Write off-No Sig		2021-01-27	137196	21-116214		2021-12-09	$807.60
Write off-No Sig		2022-04-03	170692	22-583768		2022-09-30	$835.20
WRITE OFF-NO SIG TOTAL:							**$1,642.80**
Write off-TF Admin Error							
Write off-TF Admin Error		2020-10-25	136456	20-1523926		2022-03-01	$765.00

CREDIT TRANSACTIONS BY DEPOSIT DATE

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PALM BEACH FIRE RESCUE

CREDIT	PATIENT NAME	DOS	INC NUMBER	RUN NUMBER	CHECK NUMBER	DEPOSIT DATE	AMOUNT
			Write off-Bad Debt				
Write off-Bad Debt		2015-03-16	15000636	15-289677		2016-03-16	-$304.35
Write off-Bad Debt		2015-09-25	15001896	15-941507		2016-03-31	-$674.00
Write off-Bad Debt		2018-01-08	16000067	16-110812		2016-04-30	-$873.60
Write off-Bad Debt		2016-10-12	16001873	16-1033466		2017-05-31	-$275.00
Write off-Bad Debt		2017-03-29	17000668	17-406367		2017-10-31	-$772.80
Write off-Bad Debt		2018-01-20	18000172	18-156818		2018-08-31	-$774.00
Write off-Bad Debt		2020-04-18	125261	20-534749		2020-07-31	-$858.00
Write off-Bad Debt		2020-05-08	125365	20-612919		2020-11-30	-$810.00
Write off-Bad Debt		2020-06-22	125699	20-826865		2020-12-31	-$787.20
Write off-Bad Debt		2020-08-22	126069	20-1168472		2021-02-28	-$764.40
Write off-Bad Debt		2020-09-05	126159	20-1225884		2021-02-28	-$311.67
Write off-Bad Debt		2020-09-07	126167	20-1231626		2021-03-31	-$311.67
Write off-Bad Debt		2019-08-04	19001572	19-1113269		2021-04-30	-$783.60
Write off-Bad Debt		2020-09-16	136227	20-1285687		2021-04-30	-$97.91
Write off-Bad Debt		2021-01-22	137149	21-92105		2021-04-30	-$818.40
Write off-Bad Debt		2020-08-12	126006	20-1168449		2021-05-31	-$447.30
Write off-Bad Debt		2020-11-17	136641	20-1673979		2021-06-30	-$185.51
Write off-Bad Debt		2020-05-08	125373	20-612920		2021-07-31	-$786.00
Write off-Bad Debt		2021-04-19	147887	21-616013		2021-07-31	-$904.80
Write off-Bad Debt		2021-03-19	147632	21-437863		2021-08-31	-$787.20
Write off-Bad Debt		2015-07-25	15001539	15-714169		2021-09-15	-$400.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2021-09-15	-$440.00
Write off-Bad Debt		2020-12-30	136957	20-1948461		2021-09-30	-$545.22
Write off-Bad Debt		2021-03-20	147635	21-437864		2021-09-30	-$790.80
Write off-Bad Debt		2021-06-12	158309	21-972974		2021-09-30	-$829.20
Write off-Bad Debt		2015-07-25	15001539	15-714169		2021-10-08	$350.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2021-10-08	-$350.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2021-10-08	$340.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2021-10-08	-$340.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2021-10-18	$375.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2021-10-18	-$375.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2021-10-18	$390.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2021-10-18	-$390.00
Write off-Bad Debt		2020-05-08	125373	20-612920		2021-10-18	$86.00

CREDIT TRANSACTIONS BY DEPOSIT DATE

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PALM BEACH FIRE RESCUE

CREDIT	PATIENT NAME	DOS	INC NUMBER	RUN NUMBER	CHECK NUMBER	DEPOSIT DATE	AMOUNT
Write off-Bad Debt		2020-05-08	125373	20-612920		2021-10-18	-$86.00
Write off-Bad Debt		2019-08-25	19001700	19-1175399		2021-10-31	$798.00
Write off-Bad Debt		2020-10-26	136468	20-1528629		2021-10-31	$97.76
Write off-Bad Debt		2020-01-12	20000092	20-18053		2021-10-31	$769.20
Write off-Bad Debt		2020-12-16	136841	20-1856460		2021-10-31	$799.20
Write off-Bad Debt		2020-12-16	136841	20-1856460		2021-10-31	-$799.20
Write off-Bad Debt		2020-12-31	136985	20-1954326		2021-10-31	$574.12
Write off-Bad Debt		2020-12-31	136985	20-1954326		2021-10-31	-$574.12
Write off-Bad Debt		2020-07-10	125812	20-925254		2021-10-31	$774.00
Write off-Bad Debt		2020-07-10	125812	20-925254		2021-10-31	-$774.00
Write off-Bad Debt		2021-07-05	158484	21-1123292		2021-10-31	$823.20
Write off-Bad Debt		2021-07-17	158560	21-1202587		2021-10-31	$588.80
Write off-Bad Debt		2021-02-13	137347	21-226968		2021-10-31	$802.80
Write off-Bad Debt		2021-03-20	147638	21-437866		2021-10-31	$100.69
Write off-Bad Debt		2021-03-20	147638	21-437866		2021-10-31	-$100.69
Write off-Bad Debt		2021-03-23	147654	21-454797		2021-10-31	$802.80
Write off-Bad Debt		2021-03-23	147653	21-454798		2021-10-31	$820.80
Write off-Bad Debt		2021-03-24	147666	21-461539		2021-10-31	$777.60
Write off-Bad Debt		2021-03-27	147698	21-482696		2021-10-31	$816.00
Write off-Bad Debt		2021-03-28	147712	21-482703		2021-10-31	$765.60
Write off-Bad Debt		2021-03-29	147722	21-493754		2021-10-31	$787.20
Write off-Bad Debt		2021-03-29	147723	21-493755		2021-10-31	$828.00
Write off-Bad Debt		2021-03-30	147738	21-500342		2021-10-31	$772.80
Write off-Bad Debt		2021-04-03	147767	21-525683		2021-10-31	$780.00
Write off-Bad Debt		2021-04-03	147767	21-525683		2021-10-31	-$780.00
Write off-Bad Debt		2021-01-18	137121	21-53052		2021-10-31	$423.25
Write off-Bad Debt		2021-04-05	147787	21-532393		2021-10-31	$825.60
Write off-Bad Debt		2021-04-06	147794	21-537520		2021-10-31	$810.00
Write off-Bad Debt		2021-04-16	147855	21-607175		2021-10-31	$858.00
Write off-Bad Debt		2021-04-19	147888	21-616014		2021-10-31	$777.60
Write off-Bad Debt		2021-05-18	148142	21-816041		2021-10-31	$250.00
Write off-Bad Debt		2021-05-27	158197	21-875442		2021-10-31	$799.20
Write off-Bad Debt		2021-01-22	137148	21-92102		2021-10-31	$240.00
Write off-Bad Debt		2021-01-22	137148	21-92102		2021-10-31	-$240.00
Write off-Bad Debt		2021-01-22	137155	21-92109		2021-10-31	$318.76
Write off-Bad Debt		2021-06-08	158272	21-947732		2021-10-31	$751.20

CREDIT TRANSACTIONS BY DEPOSIT DATE

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PALM BEACH FIRE RESCUE

CREDIT	PATIENT NAME	DOS	INC NUMBER	RUN NUMBER	CHECK NUMBER	DEPOSIT DATE	AMOUNT
Write off-Bad Debt		2021-06-08	158272	21-947732		2021-10-31	-$751.20
Write off-Bad Debt		2015-07-25	15001539	15-714169		2021-11-16	$325.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2021-11-16	-$325.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2021-11-16	$290.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2021-11-16	-$290.00
Write off-Bad Debt		2020-08-22	126069	20-1168472		2021-11-30	$0.40
Write off-Bad Debt		2020-08-22	126069	20-1168472		2021-11-30	-$0.40
Write off-Bad Debt		2015-07-25	15001539	15-714169		2021-12-03	$300.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2021-12-03	-$300.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2021-12-03	$240.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2021-12-03	-$240.00
Write off-Bad Debt		2020-07-29	125921	20-1023719		2021-12-09	$771.60
Write off-Bad Debt		2020-10-25	136456	20-1523926		2021-12-09	$765.00
Write off-Bad Debt		2020-10-25	136456	20-1523926		2021-12-09	-$765.00
Write off-Bad Debt		2020-11-03	136517	20-1582431		2021-12-09	$258.06
Write off-Bad Debt		2020-12-26	136924	20-1918912		2021-12-09	$769.20
Write off-Bad Debt		2020-12-13	20002363	20-1993929		2021-12-09	$805.20
Write off-Bad Debt		2020-03-06	124954	20-321321		2021-12-09	$762.00
Write off-Bad Debt		2020-05-07	125362	20-606193		2021-12-09	$762.00
Write off-Bad Debt		2021-07-02	158467	21-1112044		2021-12-09	$775.20
Write off-Bad Debt		2021-07-02	158467	21-1112044		2021-12-09	-$775.20
Write off-Bad Debt		2021-08-02	158667	21-1319737		2021-12-09	$775.20
Write off-Bad Debt		2021-10-14	159126	21-1831854		2021-12-09	$798.00
Write off-Bad Debt		2021-02-19	137402	21-267498		2021-12-09	$92.30
Write off-Bad Debt		2021-02-19	137402	21-267498		2021-12-09	-$92.30
Write off-Bad Debt		2021-03-14 ,	147592	21-396860		2021-12-09	$200.00
Write off-Bad Debt		2021-03-14	147592	21-396860		2021-12-09	-$200.00
Write off-Bad Debt		2021-03-19	147630	21-437861		2021-12-09	$205.80
Write off-Bad Debt		2021-03-25	147670	21-470650		2021-12-09	$267.98
Write off-Bad Debt		2021-03-25	147670	21-470650		2021-12-09	-$267.98
Write off-Bad Debt		2021-03-29	147717	21-493753		2021-12-09	$918.00
Write off-Bad Debt		2021-03-29	147725	21-493757		2021-12-09	$777.60
Write off-Bad Debt		2021-04-01	147751	21-517597		2021-12-09	$250.00
Write off-Bad Debt		2021-04-17	147871	21-607181		2021-12-09	$285.31
Write off-Bad Debt		2021-04-17	147871	21-607181		2021-12-09	-$285.31
Write off-Bad Debt		2021-04-18	147879	21-607184		2021-12-09	$770.40

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PALM BEACH FIRE RESCUE

CREDIT	PATIENT NAME	DOS	INC NUMBER	RUN NUMBER	CHECK NUMBER	DEPOSIT DATE	AMOUNT
Write off-Bad Debt		2021-04-20	147892	21-624916		2021-12-09	$117.66
Write off-Bad Debt		2021-05-01	147983	21-702262		2021-12-09	$100.00
Write off-Bad Debt		2021-05-04	148005	21-722384		2021-12-09	$99.32
Write off-Bad Debt		2021-05-04	148008	21-722387		2021-12-09	$765.60
Write off-Bad Debt		2021-05-04	148008	21-722387		2021-12-09	-$765.60
Write off-Bad Debt		2021-05-10	148067	21-766003		2021-12-09	$808.80
Write off-Bad Debt		2021-05-20	158152	21-832919		2021-12-09	$814.80
Write off-Bad Debt		2021-05-22	158172	21-840364		2021-12-09	$778.80
Write off-Bad Debt		2020-08-14	126020	20-1168454		2021-12-31	$240.00
Write off-Bad Debt		2020-08-15	126028	20-1168455		2021-12-31	$589.80
Write off-Bad Debt		2021-08-21	158789	21-1461507		2021-12-31	$820.80
Write off-Bad Debt		2021-08-23	158792	21-1461508		2021-12-31	$200.00
Write off-Bad Debt		2021-08-23	158792	21-1461508		2021-12-31	-$200.00
Write off-Bad Debt		2021-09-05	158867	21-1549023		2021-12-31	$141.15
Write off-Bad Debt		2021-09-19	158943	21-1645253		2021-12-31	$769.20
Write off-Bad Debt		2021-09-27	159007	21-1710568		2021-12-31	$799.20
Write off-Bad Debt		2021-10-12	159112	21-1816182		2021-12-31	$764.40
Write off-Bad Debt		2021-10-12	159112	21-1816182		2021-12-31	-$764.40
Write off-Bad Debt		2021-04-05	147790	21-537519		2021-12-31	$892.80
Write off-Bad Debt		2021-05-14	148116	21-798356		2021-12-31	$805.20
Write off-Bad Debt		2021-05-28	158206	21-885398		2021-12-31	$766.80
Write off-Bad Debt		2021-05-28	158206	21-885398		2021-12-31	-$766.80
Write off-Bad Debt		2021-06-05	158251	21-927785		2021-12-31	$768.00
Write off-Bad Debt		2021-06-05	158251	21-927785		2021-12-31	-$768.00
Write off-Bad Debt		2021-06-05	158257	21-927788		2021-12-31	$776.40
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-01-07	$275.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-01-07	-$275.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2022-01-07	$190.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2022-01-07	-$190.00
Write off-Bad Debt		2020-06-22	125699	20-826865		2022-01-19	$287.20
Write off-Bad Debt		2020-06-22	125699	20-826865		2022-01-19	-$287.20
Write off-Bad Debt		2021-03-20	147635	21-437864		2022-01-20	$790.80
Write off-Bad Debt		2021-06-12	158309	21-972974		2022-01-20	$829.20
Write off-Bad Debt		2021-06-12	158309	21-972974		2022-01-20	-$829.20
Write off-Bad Debt		2021-06-16	158346	21-1000160		2022-01-31	$655.39
Write off-Bad Debt		2021-06-29	158433	21-1082466		2022-01-31	$798.00

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PALM BEACH FIRE RESCUE

CREDIT	PATIENT NAME	DOS	INC NUMBER	RUN NUMBER	CHECK NUMBER	DEPOSIT DATE	AMOUNT
Write off-Bad Debt		2021-06-30	158446	21-1091751		2022-01-31	$770.40
Write off-Bad Debt		2021-07-15	158541	21-1193295		2022-01-31	$775.20
Write off-Bad Debt		2021-07-20	158570	21-1220822		2022-01-31	$805.20
Write off-Bad Debt		2021-07-22	158587	21-1238557		2022-01-31	$822.00
Write off-Bad Debt		2021-07-25	158608	21-1248976		2022-01-31	$800.40
Write off-Bad Debt		2021-07-25	158611	21-1248980		2022-01-31	$806.40
Write off-Bad Debt		2021-01-31	137227	21-134588		2022-01-31	$775.20
Write off-Bad Debt		2021-01-31	137228	21-134590		2022-01-31	$832.80
Write off-Bad Debt		2021-01-31	137228	21-134590		2022-01-31	-$832.80
Write off-Bad Debt		2021-10-26	159223	21-1901103		2022-01-31	$769.20
Write off-Bad Debt		2021-02-24	137445	21-293276		2022-01-31	$776.40
Write off-Bad Debt		2021-02-24	137445	21-293276		2022-01-31	-$776.40
Write off-Bad Debt		2021-02-26	147464	21-311578		2022-01-31	$810.00
Write off-Bad Debt		2021-03-05	147502	21-353947		2022-01-31	$153.12
Write off-Bad Debt		2021-03-12	147574	21-396853		2022-01-31	$774.00
Write off-Bad Debt		2021-03-12	147574	21-396853		2022-01-31	-$774.00
Write off-Bad Debt		2021-03-20	147637	21-437865		2022-01-31	$765.40
Write off-Bad Debt		2021-03-27	147703	21-482698		2022-01-31	$806.40
Write off-Bad Debt		2021-03-29	147728	21-493758		2022-01-31	$877.20
Write off-Bad Debt		2021-04-07	147807	21-546136		2022-01-31	$46.15
Write off-Bad Debt		2021-04-09	147814	21-565819		2022-01-31	$85.50
Write off-Bad Debt		2021-04-16	147861	21-607177		2022-01-31	$771.60
Write off-Bad Debt		2021-04-21	147903	21-631591		2022-01-31	$796.80
Write off-Bad Debt		2021-05-01	147981	21-702259		2022-01-31	$50.00
Write off-Bad Debt		2021-05-02	147991	21-702269		2022-01-31	$180.58
Write off-Bad Debt		2021-05-15	148122	21-798359		2022-01-31	$808.80
Write off-Bad Debt		2021-06-02	158240	21-910696		2022-01-31	$98.40
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-02-07	$250.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-02-07	-$250.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-02-07	$250.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-02-07	-$250.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2022-02-07	$140.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2022-02-07	-$140.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2022-02-07	$140.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2022-02-07	-$140.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2022-02-07	$140.00

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PALM BEACH FIRE RESCUE

CREDIT	PATIENT NAME	DOS	INC NUMBER	RUN NUMBER	CHECK NUMBER	DEPOSIT DATE	AMOUNT
Write off-Bad Debt		2020-03-23	125084	20-396306		2022-02-07	-$140.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-02-17	$225.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-02-17	-$225.00
Write off-Bad Debt		2020-12-16	136841	20-1856460		2022-02-17	$799.20
Write off-Bad Debt		2020-03-23	125084	20-396306		2022-02-17	$90.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2022-02-17	-$90.00
Write off-Bad Debt		2021-01-28	137200	21-124309		2022-02-17	$315.10
Write off-Bad Debt		2021-06-05	158251	21-927785		2022-02-17	$297.40
Write off-Bad Debt		2020-04-08	125190	20-475493		2022-02-28	$798.00
Write off-Bad Debt		2021-07-03	158475	21-1112047		2022-02-28	$762.00
Write off-Bad Debt		2021-07-31	158646	21-1297939		2022-02-28	$539.35
Write off-Bad Debt		2021-07-31	158646	21-1297939		2022-02-28	-$539.35
Write off-Bad Debt		2021-08-01	158657	21-1297942		2022-02-28	$775.20
Write off-Bad Debt		2021-08-02	158663	21-1310247		2022-02-28	$784.80
Write off-Bad Debt		2021-08-06	158692	21-1350922		2022-02-28	$820.80
Write off-Bad Debt		2021-08-09	158709	21-1363630		2022-02-28	$595.28
Write off-Bad Debt		2021-08-11	158717	21-1383055		2022-02-28	$787.20
Write off-Bad Debt		2021-08-12	158732	21-1401060		2022-02-28	$806.40
Write off-Bad Debt		2021-08-16	158745	21-1412976		2022-02-28	$807.60
Write off-Bad Debt		2021-10-12	159112	21-1816182		2022-02-28	$764.40
Write off-Bad Debt		2021-10-29	169246	21-1924840		2022-02-28	$771.60
Write off-Bad Debt		2021-02-11	137323	21-216473		2022-02-28	$240.00
Write off-Bad Debt		2021-12-30	169777	21-2333852		2022-02-28	$823.20
Write off-Bad Debt		2021-03-15	147598	21-407303		2022-02-28	$553.74
Write off-Bad Debt		2021-03-18	147623	21-430869		2022-02-28	$326.90
Write off-Bad Debt		2021-04-02	147756	21-525680		2022-02-28	$240.00
Write off-Bad Debt		2021-04-26	147944	21-662976		2022-02-28	$766.80
Write off-Bad Debt		2021-04-26	147944	21-662976		2022-02-28	-$766.80
Write off-Bad Debt		2021-05-20	21001134	21-861524		2022-02-28	$925.20
Write off-Bad Debt		2021-05-20	21001134	21-861524		2022-02-28	-$925.20
Write off-Bad Debt		2020-12-25	136916	20-1918909		2022-03-09	$768.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2022-03-18	$90.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2022-03-18	-$90.00
Write off-Bad Debt		2021-05-04	148008	21-722387		2022-03-18	$153.12
Write off-Bad Debt		2021-05-04	148008	21-722387		2022-03-18	-$153.12
Write off-Bad Debt		2021-06-17	158350	21-1006474		2022-03-31	$811.20

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PALM BEACH FIRE RESCUE

CREDIT	PATIENT NAME	DOS	INC NUMBER	RUN NUMBER	CHECK NUMBER	DEPOSIT DATE	AMOUNT
Write off-Bad Debt		2021-07-01	158454	21-1100271		2022-03-31	$801.60
Write off-Bad Debt		2021-07-04	158477	21-1112048		2022-03-31	$830.40
Write off-Bad Debt		2021-01-27	137199	21-116216		2022-03-31	$771.60
Write off-Bad Debt		2021-01-08	137038	21-12038		2022-03-31	$604.80
Write off-Bad Debt		2021-08-03	158666	21-1319738		2022-03-31	$771.60
Write off-Bad Debt		2021-08-03	158673	21-1319739		2022-03-31	$768.00
Write off-Bad Debt		2021-08-12	158728	21-1388257		2022-03-31	$783.60
Write off-Bad Debt		2021-08-20	158771	21-1448802		2022-03-31	$805.20
Write off-Bad Debt		2021-08-26	158812	21-1490219		2022-03-31	$150.00
Write off-Bad Debt		2021-08-26	158812	21-1490219		2022-03-31	-$150.00
Write off-Bad Debt		2021-09-04	158859	21-1549017		2022-03-31	$765.60
Write off-Bad Debt		2021-09-04	158859	21-1549017		2022-03-31	-$765.60
Write off-Bad Debt		2021-09-12	158907	21-1595112		2022-03-31	$810.00
Write off-Bad Debt		2021-09-12	158907	21-1595112		2022-03-31	-$810.00
Write off-Bad Debt		2021-09-13	158910	21-1607889		2022-03-31	$764.40
Write off-Bad Debt		2021-09-19	158945	21-1645256		2022-03-31	$778.80
Write off-Bad Debt		2021-10-04	159054	21-1757697		2022-03-31	$765.60
Write off-Bad Debt		2021-02-04	137274	21-182802		2022-03-31	$309.27
Write off-Bad Debt		2021-11-13	169357	21-2007242		2022-03-31	$823.20
Write off-Bad Debt		2021-02-10	137310	21-208457		2022-03-31	$100.00
Write off-Bad Debt		2021-12-09	169573	21-2175291		2022-03-31	$812.40
Write off-Bad Debt		2021-12-29	169778	21-2333851		2022-03-31	$94.28
Write off-Bad Debt		2021-04-10	147826	21-565824		2022-03-31	$485.42
Write off-Bad Debt		2021-04-30	147971	21-702250		2022-03-31	$240.00
Write off-Bad Debt		2021-05-08	148045	21-754401		2022-03-31	$390.60
Write off-Bad Debt		2021-05-08	148045	21-754401		2022-03-31	-$390.60
Write off-Bad Debt		2021-05-09	148065	21-766001		2022-03-31	$240.00
Write off-Bad Debt		2021-05-10	148072	21-766005		2022-03-31	$816.00
Write off-Bad Debt		2021-05-11	148081	21-774479		2022-03-31	$240.00
Write off-Bad Debt		2021-05-13	148100	21-790842		2022-03-31	$680.06
Write off-Bad Debt		2021-05-13	148100	21-790842		2022-03-31	-$680.06
Write off-Bad Debt		2021-05-22	158168	21-840363		2022-03-31	$478.54
Write off-Bad Debt		2021-05-22	158168	21-840363		2022-03-31	-$478.54
Write off-Bad Debt		2021-05-24	158184	21-851643		2022-03-31	$166.32
Write off-Bad Debt		2021-05-31	158223	21-890934		2022-03-31	$798.00
Write off-Bad Debt		2021-06-07	158263	21-939549		2022-03-31	$855.60

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PALM BEACH FIRE RESCUE

CREDIT	PATIENT NAME	DOS	INC NUMBER	RUN NUMBER	CHECK NUMBER	DEPOSIT DATE	AMOUNT
Write off-Bad Debt		2022-01-08	169881	22-15290		2022-03-31	$99.08
Write off-Bad Debt		2022-01-09	169894	22-15295		2022-03-31	$811.20
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-04-18	$225.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-04-18	-$225.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2022-04-18	$90.00
Write off-Bad Debt		2020-03-23	125084	20-396306		2022-04-18	-$90.00
Write off-Bad Debt		2021-01-31	137228	21-134590		2022-04-18	$694.80
Write off-Bad Debt		2021-01-31	137228	21-134590		2022-04-18	-$694.80
Write off-Bad Debt		2021-02-19	137402	21-267498		2022-04-18	$92.30
Write off-Bad Debt		2021-02-19	137402	21-267498		2022-04-18	-$92.30
Write off-Bad Debt		2019-09-27	19001881	19-1346582		2022-04-30	$774.00
Write off-Bad Debt		2020-11-17	136632	20-1673978		2022-04-30	$750.00
Write off-Bad Debt		2020-12-15	136834	20-1848386		2022-04-30	$805.20
Write off-Bad Debt		2021-06-24	158403	21-1050182		2022-04-30	$783.60
Write off-Bad Debt		2021-07-21	158577	21-1229506		2022-04-30	$312.00
Write off-Bad Debt		2021-07-21	158577	21-1229506		2022-04-30	-$312.00
Write off-Bad Debt		2021-07-27	158619	21-1270483		2022-04-30	$487.40
Write off-Bad Debt		2021-07-28	158625	21-1279632		2022-04-30	$783.60
Write off-Bad Debt		2021-08-19	158758	21-1432467		2022-04-30	$161.20
Write off-Bad Debt		2021-09-17	158936	21-1645251		2022-04-30	$302.70
Write off-Bad Debt		2021-09-17	158936	21-1645251		2022-04-30	-$302.70
Write off-Bad Debt		2021-09-30	159035	21-1738428		2022-04-30	$890.40
Write off-Bad Debt		2021-10-06	159065	21-1776386		2022-04-30	$792.00
Write off-Bad Debt		2021-10-07	159076	21-1786404		2022-04-30	$819.60
Write off-Bad Debt		2021-10-13	159118	21-1824309		2022-04-30	$810.00
Write off-Bad Debt		2021-10-17	159148	21-1840567		2022-04-30	$774.00
Write off-Bad Debt		2021-10-22	159189	21-1880340		2022-04-30	$768.00
Write off-Bad Debt		2021-10-22	159190	21-1880342		2022-04-30	$776.40
Write off-Bad Debt		2021-03-27	21000689	21-2272630		2022-04-30	$751.20
Write off-Bad Debt		2021-03-27	147701	21-482699		2022-04-30	$474.02
Write off-Bad Debt		2021-03-28	147709	21-482702		2022-04-30	$772.80
Write off-Bad Debt		2021-04-04	147780	21-525688		2022-04-30	$805.20
Write off-Bad Debt		2021-04-23	147914	21-648323		2022-04-30	$321.18
Write off-Bad Debt		2021-05-01	147980	21-702258		2022-04-30	$810.00
Write off-Bad Debt		2021-05-04	147999	21-722383		2022-04-30	$309.27
Write off-Bad Debt		2021-05-09	148058	21-754405		2022-04-30	$786.00

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PALM BEACH FIRE RESCUE

CREDIT	PATIENT NAME	DOS	INC NUMBER	RUN NUMBER	CHECK NUMBER	DEPOSIT DATE	AMOUNT
Write off-Bad Debt		2021-05-20	21001134	21-861524		2022-04-30	$925.20
Write off-Bad Debt		2021-05-20	21001134	21-861524		2022-04-30	-$925.20
Write off-Bad Debt		2021-06-10	158291	21-965259		2022-04-30	$142.82
Write off-Bad Debt		2021-06-10	158291	21-965259		2022-04-30	-$142.82
Write off-Bad Debt		2022-01-06	169862	22-10658		2022-04-30	$783.60
Write off-Bad Debt		2022-01-24	170045	22-110749		2022-04-30	$816.00
Write off-Bad Debt		2022-01-24	170045	22-110749		2022-04-30	-$816.00
Write off-Bad Debt		2022-01-03	169832	22-1465		2022-04-30	$810.00
Write off-Bad Debt		2022-02-04	170153	22-203220		2022-04-30	$540.00
Write off-Bad Debt		2022-01-05	169844	22-6669		2022-04-30	$781.20
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-05-04	$200.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-05-04	-$200.00
Write off-Bad Debt		2021-01-31	137228	21-134590		2022-05-04	$556.80
Write off-Bad Debt		2021-01-31	137228	21-134590		2022-05-04	-$556.80
Write off-Bad Debt		2021-05-08	148045	21-754401		2022-05-04	$340.60
Write off-Bad Debt		2021-05-08	148045	21-754401		2022-05-04	-$340.60
Write off-Bad Debt		2021-05-08	148045	21-754401		2022-05-04	$340.60
Write off-Bad Debt		2021-05-08	148045	21-754401		2022-05-04	-$340.60
Write off-Bad Debt		2021-05-08	148045	21-754401		2022-05-05	$290.60
Write off-Bad Debt		2021-05-08	148045	21-754401		2022-05-05	-$290.60
Write off-Bad Debt		2021-05-08	148045	21-754401		2022-05-05	$340.60
Write off-Bad Debt		2021-05-08	148045	21-754401		2022-05-05	-$340.60
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-05-09	$175.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-05-09	-$175.00
Write off-Bad Debt		2021-07-02	158467	21-1112044		2022-05-20	$93.36
Write off-Bad Debt		2021-04-26	147944	21-662976		2022-05-20	$766.80
Write off-Bad Debt		2021-04-26	147944	21-662976		2022-05-20	-$766.80
Write off-Bad Debt		2020-10-27	136472	20-1536135		2022-05-31	$784.80
Write off-Bad Debt		2021-07-08	158504	21-1144338		2022-05-31	$323.69
Write off-Bad Debt		2021-07-12	158518	21-1165487		2022-05-31	$782.40
Write off-Bad Debt		2021-07-22	158589	21-1238558		2022-05-31	$250.00
Write off-Bad Debt		2021-08-08	158708	21-1350925		2022-05-31	$250.00
Write off-Bad Debt		2021-09-05	158869	21-1549024		2022-05-31	$806.40
Write off-Bad Debt		2021-10-15	159136	21-1840565		2022-05-31	$778.80
Write off-Bad Debt		2021-10-15	159136	21-1840565		2022-05-31	-$778.80
Write off-Bad Debt		2021-11-01	169271	21-1941313		2022-05-31	$806.40

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PALM BEACH FIRE RESCUE

CREDIT	PATIENT NAME	DOS	INC NUMBER	RUN NUMBER	CHECK NUMBER	DEPOSIT DATE	AMOUNT
Write off-Bad Debt		2021-11-04	169297	21-1960585		2022-05-31	$420.09
Write off-Bad Debt		2021-11-04	169297	21-1960585		2022-05-31	-$420.09
Write off-Bad Debt		2021-11-04	169299	21-1960586		2022-05-31	$830.40
Write off-Bad Debt		2021-11-09	169323	21-1985055		2022-05-31	$819.60
Write off-Bad Debt		2021-11-09	169323	21-1985055		2022-05-31	-$819.60
Write off-Bad Debt		2021-03-26	147684	21-482693		2022-05-31	$150.00
Write off-Bad Debt		2021-04-14	147847	21-591036		2022-05-31	$250.00
Write off-Bad Debt		2021-04-24	147916	21-648325		2022-05-31	$150.46
Write off-Bad Debt		2021-06-09	158281	21-956691		2022-05-31	$266.75
Write off-Bad Debt		2021-06-09	158281	21-956691		2022-05-31	-$266.75
Write off-Bad Debt		2022-02-04	170150	22-203218		2022-05-31	$778.80
Write off-Bad Debt		2022-02-09	170207	22-234181		2022-05-31	$854.40
Write off-Bad Debt		2022-02-09	170207	22-234181		2022-05-31	-$854.40
Write off-Bad Debt		2022-02-20	170318	22-298798		2022-05-31	$768.00
Write off-Bad Debt		2022-02-20	170318	22-298798		2022-05-31	-$768.00
Write off-Bad Debt		2022-02-23	170332	22-327262		2022-05-31	$874.80
Write off-Bad Debt		2022-03-11	170480	22-438997		2022-05-31	$817.20
Write off-Bad Debt		2022-03-13	170502	22-439003		2022-05-31	$770.40
Write off-Bad Debt		2022-03-16	170522	22-467829		2022-05-31	$818.40
Write off-Bad Debt		2022-03-13	22000679	22-469834		2022-05-31	$770.40
Write off-Bad Debt		2022-04-17	170830	22-683423		2022-05-31	$772.80
Write off-Bad Debt		2022-01-01	169806	22-95		2022-05-31	$884.40
Write off-Bad Debt		2021-06-12	158309	21-972974		2022-06-09	$73.83
Write off-Bad Debt		2021-06-12	158309	21-972974		2022-06-09	-$73.83
Write off-Bad Debt		2021-06-12	158309	21-972974		2022-06-10	$73.83
Write off-Bad Debt		2021-06-12	158309	21-972974		2022-06-10	-$73.83
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-06-13	$150.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-06-13	-$150.00
Write off-Bad Debt		2021-01-31	137228	21-134590		2022-06-13	$418.80
Write off-Bad Debt		2021-01-31	137228	21-134590		2022-06-13	-$418.80
Write off-Bad Debt		2021-05-08	148045	21-754401		2022-06-13	$275.60
Write off-Bad Debt		2021-05-22	158168	21-840363		2022-06-13	$378.54
Write off-Bad Debt		2021-05-22	158168	21-840363		2022-06-13	-$378.54
Write off-Bad Debt		2021-07-01	158459	21-1100274		2022-06-30	$235.00
Write off-Bad Debt		2021-08-01	158654	21-1297940		2022-06-30	$810.00
Write off-Bad Debt		2021-11-18	169400	21-2042573		2022-06-30	$768.00

CREDIT TRANSACTIONS BY DEPOSIT DATE

Period IS 202110 OR -202110 OR 202111 OR -202111 OR 202112 OR -202112 OR 202201 OR -202201 OR 202202 OR -202202 OR 202203 OR -202203 OR 202204 OR -202204 OR 202205 OR -202205 OR 202206 OR -202206 OR 202207 OR

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PALM BEACH FIRE RESCUE

CREDIT	PATIENT NAME	DOS	INC NUMBER	RUN NUMBER	CHECK NUMBER	DEPOSIT DATE	AMOUNT
Write off-Bad Debt		2021-12-06	169540	21-2152269		2022-06-30	$771.60
Write off-Bad Debt		2021-12-13	169607	21-2191492		2022-06-30	$813.60
Write off-Bad Debt		2021-12-16	169626	21-2219846		2022-06-30	$774.00
Write off-Bad Debt		2021-12-17	169645	21-2234209		2022-06-30	$404.71
Write off-Bad Debt		2021-12-22	169697	21-2270396		2022-06-30	$800.40
Write off-Bad Debt		2021-12-22	169697	21-2270396		2022-06-30	-$800.40
Write off-Bad Debt		2021-12-27	169744	21-2306803		2022-06-30	$825.60
Write off-Bad Debt		2021-05-04	148006	21-722386		2022-06-30	$122.24
Write off-Bad Debt		2021-06-09	158281	21-956691		2022-06-30	$140.75
Write off-Bad Debt		2021-06-09	158281	21-956691		2022-06-30	-$140.75
Write off-Bad Debt		2022-03-05	170409	22-391918		2022-06-30	$766.80
Write off-Bad Debt		2022-03-05	170409	22-391918		2022-06-30	-$766.80
Write off-Bad Debt		2022-03-26	170618	22-537193		2022-06-30	$778.80
Write off-Bad Debt		2022-03-29	170642	22-556062		2022-06-30	$804.00
Write off-Bad Debt		2022-04-16	170820	22-683418		2022-06-30	$866.40
Write off-Bad Debt		2022-04-23	170884	22-729488		2022-06-30	$810.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-07-14	$125.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-07-14	-$125.00
Write off-Bad Debt		2021-05-22	158168	21-840363		2022-07-14	$300.00
Write off-Bad Debt		2021-05-22	158168	21-840363		2022-07-14	-$300.00
Write off-Bad Debt		2020-07-10	125812	20-925254		2022-07-17	$289.45
Write off-Bad Debt		2019-09-28	19001885	19-1346583		2022-07-31	$544.20
Write off-Bad Debt		2021-07-02	158463	21-1112043		2022-07-31	$290.00
Write off-Bad Debt		2021-09-02	158848	21-1538843		2022-07-31	$200.00
Write off-Bad Debt		2021-10-23	159199	21-1880346		2022-07-31	$910.00
Write off-Bad Debt		2021-11-15	169369	21-2027120		2022-07-31	$488.93
Write off-Bad Debt		2021-11-20	169427	21-2061273		2022-07-31	$778.80
Write off-Bad Debt		2021-11-30	169503	21-2122662		2022-07-31	$495.05
Write off-Bad Debt		2021-12-17	169642	21-2234206		2022-07-31	$780.00
Write off-Bad Debt		2021-12-17	169642	21-2234206		2022-07-31	-$780.00
Write off-Bad Debt		2021-12-23	169706	21-2282321		2022-07-31	$565.54
Write off-Bad Debt		2021-12-24	169712	21-2293607		2022-07-31	$96.42
Write off-Bad Debt		2021-12-27	169752	21-2306807		2022-07-31	$774.00
Write off-Bad Debt		2021-12-27	169752	21-2306807		2022-07-31	-$774.00
Write off-Bad Debt		2021-12-28	169761	21-2315324		2022-07-31	$834.00
Write off-Bad Debt		2021-12-31	169796	21-2341168		2022-07-31	$806.40

CREDIT TRANSACTIONS BY DEPOSIT DATE

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PALM BEACH FIRE RESCUE

CREDIT	PATIENT NAME	DOS	INC NUMBER	RUN NUMBER	CHECK NUMBER	DEPOSIT DATE	AMOUNT
Write off-Bad Debt		2021-03-24	147663	21-461538		2022-07-31	$771.60
Write off-Bad Debt		2022-01-22	170021	22-101602		2022-07-31	$523.32
Write off-Bad Debt		2022-01-10	22000097	22-25376		2022-07-31	$810.00
Write off-Bad Debt		2022-01-12	169921	22-40619		2022-07-31	$798.00
Write off-Bad Debt		2022-05-02	170958	22-784399		2022-07-31	$878.80
Write off-Bad Debt		2022-01-19	169992	22-85329		2022-07-31	$800.40
Write off-Bad Debt		2022-01-19	169992	22-85329		2022-07-31	-$800.40
Write off-Bad Debt		2022-05-17	171064	22-895701		2022-07-31	$770.40
Write off-Bad Debt		2022-01-20	169995	22-93149		2022-07-31	$774.00
Write off-Bad Debt		2022-01-01	169810	22-97		2022-07-31	$796.80
Write off-Bad Debt		2022-05-29	171162	22-979815		2022-07-31	$825.60
Write off-Bad Debt		2022-01-01	169807	22-98		2022-07-31	$795.60
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-08-16	$100.00
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-08-16	-$100.00
Write off-Bad Debt		2021-01-31	137228	21-134590		2022-08-16	$280.80
Write off-Bad Debt		2021-01-31	137228	21-134590		2022-08-16	-$280.80
Write off-Bad Debt		2021-03-12	147574	21-396853		2022-08-16	$516.00
Write off-Bad Debt		2021-03-12	147574	21-396853		2022-08-16	-$516.00
Write off-Bad Debt		2021-05-22	158168	21-840363		2022-08-16	$200.00
Write off-Bad Debt		2021-05-22	158168	21-840363		2022-08-16	-$200.00
Write off-Bad Debt		2021-06-20	158370	21-1018428		2022-08-31	$306.65
Write off-Bad Debt		2021-12-05	169532	21-2144215		2022-08-31	$112.00
Write off-Bad Debt		2022-01-24	170043	22-110750		2022-08-31	$750.00
Write off-Bad Debt		2022-06-18	171299	22-1132453		2022-08-31	$772.80
Write off-Bad Debt		2022-06-18	171294	22-1132454		2022-08-31	$772.80
Write off-Bad Debt		2022-01-30	170087	22-150707		2022-08-31	$783.60
Write off-Bad Debt		2022-02-04	170146	22-203216		2022-08-31	$777.60
Write off-Bad Debt		2022-02-04	170151	22-203219		2022-08-31	$804.00
Write off-Bad Debt		2022-02-06	170169	22-203229		2022-08-31	$771.60
Write off-Bad Debt		2022-02-07	170190	22-215554		2022-08-31	$800.40
Write off-Bad Debt		2022-02-08	170194	22-224899		2022-08-31	$770.40
Write off-Bad Debt		2022-02-10	170214	22-243664		2022-08-31	$782.40
Write off-Bad Debt		2022-02-17	170288	22-290588		2022-08-31	$771.60
Write off-Bad Debt		2022-03-06	170426	22-391928		2022-08-31	$884.80
Write off-Bad Debt		2022-03-24	170585	22-525516		2022-08-31	$784.80
Write off-Bad Debt		2022-04-19	170848	22-702604		2022-08-31	$794.40

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PALM BEACH FIRE RESCUE

CREDIT	PATIENT NAME	DOS	INC NUMBER	RUN NUMBER	CHECK NUMBER	DEPOSIT DATE	AMOUNT
Write off-Bad Debt		2022-05-20	171089	22-927809		2022-08-31	$890.40
Write off-Bad Debt		2015-07-25	15001539	15-714169		2022-09-06	$75.00
Write off-Bad Debt		2021-01-31	137228	21-134590		2022-09-06	$82.80
Write off-Bad Debt		2021-03-12	147574	21-396853		2022-09-06	$386.00
Write off-Bad Debt		2021-05-22	158168	21-840363		2022-09-06	$100.00
Write off-Bad Debt		2022-03-05	170409	22-391918		2022-09-06	$383.40
Write off-Bad Debt		2021-04-26	147944	21-662976		2022-09-18	$762.00
Write off-Bad Debt		2021-11-13	169356	21-2007240		2022-09-30	$240.00
Write off-Bad Debt		2021-11-17	169396	21-2042570		2022-09-30	$776.40
Write off-Bad Debt		2021-11-18	169404	21-2052073		2022-09-30	$240.00
Write off-Bad Debt		2021-11-15	21002312	21-2054125		2022-09-30	$135.24
Write off-Bad Debt		2021-11-19	169416	21-2061271		2022-09-30	$240.00
Write off-Bad Debt		2021-11-25	169460	21-2095044		2022-09-30	$770.40
Write off-Bad Debt		2021-12-19	169661	21-2234218		2022-09-30	$772.80
Write off-Bad Debt		2021-12-27	169745	21-2306802		2022-09-30	$312.33
Write off-Bad Debt		2021-05-09	148057	21-754404		2022-09-30	$786.00
Write off-Bad Debt		2022-07-12	171442	22-1304287		2022-09-30	$771.60
Write off-Bad Debt		2022-01-08	169878	22-15289		2022-09-30	$835.20
Write off-Bad Debt		2022-01-10	169904	22-25377		2022-09-30	$232.72
Write off-Bad Debt		2022-02-18	170298	22-298789		2022-09-30	$818.40
Write off-Bad Debt		2022-02-24	170342	22-335962		2022-09-30	$891.60
Write off-Bad Debt		2022-02-26	170350	22-346020		2022-09-30	$782.40
Write off-Bad Debt		2022-02-28	170371	22-354077		2022-09-30	$474.37
Write off-Bad Debt		2022-02-28	170366	22-354079		2022-09-30	$784.80
Write off-Bad Debt		2022-02-28	170375	22-354082		2022-09-30	$849.60
Write off-Bad Debt		2022-03-05	170416	22-391923		2022-09-30	$100.00
Write off-Bad Debt		2022-03-05	170418	22-391925		2022-09-30	$154.80
Write off-Bad Debt		2022-03-11	170479	22-438995		2022-09-30	$780.00
Write off-Bad Debt		2022-03-12	170487	22-439000		2022-09-30	$793.20
Write off-Bad Debt		2022-03-13	170495	22-439002		2022-09-30	$765.60
Write off-Bad Debt		2022-03-20	170560	22-495358		2022-09-30	$800.40
Write off-Bad Debt		2022-03-26	170615	22-537192		2022-09-30	$775.20
Write off-Bad Debt		2022-03-28	170632	22-546875		2022-09-30	$818.40
Write off-Bad Debt		2022-01-16	169961	22-55604		2022-09-30	$801.60
Write off-Bad Debt		2022-03-30	170645	22-565463		2022-09-30	$250.00
Write off-Bad Debt		2022-04-03	170689	22-583769		2022-09-30	$813.60

Accounts Receivables Aging by Current Payor Report (Aging Date Based)

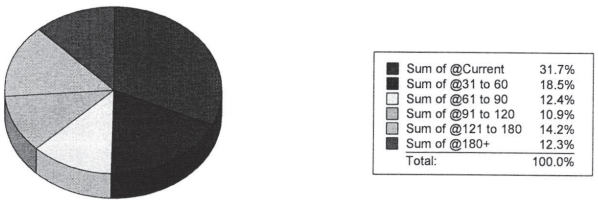
Palm Beach Fire Rescue

For Accounting Period Ending: September 01, 2023

Current Payor	Current	31-60	61-90	91-120	121-180	Over 180	Total
Other	0.00	0.00	0.00	0.00	0.00	4,355.83	4,355.83
Bill Patient	42,786.18	25,742.26	32,357.35	27,424.39	36,793.81	22,700.75	187,804.74
Insurance	33,553.76	25,171.89	2,497.04	2,797.31	2,347.84	6,116.52	72,484.36
Medicaid	0.00	292.95	0.00	0.00	0.00	0.00	292.95
Medicare	11,348.40	0.00	-530.25	0.00	0.00	860.80	11,678.95
Other	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	87,688.34	51,207.10	34,324.14	30,221.70	39,141.65	34,033.90	276,616.83

AR Aging Percent

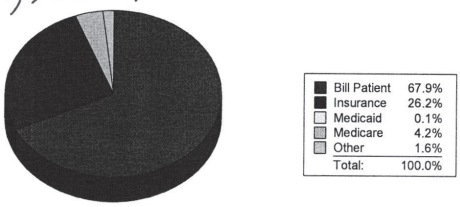
For Palm Beach Fire Rescue



AR by Current Payor Category

For Palm Beach Fire Rescue

137,721.39



Prepared by: EMS Management & Consultants, Inc.

Printed On: 9/1/2023 at 4:26:17PM

Account Analysis by Fiscal Year (Date of Service Based)

Company IS Palm Beach Fire Rescue; AND Status IS Billed OR Closed OR Complete OR Verified

FY	# of Trips	Gross Charges	Contractual Allowances	Net Charges	Rev Adjs	Payments	Writeoffs	Refunds	Balance Due	Gross Chg / Trip	Net Chg / Trip	Cash Coll / Trip	Net Coll %
FY2007	1	650.00	0.00	650.00	0.00	0.00	650.00	0.00	0.00	650.00	650.00	0.00	0.0%
FY2011	1	674.00	0.00	674.00	580.40	93.60	0.00	0.00	0.00	674.00	674.00	93.60	13.9%
FY2012	28	19,577.60	3,639.95	15,937.65	67.73	11,047.57	4,861.96	39.61	0.00	699.20	569.20	393.14	69.1%
FY2013	920	648,834.00	154,261.59	494,572.41	273.72	373,767.59	127,451.82	6,920.72	0.00	705.25	537.58	398.75	74.2%
FY2014	1,074	756,999.60	178,928.07	578,071.53	335.04	426,743.73	158,952.25	7,959.49	0.00	704.84	538.24	389.93	72.4%
FY2015	1,107	778,319.20	174,467.22	603,851.98	4,217.08	476,675.69	136,655.45	13,696.24	0.00	703.09	545.49	418.23	76.7%
FY2016	977	782,886.40	214,582.02	568,304.38	4,338.37	438,846.06	136,947.35	11,827.40	0.00	801.32	581.68	437.07	75.1%
FY2017	1,046	839,049.60	225,599.00	613,450.60	4,873.26	469,873.21	145,658.23	6,954.10	0.00	802.15	586.47	442.56	75.5%
FY2018	1,021	818,750.80	227,096.96	591,653.84	4,444.89	448,423.07	143,625.06	4,839.18	0.00	801.91	579.48	434.46	75.0%
FY2019	1,028	825,150.40	216,306.55	608,843.85	5,323.12	463,503.13	145,850.88	7,615.71	1,782.43	802.68	592.26	443.47	74.9%
FY2020	978	790,064.80	199,449.51	590,615.29	4,846.76	467,966.60	125,654.70	11,390.64	3,537.87	807.84	603.90	466.85	77.3%
FY2021	896	717,764.80	170,879.00	546,885.80	3,726.33	401,670.87	141,525.69	6,067.00	6,029.91	801.08	610.36	441.52	72.3%
FY2022	1,003	805,004.80	180,779.12	624,225.68	3,246.90	452,287.32	146,890.22	4,475.14	26,276.38	802.60	622.36	446.47	71.7%
FY2023	1,027	822,978.00	149,575.76	673,402.24	141.32	383,893.76	43,838.01	5,153.57	250,682.72	801.34	655.70	368.78	56.2%
Total	11,107	8,606,704.00	2,095,564.75	6,511,139.25	36,414.92	4,814,792.20	1,458,561.62	86,938.80	288,309.31	774.89	586.22	425.66	72.6%

Prepared by: EMS Management & Consultants, Inc.

Printed on: 9/5/2023 at 4:48:01PM

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: August 1, 2023

The following Code Enforcement Board fines need to be written off as uncollectible losses for the Town:

Case	Name	Violation Address	Amount
CE 20-323	Armor Windows & Doors	130 Algoma Road	250.00
CE 21-1055	Landscape Designer Company	255 Southland Road	275.00
CE 22-632	Greenz Pro Services Inc.	2299 Ibis Isle Road	400.00
CE 22-776	Lopez Group Inc.	300 Arabian	275.00
CE 22-910	Infinite Haulers Inc.	400 Blk. S. Ocean Blvd.	275.00
CE 22-921	Starway Logistics	100 Blk. Bradley Pl.	275.00
CE 22-1280	Greenz Pro Services	142 Casa Bendita	550.00
CE 22-1486	Garden Couture	102 Reef Road	150.00
Total			2450.00

Case # 20-323 – Armor Windows & Doors – 130 Algoma Road $250.00

On March 3, 2020, a case was initiated by Code Enforcement Officer J. Felix in reference to work without a permit. A Notice of Violation Citation was issued at the time of the violation. This case did not appear before the board due to the pandemic and went straight to collections when payment was not received. Multiple attempts to collect the fine 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 # 21-1055 – Landscape Designer Company – 255 Southland Road $275.00

On September 22, 2021, a case was initiated by Code Enforcement Officer J. Felix for a using a gas power leaf blower. The case was brought before the Code Board on October 21, 2021, at which time the violator was found in violation of Ordinance 42-197(b) and fined Administrative Fee of $150.00 and a fine of $125.00. Multiple attempts to collect the fine 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 # 22-632 – Greenz Pro Services Inc. – 2299 Ibis Isle Road $400.00

On March 31, 2022, a case was initiated by Code Enforcement Officer J. Rodriguez for landscaping work before allowable hours. The case was brought before the Code Board on May 19, 2022, at which time the violator was found in violation of Ordinance 42-230 and fined Administrative Fee of $150.00 and a fine of $250.00. Multiple attempts to collect the fine 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 # 22-776 – Lopez Group Inc. – 300 Arabian Road $275.00

On April 25, 2022, a case was initiated by Code Enforcement Officer J. Rodriguez for using a gas power leaf blower. The case was brought before the Code Board on June 16, 2022, at which time the violator was found in violation of Ordinance 42-197(b) and fined Administrative Fee of $150.00 and a fine of $125.00. Multiple attempts to collect the fine 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 # 22-910 – Infinite Haulers Inc. – 400 Blk. S. Ocean Blvd. $275.00

On May 18, 2022, a case was initiated by Code Enforcement Officer J. Moriarty for a car carrier obstructing the right-of-way. The case was brought before the Code Board on June 16, 2022, at which time the violator was found in violation of Ordinance 106-1 and fined Administrative Fee of $150.00 and a fine of $125.00. Multiple attempts to collect the fine 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 # 22-1280 – Greenz Pro Services – 142 Casa Bendita $550.00

On July 21, 2022, a case was initiated by Code Enforcement Officer J. Felix for using a gas power leaf blower. The case was brought before the Code Board on September 15, 2022, at which time the violator was found in violation of Ordinance 42-197(b) and fined Administrative Fee of $150.00 and a fine of $400.00. Multiple attempts to collect the fine 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 # 22-1486 – Garden Couture – 102 Reef Road $150.00

On August 16, 2022, a case was initiated by Code Enforcement Officer J. Felix for landscaping work before allowable hours. The case was brought before the Code Board on September 15, 2022, at which time the violator was found in violation of Ordinance 42-230 and fined Administrative Fee of $150.00. Multiple attempts to collect the fine 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 # 22-921 – Starway Logistics – 100 Blk. Bradley Pl. $275.00

On May 24, 2022, a case was initiated by Code Enforcement Officer J. Moriarty for a car carrier obstructing the right-of-way. The case was brought before the Code Board on July 21, 2022, at which time the violator was found in violation of Ordinance 106-1 and fined Administrative Fee of $150.00 and a fine of $125.00. Multiple attempts to collect the fine 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.

Please advise if a write-off occurs so that I may remove the case from the 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
Fire Prevention & Life Safety Division
360 S County Road
Palm Beach, FL 33480
Phone (561) 227-6440 **Fax** (561) 838-5408

MEMORANDUM

To: Martin Deloach, Fire Marshal

From: Avia Valencia, Fire Prevention Assistant

Date: August 29, 2023

Subject: Fire Prevention Delinquent Accounts Write-off for Finance

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The following Contractor Derived False Alarms are uncollected and need to be written off.

All collection efforts were made with no response from the following contractors:

False Alarm date	Account #	False Alarm address	Contractor	Charges	Incident #
3/29/2022	AL-004381	2842 S Ocean Blvd	COD Mechanical	$235.51	22000796
Original letter 4/22/2022 Certified letter 09/15/22 – no response Left message on voicemail: 4/14/2023, 5/15/2023, 6/15/2023, 7/11/2023.					
9/19/2022	AL-004513	180 Canterbury Lane	Absolute Tile & Stone	$146.20	22002037
Original letter 10/12/2022 Certified letter 3/8/2023 – no response Left message on voicemail: 4/14/2023, 5/15/2023, 6/15/2023, 7/11/2023.					
9/21/2022	AL-004518	264 S. County Rd	Alchemy in Art	$146.20	22002052
Original letter - 10/12/2022 Certified letter 3/8/2023 – no response Left message on voicemail: 4/2023 & emailed; 5/15/2023 Spoke with owner payment promised, 7/11/2023 s/w - Artist Sara Meeranje told to call owner, called owner and left a message.					
7/26/2022	AL-004472	6 Ocean Ln	Davisa Maintenance Group	$176.92	22001670
Original letter: 8/17/2022 Certified Letter: 3/8/2023 – no response Left message on voicemail: 10/4/22, 10/14/22, 4/24/2023 & emailed, 5/15/2023.					

Town of Palm Beach Fire Rescue
Fire Prevention & Life Safety Division
360 S County Road
Palm Beach, FL 33480
Phone (561) 227-6440 **Fax** (561) 838-5408

Mail returned from 1402 Royal Palm Beach Blvd, Royal Palm Beach, FL 33411 - RETURN TO SENDER - NOT DELIVERABLE AS ADDRESSED					
8/10/2022	AL-004487	350 Royal Palm Way	FTDS Door Service	$160.83	22001770
Original letter: 9/12/2022 Certified Letter: 3/8/2023 – no response 10/20/22 - Re-sent to Mailing address per Receptionist.					
7/20/2022	AL - 4468	340 Brazilian Ave	Josh Semior Maintenance	$176.92	22001637
Original letter: 8/17/2022 Certified Letter: 3/8/2023 no response					
12/20/2022	AL - 004608	324 Royal Palm Way	Spectra Contract Flooring	$120.81	23000115
Original letter: 1/13/2023 Certified Letter: 5/17/2022 no response Left message on voicemail: 7/15/2023					
12/20/2022	AL-004594	2505 S Ocean Blvd	Promar Building Service	$132.90	22002789
Original letter: 1/13/2023 Certified Letter: 5/17/2022 no response Left message on voicemail: 7/15/2023					
			Total:	**$1,296.29**	

Ticket Status w/ Balance

Date Range: *10/1/2019 12:00:00 AM to 9/30/2020 11:59:59 PM*

Description	Code	Balance
Paid In Collections	PAID_IN_COLLECTIONS_NF	$0.00
Adjudication Approved	ADJUDICATE_APPROVED	$0.00
Warning	WARNING	$0.00
Adjudication Denied	ADJUDICATE_DENIED_CLS	$0.00
Sent to Collections	SENT_COLLECTIONS	$135035.00
Paid In Full	PAID_IN_FULL	-$25.00
Void Approved	VOID_APPROVED	$0.00
Court Adjudication	COURT_ADJUDICATION	$0.00
	Total:	**$135010.00**

Violation Balances Report

Date Range: *∞ to 9/30/2020 11:59:59 PM*

Year	Count	Balance
2019	253	$13,380.00
2020	895	$48,485.00

# of Violations: 1,148
Total Balance: $61,865.00

Violation Balances Report

Date Range: *10/1/2019 12:00:00 AM to 8/30/2023 11:59:59 PM*

Year	Count	Balance
2019	253	$13,380.00
2020	1236	$67,230.00
2021	1757	$95,710.00
2022	2187	$122,255.00
2023	2325	$155,405.00

# of Violations: 7,757

Total Balance: $453,980.00

Ticket Status w/ Balance

Date Range: *10/1/2019 12:00:00 AM to 8/30/2023 11:59:59 PM*

Description	Code	Balance
Sent to Collections	SENT_COLLECTIONS	$270570.00
Paid In Collections	PAID_IN_COLLECTIONS_NF	$0.00
Call In	CALLIN	$0.00
Issued	ISSUED	$608251.00
Appeal Pending Open	APPEAL_PENDING_OPN	$60.00
Void Approved	VOID_APPROVED	$0.00
Adjudication Approved	ADJUDICATE_APPROVED	$0.00
Paid In Full	PAID_IN_FULL	-$45.00
Warning	WARNING	$0.00
Adjudication Denied	ADJUDICATE_DENIED_OPN	$7415.00
Adjudication Denied	ADJUDICATE_DENIED_CLS	$0.00
Court Adjudication	COURT_ADJUDICATION	$0.00
	Total:	**$886251.00**

Preview

10/10/23 TCM Backup

revstatperiod.rpt
08/30/2023 2:02PM
Periods: 0 through 15

Revenue Status Report

Town of Palm Beach
10/1/2022 through 9/30/2023

001 General

Account Number		Adj Est	October	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep+	Total Rev	Balance	%
351	Judgments and Fines																
351.100	Fines - Other Parking	415,000.00	39					102,652.47	78,633.81	65,582.32	37,344.18	40,883.81	24,565.00	0.00	678,929.78	-263,929.78	163.60
351.110	Fines - Parking Meters	100,000.00	25					20,115.00	25,476.00	26,055.00	25,110.00	31,125.00	31,020.00	0.00	300,746.00	-200,746.00	300.75
351.120	Row Parking Violation Fines	100,000.00	8					6,723.97	6,580.24	13,703.39	8,086.91	3,669.93	14,592.50	0.00	103,700.65	-3,700.65	103.70
351.150	Moving Violations	7,500.00						871.53	1,051.01	1,395.84	1,849.59	1,497.09	1,283.99	0.00	11,522.21	-4,022.21	153.63
351.160	Court Order Badger	0.00						0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
351.170	Court Order Wade	0.00						0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
351.300	Revenue/2nd $ Funding	1,200.00						104.22	161.51	136.56	200.29	163.24	157.66	0.00	1,335.78	-135.78	111.32
351.600	Boot Fees	15,000.00	1					2,100.00	700.00	3,500.00	1,750.00	1,750.00	0.00	0.00	14,000.00	1,000.00	93.33
351.800	Penalty - Other Parking	125,000.00	10					19,995.00	14,135.00	18,565.00	16,700.00	12,735.00	7,285.00	0.00	155,570.00	-30,570.00	124.46
351.900	Penalty - Parking Meters	25,000.00	10					6,665.00	5,084.00	5,270.00	6,675.00	5,970.00	5,900.00	0.00	78,574.00	-53,574.00	314.30
Total	General	788,700.00	95					159,227.19	131,821.57	134,208.11	97,715.97	97,794.07	84,804.15	0.00	1,344,378.42	-555,678.42	170.45
Grand Total		788,700.00	9					159,227.19	131,821.57	134,208.11	97,715.97	97,794.07	84,804.15	0.00	1,344,378.42	-555,678.42	170.45

0 • *

0 • *

155 • 570 • 00+
78 • 574 • 00+

002

234 • 144 • 00*+

FY22
488,237.17

0 • *

678 • 529 • 78+
300 • 746 • 00+

002

979 • 275 • 78*+

979,275.78

Revenue Status Report

Town of Palm Beach
10/1/2022 through 9/30/2023

001 General

Account Number	Adjusted Estimate	Revenues	Year-to-date Revenues	Balance	Prct Rcvd
354 Violations of Local Ordinances					
354.400 Code Compliance Fines	150,000.00	1,979,849.87	1,979,849.87	-1,829,849.87	1319.90
Total General	150,000.00	1,979,849.87	1,979,849.87	-1,829,849.87	1319.90
Grand Total	150,000.00	1,979,849.87	1,979,849.87	-1,829,849.87	1319.90

Revenue Status Report

Town of Palm Beach
10/1/2022 through 9/30/2023

001 General

Account Number	Adjusted Estimate	Revenues	Year-to-date Revenues	Balance	Prct Rcvd
342 Public Safety					
342.600 Ems Transport Fees	435,000.00	405,923.28	405,923.28	29,076.72	93.32
Total General	435,000.00	405,923.28	405,923.28	29,076.72	93.32
Grand Total	435,000.00	405,923.28	405,923.28	29,076.72	93.32

Revenue Status Report

Town of Palm Beach
10/1/2022 through 9/30/2023

001 General

Account Number	Adjusted Estimate	Revenues	Year-to-date Revenues	Balance	Prct Rcvd
342 Public Safety					
342.130 Burglar Alarm False Alarm Fees	40,000.00	31,725.00	31,725.00	8,275.00	79.31
Total General	40,000.00	31,725.00	31,725.00	8,275.00	79.31
Grand Total	40,000.00	31,725.00	31,725.00	8,275.00	79.31

Revenue Status Report

Town of Palm Beach
10/1/2022 through 9/30/2023

001 General

Account Number	Adjusted Estimate	Revenues	Year-to-date Revenues	Balance	Prct Rcvd
342 Public Safety					
342.250 False Fire Alarms	16,000.00	31,395.69	31,395.69	-15,395.69	196.22
Total General	16,000.00	31,395.69	31,395.69	-15,395.69	196.22
Grand Total	16,000.00	31,395.69	31,395.69	-15,395.69	196.22

Ticket #	Issue Date / Time	Plate Number	Location	Badge #	Amount
25016965	8/30/2023 10:14 AM	QMGT61 FL	WORTH AV	0281	$60.00
25016966	8/30/2023 10:20 AM	PYKF34 FL	WORTH AV	0281	$60.00
25016967	8/30/2023 10:38 AM	BH06DB FL	WORTH AV	0281	$75.00
25016968	8/30/2023 10:48 AM	20AZKG FL	CHILEAN AVE	0281	$75.00
25016969	8/30/2023 10:50 AM	AJ54FN FL	CHILEAN AVE	0281	$75.00
25016970	8/30/2023 11:29 AM	P61MRK NJ	BRAZILIAN AV	0281	$75.00

# of Tickets: 16,533

Total Issued Amount: $1,265,370.00

Violation Balances Report

Date Range: *10/1/2022 12:00:00 AM to 8/30/2023 11:59:59 PM*

Year	Count	Balance
2022	604	$37,625.00
2023	2309	$154,385.00

# of Violations: 2,912

Total Balance: $192,010.00

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Consent - Other

Agenda Title
Request from the Town of Palm Beach United Way and Hope for Depression Research Foundation for 5K Run/Walk Events

Presenter
Carolyn Stone, Deputy Town Manager

ATTACHMENTS:

- **Memorandum Dated September 28, 2023 from Carolyn Stone, Deputy Town Manager**
- **Town of Palm Beach United Way Special Event Application**
- **Hope for Depression Research Foundation Special Event Application**
- **Ordinance 30-2019**

TOWN OF PALM BEACH
Information for Town Council Meeting on: October 10, 2023

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Carolyn Stone, Deputy Town Manager

Re: Request from the Town of Palm Beach United Way and Hope for Depression Research Foundation for 5K Run/Walk Events

Date: September 28, 2023

STAFF RECOMMENDATION

Staff recommends that the Mayor and Town Council review and approve the Special Event Permit applications from the Town of Palm Beach United Way and Hope for Depression Research Foundation for 5K Run/Walks beginning and ending in Bradley Park on Thursday, November 23, 2023, and Saturday, February 17, 2024, respectively.

GENERAL INFORMATION

In August 2019, the Town Council passed and adopted Ordinance No. 30-2019, requiring applications for special events that involve leaving the primary event location to utilize public sidewalks, streets, and/or bike paths shall receive Town Council approval prior to the issuance of a special event permit.

- The Town of Palm Beach United Way requests Town Council approval for their TOPB United Way 15th Annual Turkey Trot 5K and Kids Drumstick Dash event scheduled for Thursday, November 23, 2023, from 5:00 a.m. to 10:00 a.m., beginning and ending in Bradley Park. The event attendance is expected to include approximately 1400 participants and 100 spectators. The Kids Drumstick Dash will begin at 7:00 a.m., the Turkey Trot 5K at 7:30 a.m., with all clean-up to be done by 10:00 a.m. Police presence has been confirmed to ensure participant, spectator, and pedestrian safety. A copy of the Special Event Application packet, proposed route, and contract with the Palm Beach Police Department is enclosed for your consideration. Staff have reviewed the request and have no concerns.

- Hope for Depression Research Foundation requests Town Council approval for their Race of Hope event scheduled for Saturday, February 17, 2024, from 5:00 a.m. to 10:00 a.m., beginning and ending in Bradley Park. The event is expected to include approximately 750 participants and 75 spectators. The event will begin at 8:00 a.m., with

all clean-up to be done by 10:00 a.m. Police presence has been confirmed to ensure participant, spectator, and pedestrian safety. A copy of the Special Event Application packet, proposed route, and contract with the Palm Beach Police Department, is enclosed for your consideration. Staff have reviewed the request and have no concerns.

FISCAL IMPACT

The application fee of $300.00 is required for each race permit as well as a refundable damage deposit. If approved, the Town will receive $600.00 in revenue.

Attachments

cc: Department Directors

T-23-01755

Received 7/17/23
DOE 11/23/23

NON-REFUNDABLE APPLICATION FEE $300.00

TOWN OF PALM BEACH

Office of the Town Clerk

APPLICATION FOR SPECIAL EVENT PERMIT

Application is due to the Town Clerk's Office no less than 45 days and no more than 9 months for Palm Beach residents and 7 months for non-residents, prior to event date.

APPLICANT INFORMATION		
Name:	Beth Walton	
Address:	44 Cocoanut Row, Suite M201 Palm Beach, FL 33480-4069	E-mail: bethwalton@palmbeachunitedway.org
Phone Number:	(561) 655-1919	Cell #: (561) 385-8041

ORGANIZATION INFORMATION		
Name:	Town of Palm Beach United Way 601769	
Address:	44 Cocoanut Row, Suite M201 Palm Beach, FL 33480-4069	E-mail: bethwalton@palmbeachunitedway.org
Phone Number:	(561) 655-1919	Cell #: (561) 385-8041
*501(c)3 #:	59-0637885	
*Will any fundraising be taking place during this event? Y/N	No	*If yes, a separate Charitable Solicitation Permit will be required.

CONTACT INFORMATION		
Name:	Beth Walton	
Address:	44 Cocoanut Row, Suite M201 Palm Beach, FL 33480-4069	E-mail: bethwalton@palmbeachunitedway.org
Phone Number:	(561) 655-1919	Cell #: (561) 385-8041

APPLICATION FOR SPECIAL EVENT PERMIT

EVENT INFORMATION			
Name:	Town of Palm Beach United Way 15th Annual Turkey Trot 5K and Kids Drumstick Dash		
Address/ Location:	Bradley Park, Palm Beach		
Day and Date	Thursday, November 23, 2023		
Start and End Time **Note:** 5 hour time limit including set-up and clean-up	5:00 AM to 10:00 AM		
Purpose:	To raise funds to feed families in Palm Beach County a Thanksgiving meal.		
Provide a detailed description of activities – include maps, pictures, and illustrations. **Note: No amplified music.**			
Kids race, 5K, Award Ceremony (course map attached)			
Approximate number of participants:	1,400	Approximate number of spectators:	100

TRAFFIC/PARKING INFORMATION
Will support facilities or services such as traffic control and crowd control be needed? If yes, please specify: Yes, we will need police detail and paramedics. The number will be confirmed by the police department and fire rescue.
List the different forms of transportation to be used by participants: Cars, bikes, walking
Where will event attendees park? **(Note: Royal Poinciana Plaza parking is not permitted.)** Street parking
Provide a reasonable estimate of parking volume generated by the event and the type of parking that will be used: 200
Note: Temporary valet services require a separate permit unless the location of the special event possesses a current Town annual valet parking services permit. Failure to secure a temporary valet services permit may result in a fine and or shut down of the non-permitted valet services (www.townofpalmbeach.com) (On the Home page, click on "Doing Business", then go to "Permits and Licenses".)

APPLICATION FOR SPECIAL EVENT PERMIT

STRUCTURE/TENT INFORMATION

Will a temporary structure/tent be used? If yes, provide the size (a separate permit is required in the Planning, Zoning and Building Department for tents/stages):

N/A

INSURANCE INFORMATION

Name of Applicant's Insurance Company:	Marsh and McLennan Agency LLC		
Address:	4400 PGA Boulevard, Suite 1000 Palm Beach Gardens, FL 33410	Phone #:	(561) 622-2550

Please attach a Certificate of Insurance naming the Town of Palm Beach as an additional insured under your General Liability policy with limits not less than $1,000,000.00 per occurrence or an amount higher based upon the particular special event proposed. There shall also be a 30-day notice of cancellation. Confirm that the event name, location, and date is added in the Description of Operations box at the bottom of the proof of insurance form. Y / N

CLEANUP INFORMATION

Outline provisions for immediate cleanup after Special Event:

Clean-up is done during and after the event by volunteers and staff.

CHECKLIST

Before you sign and date your special event application, please make sure that the following steps have been completed:

-] Complete all the necessary information
-] Pay application fee, usage fee and refundable damage deposit
-] Attach a site plan
-] Attach a Certificate of Insurance
-] Set up a pre and post inspection meeting with Public Works Staff and Police (if applicable)
-] For events that require tents – please fill out a tent permit application (separate)

APPLICATION FOR SPECIAL EVENT PERMIT

PAYMENT INFORMATION				
An application fee is due upon the time of submittal if the application is received at least 45 days in advance. A fee of $100 will be assessed in the event of a late application. Any individual or organization that holds an event on Town of Palm Beach property that does not abide by the authorized use, rules and regulations, or that causes additional costs to the Town may lose all or a portion of their damage deposit. **Damage deposit and the applicable usage fees are due upon receipt of the permit. Payments may be made by cash, credit card or by check made payable to the Town of Palm Beach. (see fee table below).**				
For office use only:				
Date application fee payment received:		Cash	Check No.	Credit Card
Date damage deposit and non-resident usage fee received:		Cash	Check No.	Credit Card

Fee Table for Special Events

	Non-Refundable Application Fee	Late fee if application not received 45 days in advance of event	Refundable Damage Deposit	Non-Resident Usage Fee
Bradley Park (100 Bradley Pl)	$300	$100	50 people or less: $400 51-100 people: $1,000 Over 100 people: $2,000	50 people or less: $100/hr 51-100 people: $250/hr Over 100 people: $400/hr
Phipps South Ocean Park (2185 S Ocean Blvd)	$300	$100	50 people or less: $200 51-100 people: $400 Over 100 people: $1,000	50 people or less: $100/hr 51-100 people: $250/hr Over 100 people: $400/hr
Phipps South Ocean Park (Chickee Hut Only) (2185 S Ocean Blvd)	$300	$100	$150	$100/hr
Public Beaches	$300	$100	$150	$0
All Other Public Spaces	$300	$100	$150	$0
Lake Drive Park	This park is no longer available for special events.			
Phipps Plaza Park	Prohibition will sunset 8/14/22			
Memorial Park	This park is no longer available for special events.			

REGULATIONS	
The following regulations apply to all Special Events held within the Town as per the attached Section 106.257 of the Town Code of Ordinances:	
1.	**There shall be no more than one Special Event held at the location requested on any given day, without priority for any particular date, to be granted to the first person to submit a completed application designating that day.**
2.	**The maximum total duration of each Special Event including the set-up and clean-up thereof shall be five hours.**
3.	**Any signs, props, or displays used in conjunction with the Special Event must be removed immediately after the time permitted for the Special Event has expired.**
4.	**The use of banners, flags (other than flags of official governmental bodies), streamers, balloons, or any similar devices, in connection with the event, shall be prohibited.**
5.	**The use of decorated vehicles and trailers in connection with the event is prohibited.**
6.	**The granting of a Special Event Permit under this article shall not require the complete blockading of streets or intersections to vehicular traffic, and the Town shall be empowered to apportion such streets and intersections for simultaneous use by Special Event participants and vehicular and pedestrian traffic.**
7.	**The concentration of persons and/or vehicles at the Special Event will not interfere unduly with proper fire and police protection of, or ambulance service to areas contiguous to the assembly area or other areas of Town.**
8.	**There are sufficient parking places near the site of the Special Event to accommodate the approximate number of automobiles reasonably expected to be driven to the Special Event.**
9.	**The event is not otherwise in violation of ordinances or regulations of the Town, state, or federal law.**

APPLICANT AGREEMENT

The applicant from page 1 by endorsement, agrees to the following statement:

I have read the provisions of the Town Code of Ordinances relating to the regulation of Special Events on public property and agree to abide by all provisions set forth therein including the requirement that the Special Event chairperson or other person heading or leading such Special Event shall carry the Special Event Permit upon his/her person during the conduct of the Special Event and shall present at the Special Event.

Any person determined to be in violation of the provisions of the Town Code regulating Special Events on public property, not relating to revocation of the permit, where such a violation also constitutes violation of any law or regulation of the State, such violation shall be punished in the same manner and with the same limits as is provided by law or regulation, it shall be punished by a fine of not more than $500.00 or a term of imprisonment not in excess of 60 days, or both such fine and imprisonment, in discretion of the court.

SIGNATURES OF APPLICANT AND WITNESS:

Signature of Applicant

Signature of Witness

BETH WATSON

Print Name

Kristen Perrone

Print Name of Witness

Town of Palm Beach United Way Turkey Trot 5K

The start and finish are at the same point!

Start, The start is on Sunset Av, west of Bradley Place (the road) in front of the Royal Poinciana South Building at 333 Sunset Ave, Palm Beach FL 33480. The mark is parallel with the sewer cap in the north sidewalk. 15 feet west of the eastern edge of the buildings driveway.

Mile 1 is on the sidewalk 35 feet north of the gated sidewalk entrance. north of Phipps Estates Rd

Trurnaroud, is on N Lake Way parallel with a storm sewer grate on the east side of the road. in front of the driveway of 644 N Lake Way

Mile 2 is on N Lake Trail 20 feet south of the sewer cap at Tangier Ave and N Lake Trail.

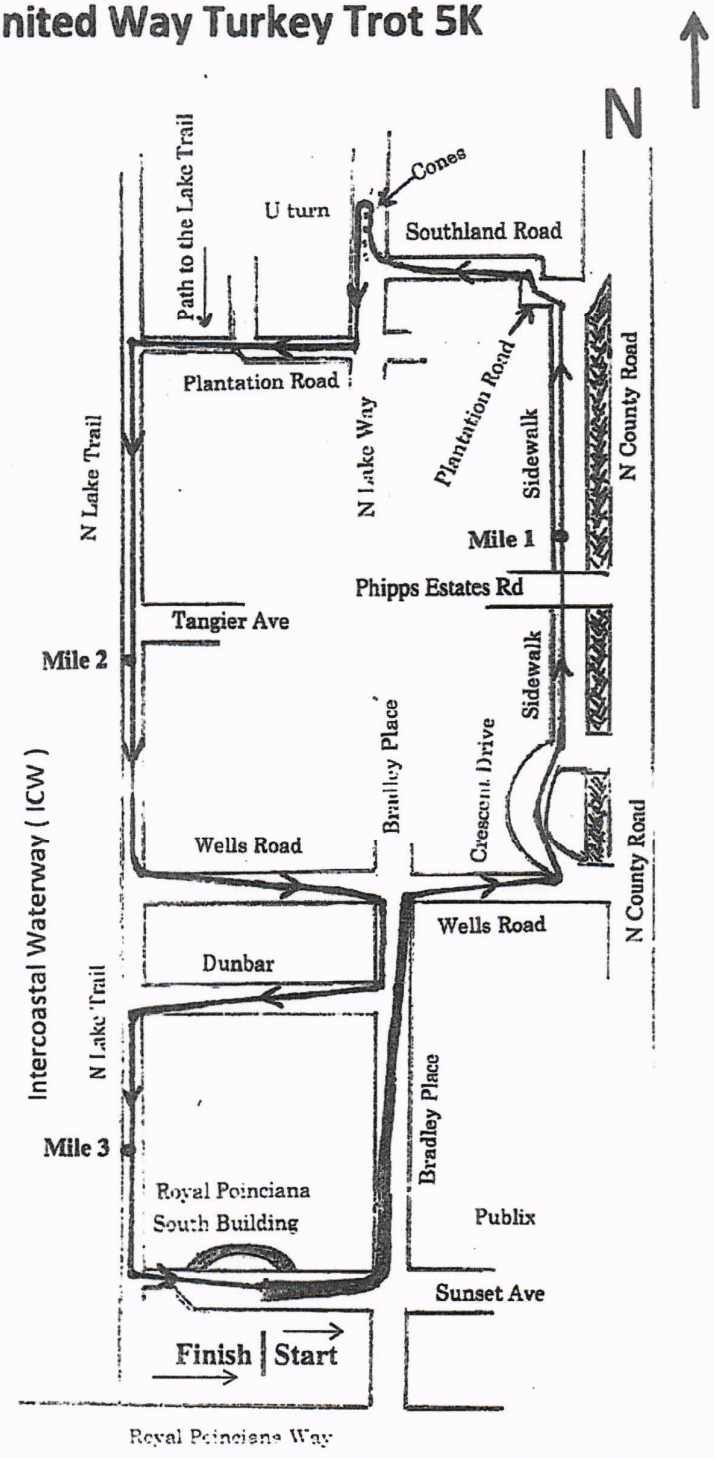
Mile 3 is North of the dock for Bradley Place (the condo) on N Lake Trail 16 feet south of the light pole and almost parallel with the north edge of the tennis building to the east [Note: look for the white painted stripe on the seawall]

Finish, the finish is at the same point as the start, see note above for Start

Marks are a Nail & Washer painted over in white paint !

Course Notes: Runners will be on the sidewalk when running north parallel to N County Road. N Lake trail is a windy path along the Intercoastal Waterway. Bradley Place & N Lake Way are the same road. Map is not to scale

Measured By
Scott Richards
Palm Beach Running Company
Scott@PalmBeachRunningCompany.com



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 7/11/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh & McLennan Agency LLC 4400 PGA Blvd, Ste. 1000 Palm Beach Gardens FL 33410	**CONTACT NAME:** Sandy Petrunger **PHONE (A/C, No, Ext):** 561-461-6358 **FAX (A/C, No):** 561-366-2919 **E-MAIL ADDRESS:** Sandy.Petrunger@MarshMMA.com
INSURED TOWNPALM1 Town of Palm Beach United Way, Inc. 44 Cocoanut Row # M-201 Palm Beach, FL 33480-4069	**INSURER(S) AFFORDING COVERAGE** — **NAIC #** **INSURER A:** Philadelphia Indemnity Insurance Co. — 18058 **INSURER B:** Technology Insurance Company, Inc — 42376 **INSURER C:** **INSURER D:** **INSURER E:** **INSURER F:**

COVERAGES **CERTIFICATE NUMBER:** 949364419 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC OTHER:	Y		PHPK2514679	2/23/2023	2/23/2024	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 100,000 $ 5,000 $ 1,000,000 $ 2,000,000 $ 2,000,000
A	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY X HIRED AUTOS ONLY SCHEDULED AUTOS X NON-OWNED AUTOS ONLY			PHPK2514679	2/23/2023	2/23/2024	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE AGGREGATE	$ $
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		TWC4267855	6/15/2023	6/15/2024	X PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000
A	Professional Liability			PHPK2514679	2/23/2023	2/23/2024	Each Incident Aggregate	$1,000,000 $2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Re: United Turkey Trot, November 23, 2023.
Town of Palm Beach, as (Interest), is an Additional Insured as respects General Liability when required by written contract subject to the term, conditions and exclusions of the policy.

CERTIFICATE HOLDER

Town of Palm Beach
360 South County Rd.
Palm Beach, FL 33480

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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SPECIAL ASSIGNMENT OVERTIME AGREEMENT

PALM BEACH POLICE DEPARTMENT

Training/Personnel Unit - 561-838-5467

FAX #: 561-835-4700 (Monday - Friday 8:30am – 5:00pm)

After hours, FAX to: 561-835-4736

The Palm Beach Police Department provides police services for security and traffic control functions at the request of private persons or organizations within the Town of Palm Beach. Such services are paid for by the private party and must be in the best interest of the Town. Acceptance of the request for Special Assignment (SA) will be at the discretion of the Director of Public Safety or his designee. Please read and sign where indicated below to acknowledge your acceptance of these conditions.

* The charge for SA is **$80.00 per hour** effective October 1, 2022 and prior to October 1st will be **$70.00 an hour.** **New Year's Eve, New Year's Day, Super Bowl Sunday, Independence Day, Halloween, Thanksgiving Day, After Thanksgiving Day, Christmas Eve and Christmas Day** will be considered **Premium Days Special Assignments** and will be paid at a rate of **$110 per hour.**

- Invoices are issued on a bi-weekly basis and are due upon receipt. If payment is NOT received within 30 days, a 10% per month penalty will apply.
- **A minimum of 3 hours is required for an SA detail**. SA Details located on main thoroughfares, or other locations as deemed necessary by police staff, may require a minimum of 2 sworn members. SA details will be scheduled to begin on the hour or half hour. SA details that go over the contracted time will be charged in 1/2 increments until the detail is complete.
- SA **traffic only details** may be filled with a police officer or a Parking or Code Enforcement officer.
- Additionally charges may be incurred if the officer deems it necessary to extend the detail for safety reasons such as but not limited to, traffic mitigation.
- **SA** details cancelled with less than 48 hours notice prior to the beginning of the detail shall be charged 2 hours for each assigned member.
- **SA** details cancelled after the beginning of the detail will be charged for the originally scheduled hours of the day of cancellation. In cases involving 24-hour-a-day details, the remaining shift at cancellation and one subsequent shift will be charged in full. The remaining 48 hours (if applicable) from the time of cancellation will be charged 2 hours for each assigned member.
- **SA** details must be requested by signed agreement at least 5 days prior to the detail. All requests are subject to the availability of staff.
- **SA HOLIDAY details must be requested by signed agreement at least 14 days prior to the detail. All requests are subject to the availability of staff.**
- In the event that a sworn officer is not available, the requesting party will be advised of that fact by phone or fax at least 48 hours prior to the detail.

The detail you have requested is as follows:
Location: Bradley Park
Contact: Kristen O: 561-655-1919 C: 518-531-5907
Detail: Traffic

Contract #: SD23126
Officer (s): 7- Uniformed Officer
Fax/E-mail of client:
kristenperrone@palmbeachunitedway.org

Document Ref: TP8JW-APAHF-MY6B2-PQRUK

Day/Date	Time	# Officer(s)	Event Details
Thanksgiving, Thursday November 23, 2023	6:00AM-9:00AM	7	United Way Turkey Trot - Officers to assist with traffic during the race.

Bill to: Town of Palm Beach United Way, 44 Cocoanut Row M-210, Palm Beach, FL 33480

I have read the above Special Assignment Overtime Agreement and understand the charges and restrictions that are involved. The details of the request above are correct. I accept responsibility for all charges incurred.

Kristen Perrone	Kristen Perrone	07 / 14 / 2023
Name (printed)	Signature	Date

THIS AGREEMENT MUST BE SIGNED AND FAXED TO 561-835-4700 or *561-835-4736 (after business hours)* **BEFORE ANY OFFICERS WILL BE ASSIGNED.**

Document Ref: TP8JW-APAHF-MY6B2-PQRUK

Signature Certificate

Reference number: TP8JW-APAHF-MY6B2-PQRUK

Signer	Timestamp	Signature
Kristen Perrone Email: kristenperrone@palmbeachunitedway.org Shared via link		
Sent:	13 Jul 2023 15:29:55 UTC	
Viewed:	14 Jul 2023 19:32:01 UTC	IP address: 96.88.125.54
Signed:	14 Jul 2023 19:34:07 UTC	Location: West Palm Beach, United States

Document completed by all parties on:
14 Jul 2023 19:34:07 UTC

Page 1 of 1

Signed with PandaDoc

PandaDoc is a document workflow and certified eSignature solution trusted by 40,000+ companies worldwide.

Internal Revenue Service
P.O. Box 2508
Cincinnati, OH 45201

Department of the Treasury

Date: April 6, 2006

TOWN OF PALM BEACH UNITED WAY INC
44 COCOANUT ROW M201
PALM BEACH FL 33480-4069

Person to Contact:
Tracy Garrigus #31-07307
Toll Free Telephone Number:
877-829-5500
Employer Identification Number:
59-0637885

Dear Sir or Madam:

This is in response to the amendment to your organization's Articles of Incorporation filed with the state on December 14, 2005. We have updated our records to reflect the name change as indicated above.

Our records indicate that a determination letter was issued in February 1949 that recognized you as exempt from Federal income tax. Our records further indicate that you are currently exempt under section 501(c)(3) of the Internal Revenue Code.

Our records also indicate you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,

Cindy Westcott

Cindy Westcott
Manager, Exempt Organizations
Determinations

COPY

$300 fee
$2000 refundable damage dep.

T-23-01750

Received 6/22/23
DOE 2/17/2024

NON-REFUNDABLE APPLICATION FEE $300.00

TOWN OF PALM BEACH

Office of the Town Clerk

APPLICATION FOR SPECIAL EVENT PERMIT

Application is due to the Town Clerk's Office no less than 45 days and no more than 9 months for Palm Beach residents and 7 months for non-residents, prior to event date.

APPLICANT INFORMATION		
Name:	Audrey Gruss	
Address:	1574 S. Ocean Blvd, Palm Beach, FL 33480	E-mail: k@plaidfrog.com
Phone Number:	352-259-7553	Cell #: 352-205-1023

ORGANIZATION INFORMATION		
Name:	Hope for Depression Research Foundation	
Address:	Type 40 West 57th Street Suite 1440 New York NY 10019	E-mail: cmcwilliams@hopefordepression.org
Phone Number:	212-446-4205	Cell #: 646-484-8496
*501(c)3 #:	20-4559210	
*Will any fundraising be taking place during this event? **Y/N**	yes	*If yes, a separate Charitable Solicitation Permit will be required.

601605

CONTACT INFORMATION		
Name:	Karen Donnelly	
Address:	9 Cheswood Ct, Greer, SC 29651	E-mail: k@plaidfrog.com
Phone Number:	352-259-7553	Cell #: 352-205-1023

APPLICATION FOR SPECIAL EVENT PERMIT

EVENT INFORMATION			
Name:	Race of Hope		
Address/ Location:	Start Line - Bradley Park, 100 Bradley Pl		
Day and Date	Saturday, February 17, 2024		
Start and End Time **Note:** 5 hour time limit including set-up and clean-up	• 5:00am — Set up & registration • 8:00am — Start time • 10:00am — Finish time		
Purpose:	Fundraiser for Hope for Depression Research Foundation		
Provide a detailed description of activities – include maps, pictures, and illustrations. **Note: No amplified music.**			
Attached is the proposed 5k course			
Approximate number of participants:	750	Approximate number of spectators:	75

TRAFFIC/PARKING INFORMATION
Will support facilities or services such as traffic control and crowd control be needed? If yes, please specify: Yes, police will be needed to close streets &/or control traffic for racer safe crossing. An ambulance on site in case of emergencies.
List the different forms of transportation to be used by participants: Walking or running
Where will event attendees park? **(Note: Royal Poinciana Plaza parking is not permitted.)** Public parking. Parking at Publix & Royal Poincianna Plaza ONLY if granted prior approval as a sponsor.
Provide a reasonable estimate of parking volume generated by the event and the type of parking that will be used: 150 cars. No Valet used.
Note: Temporary valet services require a separate permit unless the location of the special event possesses a current Town annual valet parking services permit. Failure to secure a temporary valet services permit may result in a fine and or shut down of the non-permitted valet services (www.townofpalmbeach.com) (On the Home page, click on "Doing Business", then go to "Permits and Licenses".)

APPLICATION FOR SPECIAL EVENT PERMIT

STRUCTURE/TENT INFORMATION

Will a temporary structure/tent be used? If yes, provide the size (a separate permit is required in the Planning, Zoning and Building Department for tents/stages):

Entirity of the event to take place outdoors with our own 10x10 and 10x20 tents without sides used in registration area for sun and rain cover.

check w/ PZB for tent permit

INSURANCE INFORMATION

Name of Applicant's Insurance Company:	Federal Insurance Company	
Address:	202B Hall's Mill Rd, Whitehouse Station, NJ 08889	Phone #: 212-338-2000

Please attach a Certificate of Insurance naming the Town of Palm Beach as an additional insured under your General Liability policy with limits not less than $1,000,000.00 per occurrence or an amount higher based upon the particular special event proposed. There shall also be a 30-day notice of cancellation. **Confirm that the event name, location, and date is added in the Description of Operations box at the bottom of the proof of insurance form.** **Y** / **N**

expired need new policy

CLEANUP INFORMATION

Outline provisions for immediate cleanup after Special Event:

We rent a dumpster and have them take away garbage.

CHECKLIST

Before you sign and date your special event application, please make sure that the following steps have been completed:

- ⌋ Complete all the necessary information
- ⌋ Pay application fee, usage fee and refundable damage deposit
- ⌋ Attach a site plan
- ⌋ Attach a Certificate of Insurance
- ⌋ Set up a pre and post inspection meeting with Public Works Staff and Police (if applicable)
- ⌋ For events that require tents – please fill out a tent permit application (separate)

PAYMENT INFORMATION
An application fee is due upon the time of submittal if the application is received at least 45 days in advance. A fee of $100 will be assessed in the event of a late application. Any individual or organization that holds an event on Town of Palm Beach property that does not abide by the authorized use, rules and regulations, or that causes additional costs to the Town may lose all or a portion of their damage deposit. **Damage deposit and the applicable usage fees are due upon receipt of the permit. Payments may be made by cash, credit card or by check made payable to the Town of Palm Beach. (see fee table below).**

For office use only:				
Date application fee payment received:		Cash	Check No.	Credit Card
Date damage deposit and non-resident usage fee received:		Cash	Check No.	Credit Card

Fee Table for Special Events

	Non-Refundable Application Fee	Late fee if application not received 45 days in advance of event	Refundable Damage Deposit	Non-Resident Usage Fee
Bradley Park (100 Bradley Pl)	$300	$100	50 people or less: $400 51-100 people: $1,000 Over 100 people: $2,000	50 people or less: $100/hr 51-100 people: $250/hr Over 100 people: $400/hr
Phipps South Ocean Park (2185 S Ocean Blvd)	$300	$100	50 people or less: $200 51-100 people: $400 Over 100 people: $1,000	50 people or less: $100/hr 51-100 people: $250/hr Over 100 people: $400/hr
Phipps South Ocean Park (Chickee Hut Only) (2185 S Ocean Blvd)	$300	$100	$150	$100/hr
Public Beaches	$300	$100	$150	$0
All Other Public Spaces	$300	$100	$150	$0
Lake Drive Park	This park is no longer available for special events.			
Phipps Plaza Park	Prohibition will sunset 8/14/22			
Memorial Park	This park is no longer available for special events.			

REGULATIONS

The following regulations apply to all Special Events held within the Town as per the attached Section 106.257 of the Town Code of Ordinances:

1.	**There shall be no more than one Special Event held at the location requested on any given day, without priority for any particular date, to be granted to the first person to submit a completed application designating that day.**
2.	**The maximum total duration of each Special Event including the set-up and clean-up thereof shall be five hours.**
3.	**Any signs, props, or displays used in conjunction with the Special Event must be removed immediately after the time permitted for the Special Event has expired.**
4.	**The use of banners, flags (other than flags of official governmental bodies), streamers, balloons, or any similar devices, in connection with the event, shall be prohibited.**
5.	**The use of decorated vehicles and trailers in connection with the event is prohibited.**
6.	**The granting of a Special Event Permit under this article shall not require the complete blockading of streets or intersections to vehicular traffic, and the Town shall be empowered to apportion such streets and intersections for simultaneous use by Special Event participants and vehicular and pedestrian traffic.**
7.	**The concentration of persons and/or vehicles at the Special Event will not interfere unduly with proper fire and police protection of, or ambulance service to areas contiguous to the assembly area or other areas of Town.**
8.	**There are sufficient parking places near the site of the Special Event to accommodate the approximate number of automobiles reasonably expected to be driven to the Special Event.**
9.	**The event is not otherwise in violation of ordinances or regulations of the Town, state, or federal law.**

APPLICANT AGREEMENT

The applicant from page 1 by endorsement, agrees to the following statement:

I have read the provisions of the Town Code of Ordinances relating to the regulation of Special Events on public property and agree to abide by all provisions set forth therein including the requirement that the Special Event chairperson or other person heading or leading such Special Event shall carry the Special Event Permit upon his/her person during the conduct of the Special Event and shall present at the Special Event.

Any person determined to be in violation of the provisions of the Town Code regulating Special Events on public property, not relating to revocation of the permit, where such a violation also constitutes violation of any law or regulation of the State, such violation shall be punished in the same manner and with the same limits as is provided by law or regulation, it shall be punished by a fine of not more than $500.00 or a term of imprisonment not in excess of 60 days, or both such fine and imprisonment, in discretion of the court.

SIGNATURES OF APPLICANT AND WITNESS:

Louisa B. Benton

Signature of Applicant

Signature of Witness

Louisa Benton

Print Name

Karen A. Linde Donnelly

Print Name of Witness

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 5/31/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Hub International Northeast Limited
777 Commerce Drive
Fairfield CT 06825

CONTACT NAME:
PHONE (A/C, No, Ext): 203-337-1815 FAX (A/C, No):
E-MAIL ADDRESS: salvatore.sorce@hubinternational.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Federal Insurance Company	20281
INSURER B : Federal Insurance Co.- Indiana	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Hope for Depression Research Foundation
40 West 57th Street, Suite 1440
New York NY 10019

COVERAGES **CERTIFICATE NUMBER:** 947384680 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY	Y		35754950	6/19/2022	6/19/2023	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 1,000,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	POLICY PRO-JECT X LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
A	X UMBRELLA LIAB X OCCUR			79799591	6/19/2022	6/19/2023	EACH OCCURRENCE	$ 3,000,000
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$ 3,000,000
	DED X RETENTION $ 10,000							$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N		N / A	71656210	6/19/2022	6/19/2023	X PER STATUTE OTH-ER	
	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?						E.L. EACH ACCIDENT	$ 500,000
	(Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$ 500,000
							E.L. DISEASE - POLICY LIMIT	$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
RE: Race of Hope Event, February 16-18, 2024
Bradley Park, Palm Beach, FL

Town of Palm Beach is included as additional insured as per the written agreement and subject to the terms and conditions of the policy.

CERTIFICATE HOLDER

Town of Palm Beach
360 S County Road
Palm Beach FL 33480

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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5300328 04/18/23

FLORIDA

Consumer's Certificate of Exemption

Issued Pursuant to Chapter 212, Florida Statutes

DR-14
R. 01/18

Certificate Number	Effective Date	Expiration Date	Exemption Category
85-8014863314C-7	06/30/2023	06/30/2028	501(C)(3) ORGANIZATION

This certifies that

HOPE FOR DEPRESSION RESEARCH
FOUNDATION
40 W 57TH ST STE 1440
NEW YORK NY 10019-4001

is exempt from the payment of Florida sales and use tax on real property rented, transient rental property rented, tangible personal property purchased or rented, or services purchased.

FLORIDA

Important Information for Exempt Organizations

DR-14
R. 01/18

1. You must provide all vendors and suppliers with an exemption certificate before making tax-exempt purchases. See Rule 12A-1.038, Florida Administrative Code (F.A.C.).

2. Your *Consumer's Certificate of Exemption* is to be used solely by your organization for your organization's customary nonprofit activities.

3. Purchases made by an individual on behalf of the organization are taxable, even if the individual will be reimbursed by the organization.

4. This exemption applies only to purchases your organization makes. The sale or lease to others of tangible personal property, sleeping accommodations, or other real property is taxable. Your organization must register, and collect and remit sales and use tax on such taxable transactions. Note: Churches are exempt from this requirement except when they are the lessor of real property (Rule 12A-1.070, F.A.C.).

5. It is a criminal offense to fraudulently present this certificate to evade the payment of sales tax. Under no circumstances should this certificate be used for the personal benefit of any individual. Violators will be liable for payment of the sales tax plus a penalty of 200% of the tax, and may be subject to conviction of a third-degree felony. Any violation will require the revocation of this certificate.

6. If you have questions about your exemption certificate, please call Taxpayer Services at 850-488-6800. The mailing address is PO Box 6480, Tallahassee, FL 32314-6480.

2024 RACE ROUTE PLAN
Palm Beach Race of Hope 5k
[Version: 06/22/2023 … version 1]

The start and finish are at the same point.

START: The start is on Sunset Ave, west of Bradley Place (the road) in front of the Royal Poinciana South Building at 333 Sunset Ave, Palm Beach, FL 33480. The mark is parallel with the sewer cap in the north sidewalk. 15 feet west of the eastern edge if the buildings driveway.

Mile 1 is on the sidewalk 35 feet north of the gated sidewalk entrance, north of Phipps Estates Rd

Turnaround is on N Lake Way parallel with a storm sewer grate on the east side of the road, in front of the driveway of 644 N Lake Way

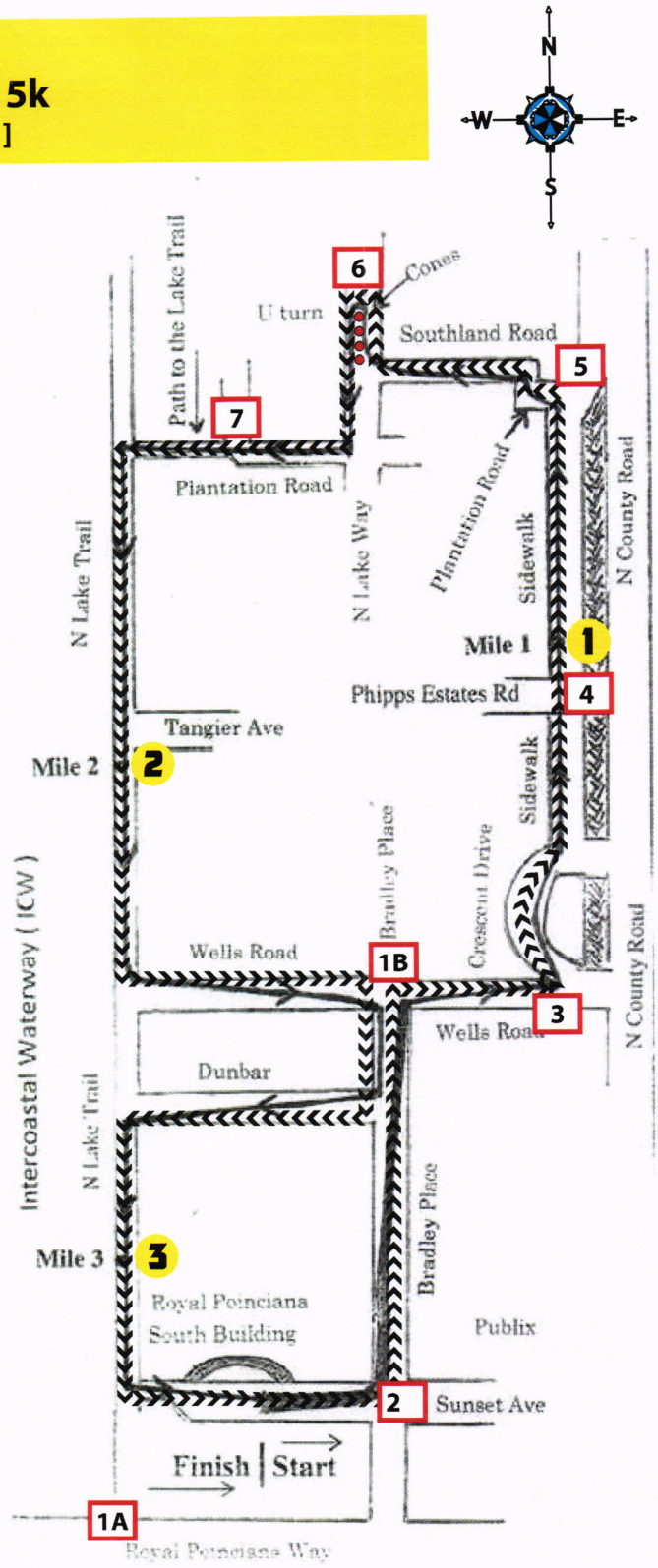
Mile 2 is on N Lake Trail 20 feet south of the sewer cap at Tangier Ave and N lake Trail

Mile 3 is North of the dock for Bradley Place (the condo) on North Lake Trail 16 feet south of the light pole and almost parallel with the north edge of the tennis building to the east [Note: look for the white painted stripe on the seawall]

FINISH: The finish is at the same point as the start, see note above for Start.

Route Markers: Nail & Washer sets painted over with white paint.

Course Notes: Runners will be on the sidewalk when running north parallel to the N County Road, N Lake Trail is a windy path along the Inter coastal Waterway, Bradley Place & N Lake Way are the same road, Map is not to scale.



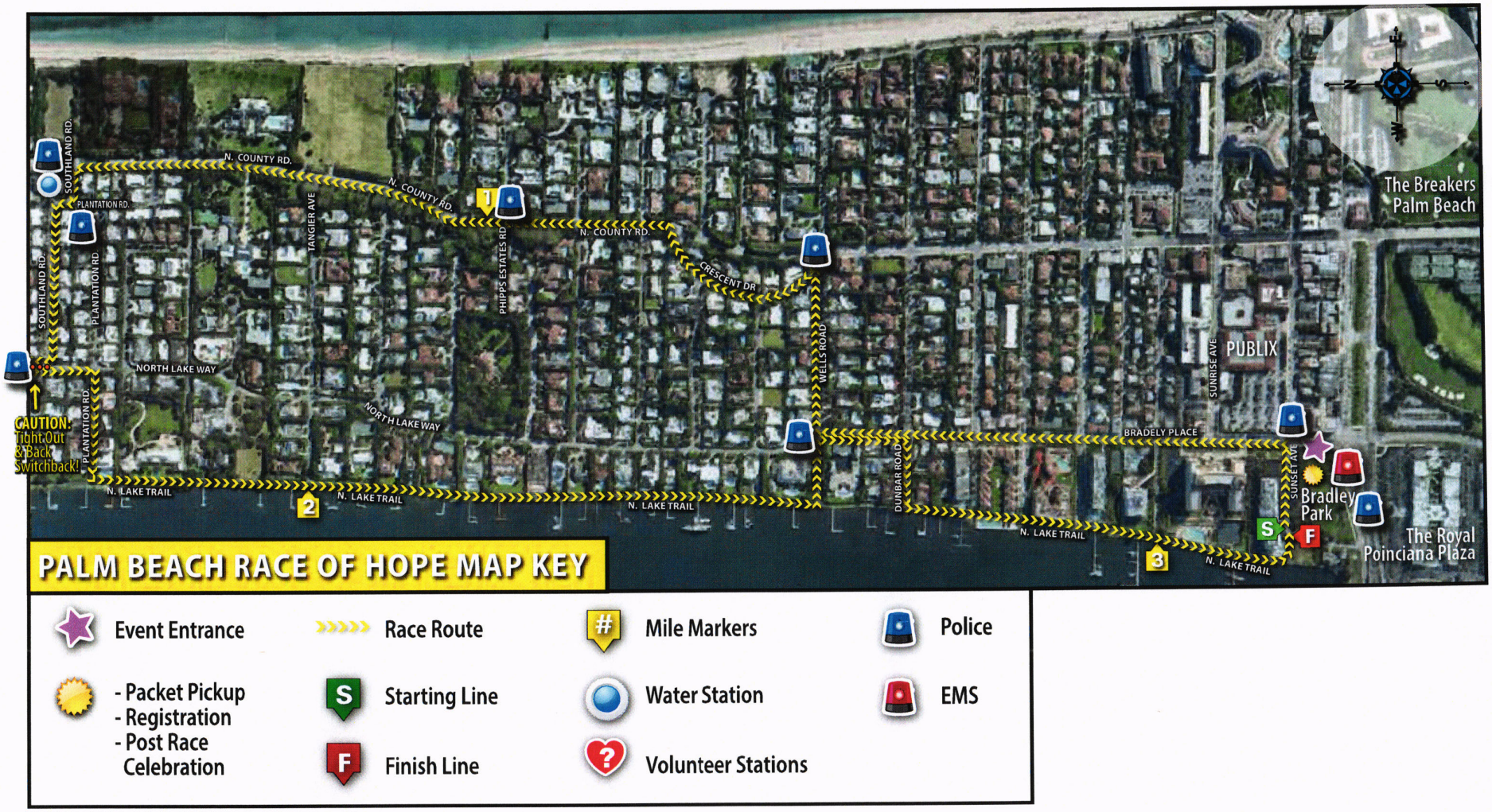
Officers Needed At These Locations & Times

1-A	6:30 - 7:50a	Royal Poinciana Way: Foot traffic crossing [relocate]
1-B	7:55 - 9:15a	Bradley Pl/Wells Rd… ahead of 8:00a race start until last racers passes from N. Lake Trail [relocate]
1-A	9:20 - 10:15a	Pedestrian crossing as racers exit event until
2	6:30 - 8:15a	Sunset Ave… until racers pass after start
	9:00 - 10:15a	Pedestrian crossing as racers exit event until
3	7:45 - 8:20a	Crescent Dr.… until racers pass after start
4	7:45 - 8:30a	Phillips Estate Rd.… until racers pass after start
5	7:45 - 8:35a	Southland Rd.… until racers pass after start
6	7:45 - 8:45a	N Lake Way.… until racers pass after start
7	7:45 - 8:45a	Plantation Rd.… until racers pass after start

2024 SITE MAP PLAN
Palm Beach Race of Hope 5k
[Version: 06/22/2023 … version 1]

1) Start & Finish
2) Finish Medal Stand
3) Vehicle: Gruss
4) Unload & Drop Zone
5) Register/Results/Awards
6) Packet Pick Up/Gear
7) Dedication/Donation
8) DJ
9) Stage
10) Sponsor Tent
11) Sponsor Tent
12) Sponsor Tent
13) Sponsor Tent
14) Sponsor Tent
15) Sponsor Tent
16) Refreshments
17) PBAU Volunteers
18) Water
19) Portolets
20) Trash
21) Vehicle: PBAU Vans (Load/Unload)
22) Vehicle: Barwick

2024 RACE ROUTE
Palm Beach Race of Hope 5k
[Version: 06/22/2023 … version 1]



HOPE FOR DEPRESSION
RESEARCH FOUNDATION
FUNDING THE BEST MINDS, TO HEAL MINDS.™

DIRECTORS' RESOLUTION AUTHORIZING FUND-RAISING EVENT

I, David Zislin, Treasurer of the Hope for Depression Research Foundation ("HDRF"), hereby certify that the following resolution was affectively adopted by the Board of Directors on June 15, 2023 (Date):

RESOLVED, that HDRF host a fundraising event(s) in Palm Beach, Florida in the first quarter of 2024, with details as to the exact date, size, location, ticket price and invitation list to be made by its Chairman, Mrs. Audrey Gruss, with such assistance from staff, directors, officers and others as she deems necessary.

Signed: _____ Date: June 15, 2023

DIVISION OF CONSUMER SERVICES
(850) 410-3800

THE RHODES BUILDING
2005 APALACHEE PARKWAY
TALLAHASSEE, FLORIDA 32399-6500

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

COMMISSIONER WILTON SIMPSON

March 17, 2023 **Refer To: CH25675**

HOPE FOR DEPRESSION RESEARCH FOUNDATION
40 W 57TH ST STE 1440
NEW YORK, NY 10019-4001

RE: HOPE FOR DEPRESSION RESEARCH FOUNDATION
REGISTRATION#: CH25675
EXPIRATION DATE: March 20, 2024

Dear Sir or Madam:

The above-named organization/sponsor has complied with the registration requirements of Chapter 496, Florida Statutes, the Solicitation of Contributions Act. A COPY OF THIS LETTER SHOULD BE RETAINED FOR YOUR RECORDS.

Every charitable organization or sponsor which is required to register under s. 496.405 must conspicuously display the registration number issued by the Department and in capital letters the following statement on every printed solicitation, written confirmation, receipt, or reminder of a contribution:

"A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL-FREE (800-435-7352) WITHIN THE STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE."

The Solicitation of Contributions Act requires an annual renewal statement to be filed on or before the date of expiration of the previous registration. The Department will send a renewal package approximately 30 days prior to the date of expiration as shown above.

Thank you for your cooperation. If we may be of further assistance, please contact the Solicitation of Contributions section.

Sincerely,

Gloria Meadows
Regulatory Consultant
850-410-3851
Fax: 850-410-3804
E-mail: gloria.meadows@fdacs.gov

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 9/1/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Hub International Northeast Limited 777 Commerce Drive Fairfield CT 06825	**CONTACT NAME:** **PHONE (A/C, No, Ext):** 203-337-1815 **FAX (A/C, No):** **E-MAIL ADDRESS:** salvatore.sorce@hubinternational.com
INSURED Hope for Depression Research Foundation 40 West 57th Street, Suite 1440 New York NY 10019	**INSURER(S) AFFORDING COVERAGE** — **NAIC #** **INSURER A :** Federal Insurance Company — 20281 **INSURER B :** Federal Insurance Co.- Indiana **INSURER C :** **INSURER D :** **INSURER E :** **INSURER F :**

COVERAGES **CERTIFICATE NUMBER:** 692948949 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY	Y		35754950	6/19/2023	6/19/2024	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 1,000,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	POLICY PRO-JECT X LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
A	X UMBRELLA LIAB X OCCUR			79799591	6/19/2023	6/19/2024	EACH OCCURRENCE	$ 3,000,000
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$ 3,000,000
	DED X RETENTION $ 10,000							$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N			71656210	6/19/2023	6/19/2024	X PER STATUTE OTH-ER	
	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	N / A					E.L. EACH ACCIDENT	$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$ 500,000
							E.L. DISEASE - POLICY LIMIT	$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: Race of Hope Event, February 16-18, 2024
Bradley Park, Palm Beach, FL

Town of Palm Beach is included as additional insured as per the written agreement and subject to the terms and conditions of the policy.

CERTIFICATE HOLDER

Town of Palm Beach
360 S County Road
Palm Beach FL 33480

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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SPECIAL ASSIGNMENT OVERTIME AGREEMENT

PALM BEACH POLICE DEPARTMENT

Training/Personnel Unit - 561-838-5467

FAX #: 561-835-4700 (Monday - Friday 8:30am – 5:00pm)

After hours, FAX to: 561-835-4736

The Palm Beach Police Department provides police services for security and traffic control functions at the request of private persons or organizations within the Town of Palm Beach. Such services are paid for by the private party and must be in the best interest of the Town. Acceptance of the request for Special Assignment (SA) will be at the discretion of the Director of Public Safety or his designee. Please read and sign where indicated below to acknowledge your acceptance of these conditions.

* The charge for SA is **$80.00 per hour** effective October 1, 2022. **New Year's Eve, New Year's Day, Super Bowl Sunday, Easter, Independence Day, Halloween, Thanksgiving Day, After Thanksgiving Day, Christmas Eve and Christmas Day** will be considered **Premium Days Special Assignments** and will be paid at a rate of **$110 per hour.**

- Invoices are issued on a bi-weekly basis and are due upon receipt. If payment is NOT received within 30 days, a 10% per month penalty will apply.
- **A minimum of 3 hours is required for an SA detail**. SA Details located on main thoroughfares, or other locations as deemed necessary by police staff, may require a minimum of 2 sworn members. SA details will be scheduled to begin on the hour or half hour. SA details that go over the contracted time will be charged in 1/2 increments until the detail is complete.
- SA **traffic only details** may be filled with a police officer or a Parking or Code Enforcement officer.
- Additionally charges may be incurred if the officer deems it necessary to extend the detail for safety reasons such as but not limited to, traffic mitigation.
- **SA** details cancelled with less than 48 hours notice prior to the beginning of the detail shall be charged 2 hours for each assigned member.
- **SA** details cancelled after the beginning of the detail will be charged for the originally scheduled hours of the day of cancellation. In cases involving 24-hour-a-day details, the remaining shift at cancellation and one subsequent shift will be charged in full. The remaining 48 hours (if applicable) from the time of cancellation will be charged 2 hours for each assigned member.
- **SA** details must be requested by signed agreement at least 5 days prior to the detail. All requests are subject to the availability of staff.
- **SA HOLIDAY details must be requested by signed agreement at least 14 days prior to the detail. All requests are subject to the availability of staff.**
- In the event that a sworn officer is not available, the requesting party will be advised of that fact by phone or email at least 48 hours prior to the detail.

Document Ref: NUGXE-N9I9Q-SN2RJ-VXAQW

The detail you have requested is as follows:
Location: Bradley Park
Contact: Catherine McWilliams C: 646-484-8496
Louisa Benton O: (212) 676-3203
Detail: Traffic Assistance

Contract #: SD24003
Officer (s): 8 - Uniformed Officers
Fax/E-mail of client:
cmcwilliams@hopefordepression.org
lb@hopefordepression.org

Day/Date	Time	# Officer(s)	Event Details
Saturday February 18, 2024	7:00AM-10:00AM	8	Traffic Assistance for Hope for Depression 5K

Bill to: 330 Ratzer Rd, Suite A4, Wayne NJ 07470

I have read the above Special Assignment Overtime Agreement and understand the charges and restrictions that are involved. The details of the request above are correct. I accept responsibility for all charges incurred.

Louisa Benton	Louisa Benton	09 / 14 / 2023
Name (printed)	Signature	Date

THIS AGREEMENT MUST BE SIGNED AND FAXED TO 561-835-4700 or *561-835-4736 (after business hours* **) BEFORE ANY OFFICERS WILL BE ASSIGNED.**

Document Ref: NUGXE-N9I9Q-SN2RJ-VXAQW

Signature Certificate

Reference number: NUGXE-N9I9Q-SN2RJ-VXAQW

Signer	Timestamp	Signature
Louisa Benton Email: cmcwilliams@hopefordepression.com Shared via link		
Sent:	14 Sep 2023 13:14:53 UTC	
Viewed:	14 Sep 2023 13:39:58 UTC	IP address: 208.185.240.179
Signed:	14 Sep 2023 13:40:53 UTC	Location: New York, United States

Document completed by all parties on:
14 Sep 2023 13:40:53 UTC

Page 1 of 1

Signed with PandaDoc

PandaDoc is a document workflow and certified eSignature solution trusted by 40,000+ companies worldwide.

ORDINANCE NO. 30-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 106, ARTICLE VII, SECTION 106-283, OF THE TOWN CODE OF ORDINANCES TITLED STANDARDS FOR ISSUANCE; PROVIDING FOR TOWN COUNCIL APPROVAL OF SPECIAL EVENT PERMIT APPLICATIONS REQUIRING USE OF PUBLIC SIDEWALKS, ROADS AND/OR BIKE PATHS; PROVIDING FOR SEVERABILITY; PROVIDING FOR 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 106, Article VII, Section 106-257 of the Town Code of Ordinances is hereby amended to read as follows: Sec. 106-283. - Standards for issuance. The town manager shall issue a special event permit, when from consideration of the application and from such other information as may otherwise be obtained, he/she finds that:

(1) No other applicant has obtained a permit for the date requested.

(2) The special event applicant has agreed in writing to abide by all provisions set forth in this article.

(3) All required information is set forth in the application and is in accordance with all provisions set forth in this article.

(4) The concentration of persons and vehicles at assembly points of the special event will not interfere with the proper fire and police protection of or ambulance services to areas contiguous to such assembly areas.

(5) The conduct of such special event will not interfere with the movement of police and fire rescue vehicles and equipment in route to a fire or the movement of emergency medical services equipment in route to an emergency.

(6) The special event is not being held for the purpose of advertising any product, goods or event, and shall not be held for private profit or fund raising, unless the applicant is a 501 (c) 3 non-profit, in which a charitable solicitation permit would also be required.

(7) The conduct of the special event will not substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic contiguous to the place of the special event.

(8) The conduct of the special event will not result in damage to town-owned property or constitute a hazard to the safety of other persons within the immediate vicinity of the event.

(9) No event is scheduled elsewhere in the town where the town's resources required for that event are so great that the deployment of resources for the proposed assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.

(10) An original certificate of insurance was supplied to the town naming the town as additional insured on a policy of liability insurance in an amount not less than $1,000,000.00 or an amount higher based upon the particular special event proposed.

Applications for special events that involve leaving the primary event location (public or private properties) to utilize public sidewalks, streets and/or bike paths shall receive Town Council approval prior to the issuance of a special event permit.

Section 2. Severability.

Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 3. Repeal of Ordinances In Conflict.

All other ordinances of the Town, or parts thereof, in conflict with this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This ordinance shall become effectively immediately upon adoption after second reading 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 9th day of July, 2019, and for second and final reading on this 14th day of August, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

Lewis S.W. Crampton, Town Council Member

Bobbie Lindsay, Town Council Member

ATTEST:

Kathleen Dominguez, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Town-Wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status

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

ATTACHMENTS:

- **Memorandum dated September 26, 2023, from H. Paul Brazil, P..E., Director of Public Works**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2023

TO: Mayor & Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Paul Brazil, Public Works Director

FROM: Patricia Strayer, Town Engineer

RE: Utility Undergrounding Project Status Report

DATE: September 26, 2023

I. COMMUNICATIONS:

A. Community Meetings:

None to report

B. Significant Residential Communications

Staff meetings are focused on Phase 8 easement acquisition.

II. PROGRESS SUMMARY:

Overall, Town-wide construction progress, eleven (11) 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, 5S, P6N, P6S and P7N.

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 South Ocean Blvd and South County Road

- Phase 2 South, the project is 96% complete. Pole removal has been completed with the exception of 10 or less poles that are having to be cut to be removed.

Phase 3 North Construction:
From Osceola Way to the north-side of La Puerta Way

- Completed September 17, 2021.

Phase 3 South:
From South Ocean Boulevard and South County Road to the alleyway south of Worth Avenue

- Phase 3 South construction is 87% complete.
- Switching has begun and is approximately 25% complete.
- Poles will not be removed before January 2024.

Phase 4 North:
From south-side of La Puerta Way to north-side of List Road

- Construction for Phase 4 North is 95% complete. All equipment has been installed. All FPL conversations have been completed. Finalizing plans for pole removal and paving.

Phase 4 South:
From Peruvian Avenue to Royal Palm Way

- Construction is 51% complete.
- All drilling and disruptive work will be completed in Phase 4 South by November.
- Staff are scheduled to be replaced during October.

Phase 5 North:
From Country Club Road to Southland Road

- Construction phase is 78% complete.
- Comcast has started installation.
- Poles should come down after Phase 4 North Poles are removed.

Phase 5 South:
From South Lake Drive/Hibiscus Avenue & Peruvian Avenue/Royal Palm Way, properties between the intracoastal waterway and the Atlantic Ocean and from Royal Palm Way to Seaspray Avenue.

- Construction phase is 75% complete.
- All drilling and disruptive work will be completed by November.
- All equipment will be placed by November and FPL conversions should be underway.
- Poles will come down by June 2024.

Phase 6 North:
From Chateaux Drive and Kawama Lane to the south-side of Plantation Road

- Construction phase is 46% complete.
- Poles should be removed mid 2024 if we stay on schedule and do not have any significant storms that may divert resources away from FPL switching and conversions.

Phase 6 South:
Seaspray Avenue to the south of Royal Poinciana Way

- Construction phase has begun.

Phase 7 North:
Palm Beach Country Club north to the south side of List Road

- Design is 99% complete and on schedule.
- 79 of 79 (100%) easements approved.
- Construction has been awarded but has not started. Contractor is waiting on supplies.

Phase 7 South:
Atlantic Avenue north to Via Los Incas and Sanford Avenue

- Design is 90% complete and on schedule. Bid packages are being prepared and expected to be issued in the next 30 days.
- 55 of 55 (100%) easements approved.

Phase 8:
Royal Poinciana Way north to Everglade Avenue

- Design is 54% complete and on schedule.
- 35 of 115 (30%) easements approved.

III. FINANCIAL SUMMARY:

A. <u>FEMA Grant Update:</u>

- Quarterly submittals are in for approval.

B. Project Budget Summary:

There are no significant changes since the last report. Updates include processing of vendor pay applications for design and work performed in active phases. The full Underground Utility Project Financial Report is provided within your backup package with the summary page attached. The table below shows the latest construction cost summary which has been updated to include Phase 7 North.

Phase Area	Construction Cost Proposal	Master Plan OPC	Difference	% Difference
3S	$8,029,384.83	$7,710,000.00	$319,384.83	4.1%
4N	$4,843,009.99	$5,360,000.00	($516,990.01)	-9.6%
4S	$8,803,506.00	$6,400,000.00	$2,403,506.00	37.6%
5N	$7,347,435.31	$6,960,000.00	$387,435.31	5.6%
5S	$8,102,327.89	$8,940,000.00	($837,672.11)	-9.4%
6N	$7,867,296.00	$5,620,000.00	$2,247,296.00	40.0%
6S	$8,149,565.00	$10,040,000.00	($1,890,435.00)	-18.8%
7N	$10,472,977.00	$5,980,000.00	$4,492,977.00	75.1%
Totals	**$63,615,502.02**	**$57,010,000.00**	**$6,605,502.02**	**11.6%**

Staff will present the Construction Manager at Risk Guaranteed Maximum Price contract for Phase 7 North for approval at the August Town Council meeting. Phase 7 South will be presented in January 2024. Phase 8 should be presented to Town Council the summer of 2024.

cc: Bob Miracle, Deputy Town Manager
Kevin Schanen, Kimley-Horn & Associates

Underground Utility Project Budget
Project Financial Summary
August 31, 2023

Expenditures	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 1	$ 12,620,000	$ 12,910,000	$ 12,773,514	$ 12,718,730	99.6%
Phase 2	$ 9,170,000	$ 13,470,000	$ 13,669,545	$ 13,515,025	98.9%
Phase 3	$ 10,910,000	$ 15,400,000	$ 16,539,285	$ 14,853,132	89.8%
Phase 4	$ 10,370,000	$ 15,220,000	$ 19,081,845	$ 13,319,236	69.8%
Phase 5 (Includes $8.5 Million FEMA Grant Offset**)**	$ 14,090,000	$ 11,694,645	$ 18,517,330	$ 13,763,980	74.3%
Phase 6	$ 16,820,000	$ 20,800,000	$ 19,966,261	$ 5,833,550	29.2%
Phase 7	$ 11,730,000	$ 15,910,000	$ 12,358,031	$ 1,736,718	14.1%
Phase 8	$ 12,300,000	$ 14,500,000	$ 1,576,574	$ 1,067,600	67.7%
Total Project Costs To Date	$ 98,010,000	$ 119,904,645	$ 114,482,384	$ 76,807,971	67.1%
Other Costs Associated Directly with the Project (Page 8)	$ 570,000	$ 2,957,405	$ 2,957,405	$ 2,795,214	94.5%
Grand Total of Costs Related to Project	$ 98,580,000	$ 122,862,050	$ 117,439,790	$ 79,603,186	67.8%
Debt Service and Related Debt Issuance Costs (Page 8)			$ 18,212,271	$ 18,211,981	100.0%
Total Other Costs Outside Underground Budget (Page 8)			$ 690,317	$ 1,683,839	243.9%
Grand Total of All Costs Related to the Project	$ 98,580,000	$ 122,862,050	$ 118,130,107	$ 99,499,005	84.2%

Total Project Budget - Opinion of cost for construction		$ 122,862,050
% Budgeted/Encumbered To Date Project Costs		95.59%
% Spent to Date - Project Costs		64.79%

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments	$ 18,329,914	$ 18,329,914	0.0%
Assessment Revenue	$ 25,280,000	$ 25,610,011	101.3%
Commercial Paper	$ -	$ -	0.0%
Town Owned Property Prepaid Assessments	$ 2,797,291	$ 2,797,291	100.0%
Interest	$ 1,667,009	$ 4,826,140	289.5%
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 (CIP Pay go)	$ 5,000,000	$ 3,250,000	65.0%
FPL	$ 450,246	$ 450,246	100.0%
FEMA Grant	$ 8,500,000	$ 3,134,877	36.9%
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	$ 1,176,867	154.8%
Transfer from (401) Fund Marina	$ 5,200,000	$ 2,816,667	54.2%
Transfer from (001) General Fund - PM Salary	$ 942,116	$ 1,177,304	125.0%
Total Project Revenues	$ 138,674,922	$ 133,352,260	96.2%

Underground Utility Project Budget
Phase 1 Project Costs
August 31, 2023

	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**	3,606,916	**100.2%**
Street Light Conversion			**$ 135,322**	135,322	**100.0%**
Change Order for AT&T and Comcast Conduit			**$ 500,655**	491,883	**98.2%**
Utlity Design Costs			**$ 15,595**	79,767	**511.5%**
Utility Construction Costs (FPL, Comcast, AT&T)			**$ 476,776**	325,523	**68.3%**
Construction Engineering (KH)			**$ 207,771**	205,818	**99.1%**
	$ 4,210,000	**$ 4,930,000**	**$ 4,953,984**	**$ 4,864,949**	**98.2%**
Phase 1 South Construction					
Preconstruction			**$ 22,200**	22,200	**100.0%**
Whiting Turner Construction			**$ 4,450,977**	4,518,572	**101.5%**
Utlity Design Costs			**$ 33,013**	119,725	**362.7%**
Utility Construction Costs (FPL, Comcast, AT&T)			**$ 1,374,193**	1,250,395	**91.0%**
Construction Engineering (KH)			**$ 317,963**	317,483	**99.8%**
	$ 6,800,000	**$ 6,350,000**	**$ 6,198,347**	**$ 6,228,375**	**100.5%**
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**	5,120	**62.0%**
Legal Advertising				2,795	
Total Phase 1 Costs	**$ 12,620,000**	**$ 12,910,000**	**$ 12,773,514**	**$ 12,718,730**	**99.6%**

Underground Utility Project Budget
Phase 2 Project Costs
August 31, 2023

	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**	$ 131,510	96.3%
Total Phase 2 Design	**$ 735,000**	**$ 807,000**	**$ 806,513**	**$ 801,406**	**99.4%**
Construction Costs					
Phase 2 North Construction					
Preconstruction			**$ 35,000**	31,970	91.3%
Burkhardt Construction			**$ 3,932,792**	3,932,792	100.0%
Owner Purchased Supplies			**$ 253,631**	253,631	100.0%
FPL Design Cost			**$ 34,936**	34,936	100.0%
ATT Design Cost			**$ 10,000**	$ 10,000	100.0%
Comcast Design Cost			**$ 5,000**	$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			**$ 496,307**	$ 423,898	85.4%
FPL - Additional Vista Switches			**$ 55,000**	$ 54,938	99.9%
Construction Engineering (KH)			**$ 248,121**	$ 246,227	99.2%
Total Phase 2 North Construction	**3,800,000**	**5,020,000**	**$ 5,070,787**	**$ 4,992,974**	**98.5%**
Phase 2 South Construction	-				
Preconstruction			**$ 35,000**	87,667	250.5%
Burkhardt Construction			**$ 6,419,862**	6,264,521	97.6%
Owner Supplied Materials			**$ 175,898**	175,898	100.0%
FPL Design Cost			**$ 34,936**	34,936	100.0%
ATT Design Cost			**$ 5,000**	$ 5,000	100.0%
Comcast Design Cost			**$ 5,000**	$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			**$ 601,448**	$ 601,448	100.0%
Reimburse John Moran				$ 39,240	
Construction Engineering (KH)	-		**$ 325,280**	$ 319,791	98.3%
Total Phase 2 South Construction	**4,435,000**	**7,424,000**	**$ 7,602,424**	**$ 7,533,082**	**99.1%**
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**	$ 20,689	95.2%
Advertising			**$ 1,200**	$ 1,101	91.7%
Recording Costs			**$ 3,605**	$ 3,359	93.2%
Easement Abandonment			**$ 6,870**	$ 5,994	87.2%
Total Easement Acquisition Costs	**200,000**	**219,000**	**$ 189,822**	**$ 187,564**	**98.8%**
Total Phase 2 Costs	**$ 9,170,000**	**$ 13,470,000**	**$ 13,669,545**	**$ 13,515,025**	**98.9%**

Underground Utility Project Budget
Phase 3 Project Costs
August 31, 2023

	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			**$ 4,100,697**	$ 4,100,697	100.0%
Owner supplied materials			**$ 2,797**	$ 3,456	123.6%
FPL Design Cost			**$ 12,850**	$ 2,700	21.0%
ATT Design Cost			**$ 5,000**	$ 5,000	100.0%
Comcast Design Cost			**$ 3,128**	$ 3,128	100.0%
FPL Construction			**$ 87,101**	$ 87,101	100.0%
Street Light Conversion			**$ 4,249**	$ 7,012	165.0%
Utility Costs (Comcast & ATT)			**$ 409,387**	$ 428,207	104.6%
Construction Engineering (KH)			**$ 236,976**	$ 224,829	94.9%
Daniella Construction - Nightingale/LaPuerta - Townwide portion			**$ 457,851**	$ 457,851	100.0%
FPL Nightingale/LaPuerta - Townwide Portion			**$ 85,796**	$ 85,796	100.0%
Comcast Nightingale/LaPuerta - Townwide Portion			**$ 8,885**	$ 8,885	100.0%
AT&T Nightingale/LaPuerta Townwide Portion			**$ 30,555**	$ 30,555	100.0%
Billing for Arnold Fisher relocate transformer Deanna Davis and Cohlan			**$ (17,647)**	**(17,647)**	**100.0%**
Total Phase 3 North Construction	**$ 3,700,000**	**$ 5,300,000**	**$ 5,452,205**	**$ 5,452,150**	**100.0%**
Phase 3 South Construction	**$ 6,090,000**	**$ 8,875,000**			
Preconstruction			**$ 33,400**	33,400	100.0%
Construction			**$ 8,029,385**	6,264,916	78.0%
Owner supplied Pipe			**$ 153,809**	138,366	90.0%
FPL Construction			**$ 562,000**	562,905	100.2%
FPL Design Cost			**$ 11,359**	17,159	151.1%
FPL - 101 El Brillo			**$ 10,875**	10,875	100.0%
ATT Design and Construction Cost			**$ 537,254**	537,254	100.0%
Comcast Design and Construction Cost			**$ 195,128**	335,723	172.1%
Construction Engineering (KH)			**$ 322,540**	273,884	84.9%
Total Phase 3 South Construction	**$ 6,090,000**	**$ 8,875,000**	**$ 9,855,750**	**$ 8,174,481**	**82.9%**
Easement Acquisition/Abandonment	**$ 260,000**	**$ 330,000**			
Kimley Horn Easement Assistance					
Task 1 Easement Assistance North and South			**$ 273,390**	$ 271,913	99.5%
Easement Amendment			**$ 49,285**	$ 49,198	99.8%
Surveys					
Recording Costs			**$ 6,000**	$ 5,137	85.6%
Easement Abandonment			**$ 8,150**	$ 6,542	80.3%
Total Easement Acquisition Costs	**$ 260,000**	**$ 330,000**	**$ 336,825**	**$ 332,791**	**98.8%**
Total Phase 3 Costs	**$ 10,910,000**	**$ 15,400,000**	**$ 16,539,285**	**$ 14,853,132**	**89.8%**

Underground Utility Project Budget
Phase 4 Project Costs
August 31, 2023

	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 Costs			**$ 5,016,315**	4,690,454	93.5%
Owner Supplied Pipe and Vaults			**$ 156,238**	156,238	100.0%
FPL BCE			**$ 91,543**	91,543	100.0%
FPL Design Cost			**$ 12,757**	12,850	100.7%
ATT Design Cost			**$ 5,000**	5,000	100.0%
Comcast Design and Construction Cost			**$ 173,151**	3,128	1.8%
Utility Costs (FPL, Comcast, AT&T)			**$ 353,715**	353,715	100.0%
Street Light Conversion FPL			**$ 4,222**	4,222	100.0%
Construction Engineering (KH)			**$ 324,309**	288,342	88.9%
Total Phase 4 North Construction	**$ 4,605,000**	**$ 6,275,000**	**$ 6,159,520**	**5,627,761**	**91.4%**
Phase 4 South Construction	**4,710,000**	**7,640,000**			
Preconstruction			**$ 34,800**	34,800	100.0%
Construction			**$ 8,909,957**	3,827,134	43.0%
Construction with Lake Drive Park			**$ 320,311**	363,499	113.5%
Owner Supplied Pipes			**$ 2,170**	2,170	100.0%
Reimbursement from Preservation Foundation			**$ (102,500)**	(102,500)	100.0%
Street Light Conversion (FPL)			**$ 7,098**	7,098	100.0%
FPL Design Cost			**$ 13,160**	1,350	10.3%
ATT Design Cost			**$ 5,000**	5,000	100.0%
Comcast Design Cost			**$ 3,128**	3,128	100.0%
Kimley Horn - Design services Hibiscus Ave			**$ 12,047**	11,940	99.1%
Utility Costs (FPL, Comcast, AT&T)			**$ 2,013,298**	2,013,298	100.0%
Construction Engineering (KH)			**$ 333,659**	159,319	47.7%
Total Phase 4 South Construction	**$ 4,710,000**	**$ 7,640,000**	**$ 11,552,128**	**6,326,235**	**54.8%**
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**	67,481	99.6%
Easement Assistance (KH)			**$ 59,369**	60,956	102.7%
Surveys					
Legal Sketch			**$ 38,230**	38,092	99.6%
Legal Sketch - Switches			**$ 4,967**		
Jones Foster - Legal					
Recording Costs			**$ 7,000**	6,371	91.0%
Easement Abandonment			**$ 18,735**	**18,735**	100.0%
Total Easement Acquisition Costs	**$ 240,000**	**$ 411,000**	**$ 476,318**	**471,889**	**99.1%**
Total Phase 4 Costs	**$ 10,370,000**	**$ 15,220,000**	**$ 19,081,845**	**13,319,236**	**69.8%**

Underground Utility Project Budget
Phase 5 Project Costs
August 31, 2023

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	$ 520,000		$ 454,210	$ 454,210	100.0%
Task 1.2 Phase 5 South Design	$ 600,000		$ 606,951	$ 606,951	100.0%
Task 1.3 Permitting Assistance North/South			$ 17,100	$ 17,100	100.0%
Task 1.4 Bid Phase Assistance North/South			$ 37,899	$ 37,899	100.0%
Task 1.6 Meetings North/South			$ 77,911	$ 77,905	100.0%
Total Phase 5 Design	**$ 1,120,000**	**$ 1,195,000**	**$ 1,194,071**	**$ 1,194,065**	**100.0%**
Construction Costs					
Phase 5 North Construction	**$ 5,890,000**	**$ 8,055,000**			
Preconstruction			**$ 59,100**	59,100	100.0%
Construction			**$ 6,456,367**	5,160,695	79.9%
Construction Manager - Burkhardt			**$ 940,702**	714,934	76.0%
Utility Costs (FPL, Comcast, AT&T)			**$ 333,639**	333,639	100.0%
AT&T Design			**$ 5,000**	5,000	100.0%
FPL Design Costs			**$ 16,223**	30,330	187.0%
Reimburse Caren and Gary Marder work performed			**$ 6,100**	6,100	100.0%
Construction Engineering (KH)			**$ 334,147**	256,256	76.7%
Total Phase 5 North Construction	**$ 5,890,000**	**$ 8,055,000**	**$ 8,151,279**	**$ 6,566,053**	**80.6%**
Phase 5 South Construction	**$ 6,750,000**	**$ 10,545,000**			
Preconstruction			**$ 59,100**	59,100	100.0%
Construction			**$ 6,629,361**	3,987,896	60.2%
Infrastructure from Phase 4 south bid - Not part of Grant			**$ 163,350**	57,460	35.2%
Construction Manager - Burkhardt			**$ 979,098**	704,951	72.0%
Four Arts Reimbursement			**$ (8,493)**	(8,493)	
Utility Costs (FPL, Comcast, AT&T)			**$ 641,597**	641,597	100.0%
AT&T Design			**$ 5,000**	5,000	100.0%
FPL Design Costs			**$ 21,043**	21,043	100.0%
Construction Engineering (KH)			**$ 334,159**	198,670	59.5%
Total Phase 5 South Construction	**$ 6,750,000**	**$ 10,545,000**	**$ 8,824,214**	**$ 5,667,224**	**64.2%**
Easement Acquisition/Abandonment	**$ 330,000**	**$ 365,000**			
Kimley Horn Easement Assistance					
Easement Assistance			**$ 218,600**	$ 218,536	100.0%
Easement Assistance			**$ 81,086**	$ 78,699	97.1%
Surveys					
Legal Sketch			**$ 41,080**	$ 32,927	80.2%
Legal Ads			**$ 1,000**	$ 585	58.5%
Recording Costs			**$ 6,000**	$ 5,891	98.2%
Easement Abandonment				$ -	
Total Easement Acquisition Costs	**$ 330,000**	**$ 365,000**	**$ 347,766**	**$ 336,638**	**96.8%**
FEMA Grant		**$ (8,465,355)**			
Total Phase 5 Costs	**$ 14,090,000**	**$ 11,694,645**	**$ 18,517,330**	**$ 13,763,980**	**74.3%**

Underground Utility Project Budget
Phase 6 Project Costs
August 31, 2023

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 6 Design					
Kimley Horn					
Task 1.1 Phase 6 North Design	**$ 420,000**		**$ 475,019**	$ 475,019	100.0%
Task 1.2 Phase 6 South Design	**$ 940,000**		**$ 826,551**	$ 826,551	100.0%
Task 1.3 Permitting Assistance North/South			**$ 17,694**	$ 17,694	100.0%
Task 1.4 Bid Phase Assistance North/South			**$ 35,938**	$ 35,938	100.0%
Task 1.6 Meetings North			**$ 84,791**	$ 84,765	100.0%
Total Phase 6 Design	**$ 1,360,000**	**$ 1,440,000**	**$ 1,439,993**	**$ 1,439,967**	**100.0%**
Utility and Construction Costs					
Phase 6 North Construction	**$ 4,790,000**	**$ 6,615,000**			
Preconstruction			**$ 24,270**	24,270	100.0%
Construction			**$ 7,867,296**	2,643,077	33.6%
Approved Change Orders					
FPL Design Cost			**$ 15,868**	29,198	184.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)			**$ 295,632**	295,632	100.0%
Construction Engineering (KH)			**$ 344,177**	132,860	38.6%
Total Phase 6 North Construction	**$ 4,790,000**	**$ 6,615,000**	**$ 8,547,243**	**$ 3,125,037**	**36.6%**
Phase 6 South Construction	**$ 10,270,000**	**$ 12,298,000**			
Preconstruction			**$ 24,270**	24,270	100.0%
Construction			**$ 8,400,000**		
Approved Change Orders					
FPL Design Cost			**$ 29,924**	29,924	100.0%
ATT Design Cost			**$ 10,000**	10,000	100.0%
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)			**$ 754,815**	754,815	100.0%
Construction Engineering (KH)			**$ 344,007**	49,147	14.3%
Total Phase 6 South Construction	**$ 10,270,000**	**$ 12,298,000**	**$ 9,563,016**	**$ 868,157**	**9.1%**
Easement Acquisition/Abandonment	**$ 400,000**	**$ 447,000**			
Kimley Horn Easement Assistance					
Easement Assistance			**$ 351,594**	$ 361,284	102.8%
Surveys					
Legal Sketch			**$ 58,415**	$ 35,251	60.3%
Legal Ads			**$ 1,000**	$ 113	11.3%
Recording Costs			**$ 5,000**	$ 3,743	74.9%
Easement Abandonment				$ -	
Total Easement Acquisition Costs	**$ 400,000**	**$ 447,000**	**$ 416,009**	**$ 400,390**	**96.2%**
Total Phase 6 Costs	**$ 16,820,000**	**$ 20,800,000**	**$ 19,966,261**	**$ 5,833,550**	**29.2%**

Underground Utility Project Budget
Phase 7 Project Costs
August 31, 2023

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 7 Design					
Kimley Horn					
Task 1.1 Phase 7 North Design	$ 450,000		$ 492,488	$ 492,488	100.0%
Task 1.2 Phase 7 South Design	$ 480,000		$ 630,830	$ 611,905	97.0%
Task 1.3 Bid Phase Assistance North and South			$ 35,938	$ 24,797	69.0%
Task 1.4 Meetings North and South			$ 77,616	$ 77,535	99.9%
Total Phase 7 Design	**$ 930,000**	**$ 1,237,000**	**$ 1,236,872**	**$ 1,206,726**	**97.6%**
Utility and Construction Costs					
Phase 7 North Construction	**$ 5,140,000**	**$ 7,005,000**			
Preconstruction			**$ 47,500**	11,515	**24.2%**
Construction			**$ 10,472,977**		
Chicane Demonstrations			**$ 47,500**	19,558	**41.2%**
FPL Design Cost			**$ 15,806**	27,165	**171.9%**
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**	**$ 10,583,783**	**$ 58,238**	**0.6%**
Phase 7 South Construction	**$ 5,380,000**	**$ 7,320,000**			
Preconstruction			**$ 47,500**	11,515	**24.2%**
Construction					
Chicane Demonstrations			**$ 47,500**	19,558	**41.2%**
FPL Design Cost			**$ 19,953**	19,953	**100.0%**
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**	**$ 114,953**	**$ 51,026**	**44.4%**
Easement Acquisition/Abandonment	**$ 280,000**	**$ 348,000**			
Kimley Horn Easement Assistance					
Easement Assistance			**$ 346,459**	$ 346,356	100.0%
Easement Assistance			**$ 69,964**	$ 69,919	99.9%
Surveys					
Legal Sketch					
Legal Ads			**$ 1,000**	$ 113	11.3%
American Acquisition Group					
Temp Services					
Legal Advertising					
Recording Costs			**$ 5,000**	$ 4,342	86.8%
Total Easement Acquisition Costs	**$ 280,000**	**$ 348,000**	**$ 422,423**	**$ 420,729**	**99.6%**
Total Phase 7 Costs	**$ 11,730,000**	**$ 15,910,000**	**$ 12,358,031**	**$ 1,736,718**	**14.1%**

Underground Utility Project Budget
Phase 8 Project Costs
August 31, 2023

	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	$ 699,732	68.0%
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	$ 35,260	39.3%
Task 1.5 Easement Assistance			$ 129,997	$ 51,385	39.5%
Total Phase 8 Design	**$ 1,010,000**	**$ 1,151,000**	**$ 1,280,916**	**$ 786,376**	**61.4%**
Utility and Construction Costs					
Phase 8 Construction	**$ 10,990,000**	**$ 13,107,000**			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			**$ 13,160**	13,160	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 8 North Construction	**$ 10,990,000**	**$ 13,107,000**	**$ 13,160**	**$ 13,160**	**100.0%**
Easement Acquisition/Abandonment	**$ 300,000**	**$ 242,000**			
Kimley Horn Easement Assistance					
Easement Assistance			**$ 227,724**	$ 226,073	99.3%
Surveys					
Legal Sketch					
Legal Ads				$ 56	
American Acquisition Group					
Kimley Horn Grant Assistance BRIC Grant			**$ 49,774**	$ 41,587	83.6%
Temp Services					
Recording Costs			**$ 5,000**	$ 348	7.0%
Total Easement Acquisition Costs	**$ 300,000**	**$ 242,000**	**$ 282,498**	**$ 268,064**	**94.9%**
Total Phase 8 Costs	**$ 12,300,000**	**$ 14,500,000**	**$ 1,576,574**	**$ 1,067,600**	**67.7%**

Underground Utility Project Budget
Other Project Costs
August 31, 2023

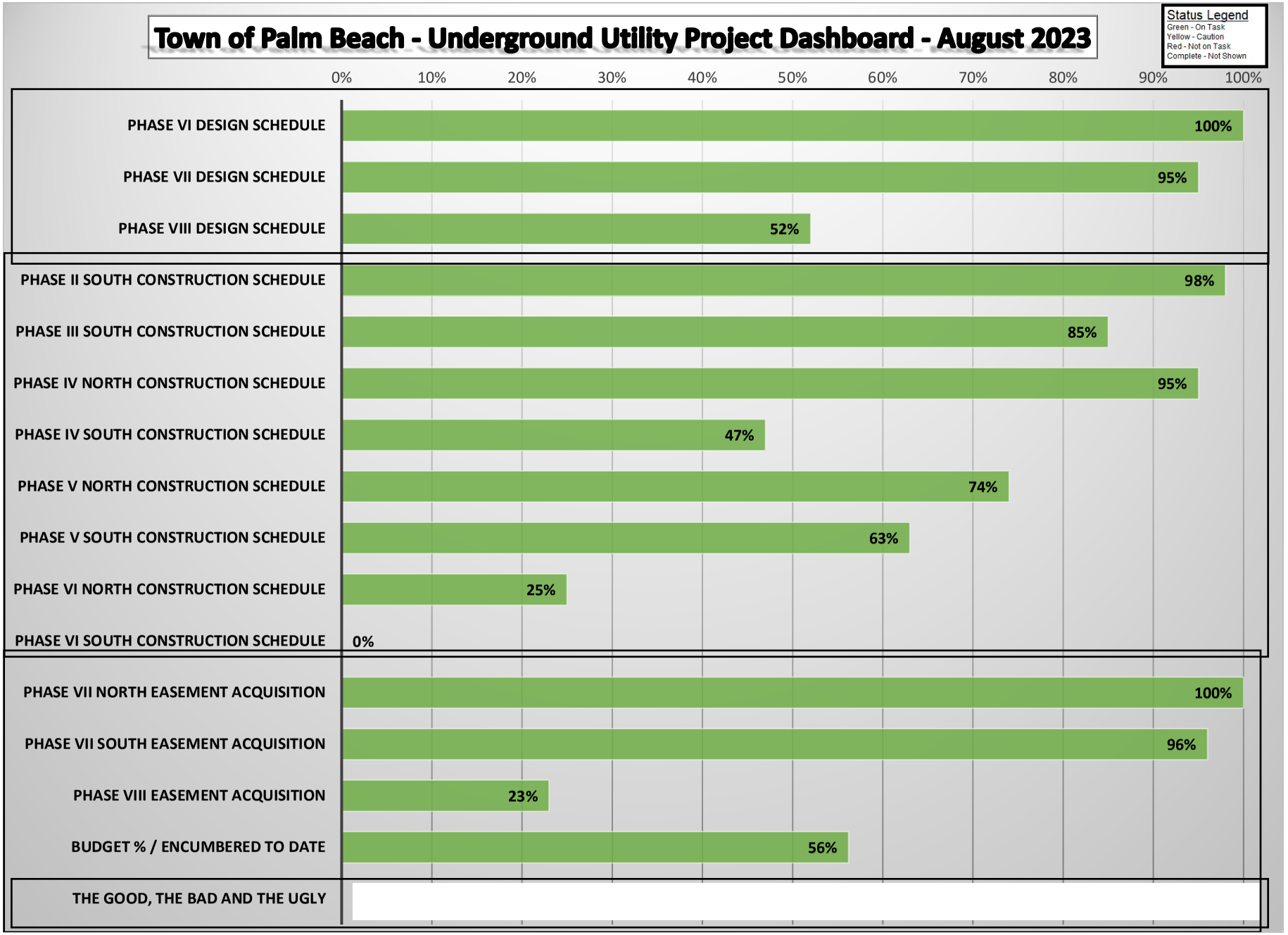
Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	$ 88,021	$ 88,021	100.0%
Tash 1.1a Data Collection for Future Communications	$ 23,511	$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	$ 161,756	$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	$ 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**	$ 12,015	100.0%
Assessment Costs, Legal, Fees and Discounts	**$ 950,000**	$ 948,097	99.8%
Project Manager -Pay and benefits	**$ 840,000**	$ 753,631	89.7%
Temp Services - Easement Acquisition	**$ 150,000**	$ 106,050	70.7%
Other Miscellaneous Expenses		$ 27,444	
General Easement Assistance	**$ 24,976**	$ 24,838	99.4%
Community Outreach	**$ 282,519**	$ 225,256	79.7%
Peer Review Study - Patterson & Dewar ($50,000 Offsetting Revenue)	**$ 100,000**	$ 100,000	100.0%
Total Other Project Costs	**$ 2,957,405**	**$ 2,795,214**	**94.5%**

Debt Service and Related Debt Issuance Costs

	Budget	Actual	% Expended
Commercial Paper Issuance Cost	**$ 260,116**	$ 260,116	100.0%
Commercial Paper Interest	**$ 243,096**	$ 243,096	100.0%
Arbitrage Rebate Calculation	**$ 2,500**	$ 4,300	172.0%
Debt Service Fees	**$ 2,000**	$ 500	25.0%
GO Bond Closing Costs 2018	**$ 488,271**	$ 487,471	99.8%
GO Bond Closing Costs 2021	**$ 202,169**	$ 202,380	100.1%
GO Bond Debt Service	**$ 17,014,119**	$ 17,014,119	100.0%
Total Debt Service and Related Debt Issuance Costs	**$ 18,212,271**	**$ 18,211,981**	**100.0%**

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**	$ 351,081	100.0%
Project Construction Engineering	**$ 11,607**	$ 12,849	110.7%
Utility Cost (FPL, Comcast, AT&T)	**$ 134,333**	$ 127,531	94.9%
Project Meeting Attendance	**$ 3,334**	$ 2,914	87.4%
Total Lake Worth Section	**$ 525,586**	$ 518,805	98.7%
Ibis Way PGD Improvements	**$ 14,583**	$ 14,583	100.0%
Crosswalk Spare Conduits	**$ 26,148**	$ 22,226	85.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		$ 183,701	
Kosberg v TPB Legal and Other Costs		$ 615,602	
PBT Real Estate v TPB		$ 197,178	
Gardner, Bist Bowden, Bush (Shef Wright)		$ 24,799	
Telecommunications Consultant	**$ 89,000**	$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	**$ 35,000**	$ 23,735	67.8%
Total Related Costs Outside of the Budget	**$ 690,317**	**$ 1,683,839**	**243.9%**


Town of Palm Beach - Underground Utility Project Dashboard - August 2023
Status Legend
Green - On Task
Yellow - Caution
Red - Not on Task
Complete - Not Shown
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
PHASE VI DESIGN SCHEDULE
100%
PHASE VII DESIGN SCHEDULE
95%
PHASE VIII DESIGN SCHEDULE
52%
PHASE II SOUTH CONSTRUCTION SCHEDULE
98%
PHASE III SOUTH CONSTRUCTION SCHEDULE
85%
PHASE IV NORTH CONSTRUCTION SCHEDULE
95%
PHASE IV SOUTH CONSTRUCTION SCHEDULE
47%
PHASE V NORTH CONSTRUCTION SCHEDULE
74%
PHASE V SOUTH CONSTRUCTION SCHEDULE
63%
PHASE VI NORTH CONSTRUCTION SCHEDULE
25%
PHASE VI SOUTH CONSTRUCTION SCHEDULE
0%
PHASE VII NORTH EASEMENT ACQUISITION
100%
PHASE VII SOUTH EASEMENT ACQUISITION
96%
PHASE VIII EASEMENT ACQUISITION
23%
BUDGET % / ENCUMBERED TO DATE
56%
THE GOOD, THE BAD AND THE UGLY

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Ordinances - First Reading

Agenda Title
Proposed Ordinance to Amend Chapter 10 of the Town Code Relative to Temporary Animal Permits

ORDINANCE NO. 016-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 10, Animals; Section 10-10. Temporary Permits, Section 10-11. Penalties, And By Adding New Sections 10-12. Duties Of Permittee, 10-13. False Information Prohibited In Application, 10-14. Permits Nontransferable, 10-15. Waiver Of Provisions, And 10-16. Possession; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

Presenter
John C. Randolph, Town Attorney

ATTACHMENTS:

- **Memorandum Dated September 29, 2023, from Jessica Savidge, Administrative Manager**
- **Ordinance No. 016-2023 - Annotated**
- **Exhibit A: Current Temporary Animal Permit Application**
- **Exhibit B: New Temporary Animal Permit Draft Application**

TOWN OF PALM BEACH
Information for Town Council Meeting on: October 10, 2023

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

Via: Carolyn Stone, Deputy Town Manager

From: Jess Savidge, Administrative Manager

Re: Amendment of Town Clerk's Office Permits
Ordinance **No. 016-2023, No. 018-2023 – No. 022-2023**

Date: September 29, 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve the proposed revisions of the Town's Code of Ordinances concerning the Town Clerk's Office's permit procedures.

GENERAL INFORMATION

This proposed amendment of the code would allow the Town Clerk's Office to revise its permit applications and update and standardize language across permits processed by the Town Clerk's Office ahead of the upcoming digital conversion of the Town's permit process into an online portal. this coming year. These proposed revisions would eliminate restrictive subsections, allowing for streamlining the applications and simplifying the permit process for applicants and processors, without compromising the review process and due diligence required to uphold the code's direction.

General changes to all or most permit ordinances:

- The various ordinances related to Town Clerk permits previously had different combinations of the following sections with different wording or rules; These proposed ordinances will now contain the same language. Language has been standardized across all permits for sections regarding:
    - Notifying the town of changes to an application;
    - Removal of fees in the code to now instead refer to the master fee schedule adopted by resolution;
    - Appealing a denied application, which has now been combined with previous language dealing with permit suspensions and revocations;
    - The penalties associated with not acquiring a needed application or violating the ordinance in question;
    - The duties of the permittee;
    - The prohibition of false information in an application;
    - The prohibition of transferring an application;
    - The ability of the town council to waive provisions of these ordinances at their discretion; and
    - The need for an applicant to possess their permit onsite at the event location.

- The window of time the applicant has to notify the Town of changes to their pending application has been extended across all permits from 24 to 48 hours, per Councilmember Araskog's suggestion.
- Language regarding application fees will be standardized to state that fees will be in the fee schedule, whereas previously, some permit code language included fee amounts. The proposed standardized language will eliminate the need to update the code when fees are updated.
- Language in the code specifying time windows (i.e., how many days prior to the event the application must be filed, or the amount of time allowed to provide notice of approval or denial of a permit) has been removed from the code; however, the time windows will remain in place during the review process through the Master Fee Schedule's fee structure. The procedure and review process will not change due to this change to the code.
- The proposed removal of the required application information is in preparation for the digital permit portal implementation in 2024. All information necessary for staff to do due diligence in their review of the application will remain. Draft paper applications display the application if proposed code changes are adopted, as shown in Exhibits A-N. These will build the fields for the digital versions.
- "Town manager" has been changed to "town manager or designee" where necessary to allow for greater flexibility, if needed. Similarly, language stating that the Town Clerk will issue the permit has been changed to "the town" in several places because it is the town issuing the permit, and the permit will be processed through a centralized portal.
- Updated Hold Harmless language received from the Risk Management Division has been inserted where needed.
- Any language implying that the application must be submitted on a physical form has been updated to allow for the future conversion of permits into the online portal.

Additional permit-specific edits:

Charitable Solicitations

- Former section 78-79 which requires receipts from contributors to charitable solicitations has been removed as they are no longer verified during the permit due diligence review process.
- Sections 78-110, and 78-111, requiring the applicant to provide accounting records of the event to the town clerk to verify, have also been edited or removed as these are no longer verified. Instead, the town clerk's office verifies that the organizations are registered with the Florida Department of Agriculture and Consumer Services. They require that organizations answer many of the same questions we ask but are responsible for reviewing their financial documentation and confirming the organization's validity. Section 78-104 has also been edited to reflect that the town is not responsible for verifying that these organizations are not fraudulent, as it has already been verified by the Department of Agriculture and Consumer Services.

Auctions and Auctioneers

- The restrictions preventing auctions from being held at night, between November 1 and April 30, and on specific streets have also been removed. Discovery identified that this rule was not applied to issued permits in the past. Auction language remains limiting two events per calendar year.

- Language concerning auction permits has been edited to specify that auctions held in connection with a charitable event will not require an auction permit and will instead be subject to the regulations surrounding a charitable solicitation permit.

Special Events

- It was the intention of staff to clean up the code related to town clerk permits, but not to make any procedural changes. The minutes of the ORS Committee meeting on January 9, 2020, and the regular Town Council meeting on February 11, 2020, included in the backup, contain some recommended provisions for the regulation of walks and runs. On February 11, 2020, it was the consensus of the Town Council that they would rather have criteria for one more event one-third the size of the Turkey Trot where people would have to register, than to have a prohibition of an additional event. If a deeper review of this section is needed, it is the recommendation of staff that the proposed changes to Article VII. Special Events on Public Property be approved without modification to newly renumbered Section 106-287 Walks and Runs, and that this section be re-reviewed separately by the ORS committee at a later date.

Permits per category, as recorded in the Town's permit database:

Temporary Animal	58 since 2015
Charitable Solicitation	1,511 since 2010
Auction	10 since 2015
Closing-Out/Distress Sales	3 since 2001
Special Event	174 since 2013
Religious Display	8 since 2017
Commercial Motion Picture	1 since 2011

STRATEGIC PLAN

These changes are in support of the Strategic Plan, including the strategic focus areas of Sound Fiscal Management, Collaborative Town Government, and Quality of Life.

TOWN ATTORNEY REVIEW

The proposed document has been reviewed and approved for legal form and sufficiency.

CC: John C. Randolph, Town Attorney
Kelly Churney, Acting Town Clerk
Pat Gayle-Gordon, Deputy Town Clerk
Katherine deClaire, Clerk Support Assistant

Ordinance No. 016-2023

An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 10, Animals; Section 10-10. Temporary Permits, Section 10-11. Penalties, And By Adding New Sections 10-12. Duties Of Permittee, 10-13. False Information Prohibited In Application, 10-14. Permits Nontransferable, 10-15. Waiver Of Provisions, And 10-16. Possession; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

BE IT ORDAINED by the Town Council of the Town of Palm Beach as follows:

Section 1 –

Chapter 10, Animals is hereby amended at Sections 10-10 through 10-16 as follows:

Sec. 10-10. Temporary permits.

(a) Permits may be granted for the temporary possession of animals otherwise prohibited under this chapter in connection with either a special event, as said term is defined in this Code or in regard to a private event, subject to the following conditions:

(1) Application shall be filed with the town ~~clerk at least 30 days~~ prior to the event at which the temporary possession permit is requested. ~~An application fee is hereby authorized and shall be paid upon filing of the application with the town clerk~~. If, while any application is pending, or during the term of any permit granted pursuant thereto, there is any change in fact, policy or method that would alter the information given in the application, the applicant~~ion~~ shall notify the town in writing thereof within 48 hours after such change. ~~The application fee shall be established by adoption of a resolution of the town council and may be amended by adoption of a resolution of the town council.~~ Before a permit is issued pursuant to this article, there shall be paid to the town an administrative processing fee, in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time. ~~The 30 day period may be waived by the town manager if it is determined by the town manager that good cause exists for waiving the period and further providing that all other requirements set forth in this section are met.~~

Notification of changes across permits from 24 to 48 hours applied.

(2) A temporary possession permit shall be approved by the town manager or designee if:

a. The applicant agrees to abide by the most recently adopted rules and regulations designated as the wildlife code of the state as

promulgated by the fish and wildlife conservation commission or its successor organization as designated by the state.

b. The permit is for a period of time no longer than eight hours, between the hours of 9:00 a.m. to 6:00 p.m., on residential properties. This eight-hour period may fluctuate for private clubs in the town which request a permit for an extended period of time not to exceed eight hours and not to go beyond 9:00 p.m.

c. A floor plan or site plan, whichever is deemed appropriate by the town for the property in question is submitted in conjunction with a fully completed town application for a temporary permit indicating to the satisfaction of the town the location of the animals to be displayed~~, the location where the animals will be displayed~~ and the location of the people that will be in attendance to view the animals to be displayed. A buffer of not less than 50 feet shall be maintained between the location of the wildlife and the nearest adjacent residentially zoned area of the town.

d. Adequate proof is submitted that a trained animal handler licensed or permitted by the state fish and wildlife conservation commission, or its successor organization as designated by the state, will be responsible for the handling of any animal permitted, and that a sufficient number of licensed and permitted handlers be present to handle the animal or animals for the duration of the special event.

e. No animals permitted under this exception shall be permitted in residentially zoned areas of the town, except for animals which are part of a petting zoo otherwise permitted as set forth above.

f. ~~A certificate of insurance naming the town as insured shall be provided for an amount of insurance not less than $5,000,000.00 to indemnify the town against any and all liability relating to the presence of the animals in the town. A certificate of insurance shall not be required for events described in subsection (a)(2)e. relating to animals appropriate for a petting zoo such as ponies and trained monkeys.~~ Applicant shall provide, at its own cost and expense, Comprehensive General Liability Insurance coverage- endorsing the Town of Palm Beach as an additional insured with limits of liability not less than $5,000,000.00 per occurrence. All required insurance policies shall provide a waiver of subrogation and rights of recovery against the Town of Palm Beach, including its agents, officers, past and present employees, elected officials and representatives, the insurance policy in effect shall protect both parties and be primary and non-contributory for any and all losses covered by the above described insurance. Insurers have no recourse against the Town of Palm Beach for payment or assessments in any form on any

Updated Hold Harmless language received from the Risk Management Division

insurance policy. A certificate of insurance will not be required for events described in subsection (a)(2)e. relating to animals appropriate for a petting zoo such as sheep, goats, rabbits, guinea pigs, ponies, alpacas, llamas, pigs, miniature donkeys, miniature horses, ducks, geese, chickens, and turkeys.

g. Notwithstanding the requirements set forth in subsections c. and d., a permit may be allowed for animal displays used in conjunction with educational wildlife programs on town property and on public or private school property within the town.

h. The applicant agrees to all written conditions issued by the town in conjunction with and requisite to the permit.

(b) The town manager or ~~his~~ designee shall have the authority to revoke a temporary animal permit issued under this division upon violation of the terms of the permit. The permit shall be determined to be null and void and may be immediately terminated. If a temporary animal permit is denied or revoked, any person aggrieved shall have the right to appeal to the town council The appeal must be filed at least five days prior to the next available meeting of the town council subsequent to the notice of appeal. ~~If a permit is denied by the town manager or designeer, the applicant may appeal the decision to the town council, which shall give consideration to the appeal at the next regular meeting of the town council subsequent to the denial of the permit.~~

Language has been standardized across permits for the following sections.

(c) If a special event or a private event is scheduled or held involving the display or possession of animals prohibited by this section, absent a permit as required under this section, the event may be terminated or dispersed by action of the code enforcement officer, fire rescue officer or by the police department.

Sec. 10-11. - Penalties.

Persons found to be in violation of any provision of this chapter may be subject to penalties provided by law for the violation of municipal ordinances or, alternatively, may be subject to the jurisdiction of the code enforcement board. Nothing in this section shall prevent the town from seeking civil injunctive relief if deemed appropriate by the town in the circumstances. Any person, organization, corporation, agency or entity that obtains temporary possession of an animal for a special or private event without having first obtained a valid permit shall be assessed a penalty, in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time.

Language has been standardized across permits for the following sections.

Sec. 10-12. Duties of permittee.

The permittee under this division shall comply with all provisions of this article, other laws and ordinances of the town, state and federal government, and all permit directions and conditions of the permit.

Sec. 10-13. False information prohibited in application.

No person shall knowingly falsify or misrepresent any information or representations made in the permit application.

Sec. 10-14. Permits nontransferable.

Permits issued under this article shall be nontransferable.

Sec. 10-15. Waiver of provisions.

The town council may in its discretion waive any requirements of this article.

Sec. 10-16. Possession.

The person heading or leading the event shall carry the temporary animal permit upon his or her person during the conduct of the event and shall be present at the event.

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 Or Parts 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 – 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, Florida, on the First Reading this _____ day of _____, 2023; and for the Second and Final Reading on this _____ day of _____, 2023.

_____
Danielle H. Moore, Mayor

_____
Margaret Zeidman, Town Council President

_____
Bobbie Lindsay, President Pro Tem

_____
Julie Araskog, Town Council Member

_____
Lewis S.W. Crampton, Town Council Member

ATTEST:

_____
Kelly Churney, Acting Town Clerk

_____
Edward Cooney, Town Council Member

P:\DOCS\13156\00006\DOC\28C8849.DOCX

EXHIBIT A

$250.00 PERMIT FEE

APPLICATION FOR TEMPORARY ANIMAL PERMIT

ORDINANCE NO. 9-96 AS AMENDED BY ORDINANCE NO. 11-96, NO. 26-04, AND NO. 13-10.
TOWN OF PALM BEACH CODE OF ORDINANCES SECTION 10-10

1. Name of Applicant: _____

2. Address of Applicant: _____

3. Phone Number of Applicant: (_____) _____
   Area Code Number

4. Email Address: _____

5. If the event is to be held on behalf of an organization, please complete the following:

   A. Name of Organization: _____

   B. Headquarters Address: _____

   _____

   C. Telephone Number: (_____) _____
   Area Code Number

   D. Contact Person: _____

   Address: _____

   Telephone Number: (_____) _____
   Area Code Number

6. Date of Event: _____

   From: _____To: _____

Rev 12-20-10 dc

7. Name, Type and/or Purpose of Event: _____

_____

8. Location of Event: _____

Zoning District of the Location: _____

9. Approximate Number of Participants: _____

10. Approximate Number of Spectators: _____

11. Proposed Animal(s) Information:

Name:		**Description (as needed):**	Wildlife Class Designation: (per **Florida Fish and Wildlife Conservation Commission**)
1.			
2.			
3.			
4.			
5.			
6.			
7.			
*make an attachment if you need additional space			

12. Animal handler(s) must be present to handle the animal(s) for the duration of the event. Provide the following information for each animal handler that will be present. Attach additional pages providing the requested information for animal handlers if required:

Name: _____

Address: _____

Telephone Number: (_____) _____
Area Code Number

Florida Fish & Wildlife License Number: _____

Animal handler(s) must be present to handle the animal(s) for the duration of the event:

Name: _____

Address: _____

Telephone Number: (_____) _____
Area Code Number

Florida Fish & Wildlife License Number: _____

13. Specify the times the animals will be present: _____

Specify the times the animals will be on display: _____

14. A Certificate of Insurance, naming the Town of Palm Beach as an additionally insured, is required. [See Article I., Section 10-10(a)(2)f., for the types of coverage and amounts of insurance required.]

15. Outline the provisions for immediate cleanup after event on any public streets, sidewalks, or alleys:

_____

_____

16. A floor plan or site plan, as deemed appropriate by the Town for the property in question in conjunction with a fully completed Town application for a Temporary Animal Permit indicating to the satisfaction of the Town the location of the animals to be displayed, and the location of the people that will be in attendance to view the animals to be displayed, is required to be submitted with this application. [See Article 1., Section 10-10(a)(2)c.]

17. No animals shall be permitted in residentially zoned areas of the Town, other than Class III wildlife as designated by the Florida Fish and Wildlife Conservation Commission or its successor organization as designated by the State of Florida and those for which a permit is not required pursuant to rule 68A-6.0022, Florida Administrative Code, as amended. Class I and Class II wildlife as designated by the Florida Fish and Wildlife Conservation Commission or its successor organization as designated by the State of Florida may be allowed on all Town owned property and all private property located within a commercial, R-D(1), R-D(2) and PUD-A zoning district provided all permit requirements have been met and a minimum setback buffer of not less than fifty (50) feet is maintained between the location of the wildlife and the nearest adjacent residentially zoned areas of the Town. [See Article 1., Section 10-10(a)(2)e.]

18. I have read Chapter 10, Article I. of the Town of Palm Beach Code of Ordinances and agree to abide by all provisions set forth therein including the most recently adopted rules and regulations designated as the Wildlife Code of the State of Florida as promulgated by the Fish and Wildlife Conservation Commission or its successor organization as designated by the State of Florida.

_____
Signature of Applicant

State of _____

County of _____

The foregoing instrument was acknowledged before me this _____day of _____,

20___by_____who is personally known to me, or who has produced

_____ as identification and who did (did not) take an oath.
(Type of Identification)

S
E
A
L

_____
Notary Public

_____
Commission Number

_____
(Notary Name Typed, Printed or Stamped)

Permit fee is $250.00. Make check payable to: Town of Palm Beach

Submit completed application and check to:

Town Clerk's Office
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, Florida 33480

EXHIBIT B

TEMPORARY ANIMAL PERMIT APPLICATION

NOTE: If there is any change that would alter the information given in this application while it is pending, the applicant shall notify the Town Clerk's Office within 24 hours of such change.

APPLICANT/CONTACT PERSON NAME:_____

ADDRESS:_____

CITY STATE ZIP

PHONE:_____ **EMAIL**:_____

EVENT ADDRESS: _____

ZONING DISTRICT OF THE LOCATION:_____

EVENT DATE(S):_____ **ESTIMATED ATTENDANCE**:_____

OUTLINE PROVISIONS FOR IMMEDIATE CLEANUP AFTER EVENT ON ANY PUBLIC STREETS, SIDEWALKS, OR ALLEYS:

_____

_____

EVENT NAME:_____

PURPOSE OF EVENT: _____

_____

IS THIS A REPEATED EVENT IN THE TOWN OF PALM BEACH? ☐ **YES** ☐ **NO** **IF YES, DATE OF LAST EVENT:** _____

ORGANIZATION INFORMATION (if applicable)

ORGANIZATION NAME:_____

ORGANIZATION ADDRESS:_____

OWNER'S NAME:_____ **PHONE/EMAIL**:_____

PROPOSED ANIMAL INFORMATION:

NAME:	**DESCRIPTION (AS NEEDED):**	**WILDLIFE CLASS DESIGNATION: (per Florida Fish and Wildlife Conservation Commission)**

*Please make an attachment if additional space is needed

No animals shall be permitted in residentially zoned areas of the Town, other than Class III wildlife as designated by the Florida Fish and Wildlife Conservation Commission or its successor organization as designated by the State of Florida and those for which a permit is not required pursuant to rule 68A-6.0022, Florida Administrative Code, as amended. Class I and Class II wildlife as designated by the Florida Fish and Wildlife Conservation Commission or its successor organization as designated by the State of Florida may be allowed on all Town owned property and all private property located within a commercial, R-D(1), R-D(2) and PUD-A zoning district provided all permit requirements have been met and a minimum setback buffer of not less than fifty (50) feet is maintained between the location of the wildlife and the nearest adjacent residentially zoned areas of the Town. [See Article 1., Section 10-10(a)(2)e]

DRAFT

ANIMAL HANDLER INFORMATION

Animal handler(s) must be present to handle the animal(s) for the duration of the event. Provide the following information for each animal handler that will be present. Attach additional pages providing the requested information for animal handlers if required:

HANDLER NAME:_____

ADDRESS:_____

CITY STATE ZIP

PHONE:_____ **EMAIL**:_____

FLORIDA FISH AND WILDLIFE LICENSE NUMBER:_____

SPECIFY THE TIMES THE ANIMALS WILL BE PRESENT:_____

SPECIFY THE TIMES THE ANIMALS WILL BE ON DISPLAY:_____

INSURANCE INFORMATION

NAME OF APPLICANT'S INSURANCE COMPANY:_____

PHONE/EMAIL:_____

ADDRESS:_____

CITY STATE ZIP

Please attach a Certificate of Insurance naming the Town of Palm Beach as an additional insured under your General Liability policy with limits not less than $5,000,000.00 per occurrence. There shall also be a 30-day notice of cancellation. Please see Article I., Section 10-10(a)(2)f of the Town Code for more information on the insurance requirements.

SITE PLAN

Please attach a floor plan/site plan for the property in question indicating the location of the animals to be displayed, and the location of the people that will be in attendance to view the animals to be displayed. A special event permit may also be necessary if the event is taking place on public property.

CHECKLIST

Before you submit your temporary animal application, please make sure that the following steps have been completed:

- ☐ Truthfully complete all necessary information
- ☐ Attach site plan
- ☐ Read Article I., Section 10-10(a)(2)f, attach a Certificate of Insurance, and confirm that the event name, location, and date is added in the Description of Operations box at the bottom of the proof of insurance form
- ☐ If this event will take place on public property, fill out a separate special event permit application
- ☐ Sign authorization below

AUTHORIZATION

Please review Chapter 10, Article I. of the Town of Palm Beach Code of Ordinances prior to application submission and contact the Town Clerk's Office at (561) 227-6300 with any questions. Before a permit is issued, the applicant must pay an administrative processing fee. The Town Clerk's office will be in contact with payment instructions.

I have read the provisions of the Town Code of Ordinances relating to the temporary possession of animals and agree to abide by all provisions set forth therein including the most recently adopted rules and regulations designated as the Wildlife Code of the State of Florida as promulgated by the Fish and Wildlife Conservation Commission or its successor organization as designated by the State of Florida.

PRINTED NAME:_____

APPLICANT SIGNATURE:_____ **DATE**: _____

DRAFT

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Ordinances - First Reading

Agenda Title
Proposed Ordinance to Amend Chapter 78 of the Town Code Relative to Charitable Solicitation Permits

ORDINANCE NO. 018-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 78, Peddlers And Solicitors At Article III. Charitable Solicitations Division 1. Generally, By Amending Section 78-77. Definitions, By Deleting Section 78-79. Receipts Required, By Amending Section 78-80. Misrepresentation Prohibited And By Renumbering Said Section, And By Adding Section 78-80. Duties Of Permittee And 78-81. Possession; Further Amending Division 2. Permit At Section 78-101. Required; Exceptions, Section 78-102. Application, Section 78-104. Town To Issue Permit, Section 78-105. Fees, Section 78-106. Permit Form, Duration, Section 78-108. Credentials For Solicitors, Section 78-109. Permit Suspension, Revocation, By Deleting Sections 78-110. Permittee To Keep Records, Section 78-111. Reports Required, By Amending Section 78-112. Appeals And Section 78-113. Penalties And By Renumbering Said Sections; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

Presenter
John C. Randolph, Town Attorney

ATTACHMENTS:

- **Memorandum Dated September 29, 2023, from Jessica Savidge, Administrative Manager**
- **Ordinance No. 018-2023 - Annotated**
- **Exhibit C: Current Charitable Solicitation Permit Application**
- **Exhibit D: New Charitable Solicitation Permit Application Draft**

TOWN OF PALM BEACH
Information for Town Council Meeting on: October 10, 2023

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

Via: Carolyn Stone, Deputy Town Manager

From: Jess Savidge, Administrative Manager

Re: Amendment of Town Clerk's Office Permits
Ordinance **No. 016-2023, No. 018-2023 – No. 022-2023**

Date: September 29, 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve the proposed revisions of the Town's Code of Ordinances concerning the Town Clerk's Office's permit procedures.

GENERAL INFORMATION

This proposed amendment of the code would allow the Town Clerk's Office to revise its permit applications and update and standardize language across permits processed by the Town Clerk's Office ahead of the upcoming digital conversion of the Town's permit process into an online portal. this coming year. These proposed revisions would eliminate restrictive subsections, allowing for streamlining the applications and simplifying the permit process for applicants and processors, without compromising the review process and due diligence required to uphold the code's direction.

General changes to all or most permit ordinances:

- The various ordinances related to Town Clerk permits previously had different combinations of the following sections with different wording or rules; These proposed ordinances will now contain the same language. Language has been standardized across all permits for sections regarding:
    - Notifying the town of changes to an application;
    - Removal of fees in the code to now instead refer to the master fee schedule adopted by resolution;
    - Appealing a denied application, which has now been combined with previous language dealing with permit suspensions and revocations;
    - The penalties associated with not acquiring a needed application or violating the ordinance in question;
    - The duties of the permittee;
    - The prohibition of false information in an application;
    - The prohibition of transferring an application;
    - The ability of the town council to waive provisions of these ordinances at their discretion; and
    - The need for an applicant to possess their permit onsite at the event location.

- The window of time the applicant has to notify the Town of changes to their pending application has been extended across all permits from 24 to 48 hours, per Councilmember Araskog's suggestion.
- Language regarding application fees will be standardized to state that fees will be in the fee schedule, whereas previously, some permit code language included fee amounts. The proposed standardized language will eliminate the need to update the code when fees are updated.
- Language in the code specifying time windows (i.e., how many days prior to the event the application must be filed, or the amount of time allowed to provide notice of approval or denial of a permit) has been removed from the code; however, the time windows will remain in place during the review process through the Master Fee Schedule's fee structure. The procedure and review process will not change due to this change to the code.
- The proposed removal of the required application information is in preparation for the digital permit portal implementation in 2024. All information necessary for staff to do due diligence in their review of the application will remain. Draft paper applications display the application if proposed code changes are adopted, as shown in Exhibits A-N. These will build the fields for the digital versions.
- "Town manager" has been changed to "town manager or designee" where necessary to allow for greater flexibility, if needed. Similarly, language stating that the Town Clerk will issue the permit has been changed to "the town" in several places because it is the town issuing the permit, and the permit will be processed through a centralized portal.
- Updated Hold Harmless language received from the Risk Management Division has been inserted where needed.
- Any language implying that the application must be submitted on a physical form has been updated to allow for the future conversion of permits into the online portal.

Additional permit-specific edits:

Charitable Solicitations

- Former section 78-79 which requires receipts from contributors to charitable solicitations has been removed as they are no longer verified during the permit due diligence review process.
- Sections 78-110, and 78-111, requiring the applicant to provide accounting records of the event to the town clerk to verify, have also been edited or removed as these are no longer verified. Instead, the town clerk's office verifies that the organizations are registered with the Florida Department of Agriculture and Consumer Services. They require that organizations answer many of the same questions we ask but are responsible for reviewing their financial documentation and confirming the organization's validity. Section 78-104 has also been edited to reflect that the town is not responsible for verifying that these organizations are not fraudulent, as it has already been verified by the Department of Agriculture and Consumer Services.

Auctions and Auctioneers

- The restrictions preventing auctions from being held at night, between November 1 and April 30, and on specific streets have also been removed. Discovery identified that this rule was not applied to issued permits in the past. Auction language remains limiting two events per calendar year.

- Language concerning auction permits has been edited to specify that auctions held in connection with a charitable event will not require an auction permit and will instead be subject to the regulations surrounding a charitable solicitation permit.

Special Events

- It was the intention of staff to clean up the code related to town clerk permits, but not to make any procedural changes. The minutes of the ORS Committee meeting on January 9, 2020, and the regular Town Council meeting on February 11, 2020, included in the backup, contain some recommended provisions for the regulation of walks and runs. On February 11, 2020, it was the consensus of the Town Council that they would rather have criteria for one more event one-third the size of the Turkey Trot where people would have to register, than to have a prohibition of an additional event. If a deeper review of this section is needed, it is the recommendation of staff that the proposed changes to Article VII. Special Events on Public Property be approved without modification to newly renumbered Section 106-287 Walks and Runs, and that this section be re-reviewed separately by the ORS committee at a later date.

Permits per category, as recorded in the Town's permit database:

Temporary Animal	58 since 2015
Charitable Solicitation	1,511 since 2010
Auction	10 since 2015
Closing-Out/Distress Sales	3 since 2001
Special Event	174 since 2013
Religious Display	8 since 2017
Commercial Motion Picture	1 since 2011

STRATEGIC PLAN

These changes are in support of the Strategic Plan, including the strategic focus areas of Sound Fiscal Management, Collaborative Town Government, and Quality of Life.

TOWN ATTORNEY REVIEW

The proposed document has been reviewed and approved for legal form and sufficiency.

CC: John C. Randolph, Town Attorney
Kelly Churney, Acting Town Clerk
Pat Gayle-Gordon, Deputy Town Clerk
Katherine deClaire, Clerk Support Assistant

Ordinance No. 018-2023

An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 78, Peddlers And Solicitors At Article III. Charitable Solicitations Division 1. Generally, By Amending Section 78-77. Definitions, By Deleting Section 78-79. Receipts Required, By Amending Section 78-80. Misrepresentation Prohibited And By Renumbering Said Section, And By Adding Section 78-80. Duties Of Permittee And 78-81. Possession; Further Amending Division 2. Permit At Section 78-101. Required; Exceptions, Section 78-102. Application, Section 78-104. Town To Issue Permit, Section 78-105. Fees, Section 78-106. Permit Form, Duration, Section 78-108. Credentials For Solicitors, Section 78-109. Permit Suspension, Revocation, By Deleting Sections 78-110. Permittee To Keep Records, Section 78-111. Reports Required, By Amending Section 78-112. Appeals And Section 78-113. Penalties And By Renumbering Said Sections; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

BE IT ORDAINED by the Town Council of the Town of Palm Beach as follows:

Section 1 –

Chapter 78, Peddlers and Solicitations is hereby amended at Article III Charitable Solicitations as follows:

ARTICLE III. CHARITABLE SOLICITATIONS

DIVISION 1. GENERALLY

Sec. 78-76. Findings of necessity.

It is found and determined by the town council that the public welfare of the town requires that the solicitation of funds for charitable purposes be regulated.

Sec. 78-77. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Charitable means and includes the words patriotic, philanthropic, religious, social service, welfare, benevolent, educational, civic or fraternal, either actual or purported.

Contributions means and includes the words alms, food, clothing, money, subscription, property or donation, including when under the guise of a loan of money or property.

Cost of solicitation means all costs of whatever nature incurred by the person conducting a solicitation in raising the funds solicited.

Professional promoter means a person who, for compensation, plans, conducts, manages or carries on or attempts to plan, conduct, manage or carry on any drive or campaign for the purpose of soliciting contributions for or on behalf of any charitable organization or person, or engages in the business of, or who holds him or herself out as independently engaged in the business of, soliciting contributions for charitable purposes. A bona fide officer or regular employee of a person shall not be deemed a professional promoter by reason of his or her participation in a charitable solicitation made by or on behalf of his or her employer.

Professional solicitor means any person other than a professional promoter who is employed or retained for compensation to make solicitations in connection with a charitable solicitation.

Solicit and *solicitation* mean the request, either directly or indirectly, for money, credit, property, financial assistance or other things of value on the plea or representation that such money, credit, property, financial assistance or other things of value will be used for a charitable purpose. *Solicit* and *solicitation* shall not include food drives, toy drives or school supply collections traditionally undertaken in the town prior to the adoption of the ordinance from which this section is derived.

Sec. 78-78. Waiver of provisions.

The town council may in its discretion waive any requirements of this article.

~~**Sec. 78-79. Receipts required.**~~

Language removed as it is no longer verified during the permit review process.

~~(a) Any solicitor or agent receiving money or anything of the value of $1.00 or more from any contributor to a charitable solicitation shall give to the contributor a written receipt signed by the solicitor showing plainly the name, permit number of the person under whose permit the solicitation is conducted, the date the person makes the donation, and the amount or thing and value thereof received. No such receipt, however, shall be required where the solicitation is in the form of the sale of numbered tickets and such tickets are given to the contributor, or where the solicitations is in the form of a benefit, bazaar or similar event and the contribution is solicited on the premises on which such event is being held.~~

~~(b) The receipts required by this article shall be in duplicate or in the form of a numbered receipt and matching numbered stub, the duplicate copy or the stub, as the case may be, shall be retained by the solicitor and turned over to the permittee in charge of the solicitation.~~

Sec. 78-7980. Misrepresentation prohibited.

No person shall directly or indirectly solicit contributions for any purpose by misrepresentation of his or her name, occupation, financial condition, social condition or residence; and no person shall make or perpetrate any misstatement, deception or fraud in connection with any solicitation of any contribution for any purpose in the town, or in any application or report filed under this article.

Language has been standardized across permits for following sections.

Sec. 78-80. Duties of permittee.

The permittee under this division shall comply with all provisions of this article, other laws and ordinances of the town, state and federal government, and all permit directions and conditions of the permit.

Sec. 78-81. Possession.

The person heading or leading the charitable event shall carry the charitable solicitations permit upon his or her person during the conduct of the event and shall be present at the event.

DIVISION 2. PERMIT

Sec. 78-101. Required; exceptions.

No person or agent of such person shall solicit contributions for any charitable purpose or person within the town without a permit issued by the town ~~clerk~~ authorizing such solicitation; however, the provisions of this article shall not apply:

(1) To any solicitation made by a person organized and operating exclusively for charitable purposes and not operated for the pecuniary profit of any person if the solicitation by such is conducted solely among the established and bona fide membership thereof by other members or officers thereof, voluntarily and without remuneration for making such solicitations; or

(2) If the solicitation is in the form of collections or contributions at a regular assembly or services of such established person.

Sec. 78-102. Application.

(a) Each application for a permit to solicit contributions for a charitable purpose or persons shall be made to the town~~, on forms provided by it, which shall be available at the office of the town clerk.~~

(b) Each application shall be complete to address all requested information. ~~and be sworn to and filed with the town at the office of the town clerk at least 60 days prior to the proposed effective date of the permit applied for. Permits applied for less than 60 days prior to the effective date of the permit shall be subject to late fees as determined by resolution of the town council as may be amended from time to time.~~

The proposed removal of the required application information is in preparation for the digital permit portal implementation in 2024. All information necessary for staff to do due diligence in their review of the application will remain.

(c) Each application shall contain the following information:

(1) The name, date of birth, address or headquarters of the person applying for the permit.

(2) If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers and a copy of the resolution, if any, authorizing such solicitation, certified as to a true and correct copy of the officer having charge of the applicant's records.

(3) The purposes for which such solicitation is to be made, the total amount of funds proposed to be raised thereby, and the use or disposition to be made of such funds.

(4) A specific statement, supported by reasons, and, if available, figures showing the need for the funds to be solicited.

(5) The names, date of birth and address of the person or persons by whom the receipts of such solicitation shall be disbursed.

(6) the names, date of birth and addresses of the person or persons who will be in direct charge of conducting the solicitation.

(7) An outline of the method or methods to be used in conducting the solicitation.

(8) The time when such solicitation shall be made, giving the dates for the beginning and ending of such solicitation.

(9) The estimated cost of solicitation.

(10) The names, dates of birth and addresses of all professional promoters and professional solicitors who will be connected with the solicitation and the amount of wages, fees, commissions, expenses or emoluments to be paid to each professional promoter and professional solicitor, and a copy of the contract, if any, given each professional promoter.

(11) A schedule for the last preceding fiscal year of any funds collected in the town through a charitable solicitation by the applicant, which schedule shall disclose the amount of money so raised, together with the direct cost of raising it, the final distribution of net proceeds and the percentage of net proceeds applied directly to functions and activities within the state, within the town and within the county.

(12) A statement as to what the actual cost of the solicitation will be, expressed as a percentage of the total amount to be raised. This statement relating to cost of solicitation shall include a specific statement as to donations of in-kind contributions and the estimated value of same. Additionally, statement

~~as to the amount of the funds raised estimated to be applied directly to functions and activities within the town and the state.~~

~~(13) A statement to the effect that if the permit is granted, it will not be used or represented in any way as an endorsement by the town or by the town council of the solicitation conducted thereunder.~~

~~(14) A copy of an approved registration statement filed with the state division of consumer services of the department of agriculture and consumer services shall be filed with the town prior to solicitation being conducted within the town or a permit granted under this division. This registration statement shall affirmatively show that it shall be in effect for the full duration of any solicitation to be conducted within the town. The registration statement shall not be required if the organization is determined to be exempt from registration pursuant to F.S. ch. 496.~~

~~(d) Any delinquent fees from prior filings or events must be paid at the time of application in addition to current fees as prescribed in this division.~~

~~(e) If an applicant cannot furnish some of the information required by this section, a detailed statement shall be given of the reasons why such information cannot be furnished.~~

(cf) If, while any application is pending, or during the term of any permit granted pursuant thereto, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the town in writing thereof within 4824 hours after such change.

Sec. 78-103. Information contained in application to be public.

The information contained in the application for a permit to solicit funds for charitable purposes shall be available to the public.

Sec. 78-104. Town ~~clerk~~ to issue permit.

The town ~~clerk~~ or designee shall issue a permit to solicit funds for a charitable purpose unless one or more of the following facts are found to exist:

(1) That not all statements made in the application are found to be true.

(2) The required documentation and application are incomplete.

~~(2) That the applicant is, or has engaged in, a fraudulent action or enterprise.~~

~~(3) That the solicitation will be a fraud upon the public.~~

Removed because review process verifies with Dept of Agriculture and Consumer Services

(4) ~~That the solicitation is not prompted solely by a desire to finance the charitable cause described in the application, but will be conducted primarily for the private personal benefit of the people conducting it.~~

Sec. 78-105. Fees.

Before a permit is issued pursuant to this article, there shall be paid to the town ~~clerk~~ an administrative processing fee, and in the event of ~~a~~ late filing a late filing fee, in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time. This provision shall not apply to the first three events held in any given year by organizations which receive financial support from the town through its budgeting process~~, provided that the application and all required documentation is received at least 60 days prior to the proposed effective date of the permit applied for~~.

fees and time window in master fee schedule

Sec. 78-106. Permit form, duration.

Permits issued under this article shall bear the name and address of the person by whom the solicitation is to be made, the number of the permit, the date issued, the dates within which the permit holder may solicit, and a statement that the permit does not constitute an endorsement by the town or the town council of the purpose of, or the person conducting the solicitation. All permits shall be signed by the town clerk or designee and shall be in effect for the time stated thereon, but in no event shall the permit be valid beyond 12 months from the date of issuance, and in no event shall the permits be valid for more than two events during the 12-month period from the date of issuance. This limitation shall not apply to organizations which receive financial support from the town through its budgeting process or to businesses located within the town which raise funds for charity as a percentage of sales of merchandise.

Sec. 78-107. Permits nontransferable.

Permits issued under this article shall be nontransferable.

Sec. 78-108. Credentials for solicitors.

(a) All persons to whom permits have been issued under this article shall furnish proper credentials to their agents and solicitors for such solicitation. Such credentials shall include the name of the permit holder, the date of issuance, a statement describing the permittee's charitable activity, a description of the purpose of the solicitation, including a statement as to whether professional solicitors are being used in the solicitation, the signature of the permittee or of its chief executive officer, and the name, address and signature of the solicitor to whom such credentials are issued and the period of time during which the solicitor is authorized to solicit on behalf of the permit holder.

(b) No person shall solicit under any permit granted under this article without the credentials required by this article and a facsimile copy of the permit in his or her possession. The credentials and facsimile copy of the permit must be shown to all persons solicited.

Sec. 78-109. Permit suspension, revocation.

When the town manager or designee has reason to believe that any person to whom a permit has been issued under this article or any promoter, agent or solicitor of such permittee has misrepresented the purpose of the solicitation, the town manager or designee may direct the ~~town clerk to~~ suspensiond of the permit of such person. ~~Upon such direction, the town clerk or designee shall forthwith give written notice of such suspension by certified mail to such person at his last known address. The notice shall contain a statement of the grounds on which the suspension is based and shall set a date for hearing before the town council not more than 12 days after the date of suspension. Notice of such hearing shall be given such person at least five days prior to the date of hearing unless such person shall waive such period of notice. At such hearing the town council may permanently revoke such permit if it finds there were grounds for such suspension, or take such other action as it deems advisable.~~

78-110, 78-111 removed because review verifies that the organizations are registered with the Florida Department of Agriculture and Consumer Services.

~~**Sec. 78-110. Permittee to keep records.**~~

~~Every person granted a permit under this article shall maintain a system of accounting that shows to the satisfaction of the town all contributions solicited and the disbursement thereof.~~

~~**Sec. 78-111. Reports required.**~~

~~Every permit holder shall make available to the town manager or to any person designated in writing by the town manager as the representative for such purpose, all books, records and papers for the purpose of checking the accuracy of the report required by this section.~~

Sec. 78-110~~112~~. Appeals.

Language has been standardized across clerk issued permits for the following sections

The town manager or ~~his~~ designee shall have the authority to revoke a charitable solicitation permit issued under this division upon violation of the terms of the permit. The permit shall be determined to be null and void and may be immediately terminated. If a charitable solicitation permit is denied or revoked, any person aggrieved shall have the right to appeal to the town council. The appeal must be filed at least five days prior to the next available meeting of the town council subsequent to the notice of appeal. ~~If a permit for a charitable solicitation is denied, an appeal shall be afforded to the town council at the next available meeting of the town council subsequent to the date of denial.~~

Sec. 78-111~~113~~. Penalties.

Persons found to be in violation of any provision of this chapter may be subject to penalties provided by law for the violation of municipal ordinances or, alternatively, may be subject to the jurisdiction of the code enforcement board. Nothing in this section shall prevent the town from seeking civil injunctive relief if deemed appropriate by the town in the circumstances. Any person, organization, corporation, agency, or entity that engages in charitable solicitation without having first obtained a valid permit shall be assessed a

penalty, in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time.

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 Or Parts 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 – 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, Florida, on the First Reading this _____ day of _____, 2023; and for the Second and Final Reading on this _____ day of _____, 2023.

_____
Danielle H. Moore, Mayor

_____
Margaret Zeidman, Town Council President

_____
Bobbie Lindsay, President Pro Tem

_____
Julie Araskog, Town Council Member

_____
Lewis S.W. Crampton, Town Council Member

ATTEST:

_____
Kelly Churney, Acting Town Clerk

_____
Edward Cooney, Town Council Member

P:\DOCS\13156\00006\DOC\28C8849.DOCX

EXHIBIT C

TOWN OF PALM BEACH

Office of the Town Clerk

GUIDELINES ON THE SUBMISSION OF AN APPLICATION FOR A CHARITABLE SOLICITATION PERMIT

1. Organizations planning to conduct charitable solicitation activities in the Town of Palm Beach are **required** *(Sec. 78-102)* to submit the application **at least** sixty (60) days prior to the proposed effective date of the permit. **You must submit one application per event.**

   As of July 16, 2014, if the application is received:

60 Days or More in Advance:	
Events Estimated to Raise $5,000 or less:	$240 *each*
First Event Estimated to Raise over $5,000:	$500
Second Event Held Within the Past 12 months Estimated to Raise over $5,000:	$240
31-59 Days in Advance:	
Events Estimated to Raise $5,000 or less:	$290 *each*
First Event Estimated to Raise over $5,000:	$605
Second Event Held Within the Past 12 Months Estimated to Raise over $5,000:	$290
16-30 Days in Advance:	
Events Estimated to Raise $5,000 or less:	$340 *each*
First Event Estimated to Raise over $5,000:	$710
Second Event Held Within the Past 12 months Estimated to Raise over $5,000:	$340
15-8 Days in Advance:	
Events Estimated to Raise $5,000 or less:	$390 *each*
First Event Estimated to Raise over $5,000:	$815
Second Event Held Within the Past 12 Months Estimated to Raise over $5,000:	$390
7 Days or Less in Advance (Including After the Fact Permits)**:**	
Events Estimated to Raise $5,000 or less:	$490 *each*
First Event Estimated to Raise over $5,000:	$920
Second Event Held Within the Past 12 Months Estimated to Raise over $5,000:	$490

2. The information contained in said application shall be available to the public. The application must be accompanied by the following:

A.	On page 5, the applicant's signature needs to have a witness. You may email your application. It will be date stamped the date received.
B.	A Resolution giving authority for the fund-raising event. A resolution can be signed by any single board member or the entire board. Minutes of the Board Meeting where authority was given are also acceptable.
C.	A copy of the State Registration form. The Town of Palm Beach requires a registration with the State of Florida Department of Agriculture and Consumer Services prior to engaging in any solicitation activities. Florida residents call 1-800-435-7352 for forms and further information. Out of State residents call (850)-488-2221. **NOTE: Check the expiration date on your State Registration Form as these forms are renewed annually by the State of Florida.**
D.	"Schedule" for last year's fund-raising activity in the Town of Palm Beach. (Items 15 & 16 on page 4 of the application) **NOTE:** This requirement does not apply to first time solicitations.
E.	A check in the amount to cover the permit fee and any late fees. Make checks payable to Town of Palm Beach. **NOTE: FEES ARE NON-REFUNDABLE.**

3. If you expect to have a drawing/raffle at the charitable event, furnish a copy of Form 501 (c) (3) filed with the IRS.

4. Save this application form to your local computer from the Town's website, fill it out and save it. This will save you time filling out your next application.

Mailing: Post Office Box 2029, Palm Beach, Florida 33480 • **Location**: 360 South County Road, Palm Beach, Florida 33480
(561) 838-5416 • Fax No. (561) 838-5417 • townclerk@townofpalmbeach.com • www.townofpalmbeach.com

Town of Palm Beach • Office of the Town Clerk

APPLICATION FOR PERMIT TO SOLICIT FUNDS FOR CHARITABLE PURPOSES

ORDINANCE 11-73 AS AMENDED BY ORDINANCE 11-81, 4-86, 6-91, 15-92, 4-95, 12-97, 27-02, 6-08, 25-08, and 28-10: TOWN OF PALM BEACH CODE OF ORDINANCES

1	**Applicant Given Name:** *the person filling out this form		
	Date of Birth:	/ /	**Phone #: ( ) -**
	Address:		
	Email:		

2	**Organization Name:**		
	Phone #:	**( ) -**	
	Address:		
	State Registration Number: *click this link to lookup	**CH**	**Educational or Religious Exemption:** ☐ Yes

3	**Applicant's principal officers and managers:** *attach a list if necessary	
	Name:	**Address:**

4	**Methods of Solicitation** *One application per event		
	Event Name:		
	Location Name:		
	Address:		
	Start Date: / /	**End Date:** / /	*use only with mailers and drives
	Check all methods that apply:	☐ **ticket sales** ☐ **mailings** ☐ **percentage of sales** ☐ **auction (live)** ☐ **sponsorship** ☐ **request donations** ☐ **auction (silent)** ☐ **raffle** **Other:** **Other:**	
	Check all that apply:	☐ **Food will be served** (additional requirements/licenses may be required) ☐ **Alcohol will be served** (copy of liquor license will be required unless at a private residence) ☐ **Event includes animals** (Temporary Animal Permit may be required) ☐ **Temporary signs will be utilized** (only allowed between April 1-October 31)	

5	Methods of Solicitation (continued)
If the event is held at a private club, the sponsoring member's name:	
Approx. number of attendees:	
Will the event be indoors or outdoors?	☐ **Indoors** ☐ **Outdoors** ☐ **Both** ☐ **Not Applicable**
If any portion of the event will be outdoors, please check all that apply:	☐ **Tents will be utilized** (Tent Permit may be required) ☐ **There will be a generator** ☐ **There will be outdoor lighting** ☐ **There will be fireworks** (Pyrotechnic Display Permit will be required)
Valet Services?	☐ **Yes** ☐ **No** *If yes, a valet permit is required

Where will attendees park? ***Note that offsite parking on private property is currently prohibited

6	Persons in direct charge of conducting the solicitation: *attach a list if necessary	
Legal, Given Name:		**Date of Birth:**
		/ /
		/ /

7	Name of Person(s) who will disburse proceeds from solicitation: *attach if necessary		
Name:			
Date of Birth:	/ /	**Phone #: ( ) -**	
Address:			
Email:			

8	Chairman of event Name:	
Phone #:	**( ) -**	
Address:		

9	**Purpose of Solicitation:**
	*attach if necessary

10	**Donation / Cost Estimates:**
Estimation of total funds to be raised:	$
Estimation of in kind donations:	$
Estimation of cost of the solicitation:	$

11	**A specific statement, with reasons, that shows need for the funds to be solicited. Support with figures, if available.**
	*attach if necessary

12	**Disposition of funds to be raised:**
	*attach if necessary

13	**Will you use a professional promoter or solicitor for your event?**	
☐ **No** / ☐ **Yes**		**If your answer was yes, fill out section 13 below.**

14	**Promoter/Solicitor Name:** *attach list if necessary**		
Date of Birth:	/ /	**A copy of their contract has been included?** ☐ **Yes** / ☐ **No**	
Address:			
Statement of amount of wages, fees, commission, expenses or emoluments to be paid to this individual:			

15	If an applicant cannot furnish some of the information required by the preceding paragraphs, a detailed statement on a separate sheet shall be given why such information cannot be furnished.	
	Have you included this sheet?	☐ **Yes** / ☐ **No**

16	Schedule of last season's events in the Town of Palm Beach		
	Total value of donations collected under all events:	$	**Date of Last Event Held in Palm Beach:** **Date of Last Event Held in Palm Beach:**
	Total cost of all events:	$	***This includes wages, fees, commissions, expenses, and cost of any publication**
	Net Proceeds Distributed:	$	

17	Schedule of last season's events in the Town of Palm Beach (continued)		
	AMOUNT OF MONIES AND PERCENTAGE OF NET PROCEEDS APPLIED DIRECTLY TO FUNCTIONS AND ACTIVITIES WITHIN:		
	Town of Palm Beach:	$	%
	Palm Beach County:	$	%
	State of Florida:	$	%
	Elsewhere:	**$**	%
	*Percentage of all categories combined should equal 100%		
	SPECIFIC STATEMENT AS TO WHERE FUNDS WERE DISTRIBUTED:		

18	The applicant from section 1 by endorsement, agrees to the following statement: **"That if the permit is granted, it will not be used or represented in any way as an endorsement by the Town of Palm Beach or by the Town Council of the solicitation conducted thereunder."**
	I, due hereby solemnly swear (or affirm) that I am a duly authorized agent of , and that all of the information contained herein this application is true and correct.

WITNESS:

_____ Signature of Applicant

_____ Signature

_____ Print Name

_____ Print Name

CHARITABLE SOLICITATION APPLICATION CHECK LIST
HAVE YOU SUBMITTED THE FOLLOWING DOCUMENTS FROM PAGE 1?

___ Board resolution, minutes or a letter on official organization letterhead giving authority for fundraising event (must include the date and location of the event)

___ A copy of your current State of Florida Registration (Not required if organization is determined to be exempt from registration pursuant to F.S. Ch. 496)

___ Schedule of last year's fund-raising activity in the Town of Palm Beach completed on page 4 of the application

___ If a drawing/raffle will be held, a copy of your organization's Form 501(c)(3) filed with the IRS

___ If a tent will be used, we need the size to determine if a tent permit is required *(sometimes the vendor gets/already has these permits).*

___ If a stage will be used, a building permit is required is it will be higher than 24".

___ If valets will be used, we need the name of the company to be used to determine if a valet permit is required.

___ If a professional promoter will be used, we need a copy of the promoter's contract with the organization.

EXHIBIT D

CHARITABLE SOLICITATION PERMIT APPLICATION

NOTE: If there is any change that would alter the information given in this application while it is pending, the applicant shall notify the Town Clerk's Office within 48 hours of such change

APPLICANT NAME/CONTACT PERSON:_____

ADDRESS:_____

CITY STATE ZIP

PHONE:_____ **EMAIL**:_____

EVENT ADDRESS: _____

EVENT DATE(S):_____ **ESTIMATED ATTENDANCE**:_____

EVENT NAME:_____

PURPOSE OF SOLICITATION: _____

_____

IS THIS A REPEATED EVENT IN THE TOWN OF PALM BEACH? ☐ **YES** ☐ **NO** **IF YES, DATE OF LAST EVENT:** _____

PERSON(S) IN DIRECT CHARGE OF CONDUCTING THE SOLICITATION: _____

CHAIRMAN OF THE EVENT NAME: _____ **PHONE/EMAIL**:_____

ADDRESS:_____

CITY STATE ZIP

APPLICANT PRINCIPAL OFFICER/MANAGER:_____ **PHONE/EMAIL:**_____

ORGANIZATION INFORMATION

ORGANIZATION NAME:_____

STATE REGISTRATION NUMBER:_____ Check-A-Charity

Please provide with this application the organization's registration with the State of Florida Department of Agriculture and Consumer Services. Florida residents call 1-800-435-7352 for forms and further information. Out of State residents call (850)-488-2221. **NOTE: First verify that the expiration date on your State Registration Form has not passed, as these forms must be renewed annually by the State of Florida.**

BUSINESS ADDRESS:_____

OWNER'S NAME:_____ **PHONE/EMAIL**:_____

501(C)(3) NON-PROFIT STATUS: ☐ **YES** ☐ **NO** ☐ If yes, documentation must be submitted with this application.

If a professional promotor or solicitor will be used for your event, please fill out the section below:

PROMOTER/SOLICITOR NAME_____

STATEMENT OF AMOUNT OF WAGES, FEES, COMMISSION, EXPENSES OR EMOLUMENTS TO BE PAID TO THIS INDIVIDUAL:

_____

Please do not submit this application without attaching a copy of this individual's contract.

RESOLUTION

Please attach a resolution giving authority to hold this fund-raising event. A resolution can be signed by any single board member or the entire board. Minutes of the Board Meeting where authority was given are also acceptable.

DRAFT

CHECK ALL THAT APPLY

☐ **FOOD WILL BE SERVED**	If yes, please attach a copy of the caterer's license if applicable.
☐ **ALCOHOL WILL BE SERVED**	If yes, please attach a copy of the liquor license unless at a private residence.
☐ **EVENT INCLUDES ANIMALS**	If yes, a Temporary Animal Permit may be required.
☐ **TEMPORARY SIGNS WILL BE UTILIZED**	If yes, these are only allowed between April 1-October 31.
☐ **A TENT WILL BE UTILIZED** ☐ **A TEMPORARY STAGE WILL BE UTILIZED** ☐ **GENERATORS WILL BE UTILIZED**	If yes, a Construction Permit may be required. Please contact 561-838-5431 **after this Charitable Event Permit is accepted** for more information. Please specify size of tent if applicable: _____
☐ **OUTDOOR LIGHTING WILL BE UTILIZED**	If yes, outdoor lighting will not be permitted in close proximity to the beaches between March 1-October 31 due to sea turtle nesting season.
☐ **FIREWORKS WILL BE UTILIZED**	If yes, a Pyrotechnic Display Permit will be required. Please contact 561-227-6440 **after this Charitable Event Permit is accepted** for more information.
☐ **VALET SERVICES WILL BE UTILIZED**	If yes, a Valet Permit may be required, please see Traffic/Parking section.

TRAFFIC/PARKING INFORMATION

Will support facilities such as traffic control and crowd control be needed? If yes, please specify: _____

_____

_____

If buses or trolleys will be used in correlation with the event, please specify the drop-off and pickup locations:_____

_____

Where will the attendees park? _____

(Royal Poinciana Plaza parking is not permitted. Please see here for more parking information.)

Provide a reasonable estimate of parking volume generated by the event and the type of parking that will be used: _____

_____

Note: Temporary valet services require a separate permit unless the location of the special event possesses a current Town annual valet parking services permit. Failure to secure a temporary valet services permit may result in a fine and/or shut down of the non-permitted valet services.

CHECKLIST

Before you submit your charitable solicitation application, please make sure that the following steps have been completed:

- ☐ Truthfully complete all necessary information
- ☐ Attach a valid copy of the Florida Department of Agriculture & Consumer Services – Solicitation of Contributions State Registration
- ☐ Attach any applicable licenses (caterer, liquor, auctioneer, and/or promoter's license)
- ☐ Attach organization's 501(c)(3) documentation if applicable
- ☐ Attach a resolution or board minutes granting authority to hold the fund-raising event
- ☐ Note any separate permits needed according to the checklist on Page 1
- ☐ Sign authorization below

AUTHORIZATION

Please review Chapter 78, Article III. Charitable Solicitations prior to application submission and contact the Town Clerk's Office at (561) 227-6300 with any questions. Before a permit is issued, the applicant must pay an administrative processing fee. The Town Clerk's office will be in contact with payment instructions.

I have read the provisions of the Town Code of Ordinances relating to the regulation of Charitable Solicitation and agree to abide by all provisions set forth therein.

PRINTED NAME:_____

APPLICANT SIGNATURE:_____ **DATE**: _____

DRAFT

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Ordinances - First Reading

Agenda Title
Proposed Ordinance to Amend Chapter 94 of the Town Code Relative to Auction Permits

ORDINANCE NO. 019-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 94. Sales At Article II. Auctions And Auctioneers By Deleting Section 94-31. Night Sales Prohibited And Section 94-32. Prohibited In Season On Certain Streets, By Amending Section 94-33. Permit Required And By Renumbering Said Section, By Renumbering Section 94-34. Permit Limitation, By Amending Section 94-35. Application And Section 94-36. Standards For Issuance And By Renumbering Said Sections, By Deleting Section 94-37. Notice Of Approval Or Denial, By Amending Section 94-38. Appeal Procedure And By Renumbering Said Section, By Renumbering Section 94-39. Duties of Permittee And Section 94-40. Possession, By Deleting Section 94-41. Revocation, And By Adding The Following New Sections 94-38. False Information Prohibited In Application, 94-39. Permits Nontransferable And 94-40. Waiver Of Provisions; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

Presenter
John C. Randolph, Town Attorney

ATTACHMENTS:

- **Memorandum Dated September 29, 2023, from Jessica Savidge, Administrative Manager**
- **Ordinance No. 019-2023 - Annotated**
- **Exhibit E: Current Auction Permit Application**
- **Exhibit F: New Auction Permit Draft**

TOWN OF PALM BEACH
Information for Town Council Meeting on: October 10, 2023

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

Via: Carolyn Stone, Deputy Town Manager

From: Jess Savidge, Administrative Manager

Re: Amendment of Town Clerk's Office Permits
Ordinance **No. 016-2023, No. 018-2023 – No. 022-2023**

Date: September 29, 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve the proposed revisions of the Town's Code of Ordinances concerning the Town Clerk's Office's permit procedures.

GENERAL INFORMATION

This proposed amendment of the code would allow the Town Clerk's Office to revise its permit applications and update and standardize language across permits processed by the Town Clerk's Office ahead of the upcoming digital conversion of the Town's permit process into an online portal. this coming year. These proposed revisions would eliminate restrictive subsections, allowing for streamlining the applications and simplifying the permit process for applicants and processors, without compromising the review process and due diligence required to uphold the code's direction.

General changes to all or most permit ordinances:

- The various ordinances related to Town Clerk permits previously had different combinations of the following sections with different wording or rules; These proposed ordinances will now contain the same language. Language has been standardized across all permits for sections regarding:
    - Notifying the town of changes to an application;
    - Removal of fees in the code to now instead refer to the master fee schedule adopted by resolution;
    - Appealing a denied application, which has now been combined with previous language dealing with permit suspensions and revocations;
    - The penalties associated with not acquiring a needed application or violating the ordinance in question;
    - The duties of the permittee;
    - The prohibition of false information in an application;
    - The prohibition of transferring an application;
    - The ability of the town council to waive provisions of these ordinances at their discretion; and
    - The need for an applicant to possess their permit onsite at the event location.

- The window of time the applicant has to notify the Town of changes to their pending application has been extended across all permits from 24 to 48 hours, per Councilmember Araskog's suggestion.
- Language regarding application fees will be standardized to state that fees will be in the fee schedule, whereas previously, some permit code language included fee amounts. The proposed standardized language will eliminate the need to update the code when fees are updated.
- Language in the code specifying time windows (i.e., how many days prior to the event the application must be filed, or the amount of time allowed to provide notice of approval or denial of a permit) has been removed from the code; however, the time windows will remain in place during the review process through the Master Fee Schedule's fee structure. The procedure and review process will not change due to this change to the code.
- The proposed removal of the required application information is in preparation for the digital permit portal implementation in 2024. All information necessary for staff to do due diligence in their review of the application will remain. Draft paper applications display the application if proposed code changes are adopted, as shown in Exhibits A-N. These will build the fields for the digital versions.
- "Town manager" has been changed to "town manager or designee" where necessary to allow for greater flexibility, if needed. Similarly, language stating that the Town Clerk will issue the permit has been changed to "the town" in several places because it is the town issuing the permit, and the permit will be processed through a centralized portal.
- Updated Hold Harmless language received from the Risk Management Division has been inserted where needed.
- Any language implying that the application must be submitted on a physical form has been updated to allow for the future conversion of permits into the online portal.

Additional permit-specific edits:

Charitable Solicitations

- Former section 78-79 which requires receipts from contributors to charitable solicitations has been removed as they are no longer verified during the permit due diligence review process.
- Sections 78-110, and 78-111, requiring the applicant to provide accounting records of the event to the town clerk to verify, have also been edited or removed as these are no longer verified. Instead, the town clerk's office verifies that the organizations are registered with the Florida Department of Agriculture and Consumer Services. They require that organizations answer many of the same questions we ask but are responsible for reviewing their financial documentation and confirming the organization's validity. Section 78-104 has also been edited to reflect that the town is not responsible for verifying that these organizations are not fraudulent, as it has already been verified by the Department of Agriculture and Consumer Services.

Auctions and Auctioneers

- The restrictions preventing auctions from being held at night, between November 1 and April 30, and on specific streets have also been removed. Discovery identified that this rule was not applied to issued permits in the past. Auction language remains limiting two events per calendar year.

- Language concerning auction permits has been edited to specify that auctions held in connection with a charitable event will not require an auction permit and will instead be subject to the regulations surrounding a charitable solicitation permit.

Special Events

- It was the intention of staff to clean up the code related to town clerk permits, but not to make any procedural changes. The minutes of the ORS Committee meeting on January 9, 2020, and the regular Town Council meeting on February 11, 2020, included in the backup, contain some recommended provisions for the regulation of walks and runs. On February 11, 2020, it was the consensus of the Town Council that they would rather have criteria for one more event one-third the size of the Turkey Trot where people would have to register, than to have a prohibition of an additional event. If a deeper review of this section is needed, it is the recommendation of staff that the proposed changes to Article VII. Special Events on Public Property be approved without modification to newly renumbered Section 106-287 Walks and Runs, and that this section be re-reviewed separately by the ORS committee at a later date.

Permits per category, as recorded in the Town's permit database:

Temporary Animal	58 since 2015
Charitable Solicitation	1,511 since 2010
Auction	10 since 2015
Closing-Out/Distress Sales	3 since 2001
Special Event	174 since 2013
Religious Display	8 since 2017
Commercial Motion Picture	1 since 2011

STRATEGIC PLAN

These changes are in support of the Strategic Plan, including the strategic focus areas of Sound Fiscal Management, Collaborative Town Government, and Quality of Life.

TOWN ATTORNEY REVIEW

The proposed document has been reviewed and approved for legal form and sufficiency.

CC: John C. Randolph, Town Attorney
Kelly Churney, Acting Town Clerk
Pat Gayle-Gordon, Deputy Town Clerk
Katherine deClaire, Clerk Support Assistant

Ordinance No. 019-2023

An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 94. Sales At Article II. Auctions And Auctioneers By Deleting Section 94-31. Night Sales Prohibited And Section 94-32. Prohibited In Season On Certain Streets, By Amending Section 94-33. Permit Required And By Renumbering Said Section, By Renumbering Section 94-34. Permit Limitation, By Amending Section 94-35. Application And Section 94-36. Standards For Issuance And By Renumbering Said Sections, By Deleting Section 94-37. Notice Of Approval Or Denial, By Amending Section 94-38. Appeal Procedure And By Renumbering Said Section, By Renumbering Section 94-39. Duties of Permittee And Section 94-40. Possession, By Deleting Section 94-41. Revocation, And By Adding The Following New Sections 94-38. False Information Prohibited In Application, 94-39. Permits Nontransferable And 94-40. Waiver Of Provisions; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

BE IT ORDAINED by the Town Council of the Town of Palm Beach as follows:

Section 1 –

Chapter 94. Sales is hereby amended at Article II. Auctions and Auctioneers and at Article III. Closing-Out Or Distress Sales as follows:

ARTICLE II. AUCTIONS AND AUCTIONEERS

~~Sec. 94-31. Night sales prohibited.~~

~~No permit shall be issued and it shall be unlawful for any person to conduct a sale at public auction in the town between the hours of 6:00 p.m. and 8:00 a.m.~~

~~Sec. 94-32. Prohibited in season on certain streets.~~

~~It shall be unlawful to hold or conduct any auction sale between November 1 and April 30 of any year, in buildings fronting on any of the following designated streets within the town:~~

~~(1)On Worth Avenue, between County Road and Lake Drive.~~

~~(2)On Hibiscus~~ Avenue ~~Street, between Peruvian Avenue and Worth Avenue.~~

~~(3)On Coconut Row, between Peruvian Avenue and Worth Avenue.~~

~~(4)On Ocean Boulevard, between Barton Avenue and Gulf Stream Road.~~

~~(5)On County Road, between Worth Avenue and Wells Road.~~

~~(6)On Royal Palm Way.~~

~~(7)On Bradley Place, between Royal Poinciana Way and Wells Road.~~

~~(8)On Sunrise Avenue, between Bradley Place and Ocean Boulevard.~~

Sec. 94-3133. Permit required.

No person shall engage in, participate in, aid, form or start any auction unless a permit shall have first been obtained from the town ~~clerk~~. This auction permit shall not be required for any auction held in correlation with a charitable solicitation permit.

Sec. 94-3234. Permit limitation.

No more than two permits per calendar year shall be issued to conduct an auction at any location or address in town.

Sec. 94-3335. Application.

(a) *Required.* A person seeking issuance of an auction permit shall file an application with the ~~town clerk's office on forms provided by the~~ town.

(b) *Filing.* A completed application for an auction permit, providing all information required herein, shall be filed with the town ~~clerk's office~~. If, while any application is pending, or during the term of any permit granted pursuant thereto, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the town in writing thereof within 48 hours after such change. Before a permit is issued pursuant to this article, there shall be paid to the town an administrative processing fee, in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time. ~~not less than 30 days nor more than 90 days before the date on which it is proposed to conduct the auction.~~

Notification of changes has been extended across clerk permits from 24 to 48 hours

~~(c) Contents. The application for an auction permit shall set forth the following information:~~

All information necessary for staff to do due diligence in their review of the application will remain.

~~(1) The name, address and telephone number of the person seeking to conduct such an auction.~~

~~(2) The purpose of the auction.~~

~~(3) A general description of the items to be auctioned.~~

~~(4) If the auction is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters~~

~~of the organization, and of the authorized and responsible heads of such organization.~~

~~(5) The date on which the auction is to be conducted.~~

~~(6) The exact hours the auction is to be conducted.~~

~~(7) The name of or type of auction.~~

~~(8) The exact location of the auction.~~

~~(9) The approximate number of participants and spectators.~~

~~(10) A detailed description of the activity or activities, including whether or not the auction event requires support facilities such as traffic control, parking volume, crowd control.~~

~~(11) The signature of the applicant.~~

~~(12) The name, address and telephone number of the person who will be responsible for the conduct of the auction.~~

~~(13) An application fee adopted by resolution of the town council, as may be amended from time to time.~~

Sec. 94-3436. Standards for issuance.

The town ~~clerk's office~~ shall issue an auction permit when from a consideration of the application and from such other information as may otherwise be obtained~~, the town clerk determines that~~:

(1) The applicant has agreed in writing to abide by all provisions set forth in this article.

(2) All required information is set forth in the application and is in accordance with all provisions set forth in this article.

(3) The concentration of persons and vehicles at assembly points of the auction location will not interfere with the proper fire and police protection of or ambulance services to areas contiguous to such assembly points of the auction as determined by the chief of police or ~~his~~ designee and the chief of fire-rescue or ~~his~~ designee.

(4) The conduct of the auction will not interfere with the movement of police and fire rescue vehicles and equipment en route to a fire or the movement of emergency medical services equipment en route to an emergency as determined by the chief of police or ~~his~~ designee and the chief of fire-rescue or ~~his~~ designee.

(5) The conduct of the auction will not substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic contiguous to the place of the auction as determined by the chief of police or ~~his~~ designee.

(6) The conduct of the auction will not result in damage to town-owned property as determined by the director of public works or ~~his~~ designee or constitute *a* hazard to the safety of other persons within the immediate vicinity of the auction as determined by the chief of police or ~~his~~ designee and the chief of fire-rescue or ~~his~~ designee.

(7) No event or auction is scheduled elsewhere in the town where the town's resources required for that event or auction are so great that the deployment of resources for the proposed auction would have an immediate and adverse effect upon the welfare and safety of persons and property as determined by the chief of police or ~~his~~ designee and the chief of fire-rescue or ~~his~~ designee.

(8) The auction will be conducted within a commercial zoning district of the town.

(9) The auction will be conducted by a licensed auctioneer.

(10) The goods or services to be auctioned shall be the same or similar to the licensed use of the facility within which the auction is to be held as determined by the director of the planning, zoning and building department, or ~~his~~ designee, in the permit application review process. For example, a licensed real estate office would be eligible to conduct an auction of real estate, but not jewelry. Likewise, a licensed jewelry store would be eligible to auction jewelry, but not real estate.

(11) The granting of the permit will not cause more than two auctions to be held within a calendar year at the location or address where the auction is proposed to be conducted.

~~**Sec. 94-37. Notice of approval or denial.**~~

~~The town clerk's office shall act upon an application for an auction within 15 days after the filing thereof and must notify the applicant of the approval or denial of the application within that same period. If the town clerk or designee denies an application, a written notice stating the reasons for denial shall be sent to the applicant by mail and made available by the town for inspection within the 15-day period specified above.~~

Sec. 94-3538. Appeal procedure.

The town manager or ~~his~~ designee shall have the authority to revoke an auction permit issued under this division upon violation of the terms of the permit. The permit shall be determined to be null and void and may be immediately terminated. If an auction permit is denied or revoked, any person aggrieved shall have the right to appeal to the town

council. The appeal must be filed at least five days prior to the next available meeting of the town council subsequent to the notice of appeal. ~~Any person aggrieved shall have the right to appeal the denial of an auction permit to the town council. The appeal shall be filed within five days of notice of denial. If an appeal to the town council is made, the town council shall act upon such appeal at the next regular monthly meeting of the town council subsequent to the notice of appeal.~~

Language has been standardized across permits for the following sections.

Sec. 94-3639. Duties of permittee.

The permittee under this division shall comply with all provisions of this article, other laws and ordinances of the town, state and federal government, and all permit directions and conditions of the permit.

Sec. 94-3740. Possession.

The person heading or leading such auction shall carry the auction permit upon his or her person during the conduct of the auction and shall be present at the auction.

~~**Sec. 94-41. Revocation.**~~

~~The town manager or his designee shall have the authority to revoke an auction permit issued under this division upon violation of the provisions applicable to auction permittees. If an auction is conducted in violation of the terms of the permit, the permit shall be determined to be null and void and may be immediately terminated. The revocation of a permit may be appealed in the same manner and under the same time limitations as a permit denial.~~

Sec. 94-3840. False information prohibited in application.

No person shall knowingly falsify or misrepresent any information or representations made in the permit application.

Sec. 94-3941. Permits nontransferable.

Permits issued under this article shall be nontransferable.

Sec. 94-4042. Waiver of provisions.

The town council may in its discretion waive any requirements of this article.

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 Or Parts 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 – 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, Florida, on the First Reading this _____ day of _____, 2023; and for the Second and Final Reading on this _____ day of _____, 2023.

_____
Danielle H. Moore, Mayor

_____
Margaret Zeidman, Town Council President

_____
Bobbie Lindsay, President Pro Tem

_____
Julie Araskog, Town Council Member

_____
Lewis S.W. Crampton, Town Council Member

ATTEST:

_____
Kelly Churney, Acting Town Clerk

_____
Edward Cooney, Town Council Member

P:\DOCS\13156\00006\DOC\28C8849.DOCX

EXHIBIT E

Date Application Received by Town Clerk: _____ For Office Use Only	**$ 200.00 PERMIT FEE**

APPLICATION FOR AUCTION PERMIT

1. Name of Applicant: _____
   (Person responsible for conducting the auction)

2. Address of Applicant: _____

3. Phone Number of Applicant: (_____) _____
   Area Code Number

4. Email Address of Applicant: _____

5. Auctioneer's License Number _____
   (Attach copy of license)
   *All auctions must be conducted by a licensed auctioneer, Sec. 94-36 (a).

6. If the auction is to be held on behalf of an organization, please complete the following:

   A. Name of Organization: _____

   B. Headquarters Address: _____

   C. Headquarters Telephone Number: (_____) _____
   Area Code Number

D. Head of the Organization for which the auction is being held:

Name: _____

Address: _____

Telephone Number: (_____) _____
Area Code Number

7. Purpose of auction: _____

8. General description of items to be auctioned: _____

9. Date of auction: _____

10. Hours of auction, including assembly: _____
(6:00 p.m. – 8:00 a.m. prohibited)

11. Name of or type of auction: _____

12. Commercial Use of location where auction will be held: _____
The goods or services to be auctioned should be the same or similar to the licensed use of the facility within which the auction is to be held as determined by the Director of the Planning, Zoning and Building Department, or his designee.

13. Exact location of auction: _____

Zoning District within which auction will be held: _____

14. Approximate number of participants: _____

15. Approximate number of spectators: _____

16. Provide a detailed description of the activity or activities: _____

_____
(Attach additional pages if needed)

17. Will support facilities or services such as traffic control, parking volume, and crowd control be needed? Please specify: _____

_____

_____

18. What are the different forms of transportation to be used by the auction's participants? List primary form of transportation first: _____

_____

19. What is the reasonable estimate of the parking volume that will be generated as a result of the auction? _____. Where will the spectators park? _____

_____.

20. Will valet parking services be provided in conjunction with the auction? _____
Temporary valet services require a separate permit unless the location of the Auction possesses a current Town annual valet parking services permit. Failure to secure a temporary valet services permit may result in a fine and/or shut down of the non-permitted valet services. See www.townofpalmbeach.com, on the Home page, click on "Trouble Finding What You Need?" box, and then go to "permits/applications".

21. Will a temporary structure/tent be used? _____
(Separate permit required)

22. **Please attach a Certificate of Insurance naming the Town of Palm Beach as an additional insured under your General Liability policy with limits not less than $1,000,000.00 per occurrence. There shall also be a 30 day notice of cancellation. Please complete the following:**

A. Name of applicant's insurance company: _____

B. Address of applicant's insurance company: _____

C. Telephone Number: (_____) _____
Area Code Number

23. Outline provisions for immediate cleanup after auction: _____

_____

24. **The following regulations apply to all Auctions held within the Town as per Section 94.36 of the Town Code of Ordinances:**

(1) The applicant has agreed in writing to abide by all provisions set forth in this article.

(2) All required information is set forth in the application and is in accordance with all provisions set forth in this article.

(3) The concentration of persons and vehicles at assembly points of the auction location will not interfere with the proper fire and police protection of or ambulance services to areas contiguous to such assembly points of the auction as determined by the Director of Public Safety or his designee.

(4) The conduct of the auction will not interfere with the movement of police and fire rescue vehicles and equipment en route to a fire or the movement of emergency medical services equipment en route to an emergency as determined by the Director of Public Safety or his designee.

(5) The conduct of the auction will not substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic contiguous to the place of the auction as determined by the Director of Public Safety or his designee.

(6) The conduct of the auction will not result in damage to town-owned property as determined by the Director of Public Works or his designee or constitute a hazard to the safety of other persons within the immediate vicinity of the auction as determined by the Director of Public Safety or his designee.

(7) No event or auction is scheduled elsewhere in the town where the town's resources required for that event or auction are so great that the deployment of resources for the proposed auction would have an immediate and adverse effect upon the welfare and safety of persons and property as determined by the Director of Public Safety or his designee.

(8) The auction will be conducted within a commercial zoning district of the town.

(9) The auction will be conducted by a licensed auctioneer.

(10) The goods or services to be auctioned shall be the same or similar to the licensed use of the facility within which the auction is to be held as determined by the Director of the Planning, Zoning and Building Department, or his designee, in the permit application review process. For example, a licensed real estate office would be eligible to conduct an auction of real estate, but not jewelry. Likewise, a licensed jewelry store would be eligible to auction jewelry, but not real estate.

(11) The granting of the permit will not cause more than two (2) auctions to be held within a calendar year at the location or address where the auction is proposed to be conducted.

25. **Auction sales are prohibited between November 1 and April 30 of any year as per Section 94.32 of the Town Code of Ordinances, in buildings fronting on any of the following designated streets within the Town:**

(1) On Worth Avenue, between County Road and Lake Drive.

(2) On Hibiscus Street, between Peruvian Avenue and Worth Avenue.

(3) On Coconut Row, between Peruvian Avenue and Worth Avenue.

(4) On Ocean Boulevard, between Barton Avenue and Gulf Stream Road.

(5) On County Road, between Worth Avenue and Wells Road.

(6) On Royal Palm Way.

(7) On Bradley Place, between Royal Poinciana Way and Wells Road.

(8) On Sunrise Avenue, between Bradley Place and Ocean Boulevard.

26. The application fee for the Permit is $150.00.
Make check payable to: Town of Palm Beach

Submit completed application to: Town Clerk's Office
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

27. The Town Manager or his designee shall have the authority to revoke an auction permit issued upon violation of any provisions of the Town Code of Ordinances applicable to auction permittees.

28. I have read the provisions of the Town Code of Ordinances relating to Chapter 94, Article II. Auctions and Auctioneers and agree to abide by all provisions set forth therein,

including that the person leading such auction shall carry the auction permit upon his person during the conduct of the auction and shall be present at the auction.

_____
Signature of Applicant

_____
Print Name of Applicant

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____day of _____

20_____by_____who is personally known to me, or who has

produced _____ as identification and who did (did not) take an oath.
(Type of Identification)

S _____
Notary Public

E

_____
A Commission Number

L _____
(Notary Name Typed, Printed or Stamped)

For Office Use Only

1. Attach written departmental conditions for permit issuance.

2. The granting of the permit will not cause more than two (2) auctions to be held within a calendar year at the location or address where the auction is to be conducted. _____ Town Clerk or designee initial and date here to confirm that a check of calendar year permits have been issued at the address in question.

3. Date of Town Clerk Permit Issuance or Denial _____.

4. If permit denied Town Clerk provides a written notice stating reasons for denial to applicant by mail and made available by the Town for inspection.

Revised by DC 3/9/12 location N:\PERMITS\Auction Permits

EXHIBIT F

AUCTION PERMIT APPLICATION

NOTE: If there is any change that would alter the information given in this application while it is pending, the applicant shall notify the Town Clerk's Office within 48 hours of such change.

APPLICANT/CONTACT PERSON NAME (Person responsible for conducting the auction):_____

ADDRESS:_____

CITY STATE ZIP

PHONE:_____ **EMAIL**:_____

AUCTIONEER'S LICENSE NUMBER:_____ **(PLEASE ATTACH COPY OF LICENSE)**

***All auctions must be conducted by a licensed auctioneer, Sec. 94-36 (a).**

EVENT ADDRESS: _____

CITY STATE ZIP

ZONING DISTRICT WITHIN WHICH AUCTION WILL BE HELD:_____

COMMERICAL USE OF LOCATION*:_____

*The goods or services to be auctioned should be the same or similar to the licensed use of the facility within which the auction is to be held as determined by the Director of the Planning, Zoning and Building Department, or his designee.

EVENT DATE(S):_____ **NUMBER OF PARTICIPANTS**: _____ **NUMBER OF SPECTATORS:**_____

HOURS OF AUCTION, INCLUDING ASSEMBLY: _____

OUTLINE PROVISIONS FOR IMMEDIATE CLEANUP AFTER EVENT ON ANY PUBLIC STREETS, SIDEWALKS, OR ALLEYS:

_____

_____

EVENT NAME:_____

PURPOSE OF AUCTION: _____

_____

GENERAL DESCRIPTION OF ITEMS TO BE AUCTIONED:_____

PROVIDE A DETAILED DESCRIPTION OF THE ACTIVITIES:_____

_____

HAS THIS EVENT BEEN HELD IN THE TOWN BEFORE? ☐ **YES** ☐ **NO IF YES, DATE OF LAST EVENT:** _____

ORGANIZATION INFORMATION (if applicable)

If the event is to be held on behalf of an organization, please complete the following:

ORGANIZATION NAME:_____

ORGANIZATION ADDRESS:_____

OWNER'S NAME:_____ **PHONE/EMAIL**:_____

CHECK ALL THAT APPLY:

☐ **A TENT WILL BE UTILIZED** ☐ **A TEMPORARY STAGE WILL BE UTILIZED** ☐ **GENERATORS WILL BE UTILIZED**	If yes, a Construction Permit may be required. Please contact 561-838-5431 **after this Auction Permit is accepted** for more information. Please specify size of tent if applicable: _____
☐ **VALET SERVICES WILL BE UTILIZED**	If yes, a Valet Permit may be required, please see Traffic/Parking section.

DRAFT

TRAFFIC/PARKING INFORMATION

Will support facilities such as traffic control, parking volume and crowd control be needed? If yes, please specify:

_____

_____

List the different forms of transportation to be used by participants (list primary form of transportation first): _____

_____

Where will the attendees park? _____

Provide a reasonable estimate of parking volume generated by the event and the type of parking that will be used: _____

_____

Note: Temporary valet services require a separate permit unless the location of the auction possesses a current Town annual valet parking services permit. Failure to secure a temporary valet services permit may result in a fine and/or shut down of the non-permitted valet services.

INSURANCE INFORMATION

NAME OF APPLICANT'S INSURANCE COMPANY:_____

PHONE/EMAIL:_____

ADDRESS:_____

CITY STATE ZIP

Please attach a Certificate of Insurance naming the Town of Palm Beach as an additional insured under your General Liability policy with limits not less than $1,000,000.00 per occurrence or an amount higher based upon the particular special event proposed. There shall also be a 30-day notice of cancellation. **Confirm that the event name, location, and date is added in the Description of Operations box at the bottom of the proof of insurance form.** ☐ **YES**

AUTHORIZATION

Please review Chapter 94, Article II. Auctions and Auctioneers prior to application submission and contact the Town Clerk's Office at (561) 227-6300 with any questions. Before a permit is issued, the applicant must pay an administrative processing fee. The Town Clerk's office will be in contact with payment instructions.

I have read the provisions of the Town Code of Ordinances relating to the regulation of Auctions and Auctioneers and agree to abide by all provisions set forth therein.

PRINTED NAME:_____

APPLICANT SIGNATURE:_____**DATE**: _____

DRAFT

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Ordinances - First Reading

Agenda Title
Proposed Ordinance to Amend Chapter 94 of the Town Code Relative to Closing-Out or Distress Sale Permits

ORDINANCE NO. 020-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 94. Sales At Article III, Closing-Out Or Distress Sales At Division 2. Permit By Amending Section 94-101. Required, By Deleting Section 94-102. Application Required; Form, Contents, By Amending Section 94-103. False Information Prohibited in Application And By Renumbering Said Section, By Deleting Section 94-104. Investigation, Issuance Of Permit; Duration, By Renumbering Section 94-106. Not Transferable, By Amending Sections 94-107. Denial Of Permit, 94-108. Renewal, And 94-109. Fees And By Renumbering Said Sections, By Deleting Section 94-110. Permit Suspension, By Amending Section 94-111. Permit Revocation, Appeals And By Renumbering Said Section, By Renumbering Section 94-112. Display Required, By Amending Section 94-113. Duplicate Application And Inventory To Be Kept On Premises And Section 94-114. Records Required; Inspection And By Renumbering Said Sections, By Renumbering Section 94-115. Additions To Stock Prohibited And Section 94-116. Accuracy of Advertising, By Amending Section 94-117. Statement Required in Advertising And By Renumbering Said Section, By Renumbering Section 94-118. Marketing Of Distressed Goods, By Amending Section 94-119. Doing Business Beyond Closing Date And By Renumbering Said Section, And By Adding The Following Sections, 94-116. Duties Of Permittee, 94-117. Waiver Of Provisions, 94-118. Penalties, 94-119. Possession; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

Presenter
John C. Randolph, Town Attorney

ATTACHMENTS:

- **Memorandum Dated September 29, 2023, from Jessica Savidge, Administrative Manager**
- **Ordinance No. 020-2023 - Annotated**
- **Exhibit G: Current Closing-Out Sale Permit Application**
- **Exhibit H: New Closing-Out Sale Permit Application Draft**

TOWN OF PALM BEACH
Information for Town Council Meeting on: October 10, 2023

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

Via: Carolyn Stone, Deputy Town Manager

From: Jess Savidge, Administrative Manager

Re: Amendment of Town Clerk's Office Permits
Ordinance **No. 016-2023, No. 018-2023 – No. 022-2023**

Date: September 29, 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve the proposed revisions of the Town's Code of Ordinances concerning the Town Clerk's Office's permit procedures.

GENERAL INFORMATION

This proposed amendment of the code would allow the Town Clerk's Office to revise its permit applications and update and standardize language across permits processed by the Town Clerk's Office ahead of the upcoming digital conversion of the Town's permit process into an online portal. this coming year. These proposed revisions would eliminate restrictive subsections, allowing for streamlining the applications and simplifying the permit process for applicants and processors, without compromising the review process and due diligence required to uphold the code's direction.

General changes to all or most permit ordinances:

- The various ordinances related to Town Clerk permits previously had different combinations of the following sections with different wording or rules; These proposed ordinances will now contain the same language. Language has been standardized across all permits for sections regarding:
    - Notifying the town of changes to an application;
    - Removal of fees in the code to now instead refer to the master fee schedule adopted by resolution;
    - Appealing a denied application, which has now been combined with previous language dealing with permit suspensions and revocations;
    - The penalties associated with not acquiring a needed application or violating the ordinance in question;
    - The duties of the permittee;
    - The prohibition of false information in an application;
    - The prohibition of transferring an application;
    - The ability of the town council to waive provisions of these ordinances at their discretion; and
    - The need for an applicant to possess their permit onsite at the event location.

- The window of time the applicant has to notify the Town of changes to their pending application has been extended across all permits from 24 to 48 hours, per Councilmember Araskog's suggestion.
- Language regarding application fees will be standardized to state that fees will be in the fee schedule, whereas previously, some permit code language included fee amounts. The proposed standardized language will eliminate the need to update the code when fees are updated.
- Language in the code specifying time windows (i.e., how many days prior to the event the application must be filed, or the amount of time allowed to provide notice of approval or denial of a permit) has been removed from the code; however, the time windows will remain in place during the review process through the Master Fee Schedule's fee structure. The procedure and review process will not change due to this change to the code.
- The proposed removal of the required application information is in preparation for the digital permit portal implementation in 2024. All information necessary for staff to do due diligence in their review of the application will remain. Draft paper applications display the application if proposed code changes are adopted, as shown in Exhibits A-N. These will build the fields for the digital versions.
- "Town manager" has been changed to "town manager or designee" where necessary to allow for greater flexibility, if needed. Similarly, language stating that the Town Clerk will issue the permit has been changed to "the town" in several places because it is the town issuing the permit, and the permit will be processed through a centralized portal.
- Updated Hold Harmless language received from the Risk Management Division has been inserted where needed.
- Any language implying that the application must be submitted on a physical form has been updated to allow for the future conversion of permits into the online portal.

Additional permit-specific edits:

Charitable Solicitations

- Former section 78-79 which requires receipts from contributors to charitable solicitations has been removed as they are no longer verified during the permit due diligence review process.
- Sections 78-110, and 78-111, requiring the applicant to provide accounting records of the event to the town clerk to verify, have also been edited or removed as these are no longer verified. Instead, the town clerk's office verifies that the organizations are registered with the Florida Department of Agriculture and Consumer Services. They require that organizations answer many of the same questions we ask but are responsible for reviewing their financial documentation and confirming the organization's validity. Section 78-104 has also been edited to reflect that the town is not responsible for verifying that these organizations are not fraudulent, as it has already been verified by the Department of Agriculture and Consumer Services.

Auctions and Auctioneers

- The restrictions preventing auctions from being held at night, between November 1 and April 30, and on specific streets have also been removed. Discovery identified that this rule was not applied to issued permits in the past. Auction language remains limiting two events per calendar year.

- Language concerning auction permits has been edited to specify that auctions held in connection with a charitable event will not require an auction permit and will instead be subject to the regulations surrounding a charitable solicitation permit.

Special Events

- It was the intention of staff to clean up the code related to town clerk permits, but not to make any procedural changes. The minutes of the ORS Committee meeting on January 9, 2020, and the regular Town Council meeting on February 11, 2020, included in the backup, contain some recommended provisions for the regulation of walks and runs. On February 11, 2020, it was the consensus of the Town Council that they would rather have criteria for one more event one-third the size of the Turkey Trot where people would have to register, than to have a prohibition of an additional event. If a deeper review of this section is needed, it is the recommendation of staff that the proposed changes to Article VII. Special Events on Public Property be approved without modification to newly renumbered Section 106-287 Walks and Runs, and that this section be re-reviewed separately by the ORS committee at a later date.

Permits per category, as recorded in the Town's permit database:

Temporary Animal	58 since 2015
Charitable Solicitation	1,511 since 2010
Auction	10 since 2015
Closing-Out/Distress Sales	3 since 2001
Special Event	174 since 2013
Religious Display	8 since 2017
Commercial Motion Picture	1 since 2011

STRATEGIC PLAN

These changes are in support of the Strategic Plan, including the strategic focus areas of Sound Fiscal Management, Collaborative Town Government, and Quality of Life.

TOWN ATTORNEY REVIEW

The proposed document has been reviewed and approved for legal form and sufficiency.

CC: John C. Randolph, Town Attorney
Kelly Churney, Acting Town Clerk
Pat Gayle-Gordon, Deputy Town Clerk
Katherine deClaire, Clerk Support Assistant

Ordinance No. 020-2023

An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 94. Sales At Article III, Closing-Out Or Distress Sales At Division 2. Permit By Amending Section 94-101. Required, By Deleting Section 94-102. Application Required; Form, Contents, By Amending Section 94-103. False Information Prohibited in Application And By Renumbering Said Section, By Deleting Section 94-104. Investigation, Issuance Of Permit; Duration, By Renumbering Section 94-106. Not Transferable, By Amending Sections 94-107. Denial Of Permit, 94-108. Renewal, And 94-109. Fees And By Renumbering Said Sections, By Deleting Section 94-110. Permit Suspension, By Amending Section 94-111. Permit Revocation, Appeals And By Renumbering Said Section, By Renumbering Section 94-112. Display Required, By Amending Section 94-113. Duplicate Application And Inventory To Be Kept On Premises And Section 94-114. Records Required; Inspection And By Renumbering Said Sections, By Renumbering Section 94-115. Additions To Stock Prohibited And Section 94-116. Accuracy of Advertising, By Amending Section 94-117. Statement Required in Advertising And By Renumbering Said Section, By Renumbering Section 94-118. Marketing Of Distressed Goods, By Amending Section 94-119. Doing Business Beyond Closing Date And By Renumbering Said Section, And By Adding The Following Sections, 94-116. Duties Of Permittee, 94-117. Waiver Of Provisions, 94-118. Penalties, 94-119. Possession; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

BE IT ORDAINED by the Town Council of the Town of Palm Beach as follows:

Section 1 –

Chapter 94. Sales is hereby amended at Article II. Auctions and Auctioneers and at Article III. Closing-Out Or Distress Sales as follows:

ARTICLE III. CLOSING-OUT OR DISTRESS SALES

DIVISION 1. GENERALLY

Sec. 94-66. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advertise, advertising, advertisement, advertised and publish means all means of conveying to the public notice of a sale, or notice of intention to conduct a sale, whether by word of mouth, newspaper, magazine, periodical, handbill, written notice, printed display, poster, billboard, radio and television announcement and any and all other means.

Goods means any goods, wares, merchandise or other property capable of being the object of a sale regulated under this article.

Permit means a permit issued pursuant to this article.

Permittee means the person to whom a permit has been issued pursuant to this article.

Sale means:

(1) The sale, or offer to sell, by any person to the public of goods in stock, on order, or in transit, with a declared advertised purpose that such sale is anticipatory to the termination, closing, liquidation, revision, windup, discontinuance, conclusion or abandonment of the business, or any part thereof, or any line of goods, or any one store of a group of stores in connection with such sale, and it shall include any and all sales advertised in such manner as to reasonably convey to the public the impression that upon the disposal of the goods advertised, or on hand, the business will permanently cease and be discontinued;

(2) The sale, or offer to sell, by any person to the public of goods in stock, on order, or in transit, with a declared advertised purpose that such sale is anticipatory to the temporary closing or temporary discontinuance of the business for the purpose of alterations or remodeling of the premises, or for the purpose of moving to another specific location in the town;

(3) The sale, or offer to sell, by any person to the public, of goods so advertised as to reasonably convey to the public that such goods are damaged or altered by fire, smoke, water, hurricane, flood, explosion or other means; or

(4) The sale, or offer to sell, by any person to the public, of goods advertised in such a manner as to reasonably cause the public to believe that the goods to be sold, or any part thereof, have been involved in any business failure, or have been derived from a business that has failed, been closed, discontinued or liquidated, or where such advertising indicates a business failure or emergency affecting the seller or any previous holder of the goods to be sold.

Sec. 94-67. Exceptions.

Provisions of this article shall not apply to sales advertised as anticipatory or closing for vacation or the summer or discontinuing business for vacation or the summer; except that, in no event, shall such sales exceed a period of time of longer than 30 consecutive days, Sundays and legal holidays included, in any one year after such sale is first advertised or commenced. It shall be unlawful to conduct such sale in violation of this section; and for the purpose of this section failure of the person so advertising or conducting such sale to close the business immediately after expiration of such period of time for a period of at least 14 consecutive days, Sundays and legal holidays included, shall be prima facie evidence of the intent of such person to mislead or defraud the public.

Sec. 94-68. Persons and officers exempt.

The following persons shall be exempt from the provisions of this article:

(1) Persons acting pursuant to an order of a court of competent jurisdiction.

(2) Sheriffs and marshals acting in accordance with their powers and duties as public officers.

(3) Duly licensed auctioneers, selling at auction.

DIVISION 2. PERMIT

Sec. 94-101. Required.

No person shall advertise or conduct a sale without first obtaining a permit from the town. If, while any application is pending, or during the term of any permit granted pursuant thereto, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the town in writing thereof within 48 hours after such change ~~clerk~~.

Notification of changes extended across permits from 24 to 48 hours

~~Sec. 94-102. Application required; form, contents.~~

~~No permit for a sale shall be granted except upon written application, upon forms provided, to the town clerk; and such application shall be signed and verified before a person authorized to administer oaths by the person who intends to conduct such sale. Such application shall be submitted to the town clerk at least five days prior to the advertising or conducting of such sale., and each application shall set forth and contain the following:~~

All information necessary for staff to do due diligence in their review of the application will remain.

~~(1) The name and address of the owner of the goods to be sold, and if the owner is a corporation, the name, address and title of at least one officer of the corporation.~~

~~(2) A description of the place where such sale is to be held.~~

~~(3) The nature of the occupancy, whether by lease, sublease or otherwise, and the date of the beginning of such occupancy and the date of the termination thereof.~~

~~(4) The means to be employed in advertising such sale, together with the proposed language content of any advertisement to be used for such sale.~~

~~(5) A complete and detailed inventory of all goods to be sold, or offered for sale, including all goods then in stock, on order or in transit, and the cost and retail price of such goods.~~

~~(6) The place where such goods were purchased or acquired and, if not purchased, the manner of such acquisition.~~

~~(7) A statement by the applicant that upon receipt of permit for a sale, the applicant will immediately surrender any existing occupational licenses for the business for cancellation without refund of the tax, or any portion thereof, paid for such occupational license.~~

~~(8) A statement by the applicant that representations made therein are bona fide. If the application is made for a sale as defined in section 94-66, such application shall also state, that if such permit is issued by the town clerk, acting in reliance on such representations, the applicant will not, directly or indirectly, engage in the same business or any similar business under the same trade name or a similar trade name in the town, for a period of two years from the date of application and shall not engage in the same business or similar business under any name at the premises for a period of two years from the date of application.~~

~~(9) Any additional information relating to such sale as the town clerk may deem necessary.~~

Sec. 94-102~~103~~. False information prohibited in application.

No person shall knowingly falsify or misrepresent any information or representations made in the permit application ~~provided for in section 94-102~~.

~~**Sec. 94-104. Investigation, issuance of permit; duration.**~~

~~Upon receipt of an application pursuant to this article and payment of the fee prescribed by section 94-109, the town clerk shall cause the same to be investigated. If after such investigation the town clerk is satisfied as to the truth of statements contained in the application, and as to the form and language content of the proposed advertising matter, he may, in his discretion, issue a permit permitting the advertising and conduct of such sale for a period of not more than 30 consecutive days, Sundays and legal holidays included, following the issuance thereof; provided that, in addition, for a sale as defined in section 94-66, the applicant shall surrender all occupational licenses held for the business as a prerequisite to issuance of such license.~~

Sec. 94-103106. Not transferable.

A permit shall not be assignable or transferable, and no person shall assign or transfer or attempt to assign or transfer such permit.

Sec. 94-104107. Denial of permit.

The town clerk or designee shall not issue the permit provided for in this article if any one or more of the following facts or circumstances are found:

(1) That the applicant was granted a permit for a sale within two years preceding the date of the filing of the application.

(2) That the applicant has heretofore been convicted of violation of this article, orarticle or has had a permit issued to him or her pursuant to this article revoked within a five-year period immediately preceding the date of filing of the application.

(3) That the inventory includes goods purchased by the applicant, or added to the stock, in contemplation of such sale and for the purpose of selling the same at such sale. For the purpose of this subsection, any unusual addition to the stock of goods made within 60 days prior to the filing of such application shall be prima facie evidence that such addition was made in contemplation of such sale and for the purpose of selling the same at such sale.

(4) That the applicant in ticketing, pricing or marking of the goods to be offered for sale has misrepresented the retail price as listed in the inventory required under this article, or the value thereof, or the quality, kind or quantity of such goods, or the country of origin of such goods.

(5) That any lease or sublease held by the applicant was formerly held by a corporation of which the applicant was an officer, director or stockholder or by any member of the applicant's immediate family, who have been granted a permit under this article within two years preceding the date of the filing of the application.

(6) That any representation made in the application is false.

Sec. 94-105108. Renewal.

The town clerk or designee may renew a permit for one period of time only, such period to be in addition to the 30 days permitted in the original permit and not to exceed 15 consecutive days, Sundays and legal holidays included, when it is foundhe or she finds upon submission to him of an application on forms provided, and payment of the fee hereafter provided for, that goods have not been disposed of and that facts exist justifying permit renewal.

Sec. 94-106~~109~~. Fees.

The applicant for an original permit or a renewal, shall pay to the town ~~clerk~~ an administrative processing fee in accordance with the fee schedule adopted by the town council by resolution~~the sum adopted by resolution of the town council~~, as may be amended from time to time.~~, upon filing of each such application as a fee to defray the cost of investigating statements contained in such application, and no part of such fee shall be refundable.~~

~~**Sec. 94-110. Permit suspension.**~~

~~If for good cause shown it appears to the town clerk or designee that in any sale a violation has occurred, the town clerk or designee may, in his discretion, temporarily suspend any permit for a time not to exceed 24 hours for the purpose of investigation of such violation. If upon investigation the town clerk or designee finds no violation has occurred, the time period in which the sale was to be conducted under this article shall be extended by the period of time during which such suspension was in effect, but not to exceed a period of 24 hours.~~

Language has been standardized across permits

Sec. 94-107~~111~~. Permit revocation, appeals.

The town manager or ~~his~~ designee shall have the authority to revoke a closing-out sales permit issued under this division upon violation of the terms of the permit. The permit shall be determined to be null and void and may be immediately terminated. If a closing-out sales permit is denied or revoked, any person aggrieved shall have the right to appeal to the town council. The appeal must be filed at least five days prior to the next available meeting of the town council subsequent to the notice of appeal. The town ~~clerk or designee~~ shall revoke any permit if it is found ~~he or she shall find~~ that the permittee has knowingly:

(1) Violated one or more provisions of this article.

(2) Made any material misstatement in his or her application.

(3) Failed to include an ~~in the~~ inventory of ~~required under this article~~ all goods being advertised, sold or offered for sale on the permitted premises.

(4) Failed to revise the inventory daily or keep complete and detailed books and records of the sale.

(5) Made or permitted to be made any false or misleading statements or representations in advertising the sale or goods or in displaying, ticketing, pricing or identifying goods offered for sale.

(6) Refused to allow examination by the town's ~~clerk or his~~ inspectors, of the goods offered for sale or of the books and records of the sale.

Sec. 94-108~~112~~. Display required.

Upon commencement and throughout the duration of any sale, the original permit or renewal shall be prominently posted, so as to be visible to the public, near the entrance to the premises where such sale is advertised or conducted; and no person shall advertise or cause to be advertised any copy or reproduction of such permit.

Sec. 94-109~~113~~. Duplicate application and inventory to be kept on premises.

A duplicate of the original application and inventory or renewal application and inventory for a permit shall be kept on the permitted premises at all times during such sale and shall be available at all times ~~to the town clerk or his inspectors~~, and the permittee shall permit the town's ~~clerk or his~~ inspectors to examine all goods on the premises for comparison with such inventory.

Sec. 94-110~~114~~. Records required; inspection.

At the close of each day's business, the permittee shall cause the inventory attached to such duplicate application to be revised by noting thereon items disposed of during the day. Complete and detailed books and records of the sale shall be kept by the permittee and shall be available at all times for inspection by the town's ~~clerk or his~~ inspectors.

Sec. 94-111~~115~~. Additions to stock prohibited.

No permittee shall bring upon or cause to be brought upon the permitted premises goods not shown or otherwise accounted for in the application and inventory with intent to advertise, sell or offer for sale of such goods to the public. For the purpose of this section, advertisement, exposure for sale as part of the stock, or display of such goods to the public shall be prima facie evidence of intent to sell or offer for sale of such goods to the public.

Sec. 94-112~~116~~. Accuracy of advertising.

Advertising shall be descriptive of the nature of such sale, and no sale shall be advertised or conducted for a purpose other than stated in the application therefor, and the language contained therein shall be identical with the advertising language content set forth in the application.

Sec. 94-113~~117~~. Statement required in advertising.

No permittee shall indicate in any advertising, either directly or indirectly, that a sale is held with the approval of the town or any of its officers and employees. Such advertising shall contain a statement in the following words and no others:

"This sale held pursuant to Town Permit No. _____, granted the _____ day of _____, ~~19~~20___."

Sec. 94-114~~118~~. Marking of distressed goods.

Where goods held for sale or offered for sale as defined under section 94-66 are commingled with goods that have not been involved in any business failure, or that have not been derived from a business that has failed, been closed, discontinued or liquidated, such goods shall be plainly marked or ticketed as distressed items; and no goods not distressed shall be so marked or ticketed.

Sec. 94-115~~119~~. Doing business beyond closing date.

No person shall conduct a business or a sale after a date has been fixed for the closing of a business or by advertising unless a renewal permit provided shall first have been obtained from the town ~~clerk's office~~, and no person granted such renewal shall conduct such business or sale beyond the closing date fixed in such renewal.

Language has been standardized across all permits for

Sec. 94-116. Duties of permittee.

The permittee under this division shall comply with all provisions of this article, other laws and ordinances of the town, state and federal government, and all permit directions and conditions of the permit.

Sec. 94-117. Waiver of provisions.

The town council may in its discretion waive any requirements of this article.

Sec. 94-118. Penalties.

Persons found to be in violation of any provision of this chapter may be subject to penalties provided by law for the violation of municipal ordinances or, alternatively, may be subject to the jurisdiction of the code enforcement board. Nothing in this section shall prevent the town from seeking civil injunctive relief if deemed appropriate by the town in the circumstances.

Sec. 94-119. Possession.

The person heading or leading the sale shall carry the closing-out sales permit upon his or her person during the conduct of the sale and shall be present at the sale.

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 Or Parts 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 – 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, Florida, on the First Reading this _____ day of _____, 2023; and for the Second and Final Reading on this _____ day of _____, 2023.

_____
Danielle H. Moore, Mayor

_____
Margaret Zeidman, Town Council President

_____
Bobbie Lindsay, President Pro Tem

_____
Julie Araskog, Town Council Member

ATTEST:

_____
Lewis S.W. Crampton, Town Council Member

_____
Kelly Churney, Acting Town Clerk

_____
Edward Cooney, Town Council Member

P:\DOCS\13156\00006\DOC\28C8849.DOCX

EXHIBIT G

TOWN OF PALM BEACH

Office of the Town Clerk

$30.00 PERMIT FEE

APPLICATION TO CONDUCT CLOSING OUT SALE

ORDINANCE 11-62
TOWN OF PALM BEACH CODE OF ORDINANCES ARTICLE III SECTIONS 94-66 THROUGH 94-119

1. Name and address of owner of goods to be sold; if owner is a corporation, list the name, address and title of at least one officer of said operation.

_____

_____

Email address: _____

2. Description of the place where sale is to be held.

_____

_____

_____

3. Date sale begins:_____

(Section 94-67 states that, in no event, shall such sales exceed a period of time of longer than 30 consecutive days, Sundays and legal holidays included, in any one year after such sale is first advertised or commenced.)

Post Office Box 2029 - 360 South County Road - Palm Beach, Florida 33480
Telephone (561) 838-5416 - Facsimile (561) 838-5417

4. Nature of occupancy, whether by lease, sub-lease, or otherwise, and the date of the beginning of such occupancy and the date of the termination thereof.

_____

_____

_____

_____

5. The means to be employed in advertising such sale, together with the proposed language content of any advertisement to be used for such sale.

_____

_____

_____

_____

_____

_____

_____

_____

6. A complete and detailed inventory of all goods to be sold, or offered for sale, including all goods then in stock, on order, or in transit, and the cost and retail price of such goods.

(Attach detailed inventory and prices to application.)

7. The place, or places, where such goods were purchased or acquired and, if not purchased, the manner of such acquisition.

_____

_____

_____

8. I hereby affirm that upon receipt of liens or a sale as defined under Section 7-18 (1) (a) of Ordinance No. 11-62 , I shall immediately surrender any existing occupational licenses for said business for cancellation without refund of the fee, or any portion thereof, paid for such occupational license.

9. I hereby affirm that all representations herein made are bonafide; that I will not, directly or indirectly engage in the same business, or any similar business, under the same or a similar trade name, in the Town of Palm Beach, Palm Beach County, Florida, for a period of two (2) years from the date of this application, and shall not engage in the same or similar business, under any name at said licensed premises for a period of two (2) from date of said application

10. Additional information relating to such sale as may be deemed necessary in the interest of the Town.

_____

_____

_____
Signature of Applicant

STATE OF:

COUNTY OF:

The foregoing instrument was acknowledged before me this_____day of_____,20_____by

_____who is personally known to me, or who has produced

_____as identification and who did (did not)take an oath.
(Type of Identification)

S _____
Notary Public

E

_____

A Commission Number

L _____
(Notary Name Typed, Printed or Stamped)

EXHIBIT H

CLOSING-OUT/DISTRESS SALES PERMIT APPLICATION

NOTE: If there is any change that would alter the information given in this application while it is pending, the applicant shall notify the Town Clerk's Office within 48 hours of such change.

APPLICANT NAME/CONTACT PERSON (Individual responsible for sale):_____

ADDRESS:_____
CITY STATE ZIP

PHONE:_____ **EMAIL**:_____

CORPORATION IN CHARGE OF BUSINESS (If applicable):_____

HEADQUARTERS ADDRESS: _____

PHONE:_____ **EMAIL**:_____

NATURE OF OCCUPANCY (BY LEASE , SUB-LEASE OR OTHERWISE): _____

DATE OF BEGINNING OF OCCUPANCY:_____ **DATE OF TERMINATION OF OCCUPANCY:** _____

LOCATION OF SALE: _____
CITY STATE ZIP

DATE SALE BEGINS: _____ **DATE SALE ENDS**: _____

Section 94-67 states that, in no event, shall such sales exceed a period of time of longer than 30 consecutive days, Sundays and legal holidays included, in any one year after such sale is first advertised or commenced.

PLEASE DESCRIBE THE MEANS TO BE EMPLOYED IN ADVERTISING SUCH SALE AND ATTACH THE PROPOSED LANGUAGE CONTENT OF ANY ADVERTISEMENT TO BE USED FOR SUCH SALE. CONSULT SECTION 94-110, 111 FOR SPECIFIC LANGUAGE REQUIRED FOR SAID ADVERTISEMENT (USE SEPARATE SHEET IF NECESSARY).

_____

_____

_____

_____

PLEASE DESCRIBE THE PLACE, OR PLACES, WHERE SUCH GOODS WERE PURCHASED OR ACQUIRED AND, IF NOT PURCHASED, THE MANNER OF SUCH ACQUISITION:

_____

_____

_____

_____

PLEASE ATTACH A COMPLETE AND DETAILED INVENTORY OF ALL GOODS TO BE SOLD, OR OFFERED FOR SALE, INCLUDING ALL GOODS THEN IN STOCK, ON ORDER, OR IN TRANSIT, AND THE COST AND RETAIL PRICE OF SUCH GOODS.

BUSINESS TAX INFORMATION

BUSINESS NAME (or D/B/A):_____
Must be registered with Division of Corporations www.sunbiz.org

BUSINESS ADDRESS:_____

OWNER'S NAME:_____ **PHONE**:_____

ADDRESS:_____
CITY STATE ZIP

DRAFT

AUTHORIZATION

I have read the provisions of Resolution No. 20-04 and agree to abide by all provisions set forth therein. I hereby affirm that upon receipt of liens or a sale as defined under Section 7-18 (1) (a) of Ordinance No. 11-62 , I shall immediately surrender any existing occupational licenses for said business for cancellation without refund of the fee, or any portion thereof, paid for such occupational license. I hereby affirm that all representations herein made are bonafide; that I will not, directly or indirectly engage in the same business, or any similar business, under the same or a similar trade name, in the Town of Palm Beach, Palm Beach County, Florida, for a period of two (2) years from the date of this application, and shall not engage in the same or similar business, under any name at said licensed premises for a period of two (2) from date of said application.

PRINTED NAME:_____

APPLICANT SIGNATURE:_____**DATE**: _____

DRAFT

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Ordinances - First Reading

Agenda Title
Proposed Ordinance to Amend Chapter 106 of the Town Code Relative to Special Event and Religious Display Permits

ORDINANCE NO. 021-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 106, Streets, Sidewalks And Other Public Places At Article VII, Special Events On Public Property At Division 1. Generally By Amending Section 106-258. Penalties, By Adding The Following New Sections 106-259. Permits Nontransferable, 106-260. Waiver Of Provisions And 106-261. False Information Prohibited In Application; Further Amending Division 2. Permit At Section 106-282. Application, Section 106-283. Standards For Issuance, By Deleting Section 106-284. Notice Of Approval Or Denial, By Amending Section 106-285. Appeal Procedure And By Renumbering Said Section, By Renumbering Section 106-286. Duties of Permittee, By Amending Section 106-287. Possession and By Renumbering Said Section, By Deleting Section 106-288. Revocation, By Renumbering Section 106-288.1. Walks and Runs, And By Adding A New Section 106-288. Religious Holiday Symbol Permits; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

Presenter
John C. Randolph, Town Attorney

ATTACHMENTS:

- **Memorandum Dated September 29, 2023, from Jessica Savidge, Administrative Manager**
- **Ordinance No. 021-2023 - Annotated**
- **Exhibit I: Current Special Event Permit Application**
- **Exhibit J: New Special Event Permit Application Draft**
- **Exhibit K: Current Religious Display Permit Application**

- **Exhibit L: New Religious Display Permit Application Draft**
- **2020-01-09 MINUTES Ordinances, Rules, Standards Commission**
- **2020-02-11 MINUTES Town Council**

TOWN OF PALM BEACH
Information for Town Council Meeting on: October 10, 2023

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

Via: Carolyn Stone, Deputy Town Manager

From: Jess Savidge, Administrative Manager

Re: Amendment of Town Clerk's Office Permits
Ordinance **No. 016-2023, No. 018-2023 – No. 022-2023**

Date: September 29, 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve the proposed revisions of the Town's Code of Ordinances concerning the Town Clerk's Office's permit procedures.

GENERAL INFORMATION

This proposed amendment of the code would allow the Town Clerk's Office to revise its permit applications and update and standardize language across permits processed by the Town Clerk's Office ahead of the upcoming digital conversion of the Town's permit process into an online portal. this coming year. These proposed revisions would eliminate restrictive subsections, allowing for streamlining the applications and simplifying the permit process for applicants and processors, without compromising the review process and due diligence required to uphold the code's direction.

General changes to all or most permit ordinances:

- The various ordinances related to Town Clerk permits previously had different combinations of the following sections with different wording or rules; These proposed ordinances will now contain the same language. Language has been standardized across all permits for sections regarding:
    - Notifying the town of changes to an application;
    - Removal of fees in the code to now instead refer to the master fee schedule adopted by resolution;
    - Appealing a denied application, which has now been combined with previous language dealing with permit suspensions and revocations;
    - The penalties associated with not acquiring a needed application or violating the ordinance in question;
    - The duties of the permittee;
    - The prohibition of false information in an application;
    - The prohibition of transferring an application;
    - The ability of the town council to waive provisions of these ordinances at their discretion; and
    - The need for an applicant to possess their permit onsite at the event location.

- The window of time the applicant has to notify the Town of changes to their pending application has been extended across all permits from 24 to 48 hours, per Councilmember Araskog's suggestion.
- Language regarding application fees will be standardized to state that fees will be in the fee schedule, whereas previously, some permit code language included fee amounts. The proposed standardized language will eliminate the need to update the code when fees are updated.
- Language in the code specifying time windows (i.e., how many days prior to the event the application must be filed, or the amount of time allowed to provide notice of approval or denial of a permit) has been removed from the code; however, the time windows will remain in place during the review process through the Master Fee Schedule's fee structure. The procedure and review process will not change due to this change to the code.
- The proposed removal of the required application information is in preparation for the digital permit portal implementation in 2024. All information necessary for staff to do due diligence in their review of the application will remain. Draft paper applications display the application if proposed code changes are adopted, as shown in Exhibits A-N. These will build the fields for the digital versions.
- "Town manager" has been changed to "town manager or designee" where necessary to allow for greater flexibility, if needed. Similarly, language stating that the Town Clerk will issue the permit has been changed to "the town" in several places because it is the town issuing the permit, and the permit will be processed through a centralized portal.
- Updated Hold Harmless language received from the Risk Management Division has been inserted where needed.
- Any language implying that the application must be submitted on a physical form has been updated to allow for the future conversion of permits into the online portal.

Additional permit-specific edits:

Charitable Solicitations

- Former section 78-79 which requires receipts from contributors to charitable solicitations has been removed as they are no longer verified during the permit due diligence review process.
- Sections 78-110, and 78-111, requiring the applicant to provide accounting records of the event to the town clerk to verify, have also been edited or removed as these are no longer verified. Instead, the town clerk's office verifies that the organizations are registered with the Florida Department of Agriculture and Consumer Services. They require that organizations answer many of the same questions we ask but are responsible for reviewing their financial documentation and confirming the organization's validity. Section 78-104 has also been edited to reflect that the town is not responsible for verifying that these organizations are not fraudulent, as it has already been verified by the Department of Agriculture and Consumer Services.

Auctions and Auctioneers

- The restrictions preventing auctions from being held at night, between November 1 and April 30, and on specific streets have also been removed. Discovery identified that this rule was not applied to issued permits in the past. Auction language remains limiting two events per calendar year.

- Language concerning auction permits has been edited to specify that auctions held in connection with a charitable event will not require an auction permit and will instead be subject to the regulations surrounding a charitable solicitation permit.

Special Events

- It was the intention of staff to clean up the code related to town clerk permits, but not to make any procedural changes. The minutes of the ORS Committee meeting on January 9, 2020, and the regular Town Council meeting on February 11, 2020, included in the backup, contain some recommended provisions for the regulation of walks and runs. On February 11, 2020, it was the consensus of the Town Council that they would rather have criteria for one more event one-third the size of the Turkey Trot where people would have to register, than to have a prohibition of an additional event. If a deeper review of this section is needed, it is the recommendation of staff that the proposed changes to Article VII. Special Events on Public Property be approved without modification to newly renumbered Section 106-287 Walks and Runs, and that this section be re-reviewed separately by the ORS committee at a later date.

Permits per category, as recorded in the Town's permit database:

Temporary Animal	58 since 2015
Charitable Solicitation	1,511 since 2010
Auction	10 since 2015
Closing-Out/Distress Sales	3 since 2001
Special Event	174 since 2013
Religious Display	8 since 2017
Commercial Motion Picture	1 since 2011

STRATEGIC PLAN

These changes are in support of the Strategic Plan, including the strategic focus areas of Sound Fiscal Management, Collaborative Town Government, and Quality of Life.

TOWN ATTORNEY REVIEW

The proposed document has been reviewed and approved for legal form and sufficiency.

CC: John C. Randolph, Town Attorney
Kelly Churney, Acting Town Clerk
Pat Gayle-Gordon, Deputy Town Clerk
Katherine deClaire, Clerk Support Assistant

Ordinance No. 021-2023

An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 106, Streets, Sidewalks And Other Public Places At Article VII, Special Events On Public Property At Division 1. Generally By Amending Section 106-258. Penalties, By Adding The Following New Sections 106-259. Permits Nontransferable, 106-260. Waiver Of Provisions And 106-261. False Information Prohibited In Application; Further Amending Division 2. Permit At Section 106-282. Application, Section 106-283. Standards For Issuance, By Deleting Section 106-284. Notice Of Approval Or Denial, By Amending Section 106-285. Appeal Procedure And By Renumbering Said Section, By Renumbering Section 106-286. Duties of Permittee, By Amending Section 106-287. Possession and By Renumbering Said Section, By Deleting Section 106-288. Revocation, By Renumbering Section 106-288.1. Walks and Runs, And By Adding A New Section 106-288. Religious Holiday Symbol Permits; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

BE IT ORDAINED by the Town Council of the Town of Palm Beach as follows:

Section 1 –

Chapter 106, Streets, Sidewalks And Other Public Places is hereby amended at Article VII. Special Events On Public Property as follows:

ARTICLE VII. SPECIAL EVENTS ON PUBLIC PROPERTY

DIVISION 1. GENERALLY

Sec. 106-256. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Special event means any meeting, activity, walk/run, or gathering of a group of persons having a common purpose, design or goal, upon any public street. sidewalk, alley, park, beach or other public place or building, which special event substantially inhibits the usual flow of pedestrian or vehicular travel or which occupies any public area or building, which results in preempted use by the general public or which deviates from the established use. Nothing in this article shall preclude the use of such areas by the town for governmental purposes.

Sec. 106-257. Regulations relating to special event.

The following regulations shall apply to all special events held within the town:

(1) There shall be held at the location requested no more than one special event per month, without priority for any particular date, to be granted to the first person to submit a completed application designating that day. The town reserves the right to limit use of public spaces at any time to prevent overuse and/or adverse impacts to adjacent neighborhoods.

(2) The maximum total duration of each special event and the assembly thereof shall be five hours.

(3) Any signs, props or displays used in conjunction with the special event must be removed immediately after the time permitted for the special event has expired.

(4) The use of banners, flags (other than flags of official governmental bodies), streamers, balloons or any similar devices, in connection with the event, shall be prohibited.

(5) The use of decorated vehicles and trailers in connection with the event is prohibited.

(6) The granting of a special event permit under this article shall not require the complete blockading of streets or intersections to vehicular traffic, and the town shall be empowered to apportion such streets and intersections for simultaneous use by special event participants and vehicular and pedestrian traffic.

(7) The concentration of persons and/or vehicles at the special event will not interfere unduly with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly area or other areas of the town.

(8) There are sufficient parking places near to the site of the special event to accommodate the approximate number of automobiles reasonably expected to be driven to the special event.

(9) The event is not otherwise in violation of ordinances or regulations of the town or the state or of federal law.

Sec. 106-258. Penalties.

~~Any person determined to be in violation of the provisions of this article, not relating to revocation of the permit, shall be subject to section 1-14.~~ Persons found to be in violation of any provision of this chapter may be subject to penalties provided by law for the violation of municipal ordinances or, alternatively, may be subject to the jurisdiction of the

Language has been standardized across all permits

code enforcement board. Nothing in this section shall prevent the town from seeking civil injunctive relief if deemed appropriate by the town in the circumstances. Any person, organization, corporation, agency, or entity that holds a special event on public property without having first obtained a valid permit shall be assessed a penalty, in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time.

Sec. 106-259. Permits nontransferable.

Permits issued under this article shall be nontransferable.

Sec. 106-260. Waiver of provisions.

The town council may in its discretion waive any requirements of this article.

Sec. 106-261. False information prohibited in application.

No person shall knowingly falsify or misrepresent any information or representations made in the permit application.

DIVISION 2. PERMIT

Sec. 106-281. Required.

No person shall engage in, participate in, aid, form or start any special event unless a special event permit shall have first been obtained from the town manager or his/her designee. No permit shall be required and none of the limitations above shall apply for special events officially sponsored by the town government and/or approved by the town council, nor shall the regulations set forth in this division 2 apply to such special events.

Sec. 106-282. Application.

(a) Required. A person seeking issuance of a special event permit shall file an application with the town ~~clerk's office on forms provided by the town~~.

(b) Filing. A completed application for a special event permit, providing all information required herein, shall be filed with the town ~~clerk's office~~. If, while any application is pending, or during the term of any permit granted pursuant thereto, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the town in writing thereof within 48 hours after such change~~not less than 45 days (or a shorter period of time as deemed appropriate at the discretion of the town manager) and not more than nine months for residents and four months for non-residents before the date on which it is proposed to conduct the special event~~.

Notification of changes extended across permits from 24 to 48 hours

(c) Applicant shall provide at its own cost and expense Comprehensive General Liability Insurance coverage with limits of liability not less than $1,000,000 Each Occurrence/$2,000,000 Aggregate. The Certificate of Insurance shall indicate an

Risk Management language update

Occurrence Basis. The Town of Palm Beach shall be endorsed as an additional insured under the General Liability coverage. The applicant's General Liability coverage shall be primary and non-contributory.

All required insurance policies shall provide a waiver of subrogation and rights of recovery against the Town of Palm Beach, including its agents, officers, past and present employees, elected officials and representatives, the insurance policy in effect shall protect both parties and be primary and non-contributory for any and all losses covered by the above-described insurance. Insurers have no recourse against the Town of Palm Beach for payment or assessments in any form on any insurance policy.

The Town of Palm Beach reserves the right to require additional coverages and limits based upon the particular special event proposed by the applicant. If the special event applicant maintains higher limits than the minimums shown below, the Town requires and shall be entitled to coverage for the higher limits maintained by the applicant.

~~*Contents*. The application for a special event permit shall set forth the following information:~~

~~(1) The name, address and telephone number of the person seeking to conduct such a special event.~~

All information necessary for staff to do due diligence in their review of the application will remain

~~(2) The purpose of the special event.~~

~~(3) If the special event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.~~

~~(4) The date on which the special event is to be conducted.~~

~~(5) The exact hours the special event is to be conducted.~~

~~(6) The name or type of event.~~

~~(7) The exact location of the event.~~

~~(8) The approximate number of participants and spectators.~~

~~(9) A detailed description of the activity or activities, including whether or not the event requires support facilities such as traffic control, parking volume, crowd control.~~

~~(10) The name of the applicant's insurance company for the event and proof of insurance. The town shall be named as additional insured on a policy of liability insurance in an amount not less than $1,000,000.00. The Town of~~

Palm Beach reserves the right to require additional coverages and limits based upon the particular special event proposed by the applicant. If the special event applicant maintains higher limits than the minimums shown below, the town requires and shall be entitled to coverage for the higher limits maintained by the applicant.

(11) The signature of the applicant.

(12) The name, address and telephone number of the person who will be responsible for the conduct of the special event (i.e., special event chair).

(13) Provisions for cleanup after conclusion of the special event. The applicant shall be responsible for costs of complete and immediate cleanup.

(d) *Fees.* Before a permit is issued pursuant to this article, there shall be paid to the town an administrative processing fee, and any other related special event fees, in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time. The following fees in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time:

fees will be in the fee schedule

a. An administrative processing fee;

b. A refundable damage deposit, if applicable;

c. A usage fee prepaid for the hours requested to hold the proposed special event, if applicable.

Sec. 106-283. Standards for issuance.

The town manager shall issue a special event permit, when from consideration of the application and from such other information as may otherwise be obtained, he/she finds that:

(1) No other applicant has obtained a permit for the date requested.

(2) The special event applicant has agreed in writing to abide by all provisions set forth in this article.

(3) All required information is set forth in the application and is in accordance with all provisions set forth in this article.

(4) The concentration of persons and vehicles at assembly points of the special event will not interfere with the proper fire and police protection of or ambulance services to areas contiguous to such assembly areas.

(5) The conduct of such special event will not interfere with the movement of police and fire rescue vehicles and equipment en route to a fire or the

movement of emergency medical services equipment en route to an emergency.

(6) The special event is not being held for the purpose of advertising any product, goods or event, and shall not be held for private profit or fund raising, unless the applicant is a 501(c)3 non-profit, in which a charitable solicitation permit would also be required.

(7) The conduct of the special event will not substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic contiguous to the place of the special event.

(8) The conduct of the special event will not result in damage to town-owned property or constitute a hazard to the safety of other persons within the immediate vicinity of the event.

(9) No event is scheduled elsewhere in the town where the town's resources required for that event are so great that the deployment of resources for the proposed assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.

(10) An original certificate of insurance was supplied to the town naming the town as an additional insured on a policy of liability insurance in an amount not less than $1,000,000.00 or an amount higher based upon the particular special event proposed.

Applications for the use of Phipps Plaza Park, Memorial Park and Lake Drive Park shall not be accepted, as special event permits shall not be issued for the use of these properties for non-governmental events.

Applications for special events that involve leaving the primary event location (public or private properties) to utilize public sidewalks, streets and/or bike paths shall receive town council approval prior to the issuance of a special event permit ~~and shall be subject to section 106-288.1~~.

~~**Sec. 106-284. Notice of approval or denial.**~~

~~The town manager or designee shall act upon an application for a special event permit within 20 days after the filing thereof and must notify the applicant of the approval or denial of the application within that same period. If the town manager or designee denies an application, a written notice stating the reasons for denial shall be sent to the applicant by certified mail and made available by the town for inspection within the 20-day period specified above.~~

Sec. 106-284~~285~~. Appeal procedure.

The town manager or ~~his~~ designee shall have the authority to revoke a special event permit issued under this division upon violation of the terms of the permit. The permit shall

be determined to be null and void and may be immediately terminated. If a special event permit is denied or revoked, any person aggrieved shall have the right to appeal to the town council. The appeal must be filed at least five days prior to the next available meeting of the town council subsequent to the notice of appeal.~~Any person aggrieved shall have the right to appeal the denial of a special event permit to the town council. The appeal shall be submitted in writing within five days of notice of denial. If an appeal to the town council is made, the town council shall act upon such appeal at the next regular monthly meeting of the town council subsequent to the notice of appeal.~~

Language has been standardized across permits

Sec. 106-285~~286~~. Duties of permittee.

The permittee under this division shall comply with all provisions of this article, other laws and ordinances of the town, state and federal government, and all permit directions and conditions of the permit.

Sec. 106-286~~287~~. Possession.

The special event chair or other person heading or leading such special event shall carry the special event permit upon his or her person during the conduct of the special event and shall be present at the special event.

~~**Sec. 106-288. Revocation.**~~

~~The town manager or his designee shall have the authority to revoke a special event permit issued under this division upon violation of the provisions applicable to special event permittees. If a special event is held in violation of the terms of the permit, the permit shall be determined to be null and void and may be immediately terminated. The revocation of a permit may be appealed in the same manner and under the same time limitations as a permit denial.~~

Sec. 106-287~~288.1~~. Walks and runs.

Applications for activities or events that involve leaving the primary event location on public or private properties that will utilize public sidewalks, streets and/or bike paths, and other right-of-way areas for the purpose of organized walks or runs of any distance, shall receive town council approval prior to the issuance of a special event permit.

The following procedure and criteria for approving a walk/run event shall be as follows:

(a) Applications for walk/run events shall be submitted as required in section 106-282.

(b) The town manager or his/her designee will submit a staff report, the special event application and supporting documentation to the town council for its consideration and final approval.

(c) Approval of a walk/run event application shall be subject to the following requirements:

(1) Adequacy of the location of the start and finish line as well as the walk/run route, relative to public safety and impact to the residents; and

(2) The date(s) and start time(s) of the event, and/or it will conflict with a town sponsored event or another event in close proximity of the proposed event, and will not adversely impact adjacent residential areas.

(3) The maximum number of events held in the requested route area is no more than three per year calendar year and no more than one event every other month.

ORS Jan 9, 2020

(4) The maximum number of persons permitted by the town to participate in a walk/run event (including but not limited to spectators, vendors, volunteers, and staff) is 400.

(5) Set-up prior to council approved walk/run event shall not begin prior to 8:00 a.m. without council approval.

(6) No amplified music or speaking shall be permitted prior to 9:00 a.m. without council approval.

(7) No walk/run events shall be held on a Sunday.

Sec. 106-288. Religious Holiday Symbol Permits.

Bradley Park is designated as the location for the erection and display of unattended symbols relating to religious holidays during that period of the year beginning the day after Thanksgiving and ending on January 10 of the ensuing year.

A display of unattended symbols relating to religious holidays permit application shall be filed with the town. ~~clerk's office no less than 60 days, and no more than 120 days, prior to the date upon which the display is to be erected. The application fee is $150~~ If, while any application is pending, or during the term of any permit granted pursuant thereto, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the town in writing thereof within 48 hours after such change. Before a permit is issued pursuant to this resolution, there shall be paid to the town an administrative processing fee, in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time.

fee schedule

The Public Works Director / Designee shall establish that the display does not present a public safety hazard, that the display will remain in place for a period of time of 15 consecutive days or less, and that it will not interfere with the use of the park for other park purposes.

Any display not removed upon the date indicated for removal on the permit may be removed by the town, and the cost for removal billed to the individual and/or organization designated as the responsible party for the display.

Language has been standardized across permits

The town manager or ~~his~~ designee shall have the authority to revoke a religious holiday symbol permit issued under this division upon violation of the terms of the permit. The permit shall be determined to be null and void and may be immediately terminated. If a religious holiday symbol permit is denied or revoked, any person aggrieved shall have the right to appeal to the town council. The appeal must be filed at least five days prior to the next available meeting of the town council subsequent to the notice of appeal.

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 Or Parts 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 – 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, Florida, on the First Reading this _____ day of _____, 2023; and for the Second and Final Reading on this _____ day of _____, 2023.

_____
Danielle H. Moore, Mayor

_____
Margaret Zeidman, Town Council President

_____
Bobbie Lindsay, President Pro Tem

_____
Julie Araskog, Town Council Member

_____
Lewis S.W. Crampton, Town Council Member

ATTEST:

_____
Kelly Churney, Acting Town Clerk

_____
Edward Cooney, Town Council Member

P:\DOCS\13156\00006\DOC\28C8849.DOCX

EXHIBIT I

NON-REFUNDABLE APPLICATION FEE $300.00

TOWN OF PALM BEACH

Office of the Town Clerk

APPLICATION FOR SPECIAL EVENT PERMIT

Application is due to the Town Clerk's Office no less than 45 days and no more than 9 months for Palm Beach residents and 7 months for non-residents, prior to event date.

APPLICANT INFORMATION		
Name:		
Address:		E-mail:
Phone Number:		Cell #:

ORGANIZATION INFORMATION		
Name:		
Address:		E-mail:
Phone Number:		Cell #:
*501(c)3 #:		
*Will any fundraising be taking place during this event? **Y/N**		*If yes, a separate Charitable Solicitation Permit will be required.

CONTACT INFORMATION		
Name:		
Address:		E-mail:
Phone Number:		Cell #:

EVENT INFORMATION		
Name:		
Address/ Location:		
Day and Date		
Start and End Time **Note:** 5 hour time limit including set-up and clean-up		
Purpose:		
Provide a detailed description of activities – include maps, pictures, and illustrations. **Note: No amplified music**.		
Approximate number of participants:		Approximate number of spectators:

TRAFFIC/PARKING INFORMATION
Will support facilities or services such as traffic control and crowd control be needed? If yes, please specify:
List the different forms of transportation to be used by participants:
Where will event attendees park? **(Note: Royal Poinciana Plaza parking is not permitted.)**
Provide a reasonable estimate of parking volume generated by the event and the type of parking that will be used:
Note: Temporary valet services require a separate permit unless the location of the special event possesses a current Town annual valet parking services permit. Failure to secure a temporary valet services permit may result in a fine and or shut down of the non-permitted valet services (www.townofpalmbeach.com) (On the Home page, click on "Doing Business", then go to "Permits and Licenses".)

STRUCTURE/TENT INFORMATION
Will a temporary structure/tent be used? If yes, provide the size (a separate permit is required in the Planning, Zoning and Building Department for tents/stages):

INSURANCE INFORMATION		
Name of Applicant's Insurance Company:		
Address:		Phone #:
Please attach a Certificate of Insurance naming the Town of Palm Beach as an additional insured under your General Liability policy with limits not less than $1,000,000.00 per occurrence or an amount higher based upon the particular special event proposed. There shall also be a 30-day notice of cancellation. **Confirm that the event name, location, and date is added in the Description of Operations box at the bottom of the proof of insurance form. Y / N**		

CLEANUP INFORMATION
Outline provisions for immediate cleanup after Special Event:

CHECKLIST
Before you sign and date your special event application, please make sure that the following steps have been completed:
☐ Complete all the necessary information ☐ Pay application fee, usage fee and refundable damage deposit ☐ Attach a site plan ☐ Attach a Certificate of Insurance ☐ Set up a pre and post inspection meeting with Public Works Staff and Police (if applicable) ☐ For events that require tents – please fill out a tent permit application (separate)

PAYMENT INFORMATION				
An application fee is due upon the time of submittal if the application is received at least 45 days in advance. A fee of $100 will be assessed in the event of a late application. Any individual or organization that holds an event on Town of Palm Beach property that does not abide by the authorized use, rules and regulations, or that causes additional costs to the Town may lose all or a portion of their damage deposit. **Damage deposit and the applicable usage fees are due upon receipt of the permit. Payments may be made by cash, credit card or by check made payable to the Town of Palm Beach. (see fee table below)**.				
For office use only:				
Date application fee payment received:		Cash	Check No.	Credit Card
Date damage deposit and non-resident usage fee received:		Cash	Check No.	Credit Card

Fee Table for Special Events

	Non-Refundable Application Fee	Late fee if application not received 45 days in advance of event	Refundable Damage Deposit	Non-Resident Usage Fee
Bradley Park (100 Bradley Pl)	$300	$100	50 people or less: $400 51-100 people: $1,000 Over 100 people: $2,000	50 people or less: $100/hr 51-100 people: $250/hr Over 100 people: $400/hr
Phipps South Ocean Park (2185 S Ocean Blvd)	$300	$100	50 people or less: $200 51-100 people: $400 Over 100 people: $1,000	50 people or less: $100/hr 51-100 people: $250/hr Over 100 people: $400/hr
Phipps South Ocean Park (Chickee Hut Only) (2185 S Ocean Blvd)	$300	$100	$150	$100/hr
Public Beaches	$300	$100	$150	$0
All Other Public Spaces	$300	$100	$150	$0
Lake Drive Park	This park is no longer available for special events.			
Phipps Plaza Park	Prohibition will sunset 8/14/22			
Memorial Park	This park is no longer available for special events.			

REGULATIONS

The following regulations apply to all Special Events held within the Town as per the attached Section 106.257 of the Town Code of Ordinances:

1.	**There shall be no more than one Special Event held at the location requested per month, without priority for any particular date, to be granted to the first person to submit a completed application designating that day.**
2.	**The maximum total duration of each Special Event including the set-up and clean-up thereof shall be five hours.**
3.	**Any signs, props, or displays used in conjunction with the Special Event must be removed immediately after the time permitted for the Special Event has expired.**
4.	**The use of banners, flags (other than flags of official governmental bodies), streamers, balloons, or any similar devices, in connection with the event, shall be prohibited.**
5.	**The use of decorated vehicles and trailers in connection with the event is prohibited.**
6.	**The granting of a Special Event Permit under this article shall not require the complete blockading of streets or intersections to vehicular traffic, and the Town shall be empowered to apportion such streets and intersections for simultaneous use by Special Event participants and vehicular and pedestrian traffic.**
7.	**The concentration of persons and/or vehicles at the Special Event will not interfere unduly with proper fire and police protection of, or ambulance service to areas contiguous to the assembly area or other areas of Town.**
8.	**There are sufficient parking places near the site of the Special Event to accommodate the approximate number of automobiles reasonably expected to be driven to the Special Event.**
9.	**The event is not otherwise in violation of ordinances or regulations of the Town, state, or federal law.**

APPLICANT AGREEMENT

The applicant from page 1 by endorsement, agrees to the following statement:

I have read the provisions of the Town Code of Ordinances relating to the regulation of Special Events on public property and agree to abide by all provisions set forth therein including the requirement that the Special Event chairperson or other person heading or leading such Special Event shall carry the Special Event Permit upon his/her person during the conduct of the Special Event and shall present at the Special Event.

Any person determined to be in violation of the provisions of the Town Code regulating Special Events on public property, not relating to revocation of the permit, where such a violation also constitutes violation of any law or regulation of the State, such violation shall be punished in the same manner and with the same limits as is provided by law or regulation, it shall be punished by a fine of not more than $500.00 or a term of imprisonment not in excess of 60 days, or both such fine and imprisonment, in discretion of the court.

SIGNATURES OF APPLICANT AND WITNESS:

_____	_____
Signature of Applicant	Signature of Witness
_____	_____
Print Name	Print Name of Witness

EXHIBIT J

SPECIAL EVENT PERMIT APPLICATION

NOTE: If there is any change that would alter the information given in this application while it is pending, the applicant shall notify the Town Clerk's Office within 48 hours of such change.

APPLICANT/CONTACT PERSON NAME:_____

ADDRESS:_____

CITY STATE ZIP

PHONE:_____ **EMAIL**:_____

EVENT ADDRESS: _____

(Applications for the use of Phipps Plaza Park, Memorial Park and Lake Drive Park will not be accepted)

EVENT DATE(S):_____ **EVENT HOURS***:_____

*5 hour time limit including set-up and complete clean-up

SET UP TIME: _____ **BREAKDOWN TIME**: _____ **NUMBER OF PARTICIPANTS**: _____ **NUMBER OF SPECTATORS:**_____

OUTLINE PROVISIONS FOR IMMEDIATE CLEANUP AFTER SPECIAL EVENT: _____

_____

_____

EVENT NAME:_____

EVENT PURPOSE: _____

IS THIS A REPEATED EVENT IN THE TOWN OF PALM BEACH? ☐ **YES** ☐ **NO** **IF YES, DATE OF LAST EVENT:** _____

CHECK ALL THAT APPLY:

☐ **FUNDRAISING WILL TAKE PLACE**	If yes, a separate Charitable Solicitation Permit will be required.
☐ **FOOD WILL BE SERVED**	If yes, please attach a copy of the caterer's license if applicable.
☐ **ALCOHOL WILL BE SERVED**	If yes, please attach a copy of the liquor license unless at a private residence.
☐ **EVENT INCLUDES ANIMALS**	If yes, a Temporary Animal Permit may be required.
☐ **TEMPORARY SIGNS WILL BE UTILIZED**	If yes, these are only allowed between April 1-October 31.
☐ **A TENT WILL BE UTILIZED** ☐ **A TEMPORARY STAGE WILL BE UTILIZED** ☐ **GENERATORS WILL BE UTILIZED**	If yes, a Construction Permit may be required. Please contact 561-838-5431 **after this Special Event Permit is accepted** for more information. Please specify size of tent if applicable: _____
☐ **OUTDOOR LIGHTING WILL BE UTILIZED**	If yes, outdoor lighting will not be permitted in close proximity to the beaches between March 1-October 31 due to sea turtle nesting season.
☐ **FIREWORKS WILL BE UTILIZED**	If yes, a Pyrotechnic Display Permit will be required. Please call 561-227-6440 **after this Special Event Permit is accepted** for more information.
☐ **VALET SERVICES WILL BE UTILIZED**	If yes, a Valet Permit may be required, please see Traffic/Parking section.

Any signs, props or displays used in conjunction with the special event must be removed immediately after the time permitted for the special event has expired. Amplified music, the use of banners, flags (other than flags of official governmental bodies), streamers, balloons or any similar devices, and decorated vehicles or trailers in connection with the event shall be prohibited.

SITE PLAN

Please attach a detailed site plan describing the layout of the special event, including parking areas. Photos of any furniture or structures that will be temporarily placed on public property are also required, or images providing a general idea of what these items will look like. A site plan for a walk or run should clearly indicate the location of the start and finish line as well as the walk/run route. Applications for special events that involve leaving the primary event location (public or private properties) to utilize public sidewalks, streets and/or bike paths shall require town council approval prior to the issuance of a special event permit and shall be subject to Section 106-288.1 of the Town Code.

DRAFT

TRAFFIC/PARKING INFORMATION

Will support facilities such as traffic control and crowd control be needed? If yes, please specify: _____

_____

_____

If buses or trolleys will be used in correlation with the event, please specify the drop-off and pickup locations:_____

_____

Where will the attendees park? _____

(Royal Poinciana Plaza parking is not permitted. Please see here for more parking information.)

Provide a reasonable estimate of parking volume generated by the event and the type of parking that will be used:_____

_____

Note: Temporary valet services require a separate permit unless the location of the special event possesses a current Town annual valet parking services permit. Failure to secure a temporary valet services permit may result in a fine and/or shut down of the non-permitted valet services.

ORGANIZATION INFORMATION (if applicable)

ORGANIZATION NAME:_____

ORGANIZATION ADDRESS:_____

OWNER'S NAME:_____ **PHONE/EMAIL**:_____

INSURANCE INFORMATION

NAME OF APPLICANT'S INSURANCE COMPANY:_____

PHONE/EMAIL:_____

ADDRESS:_____

CITY STATE ZIP

Please attach a Certificate of Insurance naming the Town of Palm Beach as an additional insured under your General Liability policy with limits not less than $1,000,000.00 per occurrence, $2,000,000.00 aggregate, or an amount higher based upon the particular special event proposed. There shall also be a 30-day notice of cancellation.

CHECKLIST

Before you submit your special event application, please make sure that the following steps have been completed:

- ☐ Truthfully complete all necessary information
- ☐ Attach site plan
- ☐ Attach a Certificate of Insurance and confirm that the event name, location, and date is added in the Description of Operations box at the bottom of the proof of insurance form
- ☐ Note any separate permits needed according to the checklist on Page 1
- ☐ Sign authorization below

AUTHORIZATION

Please review Article VII. Special Events on Public Property prior to application submission and contact the Town Clerk's Office at (561) 227-6300 with any questions. Before a permit is issued, the applicant must pay an administrative processing fee, and any other related special event fees. The Town Clerk's office will be in contact with payment instructions.

I have read the provisions of the Town Code of Ordinances relating to the regulation of Special Events on public property and agree to abide by all provisions set forth therein.

PRINTED NAME:_____

APPLICANT SIGNATURE:_____ **DATE**: _____

DRAFT

EXHIBIT K

TOWN OF PALM BEACH

Office of the Town Clerk

APPLICATION FOR ERECTION AND DISPLAY OF UNATTENDED SYMBOLS RELATING TO RELIGIOUS HOLIDAYS

Resolution No. 20-04

Bradley Park is designated as the location for the erection and display of unattended symbols relating to religious holidays, pursuant to a permit properly issued by the Town of Palm Beach, and during that period of the year beginning **THE DAY AFTER THANKSGIVING AND ENDING ON JANUARY 10th OF THE ENSUING YEAR.** (Resolution No. 20-04 - adopted June 8, 2004)

Application shall be filed with the Town Clerk no less than **sixty (60) days** and **no more than 120 days prior to the date upon which the display is to be erected. Application Fee is $150.00**

1. Date application submitted, as verified by Office of the Town Clerk: _____

2. NAME OF APPLICANT - THE INDIVIDUAL OR GROUP SPONSORING THE DISPLAY, THE INDIVIDUAL RESPONSIBLE FOR THE DISPLAY AND FOR ACCEPTING ALL CONDITIONS RELATING THERETO: (Pursuant to Section 2.C. - Res. 20-04).

   Name of individual or group sponsoring the display:

   _____

   _____

3. Address:_____

   Phone Number:_____ Fax Number:_____

E-mail address: :_____

Name of Individual responsible for the display: _____

Address: _____

Phone Number: _____Cell Phone:_____ Fax Number:_____

E-Mail Address:_____

3. Is a Special Event (as defined in Town of Palm Beach Code of Ordinances, Section 106, Article VII. - "Special Events on Public Property") planned at any time during the period of the display? Yes _____ No _____
A separate Special Event Permit ($150.00) will be required if a special event is planned at any time during the period of the display. (Pursuant to Section 2.B. - Res. 20-04)

4. DESCRIPTION OF THE DISPLAY: (Pursuant to Section 2.C. - Res. 20-04)

Include Date that Display will be installed:

_____

_____

_____

5. DESCRIPTION OF THE POWER SOURCE, IF ANY, REQUIRED FOR THE DISPLAY. IDENTIFY ANY OTHER INSTALLATION NEEDS. (Pursuant to Section 2.E. - Res. 20-04)

_____

_____

_____

6. Application fee of $150 required at time application is submitted. (Pursuant to Section 2.D.-Res. 20-04).
Method of payment: Cash_____ Check _____(include check number)

7. Resolution No. 20-04 is attached to this permit application, and includes all regulations applying to this permit.

To Be Completed by Public Works Director/Designee:
A graphic illustration of the location of the display, as determined and approved by the Public Works Director/Designee, is indicated on the map of Bradley Park below:

To Be Completed by Public Works Director/Designee:
Text description of the location of the display at Bradley Park, as determined and approved by the Public Works Director/Designee:

_____

_____

Prior to issuance of a permit by the Town Manager, the Public Works Director/Designee shall review and approve this application for the ERECTION AND DISPLAY OF UNATTENDED SYMBOLS RELATING TO RELIGIOUS HOLIDAYS. The Public Works Director/Designee shall establish that the display does not present a public safety hazard, the display will remain in place for a period of time of fifteen (15) consecutive days or less, and will not interfere with the use of the park for other park purposes. (Pursuant to Section 4. - Res. 20-04).

_____ Date:_____

Director of Public Works or designee

Any display not removed upon the date indicated for removal on the permit may be removed by the Town, and the cost for removal billed to the individual and/or organization designated as the responsible party for the display. (Pursuant to Section 6. - Res. 20-04).

I have read and understand the provisions relating to the regulation of the Erection and Display of Unattended Symbols Relating to Religious holidays, as set forth in Resolution No. 20-04, which is attached hereto:

Date:_____ _____

Signature of Applicant

STATE OF:

COUNTY OF:

The foregoing instrument was acknowledged before me this _____day of _____, 20___, by

_____, who is personally known to me, or who has

produced _____ as identification, and

who did (did not) take an oath.

_____ _____

Signature of Notary

Notary Name Typed, Printed, or Stamped

SEAL:

Submit this application with payment of $150.00 to the Office of the Town Clerk, Town of Palm Beach, Town Hall, 360 South County Road, Palm Beach, Florida 33480.
[This application is available for downloading @www.townofpalmbeach.com./Town Departments/ Town Clerk]

ERECTION AND DISPLAY OF UNATTENDED SYMBOLS RELATING TO RELIGIOUS HOLIDAYS PERMIT No. _____ Date Display To Be Installed:_____
Date Display To Be Removed:_____(Pursuant to Section 4. Res. 20-04).

Approved by:

_____ Date:_____
Town Manager or Designee

cc: Public Works Director
Planning, Zoning, & Building Director
Parking & Code Enforcement Manager

RESOLUTION NO. 20-04

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, DESIGNATING BRADLEY PARK AS THE LOCATION FOR THE ERECTION AND DISPLAY OF UNATTENDED SYMBOLS RELATING TO RELIGIOUS HOLIDAYS; DESIGNATING THE TIME FOR DISPLAY OF SAID SYMBOLS; PROVIDING PERMIT PROCEDURES; DECLARING THAT THE TOWN SHOULD HAVE NO INVOLVEMENT IN THE ERECTION OR MAINTENANCE OF SAID DISPLAYS; PROVIDING FOR CERTAIN OTHER CONTENT NEUTRAL REGULATIONS; PROVIDING FOR DISCLAIMER BY THE TOWN; PROVIDING FOR AN APPEAL PROCESS IN THE EVENT OF DENIAL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the desire of the Mayor and Town Council of the Town of Palm Beach to establish a forum for the erection and display of unattended symbols relating to religious holidays during that period of the year beginning the day after Thanksgiving and ending on January 10 of the ensuing year; and

WHEREAS, Bradley Park has been established as a traditional public forum in the Town; and

WHEREAS, it has been determined that Bradley Park shall be designated as the location for the erection and display of unattended symbols relating to religious holidays.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Palm Beach, Florida, as follows:

Section 1. Bradley Park is hereby designated as the location for the erection and display, pursuant to a permit properly issued by the Town, of unattended symbols relating to religious holidays during that period of the year beginning the day after Thanksgiving and ending on January 10 of the ensuing year.

Section 2. A permit procedure shall be established requiring, at a minimum, the following:

A. Application shall be filed with the Town Clerk no less than sixty (60) days and no more than 120 days prior to the date upon which the display is to be erected.

B. If a special event is planned at any time during the period of the display, a special event permit is also required.

C. The application shall include a description of the display, the individual or group sponsoring the display, the individual responsible for the display and for accepting all conditions relating thereto.

D. The application shall be accompanied by a $150.00 application fee to defray the cost of processing the application.

E. A description of the power source, if any, required for the display.

Section 3. The Town shall have no involvement, other than through the permitting process, in the erection or maintenance of the display. The applicant shall bear all costs associated with installation, maintenance and removal; including the cost of providing electric, and with restoring the ground, if needed, upon which the display was placed to the condition it was in prior to placement.

Section 4. The height of the display shall not exceed eight (8) feet. The location within Bradley Park shall be at the discretion of the Town, through the Director of Public Works, and shall be stabilized in a manner satisfactory to the Director of Public Works to ensure placement of the display does not present a public safety hazard. Displays shall not include balloons, flags, banners or any other materials determined by the Director of the Department of Public Works to create a potential safety hazard. No

symbols shall remain in place for a period of time in excess of fifteen (15) consecutive days. The placement of said symbols shall not interfere with the use of the park for other park purposes.

Section 5. The Town shall install a sign to be displayed with the permitted display which shall read as follows:

> "This display is provided by a private individual or entity at no public expense and does not constitute an endorsement by the Town of Palm Beach of any religion or religious doctrine or of any other message conveyed thereby."

Section 6. Any display not removed upon the date indicated for removal on the permit may be removed by the Town and the cost for removal billed to the individual and/or organization designated as the responsible party for the display.

Section 7. Applications for permits shall be filed with the Town Clerk and shall be acted on by the Town Manager, or his or her designee, within thirty (30) days of the date of the application. In the event an application for permit is not approved within said time period, is denied, or is approved with conditions not acceptable to the applicant, applicant may appeal to the Town Council by filing with the Town Clerk within ten days of said decision or indecision a notice of appeal stating therein the reasons for the appeal. Said appeal shall be heard by the Town Council at its next regular meeting following the filing of the notice of appeal. The Town Council will not, as part of the appeal process, consider waiving any of the permit requirements referenced herein.

Section 8. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED in regular session assembled this 8th day of June, 2004.

Lesly S. Smith, Mayor

Allen S. Wyett, Council President

Samuel C. McLendon
President Pro-Tem

William J. Brooks, Councilman

Norman P. Goldblum, Councilman

Jack McDonald, Councilman

ATTEST:

Mary A. Pollitt, Town Clerk

EXHIBIT L

RELIGIOUS HOLIDAY SYMBOL PERMIT APPLICATION

NOTE: If there is any change that would alter the information given in this application while it is pending, the applicant shall notify the Town Clerk's Office within 48 hours of such change.

Bradley Park is designated as the location for the erection and display of unattended symbols relating to religious holidays, pursuant to a permit properly issued by the Town of Palm Beach, and during that period of the year beginning THE DAY AFTER THANKSGIVING AND ENDING ON JANUARY 10th OF THE ENSUING YEAR. (Resolution No. 20-04 - adopted June 8, 2004).

APPLICANT NAME/CONTACT PERSON (Individual responsible for the display):_____

ADDRESS:_____

CITY STATE ZIP

PHONE:_____ **EMAIL**:_____

ORGANIZATION SPONSORING THE DISPLAY (If applicable):_____

HEADQUARTERS ADDRESS: _____

PHONE:_____ **EMAIL**:_____

DATE DISPLAY TO BE INSTALLED: _____ **DATE DISPLAY TO BE REMOVED**: _____

Any display not removed upon the date indicated for removal on the permit may be removed by the Town, and the cost for removal billed to the individual and/or organization designated as the responsible party for the display. (Pursuant to Section 6. - Res. 20-04).

DESCRIPTION OF THE POWER SOURCE, IF ANY, REQUIRED FOR THE DISPLAY. IDENTIFY ANY OTHER INSTALLATION NEEDS:

_____

_____

_____

IS THIS A REPEATED EVENT IN THE TOWN OF PALM BEACH? ☐ **YES** ☐ **NO** If yes, when did it last take place? _____

If a Special Event (as defined in Town of Palm Beach Code of Ordinances, Section 106, Article VII. - "Special Events on Public Property") is planned at any time during the period of the display, a separate Special Event Permit is also required.

AUTHORIZATION

Please review Resolution No. 20-04 prior to application submission and contact the Town Clerk's Office at (561) 227-6300 with any questions. Before a permit is issued, the applicant must pay an administrative processing fee. The Town Clerk's office will be in contact with payment instructions.

I have read the provisions of the Town Code of Ordinances relating to the regulation of religious holiday symbol displays and agree to abide by all provisions set forth therein.

PRINTED NAME:_____

APPLICANT SIGNATURE:_____**DATE**: _____

DRAFT

TOWN OF PALM BEACH

Ordinances, Rules and Standards Committee

REPORT OF THE ORDINANCE, RULES AND STANDARDS MEETING HELD ON THURSDAY, JANUARY 9, 2020

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules and Standards Committee (ORS) meeting was called to order on Thursday, January 9, 2020, at 9:30 a.m. in the Town Council Chambers. 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

Motion was made by Committee Member Crampton, and seconded by Chair Araskog, to approve the Agenda. On roll call, the motion passed unanimously.

IV. COMMUNICATIONS FROM CITIZENS - None.

V. REGULAR AGENDA

A. Old Business

1. Proposed Modification to Chapter 106, Article VII, to Establish Town Council Approval Criteria for Walks/Runs Events on Public Property
Jay Boodheshwar, Deputy Town Manager

Chair Araskog made comments regarding Town residents' quality of life and the burden walks/runs put on our residents who are construction weary and traffic fatigued. She discussed the Council's goals for the modifications to Chapter 106, Article VII and stated that it is her opinion that these modifications must be specific and detailed to give the Council the ability to protect our residents from disruptions to their quality of life and quiet enjoyment of their property or other safety issues.

Jay Boodheshwar, Deputy Town Manager, provided a brief background on the Special Events Ordinance with regards to Walk/Run events and clarified the objective of bringing this item before the Committee was to develop some criteria

for Council to reference when considering applications for new walk/run events. He presented a review of the proposed modifications by staff to Chapter 106, Article VII of the Town Code. The goal was to find a middle ground by reducing the modifications presented at the October 24, 2019, ORS meeting and to eliminate redundancies.

Chair Araskog stressed the importance of having criteria that will allow the Council to approve or disapprove of an event. She commented that if the criteria is too broad or too narrow, the Council would not have the criteria necessary to approve or disapprove an event. Chair Araskog opined that something in the middle would probably be best and discussed changes to specific sections that she thought would be appropriate to give the Council clarity and passed out her recommendations for changes.

Chair Araskog and Deputy Town Manager Boodheshwar suggested changing number one to add "as well as the walk/run route." It was agreed that number two would stay the same and that the new material would be discussed.

It was the consensus of the ORS Committee that the following quote be added to item number one of the existing criteria, "as well as the walk/run route."

It was the consensus of the ORS Committee that no change will be needed to item number two of the criteria.

Extensive discussion ensued regarding capping the amount of participants, limiting the number of times the same route can be used, and establishing a maximum number of events per year on the same route and other criteria. Committee Member Crampton agreed that quiet enjoyment of resident property was very important as our brand is a sought after commodity.

Discussion regarding how many events per year ensued. Chair Araskog stated she would like all of the Council to weigh in on what they think the appropriate number should be, but when asked to make a recommendation she stated that her preference would be three in season, which would include the Turkey Trot and the Walk of Hope.

Deputy Town Manager Boodheshwar recommended that there also be the limitation of one event per month so the events do not occur in the same month creating a tough situation for the residents every weekend. Chair Araskog recommended one every two months. In response to a question from Committee Member Crampton, Chair Araskog clarified that this was three if using the same or a similar route. This would not pertain to other areas; each area would have a maximum of three in season and not to exceed every other month.

It was a consensus of the ORS Committee that three walk/run events occur in season and must be every other month if in the same route area, with the Walk of Hope and the Turkey Trot being included in that number for that specific route.

Chair Araskog stated her opinion that additional criteria could prove important to allow the Council to give relief to an area that has had disruption to their quiet enjoyment of their property due to heavy construction in the area or other maintenance issues. Deputy Town Manager Boodheshwar stated the Council and the Staff currently have the authority in Special Events Ordinance to deny an event based upon disruption of the community.

Chair Araskog proposed adding a cap to the number for other walks/runs, but felt it was random at this point to pick a number. She thought 300 to 350 should be the maximum. Committee Member Crampton was more inclined to 500. Deputy Town Manager Boodheshwar in reply to Chair Araskog's question advised that the total number of participants in the Turkey Trot was about 1300. Mr. Crampton was fine with a number based on the Walk of Hope, which is about 500, that he said was a feel good and charitable organization that he could approve. Deputy Town Manager Boodheshwar stated that in lieu of the larger events in that route area, limiting the third walk/run to a smaller participant number would be fine. Chair Araskog stated her concern that in one route area there were 1300 in November, In February, there would be 500-800 people and that it is appropriate to have a much smaller number of participants for the third walk/run.

The Committee agreed that 350 people would be the maximum allowed. Deputy Town Manager Boodheshwar informed the Committee that the two grandfathered events would **not** have the cap of 350, unless the Council chose to require this maximum number of participants.

Chair Araskog also asked that the Ordinance provide a cap on the maximum amount to include volunteers and organization members so as not to have an adverse effect on parking. It was recommended by Deputy Town Manager Boodheshwar that we pick 400 instead of 350 people in number 5 to include vendors, volunteers, walk/run participants, spectators, and workers from the organization sponsoring the walk/run event. He recommended we add the words "and all others" to include all participants, volunteers and the like. The Committee agreed.

It was the consensus of the Committee that 400 people should be the maximum number of participants allowed, including all volunteers, and the two grandfathered events would not have the cap of 400 participants, unless the Council chose to change this requirement.

Chair Araskog requested that the ordinance add that the event will not begin setup or clean up before 8 a.m. in the morning if near any residential living unless approved by Town Council. Committee Member Crampton agreed. Deputy Town Manager Boodheshwar gave his opinion that the best time to have such events is earlier in the morning to get the walk/race in and out before residents start their day. Chair Araskog preferred that start times for setup be brought to Town Council and not just be staff approved to give residents the ability to weigh in on whether the time is too early and was detrimental to their quality of life, safety etc. Deputy Town Manager Boodheshwar pointed out that this is already coming to Council, but Chair Araskog

wanted this to be added to the criteria to give the Council a reason to say no that is clearly stated and to have resident participation. She explained she is looking for extra layers of protection and specificity. It was decided to add "and will not adversely affect the adjacent residential neighborhoods" to an existing clause.

It was the consensus of the ORS Committee to make the addition of the following quote to the existing criteria, "and will not adversely affect the adjacent residential neighborhoods."

Discussion ensued on the maximum time for the event, which is already addressed in the Special Event Ordinance.

Discussion ensued about sections in the originally proposed changes at the last ORS Committee meeting that Deputy Town Manager Boodheshwar found were redundant. The Committee approved the removal of such redundancies in number 5, 6, 9 and others.

It was the consensus of the ORS Committee to remove the redundancies in the criteria that were discussed.

On the proposed number 10, Chair Araskog recommended staff provide a copy of the noise ordinance to each applicant and that they be reminded that they must abide by all noise ordinances.

Chair Araskog requested no events on Sundays as this is the only day that construction and landscape work are not allowed. She stated that this is important when considering our resident's frustration with the overwhelming construction and traffic issues during the week and even on Saturdays. It was pointed out that Kathleen Dominguez had included this in her version of the proposed ordinance discussed in October 24, 2019, ORS Committee meeting.

It was the consensus of the ORS Committee to not allow events to take place on Sundays.

Chair Araskog asked that criteria be written to provide Council with a mechanism to not allow amplified music or amplified speaking before 9 a.m. An example was a warm up that occurred in one of the walk/runs that had a 7 a.m. warm up with music and amplified discussions. A resident of the towers came with a noise reader and was furious about being awakened on a Sunday to amplified music and talking. Chair Araskog asked that this be brought to Council for their comments.

It was the consensus of the ORS Committee to recommend to Council for discussion that criteria be provided to not allow amplified music or talking before 9 a.m.

Committee Member Crampton when asked stated that he was fine with Chair Araskog's recommendations.

Chair Araskog asked if Council could advise on the different areas where she thought they needed guidance and more input before this went into ordinance form, but it was pointed out that it could be changed on the first reading at the February meeting.

It was the consensus of the ORS Committee to recommend Council have further discussion on several criteria that was not decided upon.

It was the consensus of the ORS Committee to approve the changes as discussed, not as the document provided by Chair Araskog. Additionally, staff was directed to prepare an Ordinance for review by the Town Council at the February 11, 2020, meeting.

B. New Business

1. Proposed Modification to Section 66-236 – Application Procedure for Vegetation Removal Permit, to Require Town Approval for Removing Landscape Buffers
Wayne Bergman, Assistant Director of Planning, Zoning & Building

Committee Member Crampton requested background information regarding the presentation. His concern was regarding the property rights and requiring owners to keep hedges on their own property to afford privacy to a neighbor.

Wayne Bergman, Assistant Director of Planning, Zoning & Building, provided a brief background on why the proposed modifications to Section 66-236 are being brought before the Committee and asked for direction from the Committee to have staff review and consider the section in depth. Mr. Bergman discussed instances in the Town where a property owner has removed a privacy hedge. It is a rare occurrence, but there have been enough coming forward that staff believed it merited a discussion to see if there was direction to fill the void.

Committee Member Crampton requested more specific examples to understand the problems. Mr. Bergman stated he was happy to bring the examples forward and clarified that the instances involved landscape plans that had been approved by the LPC or ARCOM and that in these instances, part of the approved package was to put the perimeter buffering in certain places. He stated that as soon as the Certificate of Occupancy was issued, or shortly thereafter, owners decided to remove the landscaping and to replace it or not replace it. Mr. Bergman explained those were the types of situations he is talking about.

Committee Member Crampton stated that his examples are a different issue of not following the ARCOM approved plans. Chair Araskog explained that in the ARCOM Ordinance there were criteria involving protecting neighbor's privacy and that ARCOM often requires certain hedging and landscape materials to protect the neighbors from windows or other aspects of the architecture that could remove the neighbor's privacy in their yards or homes.

Chair Araskog recommended that this be brought to Town Council for a decision on if there should be some mechanism to prevent hedge or landscape removal when it is implemented by ARCOM or LPC to protect the privacy of the neighbors or to hide garages, cars, or mechanical equipment from the public and neighbors. Chair Araskog expressed the importance of this particular issue as people have complained about the fact that they took the time to attend the LPC or ARCOM quasi-judicial hearing to request privacy protection and ARCOM worked extensively on the plans to protect their privacy and all agreed on the plans and then all of a sudden the privacy landscape/ hedging that was agreed upon is gone six months later. Chair Araskog stated that she has seen this occur and believes it is not fair that there is not currently any regulation requiring the landscape plans be followed once installed.

Committee Member Crampton asked why this is not a code issue. Chair Araskog explained that this is not a code issue because there is nothing in the current code pertaining to limiting the removal of ARCOM or LPC approved landscaping. Chair Araskog thanked Mr. Bergman for bringing this to the attention of the Council and the ORS Committee.

Chair Araskog stressed the extensive work put in by ARCOM on the landscape plans. Committee Member Crampton agreed that this was important if it was agreed to and issued a permit based by an ARCOM finding and they remove it that is a different issue to him. The Committee agreed an ordinance should be drafted to protect this. Chair Araskog used an example of a woman who attended several meetings to be certain a hedge would be used to protect her privacy from a larger building being built next door and then they changed it to trees, which did not give her the privacy she was promised at the ARCOM Meetings.

Chair Araskog also talked about possible unintended consequences if someone wanted to remove a ficus bemjamina hedge or both neighbors have agreed to remove the landscape barrier, they probably should not have to go to LPC or ARCOM.

Chair Araskog stated that she thought Mr. Bergman's idea is great and asked that he come back with an Ordinance that holds the property owner to the plans unless they go to ARCOM or LPC for the changes if it affects privacy, mechanical equipment and garages or other potential blights on the neighborhood. If this was the intent, then code should require that it go to ARCOM or LPC unless both neighbors agree. The Committee asked Mr. Bergman to come back with an ordinance that takes the issues discussed into consideration.

It was the consensus of the ORS Committee to direct staff to make revisions to Section 66-236 and bring it back to ORS Committee for additional review.

2. Proposed Modification to Section 66-311 – Prohibited Plants, to Prohibit the Planting of Non-Native Ficus
Jay Boodheshwar, Deputy Town Manager

Chair Araskog made comments in regard to Ficus Nitida and ARCOM, especially John David Corey, changing Nitida to another species. She discussed other types of non-native ficus that attract White Fly and require all the chemicals that are being currently sprayed. She mentioned Kathy Bleznak who spoke recently to Town Council regarding a time extension request. Resident Bleznak had put in a Ficus Nitida hedge to eliminate the heavy spraying the Ficus Benjamina required and thought she would not run the risk of having White Fly. Her neighbor did not spray for White Fly and it infested his Ficus Benjamina. Then the White Fly moved to her property, infested her Ficus Nitida and then was required to use harmful chemicals on her Ficus Nitida.

Chair Araskog stated there are two important factors: white fly and spraying chemicals, both of which were factors as to why the Council decided to enact a prohibition on Ficus Benjamina. This addition is meant to capture all ficus that attracts white fly. She discussed that at one point some Council Members believed Nitida was a good replacement for Ficus Benjamina, but that Ficus Nitida is equally susceptible to White Fly in nearby areas or from infested Ficus Benjamina. She pointed out that the White Fly will move from infested Ficus Benjamina to the Ficus Nitida. Chair Araskog discussed instances at ARCOM where members asked Ficus Nitida to be replaced because of this issue. Chair Araskog discussed the fact that the spraying required to prevent White Fly is the strongest in our Town and that therefore, it was recommended by Bobbie Lindsay and her that maybe only native ficus be allowed.

Deputy Town Manager Boodheshwar provided a brief background on the changes last year to Section 66-311 dealing with prohibited plants and detailed that the Council had imposed a prohibition on any new planting of Ficus Benjamina. He reiterated Chair Araskog's point in stating that what they were seeing around town, and what they expect to keep seeing, is a movement from the White Fly's favorite dish, Ficus Benjamina, to its second favorite dish, Ficus Nitida. Based on the conversation at Council and the facts mentioned above, he recommended that the next step of banning the planting of any non-native ficus would probably be the cure for the White Fly jumping to their next favorite dish. He then reviewed proposed revisions to the language in the code.

Discussion ensued regarding Bobbie Lindsay's knowledge of all non-native ficus and the potential for white fly to be attracted to them. Deputy Town Manager Boodheshwar stated that there was potential for all non-native ficus to attract White Fly as per his understanding.

Chair Araskog approved of his language adding non-native instead of Ficus Benjamina, but stated that she was fine to just have Ficus Nitida versus all ficus. The Committee agreed to have Bobbie Lindsay opine at Council on non- native ficus in the Council Meeting to assist in understanding if all non-native ficus should be prohibited. Committee Member Crampton expressed his concern that we were being too broad without the knowledge or research necessary to an all-out ban of ficus. Chair Araskog agreed with Committee Member Crampton. Deputy Town Manager

Boodheshwar found that in the country there are 850 ficus species and perhaps more research is needed to realize which are used in Florida that attract white fly. The Committee agreed.

It was the consensus of the ORS Committee to recommend to Council more discussion regarding prohibition of all non-native ficus species.

It was the consensus of the ORS Committee to direct staff to make revisions to Section 66-311 to include Ficus Nitida as a prohibited plant and bring a draft Ordinance to Town Council on February 11, 2020 for revision.

VI. ANY OTHER MATTERS - None

VII. ADJOURNMENT

With no further business to discuss, the Ordinance, Rules and Standards Committee Meeting of Thursday, January 9, 2020, adjourned at 10:29 a.m.

APPROVED:

Julie Araskog, Committee Chair

ATTEST:

Patricia Gayle-Gordon, Acting Town Clerk

TOWN OF PALM BEACH
Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 11, 2020

I. CALL TO ORDER AND ROLL CALL

The regular Town Council Meeting was called to order on Tuesday, February 11, 2020, at 9:30 a.m. in the Town Council Chambers. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Acting Town Clerk Patricia Gayle-Gordon gave the Invocation. Council President Moore led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

Mayor Coniglio introduced Col. Kelly and Tim Murphy from the United States Army Corps of Engineers (USACE) in Jacksonville and congratulated them on their efforts to complete a long-term agreement between the Town of Palm Beach and USACE, allowing the Town to get sand for the next fifty (50) years at cost sharing with the federal government for Mid-Town Beach. She stated that 700,000 cubic yards of sand would offer additional storm protection during storms and increased habitat. Mr. Murphy thanked the Town for its hospitality and continued relationship with the Corps. Col. Kelly expressed his appreciation to the Town for its efforts in getting this done. Council President Moore recognized Mayor Coniglio for her efforts on this project.

Mayor Coniglio discussed the balanced approach the Army Corps of Engineers was taking regarding water levels in Lake Okeechobee.

Town Manager Blouin reminded all of the Time Certain item which will be heard at 10:30 a.m. Town Attorney Randolph announced that the Closed Door session would not be heard today but would be rescheduled for tomorrow.

IV. APPROVAL OF AGENDA

Motion was made by Council Member Araskog and was seconded by Council President Pro Tem Zeidman to approve the agenda. On roll call, the Motion passed unanimously.

V. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio commented on the attack on home rule in Tallahassee. She was watching Airbnb whereby the state would like to tell citizens where and when they could have rentals, which she believed could impact the Town of Palm Beach; the second was a change in Bert Harris which would lead to additional litigation for potential takings for folks who had asked Town Council for relief for variances. When she felt letters from the community would be helpful, she would put that on Town Alert directing residents to a website where they could write a letter by the push of a button.

VI. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog asked Mayor Coniglio what residents could do now regarding the Airbnb issue. The Mayor wanted to wait until this came to the Florida House and Senate and that was when residents would need to get involved. Council Member Araskog asked to discuss under Other what the Council could do now to help with Code Reform; also she felt a vision was needed before enacting reform and this should be established by meeting with residents. Council President Moore requested that be done at the next day's (Development Review) meeting. Council Member Araskog also wanted to discuss administrative changes made after ARCOM approvals under Other the next day.

Consensus of the Council was to discuss Code Reform and ARCOM changes under Other at tomorrow's meeting.

Council President Pro Tem Zeidman made the following announcements:

(1) The Citizens Police and Fire Academy would begin the next day (2/12/20) for a six week program. Citizens could sign up on the website.
(2) Hurricane Preparedness meeting has been scheduled for March 31 in the south end, and Chief Donatto would be setting up one for Town Hall as well. She and Council Member Araskog had requested earlier dates in March.
(3) She cautioned against the coronavirus, stressing hand washing and noting everyone should get the flu vaccine.

Council Member Lindsay wanted to thank everyone who attended the Songbirds event. She announced one of the chemicals appearing in the water from runoff of agricultural and use of pesticides had been linked to problems in children's brains. She reported the good news that this week Dow Chemical and Dupont announced they would no longer sell that product in the United States.

VII. COMMUNICATIONS FROM CITIZENS

Simon Taylor, 234 Oleander Avenue, Palm Beach Theater Guild, reported they continued their conversations with Upmarkets. He stated his feeling that the 1979 agreement was a visionary document which provided the basis for Palm Beach continuing as a center of excellence. He discussed content, clusters, and centers of excellence.

Ann Fairfax, 455 Worth Avenue, spoke regarding the docks, stating she and her husband were completely in favor of the upgrade, and the parking would not be a problem.

VIII. APPROVAL OF CONSENT AGENDA

Item No. VIII.C.2 - Lane Closure for Southern Boulevard, was pulled from the Consent Agenda and placed under Item No. XII.C.1.

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

A. MINUTES

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

   a. January 14, 2020, Town Council Meeting Minutes
   b. January 15, 2020, Local Planning Agency Meeting Minutes
   c. January 15, 2020, Town Council Development Review Meeting Minutes

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of December 13, 2019.
   Wayne Bergman, Acting Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 02-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Resolution for a Change Order to Address Current Overage of $39,817 and Close Out Costs of $46,260 Associated to Construction/Engineering Services with Chen-Moore and Associates for the Worth Avenue Infrastructure Improvements.
   H. Paul Brazil, P.E., Director of Public Works

2. RESOLUTION NO. 04-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Construction Service

Agreement to Chen-Moore for the D16 and D18 Pump Station Rehabilitation Project in the proposed amount of $137,846.00, and a project budget of $158,522.00.
Dean Mealy, Purchasing Manager

3. RESOLUTION NO. 05-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Selection Committee Recommendation of Award of RFQ No. 2020-02, Coastal Engineering Services to Applied Technology and Management, Inc., Coastal Protection Engineering LLC, GHD, Inc. and Cummins Cederberg, Inc., and Authorize the Town Manager to Execute Professional Service Agreements with the Selected Firms.
Dean Mealy, Purchasing Manager

4. RESOLUTION NO. 06-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Invitation to Bid No. 2019-21, Roof Replacement for Par 3 Maintenance and Storage Buildings to Certified Roofing Specialists, Inc. in the Amount of $118,130 and a Project Budget of $130,130.
Dean Mealy, Purchasing Manager

5. RESOLUTION NO. 07-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Invitation to Bid No. 2020-03, for Treatment of Lethal Yellowing Disease, Royal Palm Bug Treatment, and Fertilization of Royal Palms to Hulett Environmental Services, Inc. in the Annual Amount of $39,996.50 and an Overall five-year Contract Value of $205,983, based on satisfactory Annual Contract Performance, and contingent upon budget approval.

   The rebid of this contract resulted in an annual savings of $6,000, and a potential savings of $30,000 over the period of the five year award based on budget approval and satisfactory vendor performance.
   Dean Mealy, Purchasing Manager

C. OTHER

1. Budget Calendar for FY21 Budget Process
   Jane Le Clainche, Director of Finance
2. Authorization of Lane Closure and Waiver to Town Code for Construction Hours for the Florida Department of Transportation to Construct Revetment Improvements on South Ocean Boulevard at Sloan's Curve – ***Pulled from Consent Agenda***
   H. Paul Brazil, P.E., Director of Public Works
3. Approval of Selection Committee Members for Audit Services
   Jane Le Clainche, Director of Finance

IX. BOARD/COMMISSION ANNUAL REPORT

A. Annual Report of the Investment Advisory Committee

Chris Storkerson, Chair

Chair Chris Storkerson provided the annual report of the Investment Advisory Committee, responsible for overseeing investment of the Town's surplus funds, the OPEB Trust Investments (other post-employment benefits), and the 1% sales surtax. Mr. Storkerson reported high performance of the various investments, with the short term percentage of return on combined investments of $126 million at 1.05%. He discussed the healthcare insurance trust which was $35.3 million as of December 31, 2029, and the funding status as of the past year was at 102.45%, a very good number. He reported the actuarial assumption had been lowered to 6%. High performance had been consistent in this well-structured portfolio. Mr. Storkerson commented that the Town was very fortunate to have such talented members on this committee. He reported the investments were high quality, short duration, and very liquid, and the Town should be very comfortable.

Mayor Coniglio thanked the committee, and Finance Director Jane Le Clainche, who had established the health care investment program in 2007. Many towns had not established such a program.

Council Member Crampton expressed his appreciation to the committee and to Mr. Storkerson and commented the Town was very fortunate to have such talented members on this committee.

Council President Pro Tem Zeidman thanked Mr. Storkerson and staff.

Council Member Araskog thanked Mr. Storkerson and staff, and asked what he expected the assumption rate to be in the future. Mr. Storkerson indicated he felt it would be prudent to lower the rate further, after considering unintended consequences.

Motion was made by Council President Zeidman, and was seconded by Council Member Lindsay to accept the Investment Advisory Committee annual report. On roll call, the Motion passed unanimously.

X. COMMITTEE REPORTS

A. Report of the Ordinances, Rules and Standards Committee Meeting Held on January 9, 2020

Julie Araskog, Chair

Committee Chair Araskog reported that the committee's work on walk/run events had resulted in recommending holding one event every other month at the most in season, with none to be on Sundays, and asked for Town Attorney Randolph's help in formulating rules for a possible third walk/run event of only 400 people which must be approved by Town Council.

Chair Araskog reported that Ficus Nitida attracts whitefly and recommended prohibiting Ficus Nitida as well as Ficus Benjamina for hedges.

Council Member Lindsay spoke regarding the differences in using Ficus Nitida and Ficus Benjamina.

Discussion ensued regarding the use of pesticides on Ficus Nitida and Ficus Benjamina.

Committee Chair Araskog also spoke about ARCOM approvals of landscape plans where privacy buffers were approved, then later removed, and she and Committee Member Crampton agreed the Ordinance presented by Assistant Director of Planning Zoning and Building, Wayne Bergman, was very important for ARCOM approvals. She stated she would like to hear from ARCOM on turf and buffers before drafting an Ordinance.

Deputy Town Manager Boodheshwar summarized three action items as walks/runs criteria, prohibition of ficus species and getting Town Council approval to address ARCOM landscape buffers and further restrictions on use of synthetic turf. Town Attorney Randolph advised if a condition was placed on an ARCOM approval it ran with the property, and if someone removed a hedge which was required to be a buffer that was illegal, and an enforcement problem.

Council Member Lindsay recalled a discussion that an additional walk/run would not be considered after two had been grandfathered in, and she was not in favor of a third walk/run. Council President Moore spoke about an organized bike ride through the Town. Council President Pro Tem Zeidman was not in favor of any more events. Town Attorney Randolph cautioned that people could file applications for parades, that State law allowed bike riders and he was concerned about prohibiting walks and runs, so would need more time to consider this. Deputy Town Manager Boodheshwar stated he would work with Town Attorney Randolph and come back next month with an ordinance. Chair Araskog commented the committee had formulated air-tight criteria which allowed the Town Council to say no, and expressed her opinion this should be an agenda item.

Consensus of the Town Council was they would rather have criteria for one more event one-third the size of the Turkey Trot where people would have to register, than to have prohibition.

Council President Moore announced this item would continue after the public hearing set for time certain of 10:30 a.m. was completed.

Committee Chair Araskog indicated she had already completed her comments, but wanted to hear from Council Member Lindsay and Deputy Town Manager Boodheshwar regarding prohibiting Ficus Nitida or if they knew of other

varieties of ficus which attracted whitefly.

Council Member Lindsay confirmed all whitefly would go to other varieties of ficus. She indicated a problem was residents who wanted an instant privacy hedge and this was the hedge du jour because you could buy it up to 18 feet.

Deputy Town Manager Boodheshwar commented the Town Council had discussed several months ago about Ficus Nitida being a problem, and ORS had stayed silent on everything else. He stated it was up to Town Council if they wanted to add Ficus Nitida to the prohibited list, and staff could bring back an Ordinance next month, or they could add all non-native ficus, or do nothing at all.

Mayor Coniglio suggested adding Ficus Benjamina and then consulting landscapers who had expertise on the subject.

Council President Moore had communicated with a landscape designer who suggested taking this in small steps and Ficus Nitida was a big step. She wanted to be sure it was taken in proper increments and that those with expertise were consulted.

Council Member Araskog commented Ficus Nitida now had to be sprayed with the chemicals the Town did not want, white fly was attracted to it, and residents had come forward to complain about it. Landscapers wanted to spray to keep the plants looking good, while the Town wanted to get rid of whitefly and chemicals, and the plants it was attracted to. She felt the Council should get rid of both plants, and not wait.

Richard Maxwell was suggested as an expert who could provide information

Council Member Lindsay agreed with Council Member Araskog, but the toxic chemicals were not sustainable—they worked for a while until the whitefly became resistant to them and then another toxic chemical had to be found.

Council Member Crampton commented the committee felt the weight of the evidence merited including giving Ficus Nitida the same status as Ficus Benjamina.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton for staff to bring to the March 10th Town Council Meeting for first reading an Ordinance banning Ficus Nitida and Ficus Benjamina. On roll call, the Motion passed unanimously.

Discussion ensued regarding whether to send the issue of synthetic turf and landscape buffers to ARCOM to get their opinion before the Town studied this matter.

Deputy Town Manager Boodheshwar confirmed with Town Council that

direction to staff was to forward landscape buffers to ARCOM and the current regulations regarding synthetic turf to ORS for further study, then come back to Town Council.

The Deputy Town Manager stated for the record that his backup memo incorrectly stated they wanted to send the quiet work item to ARCOM, and should have stated that was to go to ORS.

Motion was made by Council President Pro Tem Zeidman and was seconded by Council Member Lindsay to accept the Report. On roll call, the Motion passed unanimously.

Council President Moore requested Deputy Town Manager Boodheshwar provide a time line before going into Public Hearings, in order to clarify any misconceptions. The Town Manager commented Mr. Boodheshwar would present a factual timeline and then coordinate the public hearing.

Deputy Town Manager Boodheshwar reviewed historical information regarding the docks, which he indicated had also been prepared as an informational sheet for residents. He described how the originally approved marina design had evolved into the current design. The final design will be presented to Town Council for approval at the April meeting. He reported two grants had been secured from Florida Inland Navigation District (FIND): $325,000 for design and $3.1M for construction. He announced a public feedback session on February 24, as well as ongoing communications with the community. Unless further changes were made, only two approvals would be needed for this project: a resolution establishing the financing plan today and Town Council approval next month of recommendation to award the contract. The super yacht design would allow this marina to remain competitive for many years to come, and the new design maintained the owner-focused reputation. All permits have been secured.

XI. PUBLIC HEARINGS

A. Public Hearing Concerning the Issuance By the Town of Palm Beach, Florida of Not Exceeding $31,000,000 Public Improvement Revenue Bond, Series 2020 and Related Plan of Financing
Jane Le Clainche, Director of Finance

President Moore read aloud a legally required script.

Public Comment

John David Corey, 426 Australian Avenue, asked Town Council to defer the Resolution today in order to continue further discussion. He commented on the size of the proposed docks, the parking issue and the fourth dock.

Susan Watts, 44 Cocoanut Row, commented her family owned property at 455 Worth Avenue and felt the financing should not be separate for the docks, and

was in favor of integrating all assets together in a fresh approach.

Miguel Rosales, Australian Avenue commented that the marina was too big for the area. He suggested that 3-D visuals should have been prepared for the community and the parks and parking should be included in the financing.

Henry (Hank) Holmes, 500 West Australian Avenue, spoke about financing via a revenue bond and felt the revenue projections were very optimistic. He felt funding the docks should not be done without incorporating the parking.

Michael Ainslie, 596 North County Road, commended staff and Council for a very professional process. He recalled the Recreation Center project, when a lawsuit had stopped the project for eighteen (18) months and increased costs. Most people who opposed that project now were very happy with it and it was very successful. He felt the marina was a wonderful project and expressed his support.

Harry Bader, Chilean Avenue and Coconut Row, stated he also represented Natalie DeJour who lives at the Nassau House. Their concern was that the size of the super yachts would be too large for the neighborhood.

Lynn Foster, 424 Brazilian Avenue, commented that the financial projections did not compute. She proposed the Council re-examine cost projections and the revised revenue expectations, and a meeting be held to share in advance the revised cost and revenue projections.

Peter Geisler, 315 South Lake Drive, stated that he would be delighted if the plans were approved.

Town Manager Blouin encouraged those who had expressed concern to contact either him or Deputy Town Manager Boodheshwar or to attend the meeting on February 24.

Skip Aldrich, 2295 South Ocean Boulevard, commended Town Council for their excellent work on this plan and felt the project should move forward.

Lorraine Touhy, President of 389 South Lake Drive, commented it was time to take a significant pause to consider how all the families will be impacted.

Town Manager Blouin stated the park and traffic plans were in process and would be presented separately.

Ethel Steindell, 315 South Lake Drive, expressed appreciation for all the work but asked for a deferral on the financing. She showed a picture of the view that would be replaced by boats, and expressed her distress. She did not want the fourth dock, and wanted to know what the reconfiguration of the park would look like. She was in favor of renovation of the docks.

Council President Moore declared public comment closed.

Council President Pro Tem Zeidman commented she thought it was a good idea to get a second opinion and read the summary of the peer review. She knew change was difficult to accept, but changes were needed, and there would be no loss of green space.

Council Member Lindsay spoke regarding the reasons the docks were separated from the park, parking, and traffic. On February 24 those concerns would be addressed and input considered.

Council Member Crampton recommended continuing the project without delay with some flexibility to react to the market. The Town needs the revenue the docks will provide. The plans for parks and security, etc. would continue and asked for more public participation. He felt the Town should continue to provide cash which came from the docks to secure the green space, security, etc.

Council Member Araskog commented it was her intention the park would remain as is, and she wished they had included parking in with the docs. Experts had been consulted to make sure the marina still maintained the aesthetics of the Palm Beach Marina. She commented beautification of the park was very important and agreed with Council Member Crampton that cash should be provided to the area.

Council Member Lindsay commented the Council had always been conservative, and staff had their eyes wide open on the financial side. They would not miss the opportunity to improve the parking, traffic, aesthetics, security, landscaping and lighting, and were committed to that. She commented on how the view would be of the docks.

Council President Pro Tem Zeidman understood the concerns but felt residents would be surprised how beautiful this project would be. She stated the docks had to be separated from the park and parking because of permits. There would be outreach into the community regarding construction. This would provide over $10M in revenue to the Town.

Mayor Coniglio described conversations held since 2006 regarding concerns of how the docks would change the neighborhood, and expressed her concern if this project was delayed. She hoped there would be community participation in the beautification of the park.

Council Member Araskog asked if this were deferred to add the park, what the effect would be. The Town Manager responded the whole permit and RFP process would have to begin again and described how hard it had been to get the permits in the right sequence. Delaying financing today would delay start of construction. Every month delayed in getting the marina open would lose revenue for the Town.

Council President Pro Tem Zeidman stated the project could not be delayed, that it was not a matter of a month, but would be a year or more.

XII. REGULAR AGENDA

A. Old Business

1. Town Marina Project
TIME CERTAIN: 10:30 A.M.

a. Project Update
H. Paul Brazil, P.E., Director of Public Works

Director of Public Works Brazil noted his comments had been made by Deputy Town Manager Boodheshwar. He cautioned not to speak about the contractor as there was a cone of silence.

b. Business Plan Update
Carolyn Stone, Director of Business Development and Operations

Director of Business Development and Operations Stone provided background on the company that provided the peer review, U. S. Marine Group, a Division of Marine Business Advisors, a premier global marina management company and marine business consulting firm. She reported they strongly supported the Town's decision to rebuild the Town docks and their design decision to shift up the slip mix ratio to address current and future market demands. She introduced Jim Bronstein noted he and his partner Kevin Cork had extensive background in marinas. He reported they did their own analysis first without looking at anyone else's numbers, and only after that was completed they compared their numbers to the Baird Report and the Town's numbers. The Baird study was very extensive and should not be discarded. He commented all marinas were switching to larger boats, because boats were getting larger, and this was the right approach for the Town. Their approach was conservative and they believed in their numbers.

Jim Bronstein gave an overview of his background in the industry and also gave a brief description of the process carried out during the peer review.

Council Member Araskog asked about no pilings being proposed between slips. Kevin Cork explained they were not necessary except on the smaller slips. She asked if commercial businesses were necessary for a successful marina, to which the response was no. She asked about parking, and was told parking was an issue, mostly for deliveries, but boat crew members used different modes of transportation rather than their own cars. The City of Ft. Lauderdale used the criteria of 1.5 cars per slip.

Council Member Crampton asked if the marina was built they would come, meaning the attraction to Palm Beach as a special destination was real, and the Town was in sync with the way markets were developing in the future, which was confirmed by Mr. Cork, who indicated demand in the area was greater and greater. The layout was flexible if it had to be redesigned to smaller boats.

Council Member Lindsay inquired about rates and if there might be fewer boats producing more revenue, which was confirmed.

c. RESOLUTIONNO. 08-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida (The "Town"), Approving the Form and Authorizing the Execution and Delivery of a Loan Agreement; Authorizing and Approving the Issuance of a Bond by the Town in Connection with Said Loan Agreement Relative to the Financing of All or a Portion of the Town's Marina Project; And Paying Costs of Issuance of the Bond; Approving the Issuance of the Bond and Related Plan of Financing Within the Meaning of Section 147 (f) of the Internal Revenue Code of 1986, as Amended and Related U.S. Treasury Regulations; Authorizing the Proper Officials of the Town to do all Other Things Deemed Necessary or Advisable in Connection with the Loan Agreement and Said Bond; and Providing for an Effective Date.
Jane Le Clainche, Director of Finance

Jay Glover, PFM Financial Advisors LLC, reported looking at all options to get financing at the lowest cost and varying repayment options. Nine proposals were received from financial institutions. A 20-year fixed rate loan was the best option, and Center State Bank offered a rate of 2.39% through March 11, 2020, which would be locked for the full term of the loan. There would be a 1% prepayment penalty for payoff during the first 4 years, after that there would be no prepayment fee. One of the risks in deferring this project was that the low interest rate would expire, and a new loan would be subject to whatever interest rates were at that time. He explained that the resolution before Council today was to approve the loan from Center State Bank, with a loan agreement attached. The first principal payment was not due until January 2022, then after that there would be level principal and interest payments.

Town Manager Blouin requested clarification of the difference between a bank loan and a revenue bond. Rick Miller, Bond Counsel, explained a bond is a loan for public purposes.

Mayor Coniglio asked Jay Glover for his opinion. He did not hesitate to say this was a very good deal. She asked Finance Director Le Clainche the current debt, which she responded was $100M, to which this $31M would be added, and the total was within capacity.

Council President Pro Tem Zeidman thanked staff for getting great terms.

Council Member Crampton asked how much would be added to annual debt service with this loan. The Finance Director responded $2M would be added to the current annual debt service of $11M.

Town Attorney Randolph read Resolution 08-2020 by title only.

Motion was made by Council Member Lindsay and was seconded by Council Member Crampton to approve Resolution No. 08-2020. On roll call, the Motion passed unanimously.

2. Town-wide Undergrounding Project

a. Review of Project and Dashboard, Summary of Project Status
Steven Stern, Project Manager

Project Manager Stern noted a number of community meetings were coming up: Coffee with the Crew in the north on March 2, Coffee with the Crew and Town Staff with Burkhardt at the South Fire House meeting room on March 9 at 8 a.m. This would be starting a new schedule of Monday instead of Friday with the first meeting March 9. Another meeting was coming up for the Sea Streets, Phase 5 South easements would start shortly for residents on Seaspray and Seaview Avenues, and a meeting was scheduled for March 13 at 10 a.m. at the Morton and Barbara Mandel Recreation Center at 340 Seaview Avenue. The next UUTF meeting was scheduled for March 3 with the main topics to be landscaping and easement acquisition. A letter to Phase 3 South property owners requesting their support for the dozen or so critical path easements is being prepared. Last week, a letter was sent to Phase 4 North property owners advising of possible chicanes in the area and asking for their support for equipment placement.

Mr. Stern called attention to an update to the phase map and schedule showing actual and estimated construction start dates. Construction Phase One South was proceeding with poles removed and landscaping to be removed this month. When complete, Town staff would perform a walk through for any damaged landscape to be repaired or replaced. Phase 2 North was also moving quite well, with construction 70% complete, and AT&T and Comcast would finish the end of this month. In Phase 3 North, drilling was 14% complete.

Mr. Stern commented that easement acquisition was very much as previously reported, and addresses were listed in Council's backup. Some progress had been made, but without firm commitments. In Phase 4 North they had paved ten chicanes. In remaining areas, status remained the same as previously reported. He reported no significant differences from last month in the financial summary.

Council President Pro Tem Zeidman commented there would be a lot going on in the Phase 4 South area which included the Town docks in December 2020 when

construction was to begin. She was surprised at some of the names appearing in Phase 3 South, and asked whether the actual homeowner was contacted. Mr. Stern explained sometimes they were able to speak with the homeowner, but in that area of Town it was usually the homeowner's attorney, or whoever the homeowner had designated. She commented the Council knew some of the people on the list and could be helpful. Council Member Araskog asked about a person on the list who she knew was trying to work this out.

B. New Business

1. Town Manager Performance Evaluation and Approval of Goals for FY20
   Kirk W. Blouin, Town Manager

   Town Manager Blouin indicated he had met with each member of the Town Council one-on-one to discuss his goals and evaluation, and expressed his appreciation to each for their suggestions and comments. Based on current HR guidelines he was eligible for a 7.5% increase.

Motion was made by Council President Pro Tem Zeidman and was seconded by Council Member Araskog to approve the Town Manager's evaluation and 7.5% salary increase. On roll call, the Motion passed unanimously.

Town Manager Blouin advised his list of thirteen (13) goals had been reduced to six.

Consensus of Council was to accept the six goals listed by Town Manager Blouin.

2. Appointment of Town Manager Pursuant to Section 4.02(b) of the Town Charter from February 12, 2020 through February 9, 2021
   Kirk W. Blouin, Town Manager

Motion was made by Council Member Lindsay and was seconded by Council President Pro Tem Zeidman to approve the appointment of the Town Manager Pursuant to Section 4.02(b) of the Town Charter from February 12, 2020 through February 9, 2021. On roll call, the Motion passed unanimously.

3. Consideration of scheduling an Attorney/Client Session immediately following the Town Council meeting on February 11, 2020, in the Town Council Chambers, 360 South County Road, Palm Beach, Florida, to discuss the following matter: 100 Emerald Beach Way LC vs. Town of Palm Beach, Case No. 9:19-CV-80645- Rosenberg/Reinhart Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council President Danielle H. Moore; Town Council President Pro Tem Margaret A. Zeidman; Town Council Members Julie Araskog, Lewis S. W. Crampton, Bobbie Lindsay; Town Manager Kirk Blouin; Town Attorneys John C. Randolph and Joanne M. O'Connor, and Pleasanton, Greenhill, Meek & Marsaa Court Reporters.

John C. Randolph, Town Attorney

Town Attorney Randolph stated he wished to cancel this item for today and tomorrow.

C. Matters Pulled From Consent Agenda: If needed

1. Authorization of Lane Closure and Waiver to Town Code for Construction Hours for the Florida Department of Transportation to Construct Revetment Improvements on South Ocean Boulevard at Sloan's Curve

Town Engineer Patricia Strayer explained FDOT could not do this work until turtle season is over. Council Member Araskog asked if work could be halted on Sundays and holidays. Town Engineer Strayer responded they needed to get the work done within 90 days so were asking worst case situation. The Town would work with them to minimize any of their requests.

Motion was made by Council Member Araskog and was seconded by Council Member Crampton to authorize the lane closure and waiver to Town Code for Construction Hours for the Florida Department of Transportation to Construct Revetment Improvements on South Ocean Boulevard at Sloan's Curve. On roll call, the Motion passed unanimously.

XIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 04-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 10 Of The Town Code Of Ordinances, Animals, Article II, Dogs And Cats, At Section 10-43, Running At Large Prohibited; Further Amending Chapter 74 Of The Town Code Of Ordinances, Parks And Recreation, Article II, Beach And Aquatic Activities, Division 3, Regulation Of Use Of Public Beaches; At Sec. 74-191, Animals Prohibited, So As To Add An Exception To Permit Leashed Dogs On Public Beaches Between Sunset Avenue And Wells Road; 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 04-2020 on second reading by title only.

Motion was made by Council Member Araskog and was seconded by Council President Pro Tem Zeidman to adopt Ordinance No. 04-2020. On roll call, the Motion passed unanimously.

B. First Reading

1. ORDINANCE NO. 05-2020 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, 2019, and Providing an Effective Date.
   Jane Le Clainche, Director of Finance

   Town Attorney Randolph read Ordinance No. 05-2020 on first reading by title only.

Motion was made by Council Member Lindsay and was seconded by Council President Pro Tem Zeidman to approve Ordinance No. 05-2020 on first reading. On roll call, the Motion passed unanimously.

XIV. ANY OTHER MATTERS

There were no other matters to come before Town Council.

XV. ADJOURNMENT

There being no further business, the Town Council Meeting of February 11, 2020 was adjourned at 1:28 p.m.

Danielle H. Moore, Town Council President

ATTEST:

Patricia Gayle Gordon, Acting Town Clerk

3/13/2020
Date

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2023

Section of Agenda
Ordinances - First Reading

Agenda Title
Proposed Ordinance to Amend Chapter 22 of the Town Code Relative to Commercial Motion Picture Making Permits

ORDINANCE NO. 022-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 22, Businesses At Article IV. Commercial Motion Picture Making, Division I. Generally At Section 22-127. Penalty For Violations; Further Amending Division 2. Permit At Sections 22-151. Required; Application Fee, 22-152. Application, 22-153. Prerequisites To Issuance, And By Adding New Sections 22-154. Appeals, 22-155. Duties Of Permittee, 22-156. False Information Prohibited In Application, 22-157. Permits Nontransferable, 22-158. Waiver Of Provisions And 22-159. Possession; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

Presenter
John C. Randolph, Town Attorney

ATTACHMENTS:

- **Memorandum Dated September 29, 2023, from Jessica Savidge, Administrative Manager**
- **Ordinance No. 022-2023 - Annotated**
- **Exhibit M: Current Commercial Motion Picture Permit Application**
- **Exhibit N: New Commercial Motion Picture Permit Application Draft**

TOWN OF PALM BEACH
Information for Town Council Meeting on: October 10, 2023

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

Via: Carolyn Stone, Deputy Town Manager

From: Jess Savidge, Administrative Manager

Re: Amendment of Town Clerk's Office Permits
Ordinance **No. 016-2023, No. 018-2023 – No. 022-2023**

Date: September 29, 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve the proposed revisions of the Town's Code of Ordinances concerning the Town Clerk's Office's permit procedures.

GENERAL INFORMATION

This proposed amendment of the code would allow the Town Clerk's Office to revise its permit applications and update and standardize language across permits processed by the Town Clerk's Office ahead of the upcoming digital conversion of the Town's permit process into an online portal. this coming year. These proposed revisions would eliminate restrictive subsections, allowing for streamlining the applications and simplifying the permit process for applicants and processors, without compromising the review process and due diligence required to uphold the code's direction.

General changes to all or most permit ordinances:

- The various ordinances related to Town Clerk permits previously had different combinations of the following sections with different wording or rules; These proposed ordinances will now contain the same language. Language has been standardized across all permits for sections regarding:
    - Notifying the town of changes to an application;
    - Removal of fees in the code to now instead refer to the master fee schedule adopted by resolution;
    - Appealing a denied application, which has now been combined with previous language dealing with permit suspensions and revocations;
    - The penalties associated with not acquiring a needed application or violating the ordinance in question;
    - The duties of the permittee;
    - The prohibition of false information in an application;
    - The prohibition of transferring an application;
    - The ability of the town council to waive provisions of these ordinances at their discretion; and
    - The need for an applicant to possess their permit onsite at the event location.

- The window of time the applicant has to notify the Town of changes to their pending application has been extended across all permits from 24 to 48 hours, per Councilmember Araskog's suggestion.
- Language regarding application fees will be standardized to state that fees will be in the fee schedule, whereas previously, some permit code language included fee amounts. The proposed standardized language will eliminate the need to update the code when fees are updated.
- Language in the code specifying time windows (i.e., how many days prior to the event the application must be filed, or the amount of time allowed to provide notice of approval or denial of a permit) has been removed from the code; however, the time windows will remain in place during the review process through the Master Fee Schedule's fee structure. The procedure and review process will not change due to this change to the code.
- The proposed removal of the required application information is in preparation for the digital permit portal implementation in 2024. All information necessary for staff to do due diligence in their review of the application will remain. Draft paper applications display the application if proposed code changes are adopted, as shown in Exhibits A-N. These will build the fields for the digital versions.
- "Town manager" has been changed to "town manager or designee" where necessary to allow for greater flexibility, if needed. Similarly, language stating that the Town Clerk will issue the permit has been changed to "the town" in several places because it is the town issuing the permit, and the permit will be processed through a centralized portal.
- Updated Hold Harmless language received from the Risk Management Division has been inserted where needed.
- Any language implying that the application must be submitted on a physical form has been updated to allow for the future conversion of permits into the online portal.

Additional permit-specific edits:

Charitable Solicitations

- Former section 78-79 which requires receipts from contributors to charitable solicitations has been removed as they are no longer verified during the permit due diligence review process.
- Sections 78-110, and 78-111, requiring the applicant to provide accounting records of the event to the town clerk to verify, have also been edited or removed as these are no longer verified. Instead, the town clerk's office verifies that the organizations are registered with the Florida Department of Agriculture and Consumer Services. They require that organizations answer many of the same questions we ask but are responsible for reviewing their financial documentation and confirming the organization's validity. Section 78-104 has also been edited to reflect that the town is not responsible for verifying that these organizations are not fraudulent, as it has already been verified by the Department of Agriculture and Consumer Services.

Auctions and Auctioneers

- The restrictions preventing auctions from being held at night, between November 1 and April 30, and on specific streets have also been removed. Discovery identified that this rule was not applied to issued permits in the past. Auction language remains limiting two events per calendar year.

- Language concerning auction permits has been edited to specify that auctions held in connection with a charitable event will not require an auction permit and will instead be subject to the regulations surrounding a charitable solicitation permit.

Special Events

- It was the intention of staff to clean up the code related to town clerk permits, but not to make any procedural changes. The minutes of the ORS Committee meeting on January 9, 2020, and the regular Town Council meeting on February 11, 2020, included in the backup, contain some recommended provisions for the regulation of walks and runs. On February 11, 2020, it was the consensus of the Town Council that they would rather have criteria for one more event one-third the size of the Turkey Trot where people would have to register, than to have a prohibition of an additional event. If a deeper review of this section is needed, it is the recommendation of staff that the proposed changes to Article VII. Special Events on Public Property be approved without modification to newly renumbered Section 106-287 Walks and Runs, and that this section be re-reviewed separately by the ORS committee at a later date.

Permits per category, as recorded in the Town's permit database:

Temporary Animal	58 since 2015
Charitable Solicitation	1,511 since 2010
Auction	10 since 2015
Closing-Out/Distress Sales	3 since 2001
Special Event	174 since 2013
Religious Display	8 since 2017
Commercial Motion Picture	1 since 2011

STRATEGIC PLAN

These changes are in support of the Strategic Plan, including the strategic focus areas of Sound Fiscal Management, Collaborative Town Government, and Quality of Life.

TOWN ATTORNEY REVIEW

The proposed document has been reviewed and approved for legal form and sufficiency.

CC: John C. Randolph, Town Attorney
Kelly Churney, Acting Town Clerk
Pat Gayle-Gordon, Deputy Town Clerk
Katherine deClaire, Clerk Support Assistant

Ordinance No. 022-2023

An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 22, Businesses At Article IV. Commercial Motion Picture Making, Division I. Generally At Section 22-127. Penalty For Violations; Further Amending Division 2. Permit At Sections 22-151. Required; Application Fee, 22-152. Application, 22-153. Prerequisites To Issuance, And By Adding New Sections 22-154. Appeals, 22-155. Duties Of Permittee, 22-156. False Information Prohibited In Application, 22-157. Permits Nontransferable, 22-158. Waiver Of Provisions And 22-159. Possession; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

BE IT ORDAINED by the Town Council of the Town of Palm Beach as follows:

Section 1 –

Chapter 22, Businesses is hereby amended at Article IV Commercial Motion Picture Making as follows:

ARTICLE IV. COMMERCIAL MOTION PICTURE MAKING

DIVISION 1. GENERALLY

Sec. 22-126. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial motion picture making includes video production of any nature.

Language has been standardized across permits

Sec. 22-127. Penalty for violations.

Persons found to be in violation of any provision of this chapter may be subject to penalties provided by law for the violation of municipal ordinances or, alternatively, may be subject to the jurisdiction of the code enforcement board. Nothing in this section shall prevent the town from seeking civil injunctive relief if deemed appropriate by the town in the circumstances. ~~Any person found guilty of violating the terms of this article shall be subject to section 1-14. A citation for violation of this article shall not preclude the town from seeking other relief such as injunctive or declaratory relief to enforce the provisions of this article.~~

DIVISION 2. PERMIT

Sec. 22-151. Required; application fee.

(a) Any person desiring to use the public streets or sidewalks, the public rights-of-way, or other public properties within the town for the purposes of commercial motion picture making shall be required to first obtain a permit for that activity from the town council. This permit is not intended to preclude legitimate video production of news events.

Language regarding application fees will be standardized to state that fees will be in the fee schedule.

(b) ~~The application for permit shall be accompanied by a $1,000.00 nonrefundable permit fee payable to the town for the administrative processing of the permit application. In addition to the $1,000.00 application fee, there will be a filming fee of $800.00 per day for each day of filming.~~ Before a permit is issued pursuant to this article, there shall be paid to the town an administrative processing fee and daily filming fee, in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time.

Sec. 22-152. Application.

Notification changes extended across all permits from ~~24~~ to ~~48~~ hours

~~All applications for permits referenced in section 22-151 shall be filed with the town clerk at least 30 days and not more than 45 days prior to the date or dates upon which the applicant wishes to conduct the activity.~~ Complete applications must be filed with the town ~~clerk~~ no less than 20 days prior to the town council meeting at which the application is to be considered. If, while any application is pending, or during the term of any permit granted pursuant thereto, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the town in writing thereof within 48 hours after such change.

~~The application shall contain the following information:~~

~~(1) The name and address of the person applying for the permit.~~

~~(2) The number of personnel required by the applicant to conduct the activities for which the permit is sought.~~

~~(3) The date, time and places during which the proposed activity is to be conducted and a description of the specific activities. This information shall describe the specific public property sought to be utilized, the specific times of day during which the properties are requested to be utilized, and the specific activity which is to be conducted upon the property.~~

~~(4) The name, address and telephone number of the specific person who is to be responsible for all of the activities to be conducted pursuant to the terms of the permit.~~

Sec. 22-153. Prerequisites to issuance.

Prior to a permit~~'s~~ being granted under this division, the following shall be provided to the town by the applicant:

Updated Hold Harmless language received from the Risk Management Division.

(1) ~~(1)~~ *Hold harmless agreement.* ~~The applicant shall execute a hold harmless agreement in favor of the town saving, defending and holding harmless the town, its agents, employees and representatives, from any claim arising as a result of the activities of the applicant, his agents, representatives or employees, within the town. This agreement shall be executed by an individual and/or entity capable financially and otherwise of honoring the terms thereof, and the agreement shall be in a manner and form acceptable to the town and deemed to provide the protection necessary to the town as intended by this section.~~ The applicant shall execute a hold harmless agreement in favor of the Town of Palm Beach hereby releasing and forever discharging the Town of Palm Beach~~.~~, and agree to indemnity, defend, and hold the Town of Palm Beach and its agents, employees, elected officials and representatives, free and harmless from and against any and all claims, losses, expenses, suits, costs, fines, and damages, including attorney fees, or liabilities of every kind and character arising out of or relating to any and all claims for bodily injury, including death in connection with or arising directly or indirectly out of the activities of the applicant, its agents, representatives or employees, within the Town of Palm Beach. This agreement shall be executed by an individual and/or entity capable financially and otherwise of honoring the terms thereof, and the agreement shall be in a manner and form acceptable to the Town of Palm Beach and deemed to provide the protection necessary to the Town of Palm Beach as intended by this section.

(2) *Indemnification Clause.* To the fullest extent allowed by law, the applicant shall protect, defend, reimburse, indemnify, and hold harmless the Town of Palm Beach, and the Town's officers, agents, and employees free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, attorneys or other professional fees, or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, cause or causes of action of every kind and character in connection with, or arising directly or indirectly out of, or related to this applicant and the activity performed hereunder. Without limiting the generality of the foregoing, applicant's indemnity shall include all claims, damages, losses, or expense arising out of or related to personal injury, death, damages to property, defects in materials or workmanship, actual or alleged infringement of any patent, trademark, copyright, proprietary information, or applications of any thereof, or of any other tangible or intangible personal or property right, or any actual or alleged violation of any applicable statute, ordinance, administrative order, rule or regulation, or order of any court. Applicant agrees to investigate, respond, adjust, and provide a defense for, all and any such claims, demands and actions at applicant's sole expense and agrees to bear and remain liable for all such other costs and expenses relating thereto, even if such claim is groundless, false or fraudulent. Notwithstanding the foregoing, applicant's indemnity shall not extend to liability for damages to persons or property to the extent such damage was caused by any act, omission, or default of the Town, or by the Town's officers, agents, and employees.

~~(1)~~(3) Applicant acknowledges and agrees that the Town would not enter into a contract without this indemnification of Town by applicant, and that Town's entering into a contract shall constitute good and sufficient consideration for this indemnification. These provisions shall survive the expiration or earlier termination of the applicant. Nothing in this Contract shall be construed to affect in any way the Town's rights, privileges, and immunities as set forth in Florida Statute 768.28.

(42) *Certificate of insurance.* ~~The applicant shall provide a certificate of insurance naming the town as a named insured under the insurance policy for an amount not less than $10,000,000.00. When an aircraft is to be involved in any filming, the insurance policy shall be for an amount not less than $100,000,000.00, and when any watercraft is to be involved in any filming, the insurance policy shall be for an amount not less than $25,000,000.00. The town council may increase the minimum amount of insurance specified herein upon the recommendation of the town manager or his designee.~~ Applicant shall provide at its own cost and expense Comprehensive General Liability Insurance coverage endorsing the Town of Palm Beach as an additional insured with limits of ~~liability not~~liability not less than $10,000,000.00 per occurrence. All required insurance policies shall provide a waiver of subrogation and rights of recovery against the Town of Palm Beach, including its agents, officers, past and present employees, elected officials and representatives. The insurance policy in effect shall protect both parties and be primary and non-contributory for any and all losses covered by the above-described insurance. Insurers have no recourse against the Town of Palm Beach for payment or assessments in any form on any insurance policy. When an aircraft is to be involved in any filming, the applicant will be required to obtain aviation coverage with limits of liability not less than $100,000,000.00 per occurrence. ~~If any~~If any watercraft is to be involved in filming, marine coverage is required with limits of liability not less than $25,000,000.00 per occurrence. The town council may increase the limits of ~~liability and~~liability and request additional coverages as necessary upon the recommendation of the Town Manager or designee.

(53) *Deposit for services.* The applicant shall deposit with the town an amount determined by the town manager or designee and approved by the town council, to compensate the town for any extraordinary services required by the town for purposes of carrying on the activity to be conducted pursuant to the terms of the permit.

(64) *Time schedule.* In no event shall any of the activities to be conducted pursuant to the terms of the permit be conducted between the hours of 8:00 a.m. and 10:00 a.m., and 4:00 p.m. and 6:00 p.m. Dates and times during which filming shall be allowed shall be subject to the approval of the town manager or designee.

(75) *Deference to normal flow patterns.* At no time shall the public streets, sidewalks or rights-of-way of the town be blocked or impeded to restrict or inhibit the normal flow of pedestrian or vehicular traffic.

(86) *Limitation to commercial districts.* The activities permitted by this section are restricted to the commercially zoned districts within the town and shall not be permitted within the residentially zoned districts.

(97) *Prohibition during season.* The activities permitted by this section shall take place only from April 16 through November 14 of any year. In no event shall commercial motion picture making take place from November 15 through April 15 of any year.

(108) *Prohibition on narrow streets.* In no event shall any of the activities to be conducted pursuant to the terms of a permit be conducted on any street, road or thoroughfare that is less than 30 feet in width of paved right-of-way.

(119) *Prohibition in or adjacent to governmental buildings.* In no event shall any of the activities to be conducted pursuant to the terms of a permit be conducted in any governmental building of the town or on the sidewalks or rights-of-way abutting any such building.

(120) *Maximum number of days per month.* In no event shall commercial motion picture making be permitted to be conducted within the town for a period of more than seven days in any one month during the period of time that is allowed for that activity as specified by the terms of this section. It is the intention of this subsection that the seven-day period is the maximum number of days allowed for motion picture making during any one month within the town. In other words, if one applicant has already received a permit to conduct motion picture making activities within the town for a period of seven days during any one month, no other permits shall be granted to that applicant or any other applicant for motion picture making activities during that particular month. For purposes of this section, applications shall be considered by the town council in the priority of the earliest filed application.

Language has been standardized across all permits for following sections

Sec. 22-154. Appeals.

The town manager or ~~his~~ designee shall have the authority to revoke a commercial motion picture filming permit issued under this division upon violation of the terms of the permit. The permit shall be determined to be null and void and may be immediately terminated. If a commercial motion picture filming permit is denied or revoked, any person aggrieved shall have the right to appeal to the town council. The appeal must be filed at least ~~f~~five days prior to the next available meeting of the town council subsequent to the notice of appeal.

Sec. 22-155. Duties of permittee.

The permittee under this division shall comply with all provisions of this article, other laws and ordinances of the town, state and federal government, and all permit direction and conditions of the permit.

Sec. 22-156. False information prohibited in application.

No person shall knowingly falsify or misrepresent any information or representation made in the permit.

Sec. 22-157. Permits nontransferable.

Permits issued under this article shall be nontransferable.

Sec. 22-158. Waiver of provisions.

The town council may in its discretion waive any requirements of this article.

Sec. 22-159. Possession.

The person heading or leading the filming process shall carry the commercial motion picture filming permit upon his or her person during the conduct of filming and shall be present.

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 Or Parts 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 – 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, Florida, on the First Reading this _____ day of _____, 2023; and for the Second and Final Reading on this _____ day of _____, 2023.

_____
Danielle H. Moore, Mayor

_____
Margaret Zeidman, Town Council President

_____
Bobbie Lindsay, President Pro Tem

_____
Julie Araskog, Town Council Member

ATTEST:

_____
Lewis S.W. Crampton, Town Council Member

_____
Kelly Churney, Acting Town Clerk

_____
Edward Cooney, Town Council Member

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EXHIBIT M

GUIDELINES FOR APPLICATION FOR COMMERCIAL MOTION PICTURE FILMING PERMIT IN ACCORDANCE WITH ORDINANCES NUMBER 3-86, 7-88, 23-88, 5-89 AND 10-90

The following guidelines shall be complied with in order to secure the permit necessary to film in the Town of Palm Beach which is granted by the Town Council:

1. Applicant shall complete application available in the Town Clerk's Office, returning same to the Town Clerk's Office at least thirty (30) days prior to the date of dates upon which the applicant wishes to conduct said activity. After review and comments by Town Staff, the application will then be required to be considered by the Town Council at a regularly scheduled monthly meeting (the second Tuesday of each month; however, please check with the Town Clerk on specific meeting date when Town Council consideration will be scheduled).

2. Applicant shall furnish a Hold Harmless Agreement in favor of the Town of Palm Beach, saving, defending and holding harmless the Town of Palm Beach, its agents, employees and representatives from any claim which arises as a result of the activities of the applicants, its agents, representatives or employees within the Town.

3. Applicant shall provide a Certificate of Insurance naming the Town of Palm Beach as a named insured in the amount of not less than $10,000,000.00. In the event an aircraft is to be involved in any filming, the insurance policy shall be for an amount not less than $100,000,000.00. In the event water craft is to be involved in any filming, insurance policy shall be for an amount not less than $25,000,000.00.

4. Applicant shall deposit an application fee of $1,500.00 (non-refundable) with the Town and an amount determined by the Town Manager and approved by the Town Council to compensate the Town for any extraordinary service required by the Town for purposes of carrying on the activity which will be conducted pursuant to the terms of the permit. In addition to the $1,500.00 application fee, there will be a filming fee of One Thousand Dollars ($1,000.00) per day for each day of filming.

5. The Ordinances referred to in the title are attached to the application as well as the sections in the Code referring to aircraft and traffic. It should be noted that compliance with other Town Ordinances, as applicable, will be necessary.

6. Applicant shall provide to the Town a copy of written authorization from each property owner on which the proposed filming is to take place.

7. Filming is allowed in the Town of Palm Beach only from April 16 through November 14, between the hours of 10:00 A.M. to 4:00 P.M. and 6:00 P.M. to 8:00 A.M. for a maximum number of seven (7) days of any one month. This is the maximum number of days allowed for all motion picture filming (not the maximum for each approved applicant) during any one month within the Town of Palm Beach. There shall be no blockage or impediment of the public streets, sidewalks or rights-of-way of the Town which would restrict or inhibit the normal flow of pedestrian or vehicular traffic. Filming is not allowed in the residentially zoned districts and is restricted to the commercially zoned districts within the Town. Filming is not permitted in any governmental building of the Town or on the sidewalks or rights-of-ways abutting any such governmental building nor on any street, roadway or thoroughfare less than (30') feet in width.

8. It is understood that all of the provisions will be adhered to, as contained in Ordinances 3-86, 7-88, 23-88 and 10-90.

NOTE:

The County of Palm Beach has a Film & Television Commission and you may wish to contact them at 2195 Southern Blvd., Suite 520, West Palm Beach, FL 33406. Phone: (561) 233-1000. Website: www.pbfilm.com.

APPLICATION FOR PERMIT FOR COMMERCIAL MOTION PICTURE MAKING

1. NAME, ADDRESS, AND PHONE NUMBER OF PERSON, FIRM OR CORPORATION APPLYING FOR THE PERMIT:

NAME: _____

ADDRESS: _____

PHONE NUMBER: _____

EMAIL ADDRESS: _____

2. NUMBER OF PERSONNEL AND NUMBER AND TYPE OF VEHICLES AND SPECIFIC FILMING EQUIPMENT WHICH WILL BE INVOLVED IN THE CONDUCT OF THE FILMING ACTIVITIES FOR EACH PROPOSED LOCATION. (USE SEPARATE SHEET IF NECESSARY.)

_____

_____

_____

_____

3. DATE, TIME AND PLACE FOR EACH PROPOSED LOCATION. (USE SEPARATE SHEET IF NECESSARY.)

DATE: _____

TIME: _____

SPECIFIC LOCATIONS: _____

_____

_____

4. DESCRIBE THE SPECIFIC PROPOSED FILMING ACTIVITY FOR EACH LOCATION WHICH PUBLIC PROPERTY IS REQUESTED TO UTILIZE. (USE SEPARATE SHEET IF NECESSARY.)

_____

_____

_____

5. NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON WHO WILL BE IN CHARGE OF THE FILMING ACTIVITY.

NAME: _____

ADDRESS: _____

PHONE NUMBER: _____

6. BY THE SIGNING OF THIS APPLICATION, THE APPLICANT AGREES TO THE FOLLOWING CONDITIONS:

I. Filming is allowed from April 16 thru November 14th between the hours of 10 A.M. to 4 P.M. and 6 P.M. to 8 A.M..

II. There will be no blockage or impediment of the public streets, sidewalks or rights-of-ways of the Town which would restrict or inhibit the normal flow of pedestrian or vehicular traffic. Filming is not allowed on any street, roadway or thoroughfare less than thirty (30') feet in width.

III. The filming is restricted to the commercially zoned districts within the Town and shall not be permitted within the residentially zoned districts. Filming is not permitted in any governmental building of the Town of Palm Beach or on the sidewalks or rights-of-way abutting any such building.

_____ _____

Date Applicant

Sworn to and subscribed before me, a
Notary Public, on this _____day
of _____, 20_____.

_____

DATE OF TOWN COUNCIL MEETING WHEN PERMIT ISSUANCE WAS AUTHORIZED.

_____

Notary Public

My Commission Expires: _____

SEAL

APPROVED

_____

TOWN MANAGER DATE

CONDITIONS:

_____

_____

_____

_____

EXHIBIT N

COMMERCIAL MOTION PICTURE FILMING PERMIT APPLICATION

NOTE: If there is any change that would alter the information given in this application while it is pending, the applicant shall notify the Town Clerk's Office within 48 hours of such change.

NAME, ADDRESS, AND CONTACT INFORMATION OF PERSON, FIRM OR CORPORATION APPLIYING FOR PERMIT:

NAME:_____

ADDRESS:_____

CITY STATE ZIP

PHONE:_____ **EMAIL**:_____

NAME, ADDRESS, AND CONTACT INFORMATION OF THE PERSON WHO WILL BE IN CHARGE OF THE FILMING ACTIVITY:

NAME:_____

ADDRESS:_____

CITY STATE ZIP

PHONE:_____ **EMAIL:**_____

PLEASE DESCRIBE THE PROPOSED DATE AND TIME FOR EACH FILMING LOCATION (USE SEPARATE SHEET IF NECESSARY):

DATES	TIMES	SPECIFIC LOCATIONS

PLEASE DESCRIBE THE SPECIFIC FILMING ACTIVITIES THAT WILL TAKE PLACE AT EACH LOCATION IF UTILIZING PUBLIC PROPERTY (USE SEPARATE SHEET IF NECESSARY):

_____
_____
_____
_____
_____
_____

PLEASE STATE THE NUMBER OF PERSONNEL AND NUMBER AND TYPE OF VEHICLES AND SPECIFIC FILMING EQUIPMENT WHICH WILL BE INVOLVED IN THE CONDUCT OF THE FILMING ACTIVITIES FOR EACH PROPOSED LOCATION (USE SEPARATE SHEET IF NECESSARY):

_____
_____
_____
_____
_____
_____

DRAFT

AUTHORIZATION

Please review Chapter 22, Article IV. Commercial Motion Picture Making prior to application submission and contact the Town Clerk's Office at (561) 227-6300 with any questions. Before a permit is issued, the applicant must pay an administrative processing fee. The Town Clerk's office will be in contact with payment instructions.

I have read the provisions of the Town Code of Ordinances relating to the regulation of filming commercial motion pictures and agree to abide by all provisions set forth therein.

PRINTED NAME:_____

APPLICANT SIGNATURE:_____**DATE**: _____

DRAFT