REVISED
9:14 am, Oct 06, 2017

TENTATIVE: SUBJECT TO REVISION

TOWN OF PALM BEACH

Town Manager's Office
TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

OCTOBER 10, 2017

9:30 AM

Town Council Meeting

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

Mayor Gail L. Coniglio
Richard M. Kleid, President
Danielle H. Moore, President Pro Tem
Julie Araskog
Bobbie Lindsay
Margaret A. Zeidman

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

IV. PRESENTATIONS

A. Royal Poinciana Playhouse Update
Samantha David, UpMarkets

B. Planning and Zoning Commission Presentation by Applicants

V. COMMENTS OF MAYOR GAIL L. CONIGLIO

VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VIII. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

1. TOWN COUNCIL MEETING MINUTES: Page 9
   Kathleen Dominguez, Town Clerk

   a. September 19, 2017, Town Council Meeting Minutes
   (Deferred to the November 14, 2017 Town Council Meeting)

   b. September 19, 2017, Special Town Council Meeting Minutes
   (Deferred to the November 14, 2017 Town Council Meeting)

2. Approval of major matters considered by the Architectural Commission at its meeting of September 27, 2017. Page 40
   John S. Page, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 190-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Amending Recreation Enterprise Fund Maintenance and Improvement Reserves Policy; Providing an Effective Date. Page 72
   Jane Struder, Director of Finance

2. RESOLUTION NO. 191-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Granting Authority To The Town's Building Official To Grant Time Extensions Not To Exceed Ten Working Days From Required Completion Dates For Construction For Good Cause Shown And Based Upon The Discretion Of The Building Official On A Case By Case Basis For Delays Caused Due To Preparation And Recovery Caused By Hurricane Irma. Page 76
   John S. Page, Director of Planning, Zoning & Building

3. RESOLUTION NO. 192-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Execution of a Maintenance Memorandum of Agreement Between the Florida Department of Transportation and the Town Of Palm Beach for Maintenance of Hardscape and Landscape Within the Right-Of-Way of State Road A1A (South County Road/Royal Poinciana Way) Between MP 28.126 and MP 28.203 West of Bradley Place as Stated in the Agreement and Shown on the Exhibits. Page 81
   H. Paul Brazil, P.E., Director of Public Works

4. RESOLUTION NO. 195-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order to Professional Concessions, Inc., to Provide Post-Storm Recovery Meal Service for Staff, in the Amount of $33,515.50; and Authorizing the Town Manager to Execute Said Purchase Order on Behalf of the Town. Page 114
Jay Boodheshwar, Deputy Town Manager

C. OTHER

1. Approve Easement Variance Agreement with Florida Power and Light. Page 119
H. Paul Brazil, P.E., Director of Public Works

IX. REGULAR AGENDA

A. Old Business

1. Demonstration of NovusAgenda Software Capabilities for Efficient Agenda Backup Preparation and Distribution Page 125
Kathleen Dominguez, Town Clerk

2. Town-wide Underground Project: Page 127
Steven N. Stern, Underground Utilities Project Manager

a. Project Update Page 128

b. Underground Utility Project Dashboard Page 131

c. Future Fiber Optic Communications System for the Town Page 154
Deferred from the August 9, and September 19, 2017 Town Council Meetings

d. Discussion of Credits for Property Owners Providing Easements with Transformers and Switch Cabinets Page 160
Deferred from the September 19, 2017 Town Council Meeting

e. Consideration of Approving Staff Position on Assessments Vis-a-Vis Anticipated Private Undergrounding Efforts Page 162
Thomas G. Bradford, Town Manager

3. Coastal Update: Page 164
H. Paul Brazil, P.E., Director of Public Works

a. Shore Line Condition Update

4. RESOLUTION NO. 196-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing a Funding Policy for the Town of Palm Beach Retirement System; Providing an Effective Date. Page 165
Jane Struder, Director of Finance

5. Discussion of the additional information to the August 9, 2017, Development Review Town Council Meeting Minutes. Page 182
Julie Araskog and Bobbie Lindsay, Town Council Members

6. Post Budget Adoption Plans for the Comprehensive Review of Town Operations (CRTO). Page 217
Thomas G. Bradford, Town Manager

B. New Business

1. Appointments to the Planning & Zoning Commission. Page 218
John S. Page, Director of Planning, Zoning & Building

2. Windsor Court Right-of-Way Condition Assessment. Page 230
H. Paul Brazil, P.E., Director of Public Works

3. Creation of a Task Force for Reevaluation and Augmentation of Town Zoning and Building Codes. Page 248
Margaret Zeidman, Town Council Member

C. Matters Pulled From Consent Agenda: If needed

X. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 26-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 82, Personnel, Article II, Employee Benefits, Division 3, Other Post-Employment Benefits, At Section 82-150, Definitions; Section 82-151, Statement of Purpose; Section 82-154, Contributions to OPEB Trust; Section 82-158, Miscellaneous; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. Page 252
Jane Struder, Director of Finance

2. ORDINANCE NO. 27-2017 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, 2016, Providing an Effective Date. Page 260
Jane Struder, Director of Finance

B. First Reading

1. ORDINANCE NO. 29-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations: At Section 18-201(B), By Changing The Required Plan Revision Submittal Timeframe From 15 Days To Noon, 9 Days Prior To The Architectural Commission Meeting At Which It Will Be Considered; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Page 266

Effective Date.

John S. Page, Director of Planning, Zoning & Building

XI. ANY OTHER MATTERS

XII. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: Please submit written comments/materials to publiccomment@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials received after 3:30 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 3:30 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

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

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

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

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

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

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

three minute limitation.

COMMUNICATIONS FROM CITIZENS:	Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.
OTHER AGENDA ITEMS:	Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

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

Main Town Calendar

Town Council Meeting-Regular Business
October 10, 9:30 AM - 5:00 PM
More Details

Town Council Meeting-Development Review
October 11, 9:00 AM - 5:00 PM @ Council Chambers
More Details

Finance and Taxation Committee Meeting
October 12, 1:30 PM @ Council Chambers
More Details

Planning and Zoning Commission Meeting
October 17, 9:30 AM - 5:00 PM @ Council Chambers
More Details

Landmarks Preservation Commission (LPC) Meeting
October 18, 9:30 AM - 5:00 PM @ Council Chambers
More Details

Code Enforcement Board Meeting
October 19, 2:00 PM - 5:00 PM @ Council Chambers
More Details

Public Safety Committee Meeting
October 23, 9:30 AM @ Council Chambers
More Details

Architectural Commission (ARCOM) Meeting
October 25, 9:00 AM - 5:00 PM @ Council Chambers
More Details

Shore Protection Board Meeting
October 26, 9:00 AM - 2:00 PM @ Council Chambers
More Details

Conclusion of Lights Out for Sea Turtles
October 31, All Day
More Details

Recreation Advisory Commission Meeting
November 1, 9:00 AM - 5:00 PM @ Council Chambers
More Details

Ordinances, Rules, and Standards Committee Meeting

November 2, 9:30 AM - 2:00 PM @ Council Chambers

More Details

A Cup of Joe with Bo - Undergrounding Phase 1 - South

November 3, 8:00 AM @ South Fire Rescue Station, 2185 S. Ocean Blvd.

Join Bo Huggins, Project Superintendent, and the undergrounding project construction team for coffee, donuts and conversation. Ask questions and stay informed as the project moves forward.

More Details

Coffee with the Crew - Undergrounding Phase 1 - North

November 6, 8:00 AM @ Annie's Dock - North Ocean Blvd and East Inlet Drive

Join the undergrounding project construction team for coffee, donuts and conversation. Ask questions and stay informed as the project moves forward.

More Details

Administrative and Personnel Committee Meeting

November 6, 9:30 AM @ Council Chambers

More Details

Underground Utilities Task Force (UUTF) Meeting

November 7, 9:00 AM - 1:00 PM @ Council Chambers

More Details

Administrative and Personnel Committee Meeting

November 8, 9:30 AM @ Council Chambers

More Details

Landmarks Preservation Commission (LPC) Meeting

November 13, 9:30 AM - 5:00 PM @ Council Chambers

More Details

Town Council Meeting-Regular Business

November 14, 9:30 AM - 5:00 PM

More Details

Town Council Meeting-Development Review

November 15, 9:30 AM - 5:00 PM @ Council Chambers

More Details

TOWN OF PALM BEACH
Town Council Meeting on: October 10, 2017

Section of Agenda
Minutes

Agenda Title
TOWN COUNCIL MEETING MINUTES:
Kathleen Dominguez, Town Clerk

a. September 19, 2017, Town Council Meeting Minutes
(Deferred to the November 14, 2017 Town Council Meeting)

b. September 19, 2017, Special Town Council Meeting Minutes
(Deferred to the November 14, 2017 Town Council Meeting)

Presenter

ATTACHMENTS:

- **a. Minutes of the Regular Town Council Meeting of August 9, 2017**
- **b. Minutes of the Development Review Meeting of August 9, 2017**

MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON WEDNESDAY, AUGUST 9, 2017

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Wednesday, August 9, 2017, at 9:30 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Town Clerk Dominguez gave the invocation. Council President Kleid led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

The following changes were made to the Agenda:

- **Item IX.A.4. - A discussion to reschedule the Second Budget Hearing was added.**

- **Item IX.A.2.c. was heard after Items IX.A.2. d. and e.**

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

IV. PRESENTATIONS - *None*

V. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio thanked the Palm Beach Crime Watch for their $50,000 donation to the Town's license plate recognition program, acknowledged Assistant Director Veronica Close's upcoming retirement and thanked her for her seventeen years of service to the Planning, Zoning and Building team.

Mayor Coniglio requested a consensus from the Town Council for the authority to work with the City of West Palm Beach on the future enhancements to the Okeechobee Boulevard corridor. Unanimous consent was given.

VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

President Kleid thanked the Palm Beach Police Department for apprehending his stolen kayak.

President Pro Tem Moore announced that her Community Liaison Officer Melanie Neilsen will be returning to her previous career in healthcare, thanked her for her service to the community, and wished her well.

Council Member Araskog requested the following items be placed on the September Town Council meeting agenda for discussion:

1) **Holding a workshop on conducting quasi-judicial land-use hearings for ARCOM, Landmarks, and Town Council members.**

2) **Holding a workshop or a Special Town Council Meeting for local business owners to discuss the myriad of issues they are having in Palm Beach.**

Council Member Araskog spoke regarding the lack of information she was given about assessment credits and requested a re-vote of the vote that took place at the May 9, 2017, Town Council Meeting to drop the inclusion of an assessment credit to property owners who provide multiple utility boxes on their property.

Town Attorney Randolph spoke regarding the process for re-voting and the impact it would have on the previously approved assessment methodology for the undergrounding project.

Town Manager Bradford spoke regarding ways the Town can handle future assessment credits issued to the residents with multiple transformer boxes on their property.

Discussion ensued regarding complications with a re-vote on the inclusion of assessment credits, not having a final count of property owners who choose to provide multiple switchboxes on their property, and possible remedies for those property owners once the final count is determined.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to reconsider the vote to drop the inclusion of assessment credits to property owners that agree to provide multiple switchboxes on their property. The motion was defeated with Council Members Araskog and Lindsay in favor of and President Kleid, President Pro-Tem Moore and Council Member Zeidman against.

Motion was made by Council Member Araskog, and seconded by Council Member Zeidman, to hire an expert to look into the issue with the assessment credits for property owners with multiple switch boxes at a later date. On roll call, the motion passed unanimously.

VII. COMMUNICATIONS FROM CITIZENS - *None*

VIII. APPROVAL OF CONSENT AGENDA

The following items were removed from Consent Agenda (to be heard under item IX.C., Matters Pulled From Consent Agenda):

- **Item VIII.,A,1,b. and c.**
- **Item VIII., B.,2.**
- **Item VIII., B.,4,**
- **Item VIII.,B., 5.**
- **Item VIII., B., 7.**
- **Item VIII., B.,8.**
- **Item VIII., B.,9.**

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

A. MINUTES

1. TOWN COUNCIL MEETING MINUTES:

Gwendolynn Peirce, CMC, Acting Town Clerk

a. July 11, 2017, Special Town Council Meeting Minutes

b. July 12, 2017, Regular Town Council Meeting Minutes – **Pulled from Consent Agenda and heard under Item IX.C. 1.a.**

c. July 12, 2017, Development Review Town Council Meeting Minutes - **Pulled from Consent Agenda and heard under Item IX.C.1.b.**

2. Approval of Major Matters Considered by the Architectural Commission at its meeting of July 26, 2017.
John S. Page, Director of Planning, Zoning & Building

B. RESOLUTIONS

1. RESOLUTION NO. 113-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing The Issuance of a Purchase Order to Johnson Controls, Inc. for the Amount Of $169,951 for the Purchase of a New License Plate Recognition Solution System; and to Continue to Recognize the Vendor as the Sole Provider for the Continued Build-out, Maintenance, and Repairs of Townwide Camera and Security System; and Establish an Overall Budget for this Purchase of $175,000.
Kirk W. Blouin, Director of Public Safety

2. RESOLUTION NO. 126 - 2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Recreation Department Fees For Fiscal Year 2018 and Granting Authority to the Director of Recreation to Modify Daily Tennis and Golf Fees, When Necessary, to Maximize Revenue During Underused Periods.
Beth Zickar, Director of Recreation
Pulled from Consent Agenda and heard under Item IX.C.2.

3. RESOLUTION NO. 127-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing A One Year Contract Renewal To Regions Security Services, Inc.; Approving A Purchase Order To Regions Security Services, Inc. In The Amount Of $74,965.00.; Establishing A Budget Of $82,000.00 For Such Services, Subject To Approval Of The Fiscal Year 2018 Budget; And Authorizing The Town Manager To Take Further Actions Necessary To Effectuate Provisions For Said Services.
Beth Zickar, Director of Recreation

4. RESOLUTION NO. 128-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing A One Year Contract Renewal With Faneuil, Inc. To Provide Contractual Labor Services; Establishing A Budget For Said Services, Subject To Approval Of The Fiscal Year 2018 Budget; And Authorizing The Town Manager To Take Actions Necessary To Complete Said Services.
Beth Zickar, Director of Recreation
Pulled from Consent Agenda and heard under Item IX.C.3.

5. RESOLUTION NO. 129-2017 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 Increasing Various Permit Fees, Special Pick-up Fees, Parking Penalties, and Creating new Fees, Providing an Effective Date.

Jane Struder, Director of Finance
Pulled from Consent Agenda and heard under Item IX.C.4.

6. RESOLUTION NO. 130-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2017-13 and Approving Purchase Order to Battalian Enterprises d/b/a Property Works, for Town Square Maintenance Services, in the Amount of $4,902.95 and $47,591.85, and Establishing a Project Budget of $67,680.
H. Paul Brazil, P.E., Director of Public Works

7. RESOLUTION NO. 131-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Department of Public Works Engineering Division Standards Applicable to Public Rights-of-Way and Easements, Amending Chapter XII of the Town's Right-of-Way Manual, Miscellaneous Provisions: Construction, Parking, Fines, and Material Deliveries, and the Enforcement Thereof Providing an Effective Date.
(*Deferred from the July 12, 2017, Town Council Meeting)*
H. Paul Brazil, P.E., Director of Public Works
Pulled from Consent Agenda and heard under Item IX.C.5.

8. RESOLUTION NO. 132-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Renewing Contracts To Hy-Byrd Incorporated, GFA International Inc., And C.A.P. Government, Inc. For One Year To Provide Plan Review And Inspection Services; Establishing A Budget Of $340,000 For Said Services, And Authorizing The Town Manager To Take Actions Necessary To Effectuate Implementation Of Said Services; Subject To Approval Of The Fiscal Year 2018 Budget.
John S. Page, Director of Planning, Zoning & Building
Pulled from Consent Agenda and heard under Item IX.C.6.

9. RESOLUTION NO. 134-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing The Town Manager To Execute A Contract With American Consulting Engineers Of Florida, LLC On Behalf Of The Town For Professional Engineering Services, Ace Project No. 5089725; Establishing A Budget For All Work To Be Performed Not To Exceed $41,976.32; And Authorizing The Town Manager To Approve Purchase Orders And/Or To Take Actions Necessary To Complete Said Services.
John S. Page, Director of Planning, Zoning & Building
Pulled from Consent Agenda and heard under Item IX.C.7.

10. RESOLUTION NO 136-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of a RNI/Fuelomat Fuel Management System Software and Fuel Station Hardware Upgrade in the Amount of $57,217.00 and Establishing a Budget of $60,000 for Purchases in Fiscal Year 2017.
Jane Struder, Director of Finance

C. OTHER

1. Approval of the Selection Committee's Recommendation of the Ranking of Firms for RFP No. 2017-16 Master Plan for the Town Docks and Accessory Structures With W.F. Baird & Associates Ltd. Being the Highest Ranked Proposer and Authorizing Permission to Negotiate an Agreement on Behalf of the Town.
Beth Zickar, Director of Recreation

2. D-14 Pump Station Improvements Update
H. Paul Brazil, P.E., Director of Public Works

3. Request for the Finance and Taxation Committee to Review Proposed Modifications to the Town's Purchasing Manual
Jane Struder, Director of Finance

IX. REGULAR AGENDA

A. Old Business

1. Town-wide Underground Project:
Thomas G. Bradford, Town Manager

a. Project Update

Town Manager Bradford provided an update on the Town-wide Underground Utility Project and spoke regarding the groundbreaking ceremonies, the number of acquired easements to date, clarification on the prepayment option and benefits, the logic behind the September 1st deadline, and provided an update on the lawsuits.

Discussion ensued regarding the benefits of prepaid assessments, Bethesda-by-the-Sea's issues with the prepayment deadline and their options, time constraints due to the State Law that mandates the deadline for municipalities to adopt their budget, and the Town's communication efforts regarding the prepayment of assessments.

b. Underground Utility Project Dashboard
Jane Struder, Director of Finance

Director Struder provided an overview of the Underground Utility Project Dashboard.

Town Engineer Strayer provided a status update on the placement of conduits in the North and South end.

In response to a question from Council Member Zeidman, Town Manager Bradford provided an update on the acquisition of easements from the Condominiums in the South end.

Discussion ensued regarding a need for improved communication for the project.

c. Future Fiber Optic Communications System for the Town (*Deferred from the July 12, 2017, Town Council Meeting)*

Town Manager Bradford stated that he would like to defer this item to the September Town Council meeting because Kimley-Horn is still waiting to receive the final cost numbers from both contractors. He spoke regarding a proposal from FiberNet Direct and stated that he would like to obtain further information on that proposal, as well.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to defer the Future Fiber Optic Communication item to the September 12, 2017 Town Council Regular Meeting. On roll call, the motion carried unanimously.

d. RESOLUTION NO. 141-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Appropriation from General Fund Contingency in the Amount of $175,000 for Legal and Consulting Services for the Kosberg et al. Class Action Lawsuit and Associated Assessment Program.
Jane Struder, Director of Finance

Director Struder provided an overview of Resolution 141-2017.

In response to questions from President Kleid, Director Struder provided the total amount the Town has spent to date on the lawsuits pertaining to the undergrounding project. Mr. Kleid commented that individuals have a right to file a lawsuit, but it's the taxpayers who end up paying for the legal fees.

Town Manager Bradford clarified that this Resolution was written prior to the PBTR lawsuit, but with the Council's approval, the funds will also go towards that lawsuit.

Town Attorney Randolph stated that a similar strategy is being used to defend two of the lawsuits since they are both similar in nature and clarified that the Resolution title should include the PBTR lawsuit.

Motion was made by Council Member Zeidman, and seconded by Council Member Araskog, to approve Resolution No. 141-2017, as amended to include the PBTR lawsuit. On roll call, the motion carried unanimously.

In response to a question by Council Member Araskog, Town Manager Bradford stated that the easement process is being streamlined in order to lower costs.

In response to a question by Council Member Araskog, Town Engineer Strayer spoke regarding the peer review process.

Council Member Araskog clarified that resident email addresses that are provided to the contractor will be considered public record.

Council Member Zeidman stated that there are many items being brought up at the Town Council meetings that should be handled by Town staff.

Council Member Araskog stated that she feels that this is the forum where the public hears these items and, therefore, feels that it is appropriate.

Mayor Coniglio and President Kleid spoke regarding the function of the Town Council being policy-makers and not micro-managing staff.

Marianne Beyle, 2840 S. Ocean Blvd., expressed concern over the public and Town Council members not being provided complete information on the undergrounding project and spoke regarding the frustration of residents.

President Kleid spoke regarding the multiple Underground Utilities Task Force and Town Council meetings that have taken place regarding this project and the information that is being distributed to interested residents. He also spoke regarding the availability of the methodology report to members of the public.

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

a. Shore Line Condition Update

Coastal Program Manager Weber provided an update on the shoreline conditions for each reach.

b. Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in Lake Worth Lagoon and Construction of 2017/2018 Palm Beach Harbor Inlet Maintenance Dredging Project.

Coastal Program Manager Weber provided an overview of the maintenance dredging project and the request to waive the section of the Town Code for Construction Dates, Hours, and Noise.

In response to a request by Council Member Zeidman, Mr. Weber explained the exact location of the staging area.

Council Member Moore expressed concern over work being done during the ten days over the Thanksgiving and Christmas holidays.

Mayor Coniglio requested that Mr. Weber notify the lakefront property owners and Palm Beach Shores' residents prior to the start of the project.

Motion was made by President Pro Tem Moore, and seconded by Council Member Lindsay, to waive Town Code Sections 42.198, 42.199, and 42.226-229 On roll call, the motion carried unanimously.

c. RESOLUTION NO. 137-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of $139,657 to Tetra Tech, Inc., for Coastal Engineering Design, Permitting, and Construction Management Services for the 2017/2018 Sand Forepassing Project, and Establishing a Coastal Engineering Services Budget of $150,000.

(Clerk's Note: This item was taken out of order and heard after Items IX.2.d and e.)

Coastal Program Manager Weber provided an overview of the Resolution.

Motion was made by Council Member Zeidman, and seconded by Council Member Araskog, to approve Resolution No. 137-2017. On roll call, the motion carried unanimously.

d. Ratification of the Selection Committee's Recommendation for RFQ No. 2017-35 for Coastal Engineering Design, Permitting, and Construction Management Services.

Motion was made by Council Member Moore, and seconded by Council Member Araskog, to ratify the Selection Committee's Recommendation for RFQ No. 2017-35. On roll call, the motion carried unanimously.

e. Ratification of the Selection Committee's Recommendation for RFQ No. 2017-36 for Coastal Engineering Review, Research, and Planning Services.

Motion was made by Council Member Zeidman, and seconded by Council Member Lindsay, to ratify the Selection Committee's Recommendation for RFQ No. 2017-36. On roll call, the motion carried unanimously.

3. RESOLUTION NO. 138-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design, Permitting, and Construction Phase Engineering Services to Kimley-Horn & Associates, Inc., in an Amount of $19,989 for the Re-Establishment of the Flagler Statue in the Royal Poinciana Way Median, and Establishing an Engineering Phase Budget of $22,000.
H. Paul Brazil, P.E., Director of Public Works

Director Brazil provided an overview of Resolution No. 138-2017.

In response to a question from Ms. Araskog, Town Engineer Strayer spoke regarding the fair and competitive negotiations process for vendors continuing services with the Town.

Motion was made by Council President Pro Tem Moore, and seconded by Council Member Araskog, to approve Resolution No. 138-2017. On roll call, the motion carried unanimously.

Motion was made by Council Member Araskog, and seconded by Council Member Zeidman, to approve the acceptance of a donation of up to $11,000 from Colonel Hanke for Resolution No. 138-2017. On roll call, the motion carried unanimously.

4. FY18 Budget Update
Jane Struder, Director of Finance

Director Struder provided an update on the status of the Town's proposed FY2018 Budget cuts.

Council Member Lindsay requested that annual recurring costs get included in the budget instead of taken out of contingency.

Discussion ensued regarding the history of the contingency fund, the need to examine whether or not certain items should be moved out of contingency, forecasting and unexpected costs, and how the unused contingency money can be used to pay down the debt.

In response to a question from President Pro-Tem Moore, Town Manager Bradford explained that the unused money from the contingency fund goes towards the Unfunded Liability.

It was the consensus of the Town Council to approve the proposed cuts to the FY18 General Fund.

Discussion ensued about rescheduling the Final Budget Hearing to September 19, 2017 at 5:01 p.m. due to the Rosh Hashanah Holiday which begins at sunset on September 20, 1017.

Motion was made by Council Member Araskog, and seconded by Council Member Zeidman, to reschedule the Final Budget Hearing for September 19, 2017 at 5:01 p.m.

5. Palm House Hotel, Receiver Request for Second Extension of Fine Abatement
Cary Glickstein, Receiver

Greg Glickstein, Attorney, spoke regarding the Receiver meeting the conditions of the abatement and requested an additional extension of the abatement for 120 days with the same conditions that were previously given in December 2016.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, to approve the Receiver's request for an extended abatement period of 120 days with the conditional abatement of $2,000 in daily fines. On roll call, the motion carried unanimously.

(Clerk's Note: This item was taken out of order and heard after Item VIII).

6. Discussion regarding Term Limits for Investment Advisory Committee

Maggie Zeidman, Town Council Member

Council Member Zeidman spoke regarding the boards and commissions that do not have term limits and asked the Town Council for their opinion on whether not there should be a term limit for the Investment Advisory Committee.

It was the consensus of the Town Council to leave the term limits for the Investment Advisory Council as is which is no term limits.

B. New Business

1. Code Enforcement Recommendations for Foreclosure Consideration

Kirk W. Blouin, Director of Public Safety

Town Attorney Randolph spoke regarding the actions taken by code enforcement and the property owner on the actions taken to avoid foreclosure and come into compliance.

Discussion ensued regarding the Town Attorney's recommendation for a 20-day cure period.

Motion was made by Council Member Zeidman, and seconded by President Pro-Tem Moore, to proceed with foreclosure action on the 353 Seaspray Avenue property upon conclusion of a 20-day cure period for the property owner. On roll call, the motion passed unanimously.

C. Matters Pulled From Consent Agenda:

1. <u>TOWN COUNCIL MEETING MINUTES:</u>
Gwendolynn Peirce, CMC, Acting Town Clerk

a. July 11, 2017, Special Town Council Meeting Minutes

b. July 12, 2017, Regular Town Council Meeting Minutes

Council Member Araskog spoke regarding Resolution No. 120-2017 and why the information pertaining to the discussion about a second Town Council Vote to use the Revenue Bonds was not included in the minutes.

Town Manager Bradford clarified that closing documents would come back to the Town Council.

In response to Ms. Araskog, President Kleid and Town Attorney Randolph explained the standards for minute taking which is to be in a summarized format, not verbatim.

It was the consensus of the Town Council to approve the minutes of the July 12, 2017 Town Council meeting.

c. July 12, 2017, Development Review Town Council Meeting Minutes

Council Member Araskog stated that a correction should be made to the verbiage in the motion for Item VII.A.1. since it does not reflect what was stated at the meeting.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to approve the minutes of the July 12, 2017 Development Review Meeting, with the following amendment to the verbiage for the motion for Item VII.A.1.: "*…, and with the caveat that if there are any issues or complaints, the item would be brought back to Town Council to discuss.*" On roll call, the motion passed unanimously.

2. RESOLUTION NO. 126 - 2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Recreation Department Fees For Fiscal Year 2018 and Granting Authority to the Director of Recreation to Modify Daily Tennis and Golf Fees, When Necessary, to Maximize Revenue During Underused Periods.
Beth Zickar, Director of Recreation

Director Zickar provided an overview of the fees in the resolution, which also included the Town Docks.

Council Member Lindsay requested that staff research increased dockage rates for larger yachts and increased fees for electricity and utilities and report back at the September 12, TC Meeting.

Town Attorney Randolph noted that the Resolution can be corrected by removing the second Whereas Clause regarding the Town dock fees and providing a separate resolution for dock fees at the September meeting.

Motion was made by President Pro-Tem Moore, and seconded by Council Member Lindsay, to approve Resolution No. 126-2017, as amended. On roll call, the motion passed unanimously.

3. RESOLUTION NO. 128-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing A One Year Contract Renewal With Faneuil, Inc. To Provide Contractual Labor Services; Establishing A Budget For Said Services, Subject To Approval Of The Fiscal Year 2018 Budget; And Authorizing The Town Manager To Take Actions Necessary To Complete Said Services.
Beth Zickar, Director of Recreation

Director Zickar provided an overview of the Resolution.

In response to a question from Ms. Araskog, Director Zickar provided an overview of the labor services provided in the contract and the funds encumbered for fiscal years 2016 and 2017.

Motion was made by President Pro-Tem Moore, and seconded by Council Member Lindsay, to approve Resolution No. 128-2017. On roll call, the motion passed unanimously.

4. RESOLUTION NO. 129-2017 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 Increasing Various Permit Fees, Special Pick-up Fees, Parking Penalties, and Creating new Fees, Providing an Effective Date.
Jane Struder, Director of Finance

In response to a question from Ms. Lindsay, Director Struder provided an overview of the fees that will pay for the Communication Specialist position.

Council Member Lindsay spoke regarding placing a cap on permit fees for multi-phase projects.

Discussion ensued regarding the burden on staff for managing the permits and fees for multi-year projects.

Motion was made by President Pro-Tem Moore, and seconded by Council Member Zeidman, to approve Resolution No. 129-2017. On roll call, the motion passed 4 to 1 with Council Member Lindsay dissenting.

5. RESOLUTION NO. 131-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Department of Public Works Engineering Division Standards Applicable to Public Rights-of-Way and Easements, Amending Chapter XII of the Town's Right-of-Way Manual, Miscellaneous

Provisions: Construction, Parking, Fines, and Material Deliveries, and the Enforcement Thereof Providing an Effective Date.
(*Deferred from the July 12, 2017, Town Council Meeting)*
H. Paul Brazil, P.E., Director of Public Works

Mayor Coniglio expressed concern over enforcement and issuing double penalties and spoke regarding some discrepancies with the rules listed in the manual.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to approve Resolution No. 131-2017 with the following conditions: amend the language in the rules by removing the word "adjacent" and replacing it with "in front of the subject property" or "at the discretion of the Director of Public Works" upon approval of a hardship and adding a line that says "all placards must be displayed on the dashboard." On roll call, the motion passed unanimously.

5. RESOLUTION NO. 132-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Renewing Contracts To Hy-Byrd Incorporated, GFA International Inc., And C.A.P. Government, Inc. For One Year To Provide Plan Review And Inspection Services; Establishing A Budget Of $340,000 For Said Services, And Authorizing The Town Manager To Take Actions Necessary To Effectuate Implementation Of Said Services; Subject To Approval Of The Fiscal Year 2018 Budget.
John S. Page, Director of Planning, Zoning & Building

Town Manager Bradford provided an overview of the contract.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to approve Resolution No. 132-2017. On roll call, the motion passed unanimously.

6. RESOLUTION NO. 134-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing The Town Manager To Execute A Contract With American Consulting Engineers Of Florida, LLC On Behalf Of The Town For Professional Engineering Services, Ace Project No. 5089725; Establishing A Budget For All Work To Be Performed Not To Exceed $41,976.32; And Authorizing The Town Manager To Approve Purchase Orders And/Or To Take Actions Necessary To Complete Said Services.
John S. Page, Director of Planning, Zoning & Building

Mayor Coniglio spoke regarding her concerns with the timing of the completion of the traffic report and requested to receive an initial synopsis by September 20th in order to state her public position.

Motion was made by Council Member Zeidman, and seconded by Council Member Araskog, to approve Resolution No. 134-2017. On roll call, the motion passed unanimously.

X. ORDINANCES

A. Second Reading

a. ORDINANCE NO. 20-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel, at Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, in General, by Amending Section 82-52, Definitions; Section 82-67, United States Internal Revenue Code Qualifications; Section 82-80, Reserve for Member Contributions; Amending Subdivision III, Firefighters, by Amending Section 82-94; Retirement Age and Service Conditions for Firefighters; by Amending Section 82-95, Amount of Pension - Firefighters; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Motion was made by Council Member Zeidman, and seconded by Council Member Lindsay, to adopt Ordinance No. 20-2017 on second and final reading. On roll call, the motion carried unanimously.

b. RESOLUTION NO. 139-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Revising the Defined Contribution Retirement Plan for Town Employees; Approving Amendments to the ICMA Governmental Profit-Sharing Plan & Trust Adoption Agreement; Providing for Severability; Providing for Full Force and Effectiveness; Providing for Repeal of Conflicting Resolutions; and Providing an Effective Date.
Danielle Olson, Director of Human Resources

Motion was made by President Pro Tem Moore, and seconded by Council Member Zeidman, to approve Resolution No. 139-2017. On roll call, the motion passed 3 to 2 with Council Members Araskog and Lindsay dissenting.

2. ORDINANCE NO. 21-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the

Town's Charter at Article III, Officials, at Section 3.03, Town Council: Election and Terms, to modify the Town's Election Date to the Second Tuesday in March of Each Year; Further Amending Article V, Qualification and Elections, at Section 5.01, General Elections, to Provide that General Elections in the Town Shall be Held on the Second Tuesday of March of Each Year; Further Amending Section 5.03, Qualifications, so as to Provided that Candidates for the Office of Mayor or Town Council Shall Qualify for Such Offices by Being Nominated by an Elector of the Town and Seconded by not more than Three Electors at the Town Caucus to be Held on the Second Tuesday of January of Each Year; Providing for Severability; Providing for Codification; Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to adopt Ordinance No. 21-2017 on second and final reading. On roll call, the motion carried unanimously.

3. ORDINANCE NO. 22-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 34, Elections, so as to Provide that the Election Dates Referenced Therein are Consistent with the Amendments to the Town Charter Providing for Elections on the Second Tuesday of March of Each Year; Thereby Rescinding Section 34-3; Amending Sections 34-56 and Section 34-119; and Rescinding Article IV.

Jay Boodheshwar, Deputy Town Manager

Motion was made by Council Member Araskog, and seconded by Council Member Lindsey, to adopt Ordinance No. 22-2017 on second and final reading. On roll call, the motion carried unanimously.

4. ORDINANCE NO. 23-2017 An Ordinance of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 2 of the Town Code of Ordinance Titled Administration at Article V, Code Enforcement, Section 2-439 Titled Citation Fine Schedule, to Include Section 38-35 of Chapter 38, Article II, Alarm Systems, Providing for Severability, Providing for Codification; Providing an Effective Date.

Kirk H. Blouin, Director of Public Safety

Motion was made by Council Member Araskog, and seconded by Council Member Zeidman, to adopt Ordinance No. 23-2017 on second and final reading. On roll call, the motion carried unanimously.

B. First Reading

1. ORDINANCE NO. 25-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances As Amended ~~From Time To Time~~ At Chapter 130, Vehicles For Hire, Article III, Taxicabs And Limousines, By Amending Section 130-31, Definitions; By Rescinding Sections 130-32 And 130-33; By Incorporating A New Section 130-32 To Provide That Vehicles For Hire Permitted In The Town, Along With Their Drivers, Comply With Palm Beach County's Code, Chapter 19, Article IX Relating To Vehicles For Hire As Amended from Time to Time; Amending Section 130-34 Relating To Taxi Stands; Amending Section 130-36 – Penalties; Rescinding In Their Entirety Sections 130-61 And 130-62 Of Division 2 Relating To Certificates Of Public Convenience And Necessity And Permit; Amending Section 130-63 Relating To Approval Of Application, Denial; Amending Section 130-64 - Permit Fee; Rescinding Section 130-65 In Its Entirety; Amending Section 130-67 – Town Council To Determine The Number Of Permits Available; Amending Section 130-68 Relating To Annual Renewal Of Permits; Amending Section 130-69 Relating To Inspection Of Vehicles; Amending Section 130-70 Relating To Sale, Assignment Or Transfer; Rescinding Section 130-71 Relating To Automobile Liability Insurance Requirement In Its Entirety; Amending Section 130-72, Suspension And Revocation; Rescinding In Their Entirety Sections 130-96, 130-97, 130-98, And Section 130-99 Of Division 3 Relating To Chauffer's; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.
Jay Boodheshwar, Deputy Town Manager

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, to approve Ordinance No. 25-2017 as amended. On roll call, the motion carried unanimously.

XI. ANY OTHER MATTERS – *None*

XII. ADJOURNMENT

There being no further business, the Regular Town Council of August 9, 2017, meeting was adjourned at 1:33 p.m.

APPROVED:

_____
Richard M. Kleid
Town Council President

ATTEST:

_____
Gwendolynn Peirce, CMC
Acting Town Clerk

Date: _____

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES OF THE TOWN COUNCIL MEETING

HELD ON WEDNESDAY AUGUST 9, 2017

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting was called to order at 2:17 P.M. on Wednesday, August 9, 2017 in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR GAIL L. CONIGLIO - None

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Araskog asked to revisit SE-18-2017 257 Royal Poinciana Way, Cucina Restaurant.

Motion was made by Council Member Araskog that Special Exception #18-2017 conditions be reconsidered. Without a second, the motion was not considered.

V. COMMUNICATIONS FROM CITIZENS

Bill Metzger, 277 Esplanade Way, informed the Mayor and Town Council about a possible restoration effort for the eagle and flagpole on Royal Palm Way. He also added that the communication regarding the utilities undergrounding project has been terrific.

Mayor Coniglio and Council Member Araskog provided follow up comments.

VI. APPROVAL OF AGENDA

The following changes were made to the agenda:

Withdrawn: The following item was withdrawn:

- ITEM VII.B.1.a. VARIANCE #15-2017

Deferrals: The following items were deferred to the September 13, 2017 Town Council Meeting:

- ITEM VII.B.1.d. SITE PLAN REVIEW #1-2017
- ITEM VII.B.2.g. Z-17-00017 VARIANCE
- ITEM VII.B.2.h. Z-17-00018 VARIANCE

The following items were deferred to the October 11, 2017 Town Council meeting

- ITEM VII.B.1.b. VARIANCE #21-2017

- ITEM VII.B.2.j. SPECIAL EXCEPTION WITH SITE PLAN REVIEW Z-17-00021

- ITEM VII.B.2.k. SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE Z-17-00022

Motion was made by Council Member Araskog, and seconded by Council Member Zeidman, to approve the Agenda, as amended above. On roll call, the motion carried unanimously.

Deputy Clerk Churney swore in all those who would be providing testimony.

VII. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal

1236 South Ocean Boulevard

Case # B-046-2917 Landscape/Hardscape

Director Page provided a summary of the project.

No ex-parte communications were declared.

Attorney Barbara Hall spoke on behalf of the owners of 100 Emerald Beach Way who believe that approval was not properly given and that the application was deficient.

Attorney Tim Hanlon spoke on behalf of the owners of 1236 South Ocean Boulevard.

Discussion took place on landscaping requirements, letters of support, parking, and noise.

Mr. Randolph provided an explanation about the application.

Council Member Lindsay recused herself from the project.

Motion was made by Council President Pro Tem Moore, and seconded by Council Member Zeidman, to deny the ARCOM appeal. On roll call, the motion carried 4-0, with Council Member Lindsay recused.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. VARIANCE #15-2017 The application of 3200 Washington, LLC; relative to property commonly known as 1055 N. Ocean Blvd., described as lengthy legal description on file; located in the R-A Zoning District. The applicant is proposing to modify the existing one-story house by adding a 4,665 square foot second story pitched roof addition and adding a pitched roof and loggia element onto the existing one story portions of the house that are to remain. The following four variances are being requested in order to accomplish this: 1) A south side yard setback ranging from 7.4 feet to 9.9 feet in lieu of the 15 feet minimum setback required to add the pitched roof onto the one story south wing of the house and

the second story addition; 2) A north side yard setback ranging from the 5.1 feet to 8 feet in lieu of the 15 foot minimum setback required to add the pitched roof and loggia onto the one story north wing of the house and the second story addition. Both sides are proposed to have 2 foot overhangs for the pitch roof which is allowed by code. [Attorney: Joel P. Koeppel, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will cause negative architectural impacts to the subject property and the proposed project can be designed in an architecturally suitable manner which conforms to our Code of Ordinances without the need for a variance. Carried 5-2 The Architectural Commission approved the project as presented with a west loaded garage. Carried 4-3.] Request for Withdrawal Per Letter Dated July 26, 2017 from Joel P. Koeppel

Item was withdrawn

b. VARIANCE #21-2017 The application of Vera Alfieri Monforte; relative to property commonly known as 218 Miraflores Dr., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to construct a 1,230 square foot second story addition on the west side of the one story residence that will create two bedrooms, a gym and two bathrooms. The following variances are being requested: 1) lot coverage of 33.7% in lieu of the 30% maximum allowed for a two story residence, 2) a west side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [The Architectural Commission deferred the project to the August 23, 2017 meeting. Carried 7-0.] Request for Deferral to the October 11, 2017, Town Council Meeting Per Letter Dated August 1, 2017 from Maura Ziska

Item was deferred to the October 11, 2017 Town council meeting

c. SPECIAL EXCEPTION #19-2017 WITH SITE PLAN REVIEW The application of Stephen Wolf; relative to property commonly known as 158 Everglade Ave., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a special exception with site plan review to allow the construction of a 4,302 square foot two-story single family residence on a lot comprised of portions of platted lots. The lot is 85 feet in width in lieu of the 100 foot minimum required. [Attorney: David E. Klein, Esq.] [Architectural Commission recommendation: Implementation of the proposed special exception with site plan review will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project as amended. Carried 7-0.]

No ex-parte communications were declared.

Attorney David Klein provided details of the project.

Zoning Administrator Castro provided Staff comments.

Motion was made by Council Member Zeidman, and seconded by Council Member Araskog, that Special Exception #19-2017 shall be granted, with the caveat that the owner will provide a utility easement, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

Motion was made by Council Member Zeidman, and seconded by Council Member Lindsay, that Site Plan #19-2017 be approved, with the caveat that the owner will provide a utility easement, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

d. SITE PLAN REVIEW #1-2017 The application of 235 Via V PB LLC (Stuart Kapp, Manager); relative to property commonly known as 235 Via Vizcaya., described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required. [Attorney: Maura Ziska, Esq.] [The Architectural Commission deferred the project to the August 23, 2017 meeting. Carried 7-0]

Item was deferred to September 13, 2017 Town council meeting

2. New Business

a. Z-17-00005 VARIANCE Zoning District: R-B Low Density Residential The application of CAMPANA PB TRUST, Owner, relative to property located at 120 CANTERBURY LN, legal description on file, is described below. The applicant is proposing to add a 495 square foot second story addition for a guest suite above the existing one story guest suite (which will be converted to a garage) and a 69 square foot 2 story stair addition that will be out of the setback. Because the property is in excess of 20,000 square feet a variance is being requested to have a 15.2 east side yard setback in lieu of the 26 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.]

The following ex-parte communications were declared. Council Member Lindsay, Mayor Coniglio, Council President Kleid and Council Member Zeidman spoke with Maura Ziska who advocated the position of her client.

Attorney Ziska provided details of the project.

Mr. Castro provided Staff comments.

Discussion took place on ARCOM approval process.

Town Manager Bradford clarified underground status on Canterbury Lane.

Motion was made by Council Member Araskog, and seconded by Council Member Zeidman, that Variance #Z-17-0005 be deferred and forwarded to ARCOM for its recommendation and approval. On roll call, the motion carried 3-2 with Council President Pro Tem Moore and Council President Kleid dissenting.

b. Z-17-00006 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R D(2) High Density Residential The application of 2842 S OCEAN LLC, Owner, relative to property located at 2842 S OCEAN BLVD SUITE: REC AREA, legal description on file, is described below. Special Exception with site plan review requesting a modification to the site plan to relocate the pool cabana bar

and construct a small kitchen with seven (7) outdoor seats onto the existing pool deck of the Tideline Ocean Resort. The existing pool bar will become a towel storage building. The proposed hours are 11:00 a.m. to 8:00 p.m. [Applicant's Representative: Maura Ziska, Esq.]

The following ex-parte communications were declared. Council Member Lindsay and Council President Kleid spoke with Maura Ziska who advocated the position of her client.

Attorney Ziska provided details of the project.

Mr. Castro provided Staff comments.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Special Exception #Z-17-00006 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Site Plan #Z-17-0006 be, approved with the caveat the owner will provide a utility easement, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

c. Z-17-00007 SPECIAL EXCEPTION Zoning District: R B Low Density Residential The application of SULTAN MARILYN R, Owner, relative to property located at 314 DUNBAR RD, legal description on file, is described below. A request for a special exception to replace a chain link swing gate with a decorative aluminum swing gate in the same location at the driveway entrance on Dunbar Road, which is a dead end street. The existing and proposed gate would be 16.5 feet from the street pavement in lieu of the 18 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.]

The following ex-parte communications were declared. Council Member Lindsay and Council President Kleid spoke to Attorney Ziska who advocated for the position of her client.

Attorney Ziska provided details of the project.

Mr. Castro provided Staff comments.

Discussion took place on permitting and code violations related to the gate, the location of walkway, and the history of gate.

Motion was made by Council Member Araskog, and seconded by Council President Pro-Tem Moore, that Special Exception #Z-17-0007 be deferred to until Town Staff is able to research whether there is a code violation. This item will be revisited at the September Town Council meeting. On roll call, the motion carried unanimously.

d. Z-17-00014 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE Zoning District: R-B Low Density Residential The application of 280 NCR LLC, Owner, relative to property located at 280 N COUNTY RD, legal

description on file, is described below. The applicant is requesting a special exception with site plan review request to allow the construction of a 7,211 square foot two-story single family residence, detached one-story pool cabana and garage on a non-conforming lot, comprised of portions of platted lots, which has a width of 92.6 feet in lieu of the 100 foot minimum required width in the R-B Zoning District. In connection with the proposed construction, the following variance is being requested: A variance to construct a two-story house with a second story street sideyard setback (east side of the property) of 25 feet in lieu of the 30 foot minimum required. [Applicant's Representative: David E. Klein, Esq.] [Architectural Commission recommendation: Implementation of the proposed variance, site plan and special exception will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project. Carried 7-0.]

No ex-parte communications were declared.

Attorney David Klein provided details of the project.

Mr. Castro provided Staff comments.

Motion was made by Council Member Zeidman, and seconded by Council President Pro-Tem Moore, that Special Exception #Z17-00014 shall be granted, with the caveat the owner will provide a utility easement, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

Motion was made by Council Member Zeidman, and seconded by Council President Pro-Tem Moore, that Site Plan #Z17-00014 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

Motion was made by Council Member Zeidman, and seconded by Council President Pro-Tem Moore, that Variance #Z17-00014 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7, have been met. On roll call, the motion carried unanimously.

e. Z-17-00015 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-A Estate Residential The application of EVERGLADES CLUB INC, Owner, relative to property located at 500 S COUNTY RD SUITE: CLUBHOUSE (PALM TERRACE BLDG), legal description on file, is described below. A request for special exception approval with site plan review to allow modifications to the existing Palm Terrace building by demolition of an existing concrete patio, walkway and ficus trees and construct a new 5,686 square foot coquina tile patio in the same location as extended to the south. The request also includes the addition of a covered area for movable kitchen equipment located between the men's locker room and an existing covered walkway, masonry planters for low plantings and new Buttonwood trees, and new trellis screening at some of the existing openings. Additionally, there is a request to shift the previously approved soil bins to the southeast. [Applicant's Representative: Maura Ziska, Esq.]

The following ex-parte communications were declared. Council Member Lindsay and Council President Kleid spoke to Attorney Ziska who advocated the position of her client. Council President Pro-Tem Moore and Council Member Araskog announced they are members of the Everglades Club.

Attorney Ziska provided details of the project.

Architect Jason Drobot provided additional details.

Mr. Castro provided Staff comments.

Motion was made by Council Member Lindsay, and seconded by Council Member Zeidman, that Special Exception #Z17-00015 shall be granted with the caveat the owner will provide a utility easements on all sides of the property, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Site Plan #Z17-00015 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

f. Z-17-00016 VARIANCE Zoning District: C-TS Town-Serving Commercial The application of PARAMOUNT CHURCH INC LESSOR, Owner, relative to property located at 139 N COUNTY RD SUITE: 1, legal description on file, is described below. Request for a variance to allow a previously approved first floor real estate office (Illustrated Properties Real Estate Inc.) to expand across the covered walkway into first floor Suites 1 & 2 which contains 1,318 square feet. The total square footage for both spaces will equal 2,326 square feet. A variance is being requested to have the proposed real estate office on the first floor of a building located in the C-TS zoning district where office use is only allowed on the second floor if it doesn't meet the special exception criteria that would allow an office on the first floor. [Applicant's Representative: Maura Ziska, Esq.]

The following ex-parte communications were declared. Council President Kleid and Council Members Lindsay and Zeidman spoke with Attorney Ziska who advocated the position of her client.

Deputy Clerk Churney swore in all those who would be providing testimony.

Attorney Ziska provided details of the project.

Mr. Castro provided Staff comments.

Discussion took place on parking, visibility from the street, history of the property, the impact of surrounding retail businesses and walkability.

Architect Keith Spina presented proposed plans for the project.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, that Variance #Z-17-00016 be denied because the application does not meet all of the criteria applicable to this application as set forth in Section 134-201(a), items 1

through 7. On roll call, the motion carried 3-2 with Council Members Zeidman and Council President Pro-Tem Moore dissenting.

Eric Sain, District Sales Manager for the Illustrated Properties Group, spoke about bringing activities and events into the courtyard.

g. Z-17-00017 VARIANCE Zoning District: R-A Estate Residential The application of OLD KAPOK LLC, Owner, relative to property located at 8 S LAKE TRL, legal description on file, is described below. The applicant is requesting modifications to a Landmarked residence which will require the following variances: 1. A request for a variance to allow construction of a tennis court that will not be completely enclosed with a fence and that the tennis court with appurtenances will have a 27 foot front yard setback in lieu of the 35 foot minimum required. 2. A variance request to allow a driveway back up space to be 17 feet in lieu of the 25 feet required. 3. A variance request to construct a one story addition to the south side of the existing cabana that will have a front yard setback of 33.8 feet in lieu of the 35 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.] [The Landmarks Preservation Commission deferred the project to the August 16, 2017 meeting. Carried 7-0.] Request for Deferral to the September 13, 2017, Town Council Meeting Per Letter Dated July 27, 2017 From Maura Ziska

Item was deferred to the September 13, 2017 Town council meeting

h. Z-17-00018 VARIANCE Zoning District: R-B Low Density Residential The application of 130 DOLPHIN ROAD LLC, Owner, relative to property located at 130 DOLPHIN RD, legal description on file, is described below. The applicant is proposing to construct a 1,400 square foot, second floor addition (which includes a 260 square foot terrace) onto an existing one-story home. Adding a second story to an existing one story home causes the existing lot coverage of 32% to exceed the 30% maximum allowed for a two story residence in the R-B Zoning District. The variance request is for the lot coverage to be 32% in lieu of the 30% maximum allowed for a two story residence in the R-B Zoning District. [Applicant's Representative: Maura Ziska, Esq.] [The Architectural Commission deferred the project to the August 23, 2017 meeting. Carried 7-0.] Request for Deferral to the September 13, 1017, Town Council Meeting Per Letter Dated August 1, 2017 From Maura Ziska

Item was deferred to the September 13, 2017 Town council meeting

i. Z-17-00020 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of CARRIAGE HOUSE PROPERTIES PART, Owner, relative to property located at 264 S COUNTY RD SUITE: SITE, legal description on file, is described below. A request for a special exception with site plan review approval to allow a private club "Carriage House" to operate at 264 and 270 South County Road in the C-TS Zoning District. The Club will have a membership cap of 264 members based on the principal of equivalency for parking requirements. [Applicant's Representative: Maura Ziska, Esq.]

Mr. Castro recommended deferring to the September Town council meeting in order to obtain and review traffic concurrency; information still being prepared.

Discussion took place on whether or not to defer the presentation of information.

The following ex-parte communications were declared. Council Member Lindsay, Council President Kleid, Council Member Moore, and Council Member Zeidman all had a conversation with Maura Ziska who advocated the position of her client. Council Member Lindsay received a voice mail from Laurie Volk. Mayor Coniglio and Council Member Zeidman both received a telephone call from Laurie Volk, who shared her concerns.

All council members have read letters and E-mails associated with this project that were included in their backup.

Attorney Ziska provided details of the project.

Motion was made by Council Member Zeidman, and seconded by Council Member Araskog, to defer Special Exception Z-17-00020 With Site Plan Review to September 13, 2017 Town council meeting. On roll call, the motion carried unanimously

j. Z-17-00021 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of 211 PINE STREET LAND TRUST &, Owner, relative to property located at 225 ARABIAN RD, legal description on file, is described below. Request for special exception and site plan review approval to permit construction of a 4,247 square foot two-story single family residence on portions of platted lots with a width of 86 feet in lieu of the minimum 100 feet lot width requirement applicable to lots within the R-B District. [Applicant's Representative: Tim Hanlon, Esq.] [Architectural Commission recommendation: Implementation of the proposed site plan review and special exception will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission deferred the project to the September 27, 2017 meeting. Carried 7-0.] Request for Deferral to the October 11, 2017, Town Council Meeting Per Letter Dated August 2, 2017 from Tim Hanlon

Item was deferred to the October 11, 2017 Town Council meeting

k. Z-17-00022 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE Zoning District: R-A Estate Residential The application of PBC REALTY, Owner, relative to property located at 910 S OCEAN BLVD, legal description on file, is described below. 1. Site Plan Approval requested to permit construction of a new 7,963 square foot two story house and pool on a platted lot with a width of 128.42 feet in lieu of 150 feet minimum required. 2. Request for site plan approval and special exception to permit construction of a new 500 square foot beach cabana on the portion of the property lying east of S. Ocean Blvd. 3. Request for a zero datum (point of measurement) for the construction of the proposed two story house of 21.5 feet National Geodetic Vertical Datum ("NGVD") in lieu of 18.34 feet NGVD allowed by Code. A building height plane variance and building height variance is requested in order to permit this new zero datum. [Applicant's Representative: Tim Hanlon, Esq.] [The Architectural Commission deferred the project to the September 27, 2017 meeting. Carried 7-0.]

Item was deferred to the October 11, 2017 Town council meeting

VIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 9-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach's Comprehensive Plan By Amending The Data & Analysis, As Well As The Goals, Objectives And Policies Within The Plan Based On The Town's Recent Evaluation And Appraisal Of The Comprehensive Plan; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

Director Page provided a timeline of completion of the Comprehensive Plan.

Deputy Clerk Churney swore in Planning Administrator Lindgren.

Mr. Lindgren explained recent changes to the Comprehensive Plan.

Council Member Araskog itemized concerns with the verbiage of the Comprehensive Plan.

Discussion took place on the purpose of the Comprehensive Plan.

Anita Seltzer, 44 Cocoanut Row, expressed her concerns and recommended changes to the Comprehensive Plan.

Motion was made by Council President Pro Tem Moore, and seconded by Council Member Zeidman, to adopt Ordinance #9-2017, on second and final reading. On roll call, the motion carried 4-1 with Council Member Araskog dissenting.

2. ORDINANCE NO. 16-2017 An Ordinance By The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach Code Of Ordinances To Repeal Chapter 50; To Adopt A New Chapter 50; To Adopt Flood Hazard Maps, To Designate A Floodplain Administrator, To Adopt Procedures And Criteria For Development In Flood Hazard Areas, And For Other Purposes; Providing For Applicability; Repealer; Severability; And An Effective Date.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, to adopt Ordinance #16-2017, on second and final reading. On roll call, the motion carried unanimously.

3. ORDINANCE NO. 24-2017 An Ordinance By The Town Council Of The own Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach Code Of Ordinances Chapter 18; To Adopt Amendments Relating To Flood Provisions Of The Florida Building Code; Providing For Applicability; Repealer; Severability; And An Effective Date.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, to adopt Ordinance #24-2017, on second and final reading. On roll call, the motion carried unanimously.

Mayor Coniglio expressed her concerns regarding Town Council member's comments at Town sub-committee meetings and suggested eliminating sub-committees if they are to become pseudo Town Council meetings.

Discussion on this topic followed and all agreed when attending sub-committee meetings, they would not speak.

Discussion took place on two day versus one day Town Council meetings.

1 IX. ADJOURNMENT

There being no further business, the August 9, 2017 Town Council meeting was adjourned at 6:02 P.M.

APPROVED:

_____

Richard M. Kleid, Town Council President

PREPARED BY:

_____

Kathleen Ruderman, Deputy Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2017

Section of Agenda
Minutes

Agenda Title
Approval of major matters considered by the Architectural Commission at its meeting of September 27, 2017.

Presenter
John S. Page, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated September 29, 2017, from John S. Page, Director of Planning, Zoning and Building**
- **Minutes of the Architectural Commission Meeting of September 27, 2017**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: Approval of the Architectural Commission Meeting Minutes of September 27, 2017

Date: September 29, 2017

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, 2017.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items that were considered at the regularly scheduled meeting of September 27, 2017.

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

JSP:kmc

TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL COMMISSION MEETING HELD ON WEDNESDAY, SEPTEMBER 27, 2017

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

Chairman Sammons called the meeting to order at 9:01 a.m.

II. ROLL CALL

Richard Sammons, Chairman	PRESENT
Ann L. Vanneck, Vice Chairman	PRESENT
Robert N. Garrison, Member	PRESENT
Alexander C. Ives, Member	PRESENT (arrived at 9:02 a.m.)
Michael B. Small, Member	PRESENT
Maisie Grace, Member	PRESENT
Robert J. Vila, Member	PRESENT
John David Corey, Alternate Member	PRESENT
Betsy Shiverick, Alternate Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT

Staff Members present were:
John Page, Director of Planning, Zoning & Building
John Lindgren, Planning Administrator
Kelly Churney, Secretary to the Architectural Review Commission

III. PLEDGE OF ALLEGIANCE

Mr. Sammons led the Pledge of Allegiance.

IV. APPROVAL OF THE MINUTES FROM THE AUGUST 23, 2017 MEETING

Motion made by Mr. Small and seconded by Mrs. Vanneck to approve the minutes from the August 23, 2017 meeting. Motion carried with all in favor.

V. APPROVAL OF THE AGENDA

Mr. Small requested the following changes to the agenda: withdraw project A-030-2017 1120 N. Lake Way; defer projects B-080-2017 211/217 Emerald Ln. and A-033-2017 224 S. Ocean Blvd. for one month to the October 25, 2017 meeting; and to move

the project B-090-2017 901 N. Ocean Blvd. to the beginning of "Major Projects – Old Business".

Motion made by Mr. Small and seconded by Mrs. Vanneck to approve the agenda as amended. Motion carried with all in favor.

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

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

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

There were no comments heard at this time.

VIII. **PROJECT REVIEW**

A. **DEMOLITIONS AND TIME EXTENSIONS**

B-092-2017 Demolition
Address: 215 Arabian Rd.
Applicant: 215 Arabian LLC
Architect: Kevin Asbacher/Asbacher Architecture
Project Description: Demolition of a two-story wood frame and clay tile residence.

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

Mr. Asbacher presented the proposed plans for the demolition of the residence.

Motion made by Mr. Garrison to approve the demolition as presented.

Many of the Commission members expressed their frustration in the proposed demolition and thought the home should be restored.

Mr. Garrison withdrew his motion.

A discussion ensued about the Architectural Commission's inability to deny demolition requests.

Motion made by Mrs. Vanneck to approve the demolition as presented with the caveats to remove all exotic and invasive plant species and to sod and irrigate the property within 30 days.

Mr. Vila asked if a caveat could be placed on the approval, which states the new home must be a replica of the existing home. Mr. Page responded.

Motion seconded by Mr. Vila. Motion carried 4-3 with Messrs. Garrison, Ives and Ms. Grace.

Mr. Page stated that Mr. Sammons declared a conflict for his project at 130 Dolphin Rd. at the August 23, 2017 meeting and had correctly completed the 8B form in accordance with State Law.

B. **MAJOR PROJECTS-OLD BUSINESS**

B-090-2017 New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
Address: 901 N. Ocean Blvd.
Applicant: Lorraine L. Friedman Trust
Architect: Stephen Roy/Roy & Posey
Project Description: Construction of a new 16,483 s.f. two story main house, a 1,263 s.f. two story pool house with a 710 s.f. pergola & a 2,688 s.f. two story guest house in the Bermuda Style.

VARIANCE INFORMATION: Application received from contract purchaser PBB Island Properties, LLC (Clark Beaty). A variance to allow the construction of a new 20,330 square foot two story residence with a point of measurement for height of 17.8 foot National Geodetic Vertical Datum ("NGVD") in lieu of the 17.4 foot NGVD maximum allowed for properties within the coastal construction control line.

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

Maura Ziska, Attorney for the applicant, provided a history of the property and reviewed the variance request in which they are seeking a favorable recommendation to the Town Council.

Ms. Vanneck questioned the increase in density in the Town. Mr. Lindgren and Mr. Page responded. A short conversation ensued regarding this topic.

Mr. Roy presented the proposed plans for the new residence. Mr. Roy presented an alternate stair option on the overhead projector.

Mr. Vila suggested that the proposed home overpowered the lot and stated he could not support the design. Mr. Small agreed.

Mr. Small questioned the lot size and coverage of the proposed home. He also inquired about the future of the north lot. Mr. Roy and Mr. Lynch responded.

Mr. Garrison agreed with Mr. Vila and Mr. Small. He stated the home was well sited but he thought the proposed residence was too large for the lot. He expressed his dilemma in considering a home that complied with all zoning requirements but appeared too large for the site.

Town Attorney Randolph stated that the Commission has the ARCOM Ordinance as well as the Zoning Ordinances to rely on to make their decisions.

Mr. Ives questioned the design inspiration and agreed that the proposed home is too large for the lot.

Ms. Grace liked the newly designed staircase but questioned the size of the home on the lot.

Mrs. Vanneck indicated that the model displayed that the house is too large on the lot. She stated that the mass, scale, compatibility and beauty did not meet the standards of the ARCOM Ordinance.

Ms. Catlin thought the proposed home was out of balance and disjointed.

Mr. Corey suggested revisiting the mass of the front structure, the height of the building compared to its width, the size of the columns and the exposed rafters. He also suggested restudying the passageways and loggias.

Mr. Sammons thought the design was largely over scaled.

Motion made by Mr. Vila and seconded by Mrs. Vanneck to deny the project based on Ordinance Section 18-205 a (1). Motion carried with all in favor.

B-006-2017 Additions/Modifications
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
Address: 218 Miraflores Drive
Applicant: Vera Alfieri Monforte
Architect: Gregory Bonner/B1 Architects
Project Description: Partial second floor addition to an existing one story single family residence.

VARIANCE INFORMATION: The applicant is proposing to construct a 1,230 square foot second story addition on the west side of the one story residence that will create two bedrooms, a gym and two bathrooms. The following variances are being requested: 1) lot coverage of 33.7% in lieu of the 30% maximum allowed for a two story residence, 2) a west side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91 feet in lieu of the 15 foot minimum required.

A motion carried at the June meeting to defer the project to the July 26, 2017 meeting. A motion carried at the July meeting to defer the project to the August 23, 2017 meeting. A motion carried at the August meeting to defer the project to the September 27, 2017 meeting.

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

Maura Ziska, attorney for the applicant, reviewed the variance requests in which she is seeking a favorable recommendation to the Town Council.

Ms. Alfieri, owner, discussed the reasons she is expanding her home.

Mr. Bonner presented the plans for the addition to the residence.

Ms. Grace asked about the increase in square footage. Mr. Bonner responded. Ms. Grace thought the design looked unbalanced. Mr. Bonner further explained his design.

Ms. Catlin thought that the proposed design did not honor the lines of the existing home.

Ms. Shiverick agreed with Ms. Catlin and thought the design needed to be restudied.

Mr. Garrison agreed and thought the design was unbalanced as well. He suggested requesting a variance if needed and offered that the addition may look better in the center of the home.

Mr. Ives agreed with his fellow Commissioners and asked if they had considered alternate designs. Mr. Bonner responded.

Mrs. Vanneck understood the need for the extra room but stated that the design needed major restudy.

Motion made by Mrs. Vanneck and seconded by Mr. Garrison to defer the project for two months to the November 29, 2017 meeting.

Mr. Vila stated the design looks like a pop up and suggested a restudy of the design.

Motion carried with all in favor.

B-008-2017 New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW
Address: 235 Via Vizcaya
Applicant: 235 Via V PB, LLC
Architect: Pat Segraves, SKA Architect + Planner
Landscape Architect: Steve West, Parker-Yannette Design Group, Inc.
Project Description: Mediterranean Revival style two-story home to be 7,444 square feet consisting of four bedrooms, six and one half bathrooms, kitchen, dining room, family room, living room, library, loggias, two-car garage and guest apartment. Final landscape, hardscape and drainage to be included.

SITE PLAN REVIEW INFORMATION: The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area

required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required.

A motion carried at the January meeting to defer the project to the February meeting at the request of the architect. A motion carried at the February meeting to defer the project to the April meeting for major restudy. A motion carried at the April meeting to defer the project to the June 28, 2017 meeting for restudy. A motion carried at the June meeting to defer the project to the July 26, 2017 meeting. A motion carried at the July meeting to defer the project to the August 23, 2017 meeting for restudy. A motion carried at the August meeting to defer the project to the September 27, 2017 meeting for restudy.

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

Frank Lynch, Attorney for the applicant, stated that an appeal on the Commission's lack of action on the project had been filed to the Town Council. He made an argument on why he believes the proposed home should be approved. He argued precedence for their lot size by comparing the new residence at 671 Island Dr., which was approved at the June ARCOM meeting.

Mr. Lindgren corrected a number that Mr. Lynch presented relating to the landscape open space in the R-A Zoning District.

Mr. Garrison argued that zoning is only part of their decision. He stated the Commission is also charged with good taste and design. Mr. Garrison thought the placement of the home appears as if it is in the back yard of another home. Mr. Lynch responded.

Mr. Lynch showed the Commission a plat from 1930 and argued that they are limited with the orientation of their home.

Daniel Clavijo, Pat Segraves, SKA Architect + Planner, showed a contextual video of the proposed home and talked about the massing and orientation of the proposed home.

Mr. Segraves presented the modifications to the proposed residence.

Mr. West presented the proposed landscape designs. He also submitted an alternate gate design on the overhead.

Mr. Vila asked about the footprint of the home. Mr. Segraves responded.

Mr. Small thought the changes were significant and thought the home would contribute to the charm and beauty to the neighborhood.

Ms. Shiverick disagreed with Mr. Small and suggested a bigger reduction was needed and a possible change in design. Mr. Segraves responded.

Mr. Ives questioned the design features and the style of the home and suggested a possible change in design.

Mrs. Vanneck thought the home has too much heaviness and concrete. She suggested that the location on the water was wrong for the proposed home due to its heaviness.

Motion made by Mr. Vila and seconded by Mr. Small to approve the project as presented with the caveats that the height of the columns in the loggia are reduced by 18" and that pickets on the rear balcony are changed to the Gambar style.

Mr. Catlin stated that the home would always appear as if it is in someone's backyard. She agreed with Messrs. Vila and Small but stated she felt the house still appeared to have too much mass.

Motion failed 2-5 with Messrs. Garrison, Ives, Sammons and Mses. Vanneck and Grace opposed.

Mr. Sammons stated his problem with the house is in the design, scale, the overall proportions and the execution of the details.

A second motion made by Mrs. Vanneck and seconded by Mr. Garrison to deny the project based on Ordinance Section 18-205 a (1). Motion carried 4-3 with Messrs. Ives, Small and Vila opposed.

Mr. Vila stated the design style was vernacular and thought there could be changes made to the design. Mr. Sammons responded. A discussion ensued on this topic. Mrs. Vanneck commented on the decision for denial.

Please note: A short break was taken at 11:01 a.m. The meeting resumed at 11:17 a.m.

B-016-2017 Demolition/New Construction
Address: 210 Fairview Rd.
Applicant: Palm Beach Island Ventures, LLC
Architect: James C. Paine, Jr.
Landscape Architect: Louis Ilias/Majestic Views Landscape Architects, Inc.
Project Description: Demolition of existing single story residence. Construction of new two story residence with side entry garage and pool.

At the March meeting, to approve the demolition request. A second motion carried to defer the project to the April 26, 2017 meeting for restudy of the mass, lighting, fenestration, window treatments and the unsupported concrete walls. At the April meeting, a motion carried to defer the project to the May 24, 2017

meeting. A motion carried at the May meeting to defer the project to the July 26, 2017 meeting for restudy. A motion carried at the July meeting to defer the project to the September 27, 2017 meeting.

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

Mr. Paine presented the proposed modifications for the project.

Mr. Ives questioned the operability of the shutters. Mr. Paine responded. Mrs. Vanneck added that the shutters should be operable. Mr. Paine provided some clarification on the shutters.

Ms. Catlin thought the design fit on the street but did look similar to the adjacent house.

Mrs. Vanneck questioned an open space in the design. Mr. Paine responded.

Mr. Sammons questioned the fenestration and suggested using sash windows.

Mr. Vila questioned a sheet in the mini-sets. Mr. Paine responded.

Motion by Mr. Garrison and seconded by Mr. Ives to approve the project as presented with the caveats to change the windows on the first floor to sash windows and that the shutters are operable. Motion carried 6-1 with Mr. Sammons opposed.

B-020-2017 Modifications
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE - Done 4/26/17 and 6/28/17
Address: 202 Onondaga Ave.
Applicant: 202 Onondaga LLC
Architect: Jaime Torres/Fairfax, Sammons & Partners
Project Description: Renovations to existing one story residence and partial 2nd floor addition to same. Landscape and hardscape changes included.
Please note: This will be a conflict of interest for Richard Sammons

At the April meeting, a motion carried that the proposed project can be designed in an architecturally suitable manner which conforms to our code of ordinances without the need for a variance. A second motion carried to defer the project to the June 28, 2017 meeting for restudy. A motion carried at the June meeting that the proposed project can be designed in an architecturally suitable manner, which conforms to the Town of Palm Beach Code of Ordinances without the need for a variance. A second motion carried to defer the project for one month to the July 26, 2017 meeting. A motion carried at the July meeting to defer the project to the August 23, 2017 meeting. A motion carried at the August meeting to defer the project to the September 27, 2017 meeting.

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

Mr. Sammons disclosed a conflict of interest for the project.

Please note: Mrs. Vanneck stated that Mr. Corey would be voting in the absence of Mr. Sammons.

Town Attorney Randolph asked for clarification on the ex parte given by the Commissioners.

Mr. Torres presented the proposed modifications to the project.

Mr. Garrison asked for clarification on the roof pitch. Mr. Torres responded.

Mr. Torres responded to the neighbor's concerns for the design.

Mr. Garrison asked about the proposed setbacks. Mr. Torres responded.

Mr. Ives asked for clarification on the roof height and setbacks. Mr. Torres responded.

Ms. Grace asked for clarification on the window height and the operability of the shutters. Mr. Torres responded.

Mr. Small asked about the easement for utilities. Mr. Page stated that this project was submitted prior to the requirement for a utility easement.

James Green, Attorney for the applicant, stated that he would like to present an appraisal by Robert Reynolds, realtor, for surrounding properties within 200 feet of the proposed project. Mr. Green summarized the report for the Commissioners. There was a short conversation regarding this report.

John Dotterrer, 1470 N. Ocean Blvd. asked if he could ask Mr. Reynolds a few questions. Mr. Dotterrer asked Mr. Reynolds questions regarding the report that he submitted. Mr. Reynolds responded.

Mr. Small asked Mr. Reynolds a question from his report regarding an increase in home value with a one story home compared to a two story home. Mr. Reynolds responded.

Mr. Dotterrer named the individuals that he represented. He introduced architect Roger Cope as an expert witness.

Mr. Cope presented his opinion in opposition to the proposed project.

Mr. Ives asked Mr. Cope's opinion about the style of the house and height. Mr. Cope responded. A short discussion ensued regarding this project.

Mr. Dotterrer presented his opposition to the proposed project.

John Sellers, son of Elsa Messing at 201 Onondaga Ave., stated his objections to the project.

Susan Gary, 229 Onondaga Ave., stated her objections to the project.

Mr. Torres provided a rebuttal to the objections by Mr. Cope and Mr. Dotterrer.

Town Attorney Randolph weighed in on the whether Mr. Dotterrer could respond to the rebuttal.

Mr. Green added a few comments in response to Mr. Dotterrer's objections.

Ms. Grace asked about the homes that were located within 200 feet to the proposed project. Mr. Torres responded. Ms. Grace stated she was in favor of the design but questioned the location. She thought the proposed home was out of character for the neighborhood.

Mr. Corey thought the massing of the proposed project was dissimilar to the surrounding homes.

Ms. Catlin disputed some of the information that was in the report submitted from Robert Reynolds.

Mr. Small thought the proposed home did not fit on the street and could not support the project.

Ms. Shiverick thought the proposed home had charm, would have high quality materials and would be a nice addition to the street.

Mr. Ives stated the proposed home was well designed and stated he would support the home.

Mr. Garrison argued that some of the homes on the Sea Streets would never have been built using the same logic as the opposition. He stated that the home was well designed and that he was in support of the home.

Ms. Grace stated that she thought the home was well designed but the Ordinance charges the Commission to consider more than just the architecture to determine whether if fits in the area.

Mr. Vila stated the proposed home was designed well. He considered the location as a corner that would support a two story home and stated was in favor of the project.

Mrs. Vanneck stated that not approving this project because of the second story would set precedence for the future. She stated that the project was well designed.

Motion made by Mr. Vila and seconded by Mr. Ives to approve the project as presented.

Town Attorney Randolph asked for confirmation that the motion made was based on criteria set forth in the Code. Mr. Vila stated that his motion was based on the criteria.

Motion carried 4-3 with Messrs. Small, Corey and Ms. Grace opposed.

Please note: A lunch break was taken at 1:10 p.m. The meeting resumed at 2:12 p.m.

B-029-2017 Additions/Modifications
ARCOM TO MAKE RECOMMENDATIONS RELATIVE VARIANCES - Done 4/26/17
Address: 1055 N. Ocean Blvd.
Applicant: 3200 Washington, LLC
Architect: Pat Segraves/SKA Architect + Planner
Landscape Architect: Keith Williams/Nievera Williams Design
Project Description: Major renovation of existing one story 6,667 square foot home. Partial demolition of first floor to include trellis area, addition of 4,665 square foot second floor, and change of style to Mediterranean. Final landscape and hardscape to be included.

At the April meeting, a motion carried that the implementation of the proposed variances will cause negative architectural impacts to the subject property and that the proposed project can be designed in an architecturally suitable manner which conforms to our Code of Ordinances without the need for a variance. A second motion carried to defer the project to the June 28, 2017 meeting for a major restudy. A motion carried at the June meeting to defer the project to the July 26, 2017 meeting to restudy the architecture. A motion carried at the July meeting to approve the plans as presented with the west loaded garage and a caveat to return with a new gate design. A motion carried at the August meeting to defer the review of a new gate design to the September 27, 2017 meeting.

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

Mr. Williams presented the proposed modifications to the gate.

Mrs. Vanneck commented that the gate was a large improvement.

Motion made by Mrs. Vanneck and seconded by Mr. Ives to approve the project as presented. Motion carried with all in favor.

B-048-2017 Demolition/New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW WITH SPECIAL EXCEPTION - Done 7/26/17
Address: 225 Arabian Rd.
Applicant: 211 Pine St. Land Trust & Dickenson Blaine C. Tr.
Architect: Roger Janssen/Dailey Janssen Architects
Project Description: Demolition of a two-story residence, pool, landscape and hardscape. Construction of a new two-story residence, with pool, landscape and hardscape.

A motion carried at the July meeting to approve the demolition request. A second motion carried that the implementation of the site plan review and special exception will not cause negative architectural impact to the subject property and to defer the project for two months to the September 27, 2017 meeting for restudy.

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

Mr. Janssen presented the proposed modifications to the project.

Dustin Mizell, Environment Design Group, presented the proposed modifications to the landscape plans.

Mr. Corey stated he was in favor of the project.

Mrs. Vanneck thought the changes were a big improvement.

Motion made by Mrs. Vanneck and seconded by Mr. Small to approve the project as presented. Motion carried by all in favor.

B-062-2017 Additions/Modification
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S) - Done 8/23/17
Address: 120 Canterbury Lane
Applicant: Campana PB Trust (Stuart and Susan Bell)
Architect: Peter Papadopoulos/Smith and Moore Architects
Project Description: Addition to existing two story home. The applicant is proposing to add a second story addition for a guest suite above the existing one story guest suite (which will then be converted to a two-car garage). Final landscape and hardscape.

A motion carried at the August meeting that implementation of the proposed variance will not cause negative architectural impact to the subject property. A second motion carried to approve the architecture as presented but to defer the landscaping for one month to the September 27, 2017 meeting to allow the architect to restudy the landscaping in front of the garage.

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

Steve West, Parker- Yannette Design Group, presented the proposed modifications to the landscape plans.

Mr. Small stated he was in favor of the changes.

Motion made by Mr. Small and seconded by Mr. Garrison to approve the project as presented. Motion carried with all in favor.

B-054-2017 New Construction
Address: 446 N. Lake Way
Applicant: Stephen A. Levin
Architect: Benjamin Schreier/Affiniti Architects
Project Description: New contemporary two story home and one story accessory garage totaling 13,093 gross s.f. and associated landscaping, hardscape and swimming pool.

A motion carried at the June meeting to defer the project to the August 23, 2017 meeting for a major restudy. A motion carried at the August meeting to defer the project for one month to the September 27, 2017 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.
Mr. Schreier presented the proposed modifications for the new residence.

Mr. Ives stated the changes were thoughtful. He questioned the design and whether it fit into the Town.

Mr. Corey thought the proposed home was too commercial looking and could not support the design. He thought the home was too dissimilar to the surrounding homes.

Ms. Grace was in favor of the changes with the exception of the pergola. She suggested some changes to the landscape.

Mrs. Vanneck thought the changes were not significant enough and questioned whether the home belonged in the Town.

Mr. Small thought the changes made were positive. He asked the architect about a contemporary home in the area, south of the project and suggested the proposed project was not dissimilar.

Mr. Garrison thought the design was well done and thought the home would never be seen from the street.

Ms. Catlin thought the design was elegant and graceful and thought it did fit into the neighborhood. She thought there might be a problem with how the home presented itself.

Mr. Sammons thought the home was grossly over scaled and looked too commercial.

Motion made by Mrs. Vanneck and seconded by Mr. Ives to defer the project for two months to the November 29, 2017 meeting for restudy. Motion carried with all in favor.

B-064-2017 Demolition/New Construction
Address: 209 Sanford Ave.
Applicant: 209 Sanford Avenue, LLC
Architect: Roger Janssen/Dailey Janssen Architects
Landscape Architect: Dustin Mizell/Environment Design Group
Project Description: Demolition of a two-story residence, pool, landscape and hardscape; Construction of a new two-story residence with pool, landscape and hardscape.

A motion carried at the August meeting to approve the request for demolition. A second motion carried to defer the project for one month to the September 27, 2017 meeting

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

Mr. Janssen presented the proposed modifications to the architectural plans.

Mrs. Vanneck thought the revisions were successful. Mr. Small and Mr. Ives agreed.

Motion made by Mr. Small and seconded by Mr. Ives to approve the project as submitted with a caveat to include a dedication of a utility easement subject to the satisfaction of the Town. Motion carried with all in favor.

B-066-2017 New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE WITH SITE PLAN REVIEW WITH SPECIAL EXCEPTION
Address: 910 S. Ocean Blvd.

Applicant: PBC Realty, LLC
Architect: Roger Janssen/Dailey Janssen Architects
Project Description: Construction of a new two story residence, beach cabana, two pools, landscape and hardscape, and other associated improvements.

VARIANCE WITH SITE PLAN REVIEW AND SPECIAL EXCEPTION INFORMATION: The applicant is requesting a site plan approval to permit construction of a new 7,963 square foot two story house and pool on a platted lot with a width of 128.42 feet in lieu of 150 feet minimum required. They are also requesting a site plan approval and special exception to permit construction of a new 500 square foot beach cabana on the portion of the property lying east of S. Ocean Blvd. They are requesting a zero datum (point of measurement) for the construction of the proposed two story house of 21.5 feet National Geodetic Vertical Datum ("NGVD") in lieu of 18.34 feet NGVD allowed by Code. A building height plane variance and building height variance is requested in order to permit this new zero datum.

A motion carried at the July meeting to defer the project for two months to the September 27, 2017 meeting for restudy.

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

Mr. Janssen presented the proposed modifications to the plans for the residence. He presented an alternate window and door design for the east elevation on the overhead.

Mrs. Vanneck thought the changes were good. She was in favor of the transoms over the doors. She was not in favor of the two chimneys. Mr. Janssen responded.

Mr. Corey was in favor of the home but agreed with Mrs. Vanneck regarding the chimneys. He suggested to revise the style of the working chimney. He thought the doors on both the north and south elevation (loggia) should be reduced doors as well as the doors on the east elevation (library) tower. Mr. Janssen responded.

Mr. Vila was in favor of the project but questioned the chimney cap. He suggested to change the top of the chimney as well as to lower the chimney overall.

Mr. Garrison thought the second chimney was unnecessary. He agreed that the details of the chimney needed to be changed. He also agreed that the sill needed to be raised on the library windows.

Mr. Sammons suggested more room for the hood moulds and offered suggestions for the family room window details.

Motion made by Mr. Vila and seconded by Mr. Garrison to approve the project as presented with the caveats that the chimneys are revised, the arched doors include transoms, the family room fenestration be reviewed

and to include a dedication of a utility easement subject to the satisfaction of the Town. Motion carried with all in favor.
Matt Jackman, Nievera Williams Design, asked if the motion included the landscape for the property.

Mrs. Vanneck stated that there was not significant change to the landscape.

Mr. Jackman stated he did not present the landscape at the last meeting.

Mrs. Vanneck asked if he added the shade trees at the corners. Mr. Jackman responded. Mr. Corey inquired about the number of shade trees proposed. Mr. Jackman responded.

A second motion made by Mrs. Vanneck and seconded by Mr. Small to approve the landscape plan as presented. Motion carried with all in favor.

A third motion made by Mr. Small and seconded by Mr. Ives that implementation of the proposed variance with site plan review and special exception will not cause negative architectural impact to the subject property. Motion carried with all in favor.

B-072-2017 New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW AND VARIANCE(S)
Address: 615 N. County Rd.
Applicant: Mr. & Mrs. Lewis Sanders
Architect: Jeff Smith/Smith Architectural Group, Inc.
Project Description: Construction of a new two-story French style home of approximately 25,500 square feet. Final landscape, hardscape and drainage to be included.

SITE PLAN REVIEW VARIANCE INFORMATION: The applicant is requesting a variance to allow the construction of a new 25,792 square foot two story residence with a point of measurement for height and overall height to be 23.42 National Geodetic Vertical Datum ("NGVD") in lieu of the 17.4 foot NGVD maximum allowed for properties within the coastal construction control line.

At the August meeting, a motion carried that the implementation of the proposed site plan review and variance will not cause negative architectural impact to the subject property. A second motion carried to defer the project to the September 27, 2017 meeting to restudy the south wing, approaches to the garages, to address the lack of shade trees and to restudy the landscaping.

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

Mr. Smith presented the proposed modifications for the project. He presented additional modifications to the residence on the overhead projector.

Mr. Sammons suggested enlarging the entablature on the main house in the colonnade. He also suggested reducing the columns in the via.

Mrs. Vanneck asked about the proposed colors of the home. Mr. Smith responded.

Mr. Corey asked about the details of the columns. Mr. Smith responded.

Mr. Sammons suggested enlarging the oval windows in width. He also asked for the architrave to be added.

Mr. Garrison questioned the details of the home. Mr. Smith responded.

Mario Nievera, Nievera Williams Design, stated the landscape plans did not make it into the packet due to the hurricane. He stated they brought large presentation boards to show the Commission. Mr. Lindgren stated that presentation boards are not allowed.

Motion made by Mr. Ives and seconded by Mrs. Vanneck to approve the project as presented with the caveats to make the changes suggested by Chairman Sammons, to include a dedication of a utility easement subject to the satisfaction of the Town and deferring the landscaping plans for one month to the October 25, 2017 meeting. Motion carried with all in favor.

Please note: A short break was taken at 3:22 p.m. The meeting resumed at 3:29 p.m.

B-074-2017 Demolition/New Construction
Address: 260 Clarke Ave.
Applicant: Nancy Kozak
Architect: M. Mark Marsh/Bridges, Marsh & Associates, Inc.
Landscape Architect: Dustin Mizell/Environment Design Group
Project Description: Demolition of existing two-story residence, pool & landscape/hardscape. New two-story residence, pool, associated landscape/hardscape.

At the August meeting, a motion carried to defer the project for one month to the September 27, 2017 meeting.

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

Mr. Marsh presented the proposed plans for the demolition.

Motion made by Mrs. Vanneck and seconded by Mr. Garrison to approve the demolition as presented with the caveats to remove all exotic and invasive

plant species and to sod and irrigate the property within 30 days Motion carried with all in favor.

Mr. Marsh presented the proposed plans for the new residence. He presented samples of the proposed materials to be used.

Mrs. Vanneck thought the height of the doors were large and thought that the whole house was over scaled.

Ms. Shiverick was happy to see the grand design but suggested to pull the limestone more into the details. Mr. Marsh responded.

Ms. Grace thought the front and rear of the house were too different. She also thought the limestone detailing around the front door was too heavy. She also made a suggestion on the colors for the shutters as well as adding bowed windows on the front of the house.

Mr. Garrison clarified the size of the scale feature. He also suggested using limestone detail around the windows. He questioned the proposed rear shutters and thought they were not appropriate.

Mr. Vila suggested using a different stone rather than the Portuguese Limestone. He was in favor of the design.

Ms. Catlin agreed that the windows needed some detailing. She suggested restudying the roof over the kitchen section of the home.

Mr. Sammons thought the stringcourse was too tall and the overall height could be reduced. He suggested the front door was too tall and offered suggestions. He questioned the oval window about the front door.

Mr. Mizell presented the proposed landscape plans for the residence.

Mrs. Vanneck questioned the lack of shade in the design and thought the plan needed some restudy.

A second motion made by Ms. Grace and seconded by Mr. Garrison to defer the project for one month to the October 25, 2017 meeting for restudy. Motion carried with all in favor.

B-077-2017 Additions/Modifications
Address: 330 Seaspray Ave.
Applicant: Barbara Stoia
Architect: MP Design & Architecture

Project Description: Raise the entire house to the required floor plain level, interior renovations, new two-car garage addition, new covered entry and new landscape, hardscape & pool.

At the August meeting, a motion carried to defer the project for one month to the September 27, 2017 meeting to modify the front entry similar to the current entry and to return with a new design solution for the garage.

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

Mr. Perry presented the proposed modifications to the plans for the residence.

Ms. Grace asked about the front door design. Mr. Perry responded. Ms. Grace asked about the proposed pool location. Mr. Perry responded. A short discussion ensued about the garage.

Mr. Corey offered a design suggestion for the driveway entrance to the garage. Mr. Perry responded.

Mr. Garrison stated he was in favor of the project and liked Mr. Corey's suggestion regarding the revised entrance to the garage. Mr. Perry stated he would be in favor of the change to the entrance to the garage.

Ms. Shiverick was in favor of the design. She made a suggestion for the garage doors and confirmed that the front entrance would be the same as the existing. Mr. Perry responded.

Mr. Sammons made a suggestion about the roof over the garage as well as the window surrounds. Mr. Perry responded.

Motion made by Mr. Garrison and seconded by Mrs. Vanneck to approve the project as presented with the following caveats: the eastern driveway is eliminated and landscaping is installed in front of the driveway area, drop the roof over the garage so that it lines up with the top of the garage, change the garage doors to a more classic style door, include a dedication of a utility easement subject to the satisfaction of the Town and all changes must be reviewed by the Chairman. Motion carried with all in favor.

B-080-2017 Demolition/New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S) - Done 8/23/17
Address: 211-217 Emerald Lane
Applicant: Mr. & Mrs. Donald Gulbrandsen
Architect: MP Design & Architecture
Project Description: Demolition of existing house at east parcel. Proposed one story tea house with trellis, landscape/hardscape and pool.

At the August meeting, a motion carried to approve the request for demolition. A second motion carried that the implementation of the proposed variances will not cause negative architectural impact to the subject property. A third motion carried to approve the project as presented with the exception of the teahouse, which was deferred for restudy to the September 27, 2017 meeting.

Please note: This item was deferred to the October 25, 2017 meeting with the Approval of the Agenda, Item V.

C. **MAJOR PROJECTS-NEW BUSINESS**

B-081-2017 Modifications
Address: 231 Seaspray Ave.
Applicant: André Trouillé
Architect: Todd MacLean/Todd MacLean Outdoor Living
Project Description: Add old growth pecky cypress gates, aluminum rail fencing, and minor landscaping.

Call for disclosure of ex parte communication: None.

Mr. Lindgren stated that Mr. MacLean had an emergency and had to leave. Mr. MacLean requested a one-month deferral to the October 25, 2017 meeting.

Motion made by Mr. Small and seconded by Mrs. Vanneck to defer the project for one month to the October 25, 2017 meeting. Motion carried with all in favor.

B-083-2017 New Construction
Address: 266 Fairview Rd.
Applicant: Beacon 266 LLC
Architect: Caroline Forrest/MHK Architecture & Planning
Landscape Architect: John Lang/Lang Design Group
Project Description: New two story house with landscape, hardscape and pool.

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

Ms. Forrest presented the proposed plans for the new residence.

Mr. Ives was in favor of the design.

Ms. Catlin stated she was not comfortable with the mass of the home and thought the home was too large for the lot. Ms. Forrest responded.

Mr. Corey stated he agreed with Ms. Catlin. He suggested stepping back the second story portion of the home away from the street.

Ms. Grace thought the home was top heavy.

Mr. Small thought the home was appropriate, had charm and enhanced the beauty of the street. He stated he was in favor of the home.

Mr. Vila suggested a different pitch roof and widening the front door. He was in favor of the design and thought it would be a nice addition to the street.

Mr. Garrison agreed with Messrs. Small and Vila and was in favor of the home.

Mrs. Vanneck suggested lowering the two doors on the front façade by 6-8 inches.

Mr. Sammons thought the home was too tall, the front doors were too tall and overall height needed to be reduced.

Motion made by Mr. Vila and seconded by Mrs. Vanneck to defer the project for one month to the October 25, 2017 meeting for restudy. Motion carried with all in favor.

B-084-2017 Modifications
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
Address: 2288 Ibis Isle Rd. W.
Applicant: Roberta or Michael Joseph
Architect: Mario Nievera/Nievera Williams Design
Project Description: Proposed 14' tall sculpture to be integrated into the building pool and water feature. The sculpture is proposed out of the setbacks and is located 40' +/- from the property line.

VARIANCE INFORMATION: The applicant is proposing to install a 14-foot tall sculpture in front of their residence (out of the setback) in lieu of the maximum 12 foot allowed for a statue and/or sculpture.

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

Matt Jackman, Nievera Williams Design, presented the proposed plans for the residence.

Mrs. Vanneck was in favor of the sculpture.

Ms. Grace thought the sculpture enhanced the house but thought more transparent gates would be appropriate.

Mr. Garrison was in favor of the sculpture.

Motion made by Mr. Garrison and seconded by Mrs. Vanneck to approve the project as presented.

Ms. Catlin was in favor of the sculpture but thought it was too tall.

Mr. Small stated that he thought the gate was a distraction.

Mr. Page stated that a motion needed to be made regarding the variance.

A second motion made by Mrs. Vanneck and seconded by Mr. Vila that implementation of the proposed variance would not cause negative architectural impact to the subject property. Motion carried with 5-2 with Messrs. Ives and Small opposed.

A motion carried 4-3 to approve the first motion with Messrs. Ives, Small and Ms. Grace opposed.

B-085-2017 Additions/Modifications
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
Address: 830 S. Ocean Blvd.
Applicant: Emil and Yvonne Solomine
Architect: LaBerge & Menard
Project Description: Demo existing gym building. Proposed 590 sq. ft. 2 story addition to West courtyard. Replace all existing window and doors. Paint house white. New stone entrance with new metal doors. Alterations to existing elevations.

VARIANCE INFORMATION: A variance request to allow the construction of a 590 square foot two story infill addition for two guest bedrooms that will result in a lot coverage of 26.2% in lieu of the 24.6% existing and the 25% maximum allowed.

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

Mr. Menard presented the proposed modifications for the residence.

Mr. Vila asked why the design enclosed the courtyard if the house is dark inside. Mr. Menard responded. Mr. Vila asked if any of the Howard Major influences would be restored. Mr. Menard responded.

Mr. Ives expressed his concern about the design for the courtyard.

Ms. Shiverick offered suggestions to bring in the Howard Major influences and questioned the heaviness of the proposed wood doors. Mr. Menard responded.

Mrs. Vanneck suggested only using the center two urns and eliminating the rest on the east elevation. She also recommended an off-white for the house color.

Mr. Sammons thought the modifications were not appropriate. He thought the courtyard was important to the design. He was not in favor of the changes.

Motion made by Mr. Vila and seconded by Mr. Ives to defer the project for two months to the November 29, 2017 meeting for restudy. Motion carried with all in favor.

B-086-2017 Additions/Modifications
Address: 420 Brazilian Ave.
Applicant: 420 Brazilian LLC
Architect: M. Mark Marsh/Bridges Marsh & Associates, Inc.
Project Description: Renovation of existing 2 story residence, second story addition, enlarge entry porch and associated landscape/hardscape.

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

Mr. Marsh presented the proposed plans for the residence.

Mr. Vila was in favor of the changes and thought they were appropriate.

Ms. Shiverick stated she was also in favor of the changes.

Motion made by Mr. Ives and seconded by Mr. Small to approve the project as presented. Motion carried with all in favor.

B-087-2017 Demolition/New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW
Address: 377 N. Lake Way
Applicant: Alan Shulman
Architect: Pat Segraves/SKA Architect + Planner
Landscape Architect: Don Skowron
Project Description: Demolition and new construction of two story British Colonial style home to be approximately 7,500 square feet. Home will consist of five bedrooms, seven bathrooms, powder room, living room, dining room, kitchen, butlers pantry, family room, laundry room, wine bar, loggia and two car garage. Final landscape and hardscape to be provided.

SITE PLAN REVIEW INFORMATION: Site Plan Review to allow the construction of a 7,465 square foot two-story, single family residence on a non-conforming platted lot which is 89.11 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District.

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

Mr. Segraves stated that the proposed demolition plan was approved in July 2016.

Motion made by Mr. Small and seconded by Mrs. Vanneck to approve the demolition as presented with the caveats to remove all exotic and invasive plant species and to sod and irrigate the property within 30 days. Motion

carried with all in favor.

Mr. Segraves presented the proposed plans for the new residence.

Mr. Sammons stated he thought the house was too wide and he suggested restudying the roof and the mass of the garage.

Mr. Ives thought the design lacked grace and identity.

Mr. Vila thought the garage needed to be restudied.

A second motion made by Mr. Vila and seconded by Mr. Garrison to defer the project for one month to October 25, 2017 for restudy. Motion carried with all in favor.

B-088-2017 New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION AND VARIANCE(S)
Address: 596 N. County Rd.
Applicant: Michael & Suzanne Ainslie
Architect: Nelo R. Freijomel/Freijomel & Boruff Architects, LLP
Project Description: Construction of a new two-story residence, covered porch, pool and pergola with associated hardscape and landscape.

SPECIAL EXCEPTION WITH VARIANCE(S) INFORMATION: 1. Special Exception with Site Plan Review to allow the construction of a 4,959 square foot two story single family residence on a lot that is 72.3 feet In width in lieu of the 100 foot minimum required in the R·B Zoning District. The following variances are being requested in conjunction with this application: 2. A second story south side yard setback of 14 feet in lieu of the 15 foot minimum required. 3. A second story north side yard setback of 14 feet in lieu of the 15 foot minimum required.

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

Mr. Freijomel reviewed the request for the special exception and variance and presented the proposed plans for the project.

Mr. Sammons inquired about the first and second floor setbacks and questioned why the second floor did not line up with the first floor. Mr. Freijomel responded.

Mr. Freijomel presented an alternate garage door design on the overhead projector.

Mr. Grace questioned the use of the stone surround the entrance with the Bermuda style. She was not in favor of the front loading garage and thought that the second story was too wide. She also stated she would prefer a hedge rather than the stone entry wall proposed.

Mr. Garrison suggested that the second story did not fit with the first floor. He

thought the design was too narrow and lacked character and charm. He suggested that the house did not fit into the neighborhood.

Mr. Ives stated he preferred the original proposed garage door rather than the alternate. He questioned the stone on the front of the home. He thought the home needed some of work.

Mr. Corey thought the home needed some restudy in its design and questioned the variance request. He thought the house could use more presence on the street.

Mrs. Vanneck thought the style of the house was not in harmony with the neighborhood. She was not in favor of the proposed home.

Ms. Shiverick was in favor of the style.

Mr. Vila was in favor of the style and suggested a wrought iron grill at the front entrance.

Mr. Sammons questioned the proportions, suggested to reduce the floor-to-floor height, and questioned the parapet sizes and fenestration next to the parapet. He suggested restudying the height and roof.

Motion made by Mr. Small and seconded by Mr. Vila to defer the project for one month to the October 25, 2017 meeting for restudy. Motion carried with all in favor.

B-089-2017 Modifications
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION AND SITE PLAN REVIEW
Address: 340 Seaview Ave.
Applicant: Town of Palm Beach (Tom Bradford, Town Manager)
Architect: Stephen Boruff/ Stephen Boruff Architects + Planners, Inc.
Project Description: Request to modify previously approved application including: Maintain location of existing electrical/cable & phone equipment, relocate proposed entry arch, restripe parking lot to 9' wide spaces in lieu of existing 10' wide, relocate existing electrical panel that services tennis court & proshop, reduce overall building depth by 2', increase quantity of rooftop HVAC units.

SPECIAL EXCEPTION WITH SITE PLAN REVIEW INFORMATION: Request to modify the previously approved special exception with site plan for the proposed recreation center as follows: 1. Relocate the proposed entry arch approximately 40 feet to the northwest. 2. Re-stripe the parking lot to 9 foot wide spaces instead of the current 10 foot wide spaces which will result in a net gain of 3 parking spaces. 3. Relocate existing electrical panel that services the tennis court lighting & pro shop approximately 35 feet to the northeast and will be located on the backside of the hitting wall and add a fence enclosure. 4. Reduce the depth of the northwest side of the building next to the public school by two feet. 5. Add two more air-conditioning units to the rooftop of the building that will be out of the setback and meet the code.

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

Nelo Freijomel, Stephen Boruff Architects + Planners, Inc., presented the proposed modifications to the plans for the recreation center.

Mr. Small asked for confirmation that the changes would not affect south multipurpose field. Mr. Freijomel responded.

Mr. Corey asked the architect if he would consider adding a shade tree every 7-10 spaces in the parking lot. Mr. Freijomel stated he would investigate this suggestion.

Motion made by Mr. Small and seconded by Mr. Ives to approve the project as presented with the condition.

Ms. Grace thought the placement of the equipment made the rear entry unattractive.

Mr. Page addressed the proposed green spaces for the parking lot and told the Commission that the Town Council has approved a certain number of parking spaces that the architect will need to meet. A short discussion ensued on this topic.

Mrs. Vanneck suggested screening the electrical equipment with landscaping.

Matt Jackman, Nievera Williams, responded to Mrs. Vanneck's request.

Motion carried with all in favor.

A second motion made by Mrs. Vanneck and seconded by Mr. Small that implementation of the special exception with site plan review will not cause negative architectural impact to the subject property. Motion carried 6-1 with Ms. Grace opposed.

B-091-2017 Demolition/Additions
Address: 249 Via Linda
Applicant: Mr. & Mrs. Robert Stiffelman
Architect: MP Design & Architecture
Project Description: Demolition and addition to the existing residence. Interior and exterior renovations. New pool, landscape and hardscape.

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

Mr. Perry presented the proposed plans for the residence.

Mr. Sammons made a suggestion for the front portico. Mr. Perry agreed.

Mr. Corey thought the modifications were well done and was a great reuse of the existing home.

Mr. Ives asked about the proposed chimney. Mr. Perry responded.

Ms. Grace was in favor of the changes.

Dustin Mizell, Environment Design Group, presented the proposed landscape plans.

Mrs. Vanneck asked if shade trees were proposed. Mr. Mizell responded.

Motion made by Mr. Vila and seconded by Mr. Garrison to approve the project as presented with the suggestions made by the Chair for the portico as well as reducing the chimney height. Motion carried with all in favor.

D. **MINOR PROJECTS - OLD BUSINESS**

A-030-2017 Modifications
Address: 1120 N. Lake Way
Applicant: 1120 North Lake Way, LLC
Architect: James C. Paine, Jr.
Project Description: At front (east) elevation, install black metal/glass decorative out swinging pair of doors over existing painted wood in swinging pair of doors. Existing doors to remain. At rear (west) elevation replace existing sliding glass doors with five pairs of French doors with elliptical transoms above; relocate bike trail access gate and steps south to north side of property.

A motion carried at the June meeting to defer the project to the July 26, 2017 meeting for restudy of the detail that surrounds the ellipses and the doors at the rear elevation. A motion carried at the August meeting to defer the project for one month to the September 27, 2017 meeting.

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

A-033-2017 Modifications
Address: 224 S. Ocean Blvd.
Applicant: Armen Manoogian
Architect: Jose A. Gonzalez, Gonzalez Architects
Project Description: Proposed work includes a new roof skylight and replacement of windows on the second floor of the east façade of the main home, relocation of the driveway with new landscaping and low, stuccoed site wall. Work at cabana side of property is to include relocation of existing chain link fencing, minor landscaping and removal of deck pavers as indicated.

A motion carried at the June meeting to approve the project as presented with the exception to restudy the sky light and to return to the July 26, 2017 meeting with a new design. A motion carried at the July meeting to defer the project to the August 23, 2017 meeting to allow the architect to obtain a zoning approval. A motion carried at the August meeting to defer the project for one month to the September 27, 2017 meeting.

Please note: This item was deferred to the October 25, 2017 meeting with the Approval of the Agenda, Item V.

A-040-2017 Modifications
Address: 250 Ocean Terrace
Applicant: The David G. Lambert 2015 Revocable Trust
Architect: Thomas Kirchhoff/Kirchhoff & Associates
Project Description: Modifications to previously approved front entry steps, gates and front door.

A motion carried at the August meeting to defer the project for one month to the September 27, 2017 meeting.

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

Mr. Kirchhoff presented the proposed plans for the residence.

Motion made by Mr. Small and seconded by Mr. Garrison to approve the project as presented. Motion carried with all in favor.

E. **MINOR PROJECTS-NEW BUSINESS**

A-042-2017 Modifications
Address: 254 Palmo Way
Applicant: Nathaniel P. Hamilton
Architect: Griffiths South Construction, Inc.
Project Description: Construct a decorative white metal lattice at front entry. Replace existing door with a new louvered door and sidelights. Replace existing door with a double hung window and shutters to match existing. Paint stucco on house – color 057 (Or. Sorbet) or 078 (Peach Melba). Paint shutters on house – color Benjamin Moore 486 (Spring Meadow). Construct two new (6) six-foot high stucco walls with concrete cap on east and west sides of property and add white gate and fence between wall and house to match existing at mailbox.

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

Frank DeMarco, Griffiths South Construction, Inc. presented the proposed plans for the residence.

Ms. Grace asked about the proposed paint color. Mr. DeMarco showed a sample of the paint color.

Motion made by Mrs. Vanneck and seconded by Mr. Vila to approve the project as presented. Motion carried with all in favor.

A-043-2017 Modifications
Address: 232 Worth Ave.
Applicant: Palm V Associates Ltd.
Architect: Roger Hansrote/ACI
Project Description: Remove black aluminum storefront surround and install a decorative white stucco surround. Remove brass trim from existing black storefront.

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

Richard Leja, ACI Architects, presented the modification plans to the storefront.

Motion made by Mrs. Vanneck and seconded by Mr. Vila to approve the project as presented. Motion carried with all in favor.

IX. OTHER BUSINESS

X. ADDITIONAL COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE)

There were no comments heard at this time.

XI. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT

Mr. Page updated the Commissioners on the Town Council decision regarding the new ARCOM procedures.

Mr. Page stated that the Attorney for 235 Via Vizcaya has filed an appeal on their decision but may be revised based on their decision on the project earlier.

Mr. Page told the Commissioners that the Town Council did not make any changes on the demolition procedures.

Mrs. Vanneck recommended that the Town Council reconsider their decision on the ARCOM procedures, changing the submittal time from noon to close of business. Mr. Page stated he would present Mrs. Vanneck's suggestion to the Town Council.

Mr. Ives addressed the comment he heard at the Town Council meeting regarding ARCOM members meeting with neighbors. Mr. Garrison objected to meeting with neighbors.

XII. **ADJOURNMENT**

Motion made by Mr. Ives and seconded by Mr. Vila to adjourn the meeting at 6:49 p.m. Motion carried with all in favor.

The next meeting will be held on Wednesday, October 25, 2017 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S County Rd.

Respectfully Submitted,

Richard Sammons, Chairman
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2017

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 190-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Amending Recreation Enterprise Fund Maintenance and Improvement Reserves Policy; Providing an Effective Date.

Presenter
Jane Struder, Director of Finance

ATTACHMENTS:

- **Resolution No. 190-2017 Maintenance & Improvement Policy Amendment**
- **Recreation Enterprise Fund - Maintenance & Improvement Policy**

RESOLUTION NO. 190-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE RECREATION ENTERPRISE FUND MAINTENANCE AND IMPROVEMENT RESERVE POLICY; PROVIDING AND EFFECTIVE DATE.

WHEREAS, it is recommended by the Government Finance Officers Association (GFOA) and the National Advisory Committee on State and Local Budgeting (NACSLB) that all governments implemented financial policies; and

WHEREAS, it is important to adopt financial policies to guide the creation, maintenance and use of resources for financial stabilization purposes; and

WHEREAS, it is fiscally responsible to safeguard the Town's financial resources; and

WHEREAS, the Town of Palm Beach has current ample resources to establish the fund reserves; and

WHEREAS, the Town Council approved the financial reserve policy in Resolution No. 116-2015 at its August 11, 2015 meeting; and

WHEREAS, it is now necessary to amend the policy in order to add a Maintenance and Improvement Fee for the Town Docks.

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

Section 1: The forgoing recitals are hereby ratified and confirmed.

Section 2. The attached financial policy pertaining to the Recreation Enterprise Fund Maintenance and Improvement Reserves marked as Exhibit "A" incorporated by reference as part of this Resolution is hereby adopted and the Town Manager and the Director of Finance of the Town are directed to do all things necessary effectuate the financial policy and to report to the Town Council, or appropriate committee thereof, as may be needed relative to matters pertaining to same, in order to preserve and enhance the financial interest of the Town of Palm Beach.

Section 3. The effective date of the attached amended financial reserve policy shall be October 1, 2017.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of October, 2017.

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Kathleen Dominguez
Town Clerk

Margaret A. Zeidman, Town Council Member

Exhibit A

Town of Palm Beach, Florida

Subject Policy: Recreation Enterprise Fund – Maintenance and Improvement Reserves

Effective Date: October 1, 2017

Purpose: The purpose of this policy is to create separate reserves within the Recreation Enterprise Fund to fund the costs of non-routine maintenance and improvement (M&I) projects at the Par 3 Golf Course, the Town Tennis Facilities and the Town Docks. These reserves will significantly reduce the budgetary fluctuations due to the varying costs of these projects.

Policy: It is the policy of the Town of Palm Beach to maintain reserves for funding maintenance and improvement projects at the Par 3 Golf Course, Tennis Facilities and Town Docks. Funds will be drawn from these reserves to fund the cost of non-routine maintenance and improvement projects.

The reserves will be funded as follows:

Par 3 Golf Course Clubhouse Maintenance and Improvement Reserve:
The reserve will be funded on an annual basis with a transfer of 50% of the net income from the operations of the Par 3 Golf Course. (The net income will be calculated using revenues less the Par 3 Maintenance and Improvement income, less all operating expenses, debt service, and golf course equipment depreciation.)

Par 3 Golf Course Maintenance and Improvement Reserve:
This reserve will be funded on an annual basis with the total fees collected from the M&I fee charged for each round of golf.

Tennis Facility Maintenance and Improvement Reserve:
This reserve will be funded on an annual basis with the total fees collected from the M&I fee charged for each court fee (daily, annual, or 12 Play Pass).

Town Docks Maintenance and Improvement Reserve:
This reserve will be funded on an annual basis with the total M&I fees collected from slip fee charges.

Requests for the use of these reserves should be made annually through the budget process, and approved by the Town Manager prior to Town Council consideration. In such a situation when the use of these reserves may be unexpectedly needed during the fiscal year, approval from the Town Council shall be required.

Responsibility: It is the responsibility of the Town Manager and the Director of Finance to advise the Town Council annually through the budget process of the projects and dollar amount of expenses charged to the reserves and to advise to the adequacy of the funding level of these reserves.

Original Approval Date: August 11, 2015

Revision Approved: October 1, 2017

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2017

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 191-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Granting Authority To The Town's Building Official To Grant Time Extensions Not To Exceed Ten Working Days From Required Completion Dates For Construction For Good Cause Shown And Based Upon The Discretion Of The Building Official On A Case By Case Basis For Delays Caused Due To Preparation And Recovery Caused By Hurricane Irma.

Presenter
John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Memorandum Dated September 21, 2017 From John S. Page, Director of Planning, Zoning & Building**
- **Resolution No. 191-2017**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: Hurricane Irma: Related Time Extensions
Resolution No. 191-2017

Date: September 21, 2017

STAFF RECOMMENDATION

Staff recommends that attached Resolution No. 191-2017 be approved, recognizing and granting additional time to complete specified construction projects due to damages caused and/or time lost resulting from Hurricane Irma.

GENERAL INFORMATION

The most severe devastation caused by Hurricane Irma occurred on Sunday, September 10. The community braced for the storm several days prior to its arrival, and emergency clean-up and recovery lasted throughout the work week immediately following. It is reasonable to assume that ongoing construction projects lost 7-10 working days. Town Code contains several requirements pertaining to construction timeframes that should be adjusted in order to accommodate for storm effects. Critical examples follow:

Worth Avenue. Town Code prohibits all construction on private property between the dates of November through April. Each year contractors struggle to finish projects on the Avenue by October 31. The last few months leading up to the November shutdown become very busy, and sometimes require long workdays to achieve timely completion.

Demolitions. Town Code prohibits building demolition during the months of December, January and February. Much like the Worth Avenue deadline, we witness a rush to complete demolitions in late November each year.

Repair of Docks & Seawalls. PZB has received numerous reports of damaged docks and seawalls that will undoubtedly trigger the necessity for improvements that require a Town-issued building permit. Although there is no calendar deadline dictating completion timelines, there is a noise restriction that prohibits the use of certain machinery or equipment from December through April. This list of prohibited equipment includes dredges, hammer-driven piledrivers,

and similar noise-producing machinery. Heavy equipment of this sort is typically required when constructing or repairing docks and seawalls.

Private Construction Sites. Town Code specifies that all private projects be completed within a prescribed timeframe, extending up to 42 months depending upon structure size. Though the vast majority of all projects meet/beat individually assigned completion dates, it is reasonable to add up to 10 working days for any project bumping against its ceiling due to lost time caused by the storm.

SPECIAL CIRCUMSTANCES

Staff is reluctant to recommend that a "blanket extension" be granted to all construction projects, yet there will certainly be instances that justify modest time extensions. Each project is unique (size, complexity, time lost, etc.), and should be considered on a case-by-case basis.

It is not reasonable for the Council to hear and decide each such case. The Building Official, however, has access to detailed information for each construction project in Town and could be given the discretion to approve up to but no more than 10 working days (beyond normal deadlines) for individual project completions, and further to make independent judgements about the use of heavy machinery and equipment used to repair docks and seawall that occur after November 30. If so granted, the Building Official will exercise necessary caution to see that each case is treated in a fashion that minimizes disruption to others. Verification of lost time incidents may require the contractor to submit photographs, a work history log, or any other proof of delay or damage directly tied to Hurricane Irma.

cc: John C. Randolph, Town Attorney

RESOLUTION NO. 191-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, GRANTING AUTHORITY TO THE TOWN'S BUILDING OFFICIAL TO GRANT TIME EXTENSIONS NOT TO EXCEED TEN WORKING DAYS FROM REQUIRED COMPLETION DATES FOR CONSTRUCTION FOR GOOD CAUSE SHOWN AND BASED UPON THE DISCRETION OF THE BUILDING OFFICIAL ON A CASE BY CASE BASIS FOR DELAYS CAUSED DUE TO PREPARATION AND RECOVERY CAUSED BY HURRICANE IRMA.

WHEREAS, preparations for and recovery from Hurricane Irma may have caused the loss of seven to ten working days for construction projects within the Town; and

WHEREAS, it is determined by Town Council that certain code required construction time frames should be adjusted in order to accommodate for delays caused by the effects of the storm; and

WHEREAS, the Town Council wishes to authorize the Town's Building Official to grant extensions from code related construction time frames, for good cause shown, on a case by case basis up to ten working days beyond code required deadlines, including the use of heavy machinery and equipment used to repair docks and sea walls that may occur after November 30.

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

Section 1. The Town Council authorizes the Town's Building Official, in his discretion, on a case by case basis, to grant extensions beyond the time required by Town code for construction related projects delayed as a result of the effects of Hurricane Irma. Said extensions for construction projects shall not exceed ten working days from the construction deadline required by Town code. The Building Official may further, for good cause shown, grant the use of heavy

machinery and equipment necessary to repair docks and seawalls damaged as a result of Hurricane Irma after November 30, 2017.

Section 2. This Resolution shall become effective upon its passage and adoption as required by law.

PASSED AND ADOPTED in a special meeting of the Town Council of the Town of Palm Beach assembled this 10th day of October, 2017.

_____	_____
Gail L. Coniglio, Mayor	Richard M. Kleid, Town Council President
	_____
	Danielle H. Moore, Council President Pro Tem
	_____
	Julie Araskog, Town Council Member
	_____
ATTEST:	Bobbie Lindsay, Town Council Member
_____	_____
Kathleen Dominquez, Town Clerk	Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2017

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 192-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Execution of a Maintenance Memorandum of Agreement Between the Florida Department of Transportation and the Town Of Palm Beach for Maintenance of Hardscape and Landscape Within the Right-Of-Way of State Road A1A (South County Road/Royal Poinciana Way) Between MP 28.126 and MP 28.203 West of Bradley Place as Stated in the Agreement and Shown on the Exhibits.

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

ATTACHMENTS:

- **Memorandum dated September 25, 2017, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 192-2017**
- **Landscape Maintenance Memorandum of Agreement**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Authorize the Town Manager to Execute a Landscape Maintenance Memorandum of Agreement with the Florida Department of Transportation from State Road A1A (South County Road/Royal Poinciana Way) West of Bradley Place to the Flagler Bridge
Resolution No. 192-2017

DATE: September 25, 2017

STAFF RECOMMENDATION

Town staff requests Town Council authorize the Town Manager to approve Resolution No. 192-2017 to enter into a Landscape Maintenance Memorandum of Agreement (MMOA) with the Florida Department of Transportation (FDOT) on behalf of the Town for the Bradley Park Improvements.

GENERAL INFORMATION

At the April 8, 2014 Town Council meeting, Town Council approved a MMOA with FDOT as part of the Flagler Bridge Improvements. Within the April 2014 MMOA, the FDOT agreed to include certain landscaping and irrigation improvements as part of the scope of the project, as requested and negotiated with the Town. As part of the negotiations, the Town, in turn, agreed to maintain the landscaping and irrigation predominantly located along Royal Poinciana Way from the bridge to Bradley Place, while the FDOT will continue to be responsible for maintenance of the roadway and hardscape portions of the project.

The Bradley Park Improvements project which is currently ongoing, includes the installation of tabby sidewalks along the southern property line of Bradley Park within the FDOT right-of-way on State Road A1A (South County Road/Royal Poinciana Way) which was not included in the previous MMOA. This MMOA will include the new hardscape and any additional landscape installed from the Bradley Park project.

The proposed agreement is consistent with those entered into in the past, specifically the MMOAs for the Royal Park Bridge and the above referenced Flagler Bridge. The Town currently maintains all of the green space within those corridors.

FUNDING/FISCAL IMPACT

Funding for the maintenance of the hardscape and landscaping under this agreement will continue to be contained within the Public Works annual operating budget.

TOWN ATTORNEY REVIEW

This agreement has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachment

cc: Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E. Senior Project Engineer
Jeffrey Sanon, P.E. Project Engineer
Brett Madison, Facilities Division Manager

RESOLUTION NO. 192-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE TOWN OF PALM BEACH FOR MAINTENANCE OF HARDSCAPE AND LANDSCAPE WITHIN THE RIGHT-OF-WAY OF STATE ROAD A1A (SOUTH COUNTY ROAD/ROYAL POINCIANA WAY) BETWEEN MP 28.126 AND MP 28.203 WEST OF BRADLEY PLACE AS STATED IN THE AGREEMENT AND SHOWN ON THE EXHIBITS.

* * * *

BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida as follows:

WHEREAS, the Town of Palm Beach proposes to install and maintain certain landscape and hardscape within the right-of-way on State Road A1A (South Ocean Boulevard/Royal Poinciana Way) from MP 28.126 to MP 28.203 west of Bradley Place; and

WHEREAS, the State of Florida Department of Transportation has requested that the Town of Palm Beach, Florida execute and deliver to the State of Florida Department of Transportation a Maintenance Memorandum of Agreement for maintenance of said right-of-way hardscape and landscaping.

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

Section 1. The Town Manager is hereby authorized to execute and deliver to the State of Florida Department of Transportation the Maintenance Memorandum of Agreement, hereinafter referred to as the "Agreement," for hardscape and landscape maintenance within the road right-of-way of State Road A1A (South County Road/Royal Poinciana Way), from MP 28.126 to MP 28.203 west of Bradley Place.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of October 2017.

_____
Gail L. Coniglio, Mayor

_____
Richard M. Kleid, Town Council President

_____
Danielle H. Moore, Council President Pro Tem

_____
Julie Araskog, Town Council Member

ATTEST:

_____
Bobbie Lindsay, Town Council Member

_____
Kathleen Dominguez, Town Clerk

_____
Margaret A. Zeidman, Town Council Member

SECTION No.: 93060
Permit No.: 2017-C-496-0005
COUNTY: PALM BEACH
S.R. No.: A1A

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
DISTRICT FOUR
LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____20__, by and between the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, a component agency of the State of Florida, hereinafter called the DEPARTMENT and the **Town of Palm Beach**, a municipal corporation, existing under the Laws of Florida, hereinafter called the AGENCY.

W I T N E S S E T H:

WHEREAS, the DEPARTMENT has jurisdiction over State Road A1A (South County Road) as part of the State Highway System as described in **Exhibit "A"**; and

WHEREAS, the AGENCY seeks have installed by permit and maintain certain landscape improvements within the right of way of State Road A1A (South County Road) as described within **Exhibit "B"**; and

WHEREAS, as part of the continual updating of the State of Florida Highway System, the DEPARTMENT, for the purpose of safety, protection of the investment and other reasons, has constructed and does maintain the highway facility as described in **Exhibit "A"** attached hereto and incorporated by reference herein, within the corporate limits of the AGENCY; and

WHEREAS, the AGENCY is agreeable to maintaining those landscape improvements within the AGENCY'S limits including plant materials, irrigation system and/or hardscape which may contain specialty surfacing (concrete pavers, color stamped concrete and color stamped asphalt [also known as patterned pavement]) including any other nonstandard hardscape (if applicable), but excluding standard concrete sidewalk, and agree such improvements shall be maintained by periodic mowing, fertilizing, weeding, litter pick-up, pruning, necessary replanting, irrigation repair and/or repair of the median concrete replacements associated with the specialty surfacing (if applicable) as needed; and

WHEREAS, it is the intent of the AGENCY and the DEPARTMENT that the AGENCY shall maintain all right of way within the medians, outside the travelway and improvements made to the travelway that was made at the request of the AGENCY; and

WHEREAS, the parties hereto mutually recognize the need for entering into an Agreement designating and setting forth the responsibilities of each party; and

WHEREAS, the AGENCY by Resolution No._____ dated _____, 20_____, attached hereto and by this reference made a part hereof, desires to enter into this Agreement and authorizes its officers to do so; and

NOW THEREFORE, for and in consideration of the mutual benefits to flow each to the other, the parties covenant and agree as follows:

1. The recitals set forth above are true and correct and are deemed incorporated herein.

2. INSTALLATION OF FACILITIES

The AGENCY shall install and agrees to maintain the *landscape improvements* described herein as: plant materials, irrigation and/or hardscape on the highway facilities substantially as specified in plans and specifications hereinafter referred to as the Project (s) and incorporated herein as **Exhibit "B"**. *Hardscape* shall mean, but not be limited to any site amenities such as landscape accent lighting, bike racks, fountain, tree grates, decorative free standing wall, and/or decorative sidewalk, median and/or roadway specialty surfacing such as concrete pavers, stamped colored concrete and/or stamped colored asphalt (also known as patterned pavement).

(a) All plant materials shall be installed and maintained in strict accordance with sound nursery practice prescribed by the International Society of Arboriculture (ISA). All plant materials installed shall be Florida #1 or better according to the most current edition of Florida Department of Agriculture, *Florida Grades and Standards for Nursery Stock;* and all trees shall meet Florida Power & Light, *Right Tree, Right Place, South Florida.*

(b) Trees and palms within the right of way shall be installed and pruned to prevent encroachment to roadways, lateral offsets and sidewalks. Definition of these criteria is included in the most current editions of FDOT standards for design, construction, maintenance, and utility operations on the state highway system and **Exhibit "C"**, the Maintenance Plan.

(c) Tree and palm pruning shall be supervised by properly trained personnel trained in tree pruning techniques and shall meet the most current standards set forth by the International Society of Arboriculture (ISA) and the American National Standard Institute (ANSI), Part A-300.

(d) Irrigation installation and maintenance activities shall conform to the standards set forth by the Florida Irrigation Society (FIS) latest edition of FIS, *Standards and Specifications for Turf and Landscape Irrigation Systems.*

(e) The AGENCY shall provide the FDOT Local Operation Center accurate as-built plans of the irrigation system so if in the future there is a need for the DEPARTMENT to perform work in the area, the system can be accommodated as much as possible. (See paragraph (l) for contact information)

(f) If it becomes necessary to provide utilities (water/electricity) to the median or side areas, it shall be the AGENCY'S responsibility to obtain a permit for such work through the local Operations Center (see paragraph (l) below) and the AGENCY shall be responsible for all associated fees for the installation and maintenance of these utilities.

(g) All specialty surfacing shall be installed and maintained in strict accordance with the most current edition of the *Florida Accessibility Code for Building Construction* and the *Interlocking Concrete Pavement institute (ICPI).*

(h) All activities, including landscape improvements installation and future maintenance operations performed on State highway right of way, must be in conformity with the most current edition of the *Manual on Uniform Traffic Control* (MUTCD) and *FDOT Design Standards*, Index 600 Series, *Traffic Control through Work Zones.*

(i) The most current edition of *FDOT Design Standards,* Index 546 (Sight Distance at Intersections) must be adhered to.

(j) Lateral Offsets as specified in the *FDOT Plans Preparation Manual,* Volume 1, Chapters 2 and 4 must be adhered to.

(k) Landscape improvements shall not obstruct roadside signs or permitted outdoor advertising signs, (see Florida Administrative Code [F.A.C.] Rule Chapter 14-10.)

(l) The AGENCY shall provide the local FDOT Operation Center located at (Palm Beach Operations, 7900 Forest Hill Blvd., West Palm Beach, FL 33413 (561) 432-4966, a twenty-four (24) hour telephone number and the name of a responsible person that the DEPARTMENT may contact. The AGENCY shall notify the local maintenance office forty-eight (48) hours prior to the start of the landscape improvements.

(m) If there is a need to restrict the normal flow of traffic, it shall be done on non-holiday, weekday off-peak hours (9 AM to 3 PM), and the party performing such work shall give notice to the local law enforcement agency within whose jurisdiction such road is located prior to commencing work on the landscape improvements. The DEPARTMENT'S Operation Center Public Information Officer (see telephone number in Paragraph (l) shall also be notified.

(n) The AGENCY shall be responsible to clear all utilities within the landscape improvement limits before construction commences.

(o) The AGENCY shall follow the minimum level of maintenance guidelines as set forth in FDOT'S Rule Chapter 14-40 *Highway Beautification and Landscape Management*, in the FDOT *Guide to Roadside Mowing and Maintenance Management System,* and **Exhibit "C"**, the *Maintenance Plan* for maintenance activities for landscape improvements.

3. MAINTENANCE OF FACILITIES

A. The AGENCY agrees to maintain the landscape improvements, as existing and those to be installed, within the physical limits described in **Exhibit "A"** and as further described in **Exhibit "B"**. The non-standard improvements within and outside the travelway shall be maintained by the AGENCY regardless if the said improvement was made by the DEPARTMENT, the AGENCY, or others authorized pursuant to Section 7, by periodic mowing, pruning, fertilizing, weeding, curb and

sidewalk edging, litter pickup, necessary replanting, irrigation system repair and/ or repair of any median concrete replacement associated with specialty surfacing (if applicable) following the DEPARTMENT'S landscape safety and maintenance guidelines, **Exhibit "C"**, the Maintenance Plan. The AGENCY'S responsibility for maintenance shall include all landscaped, turfed and hardscape areas on the sidewalk or within the medians and areas outside the travelway to the right of way and/or areas within the travelway containing specialty surfacing. It shall be the responsibility of the AGENCY to restore an unacceptable ride condition of the roadway caused by the differential characteristics of non-standard travelway surfacing (if applicable) on DEPARTMENT right of way within the limits of this Agreement.

B. Such maintenance to be provided by the AGENCY is specifically set out as follows: to maintain, which means to properly water and fertilize all plant materials; to keep them as free as practicable from disease and harmful insects; to properly mulch the planting beds; to keep the premises free of weeds; to mow the turf to the proper height; to properly prune all plants which at a minimum includes: (1) removing dead or diseased parts of plants, (2) pruning such parts thereof to provide clear visibility to signage, permitted outdoor advertising signs per Florida Statute 479.106 and for those using the roadway and/or sidewalk; (3) preventing any other potential roadway hazards. *Plant materials* shall be those items which would be scientifically classified as plants and including trees, palms, shrubs, groundcover and turf. To maintain also means to remove or replace dead or diseased plant materials in their entirety, or to remove or replace those that fall below original project standards. Palms shall be kept fruit free year round. To maintain also means to keep the header curbs that contain the specialty surfacing treatment in optimum condition. To maintain also means to keep the nonstandard hardscape areas clean, free from weeds and to repair said hardscape as is necessary to prevent a safety hazard. To maintain also means to keep litter removed from the median and areas outside the travel way to the right of way line. All plants removed for whatever reason shall be replaced by plants of the same species type, size, and grade as specified in the original plans and specifications. Any changes to the original plans shall be submitted by permit application to the DEPARTMENT for review and approval.

C. If it becomes necessary to provide utilities (water/electricity) to the medians or areas outside the travelway to maintain these improvements, all costs associated with the utilities associated for the landscape improvements including any impact and/or connection fees, and the on-going cost of utility usage for water and electrical, are the maintaining AGENCY'S responsibility.

The AGENCY shall be directly responsible for impact and connection fees.

D. The maintenance functions to be performed by the AGENCY may be subject to periodic inspections by the DEPARTMENT at the discretion of the DEPARTMENT. Such inspection findings will be shared with the AGENCY and shall be the basis of all decisions regarding, repayment, reworking or agreement termination. The AGENCY shall not change or deviate from said plans without written approval of the DEPARTMENT.

4. NOTICE OF MAINTENANCE DEFICIENCIES

A. If at any time after the AGENCY has undertaken the landscape improvements installation and/or maintenance responsibility for the landscape improvements it shall come to the attention of the DEPARTMENT'S District Secretary that the limits, or a part thereof, are not properly maintained pursuant to the terms of this Agreement, said District Secretary, may at his/her option, issue a written notice that a deficiency or deficiencies exist(s), by sending a certified letter to the AGENCY, to place said AGENCY on notice thereof. Thereafter, the AGENCY shall have a period of thirty (30) calendar days within which to correct the cited deficiencies. If said deficiencies are not corrected within this time period, the DEPARTMENT may, at its option, proceed as follows:

(1) Maintain the landscape improvements or any part thereof, with the DEPARTMENT or Contractor's personnel and invoice the AGENCY for expenses incurred, and/or

(2) At the discretion of the DEPARTMENT, terminate the Agreement in accordance with Paragraph 9 of this Agreement and remove, by the DEPARTMENT or Contractor's personnel, all of the landscape improvements installed under this Agreement or any preceding Agreements, except as to trees and palms, and charge the AGENCY the reasonable cost of such removal.

5. FUTURE DEPARTMENT IMPROVEMENTS

It is understood between the parties hereto that the landscape improvements covered by this Agreement may be removed, relocated, or adjusted at any time in the future, as determined to be necessary by the DEPARTMENT in order that the adjacent state road be widened, altered, or otherwise changed to meet future criteria or planning needs of the DEPARTMENT.

The AGENCY shall be given sixty (60) calendar day notice to remove said landscape improvements at the AGENCY's expense after which time the DEPARTMENT may remove same. All permits (including tree permits), fees, and any mitigation associated with the removal, relocation or adjustments of these improvements are the maintaining AGENCY'S responsibility.

6. FUTURE AGENCY IMPROVEMENTS

The AGENCY may construct additional landscape improvements within the limits of the landscape improvements rights of ways identified as a result of this document, subject to the following conditions:

(a) Plans for any new landscape improvements shall be subject to approval by the DEPARTMENT. The AGENCY shall not change or deviate from said plans without written approval by the DEPARTMENT.

(b) All landscape improvements shall be developed and implemented in accordance with appropriate state safety and roadway design standards.

(c) The AGENCY agrees to comply with the requirements of this Agreement with regard to any additional landscape improvements it chooses to have installed and there will be no cost to the DEPARTMENT.

7. ADJACENT PROPERTY OWNER IMPROVEMENTS

The DEPARTMENT may allow an adjacent property owner to construct additional landscape improvements within the limits of the right of way identified in **Exhibit "A"** of this Agreement that the AGENCY shall be responsible for maintaining under this Agreement, subject to the following conditions:

(a) Plans for any new landscape improvements shall be subject to approval by the DEPARTMENT and shall require a valid permit attached with a letter of consent to said plans by the AGENCY. The plans shall not be changed or deviated from without written approval by the DEPARTMENT and the AGENCY.

(b) All landscape improvements shall be developed and implemented in accordance with appropriate state safety and roadway design standards.

(c) The AGENCY agrees to comply with the requirements of this Agreement with regard to any additional landscape improvements installed by an adjacent owner.

8. AGREEMENT TERMINATION

In addition to those conditions otherwise contained herein, this Agreement may be terminated under any one (1) of the following conditions:

(a) By the DEPARTMENT, if the AGENCY fails to perform its duties under this Agreement, following ten (10) days written notice.

(b) By the DEPARTMENT, for refusal by the AGENCY to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the AGENCY in conjunction with this Agreement.

9. AGREEMENT TERM

(a) The term of this Agreement commences upon execution by all parties. The term of this Agreement shall remain in effect for twenty-five (25) years.

(b) If the DEPARTMENT chooses to cancel the landscape improvements described in **Exhibit "B"**, this Agreement becomes void and the original Agreement is reinstated, if any.

10. LIABILITY AND INSURANCE REQUIREMENTS

A. With respect to any of the AGENCY'S agents, consultants, sub-consultants, contractors and/or sub-contractors, such party in any contract for the landscape improvements shall agree to indemnify, defend, save and hold harmless the

DEPARTMENT from all claims, demands, liabilities, and suits of any nature arising out of, because of or due to any intentional and/or negligent act or occurrence, omission or commission of such agents, consultants, subconsultants, contractors and/or subcontractors. The AGENCY shall provide to the DEPARTMENT written evidence of the foregoing upon the request of the DEPARTMENT. It is specifically understood and agreed that this indemnification clause does not cover or indemnify the DEPARTMENT for its own negligence.

B. In the event that AGENCY contracts with a third party to provide the services set forth herein, any contract with such third party shall include the following provisions:

(1) AGENCY'S contractor shall at all times during the term of this Agreement keep and maintain in full force and effect, at contractor's sole cost and expense, Comprehensive General Liability with minimum limits of $1,000,000.00 per occurrence combined single limit for Bodily Injury Liability and Property Damage Liability and Worker's Compensation insurance with minimum limits of $500,000.00 per Liability. Coverage must be afforded on a form no more restrictive than the latest edition of the Comprehensive General Liability and Worker's Compensation policy without restrictive endorsements, as filed by the Insurance Services Office. The AGENCY and DEPARTMENT shall be named as additional insured on such policies.

(2) AGENCY'S contractor shall furnish AGENCY with Certificates of Insurance of Endorsements evidencing the insurance coverage specified herein prior to the beginning performance of work under this Agreement.

(3) Coverage is not to cease and is to remain in full force and effect (subject to cancellation notice) until all performance required of AGENCY'S contractor is completed. All policies must be endorsed to provide the DEPARTMENT with at least thirty (30) day notice of cancellation and or/or restriction. If any of the insurance coverage will expire prior to the completion of work, copies of renewal policies shall be furnished at least (30) days prior to the date of expiration.

11. E-VERIFY REQUIREMENTS

The AGENCY shall:

(a) Utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the AGENCY during the term of the contract; and

(b) Expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

12. SUPERSEDED AGREEMENTS

This writing embodies the entire Agreement and understanding between the parties hereto and there are no other Agreements and understanding, oral or written, with reference to the subject matter hereof that are not merged herein and superseded hereby (except the associated Construction Agreement).

13. FISCAL TERMS

The DEPARTMENT, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money will/may be paid on such contract. The DEPARTMENT shall require a statement from the Comptroller of the DEPARTMENT that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding one (1) year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the DEPARTMENT which are for an amount in excess of TWENTY-FIVE THOUSAND DOLLARS ($25,000.00) and which have a term for a period of more than one year.

14. DISPUTES

The DEPARTMENT'S District Secretary shall decide all questions, difficulties, and disputes of any nature whatsoever that may arise under or by reason of this Agreement, the prosecution or fulfillment of the service hereunder and the character, quality, amount and value thereof; and his decision upon all claims, questions, and disputes shall be final and conclusive upon the parties hereto.

15. ASSIGNMENT

This Agreement may not be assigned or transferred by the AGENCY, in whole or in part, without the prior written consent of the DEPARTMENT.

16. LAWS GOVERNING

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. In the event of a conflict between any portion of the contract and Florida law, the laws of Florida shall prevail. The AGENCY agrees to waive forum and venue and that the DEPARTMENT shall determine the forum and venue in which any dispute under this agreement is decided.

17. NOTICES

Any and all notices given or required under this Agreement shall be in writing and either personally delivered with receipt acknowledgement or sent by certified mail, return receipt requested. All notices shall be sent to the following addresses:

If to the DEPARTMENT:
State of Florida Department of Transportation
3400 West Commercial Blvd.
Ft. Lauderdale, FL 33309-3421
Attention: Elisabeth Hassett, R.L.A.
FDOT District IV Landscape Architect

If to the AGENCY:
Town of Palm Beach
951 Old Okeechobee Road
West Palm Beach, FL 33401
Attention: Jeffrey M. Sanon
Title: Project Engineer

18. LIST OF EXHIBITS

Exhibit A: Landscape Improvements Maintenance Boundaries
Exhibit B: Landscape Improvement Plans
Exhibit C: Maintenance Plan for Landscape Improvements

IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective the day and year first above written.

TOWN OF PALM BEACH

By: _____
Chairperson/Mayor/Manager

Attest: _____ (SEAL)
Clerk

Legal Review _____ Date _____

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: _____
Transportation Development Director

Attest: _____ (SEAL)
Executive Secretary

Legal Review _____ Date _____
Office of the General Counsel

SECTION No.: 93060
Permit No.: 2017-C-496-0005
COUNTY: PALM BEACH
S.R. No.: A1A

EXHIBIT A

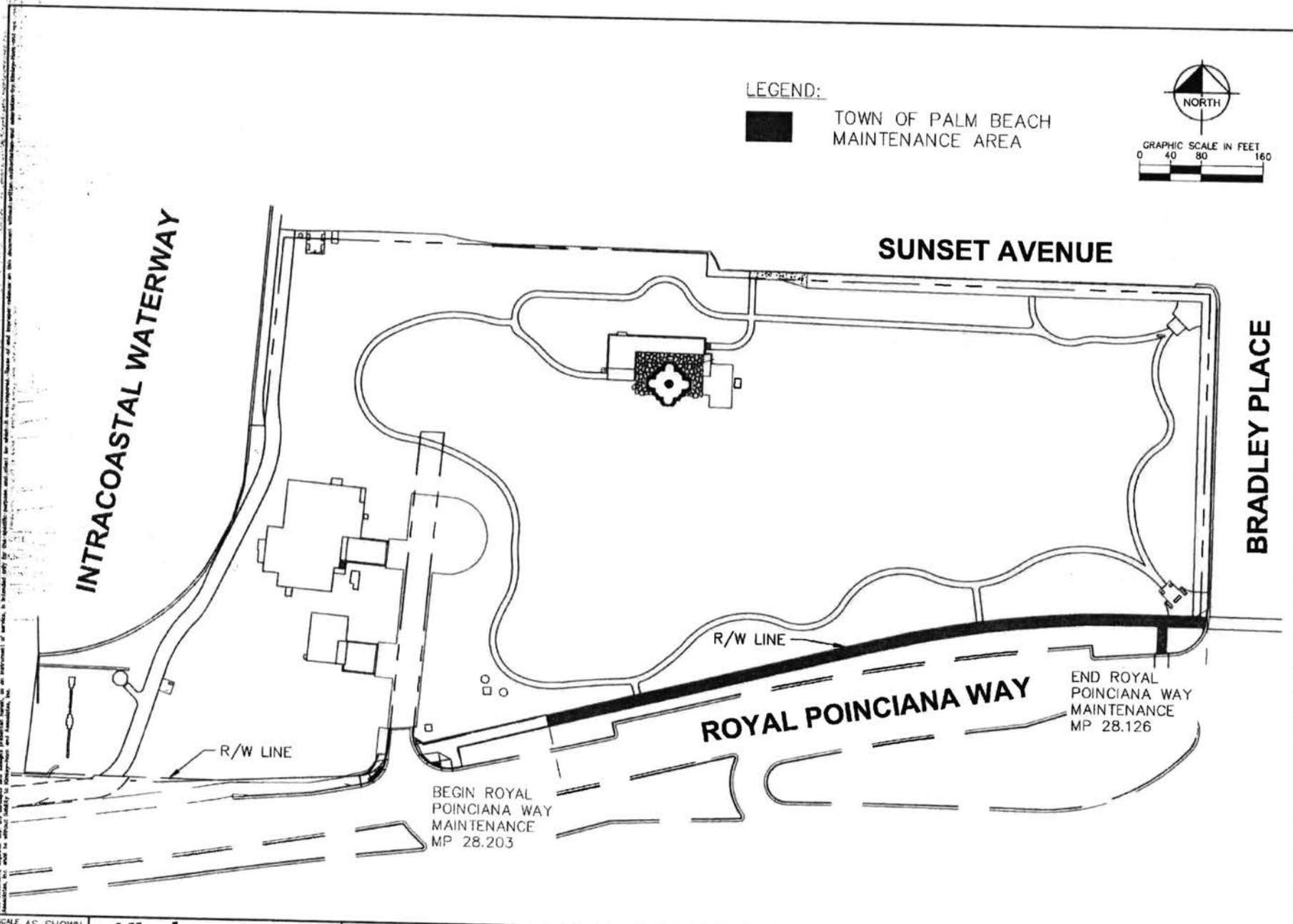
LANDSCAPE IMPROVEMENTS MAINTENANCE BOUNDARIES

I. LIMITS OF MAINTENANCE FOR LANDSCAPE IMPROVEMENTS:

State Road A1A (South County Road) from (M.P. 28.126) to M.P. 28.203)

II. LANDSCAPE IMPROVEMENTS MAINTENANCE RESPONSIBILITIES MAP:

Please see attached map



SCALE AS SHOWN DESIGNED BY BAJ DRAWN BY BAJ CHECKED BY KMS	Kimley»Horn © 2017 KIMLEY-HORN AND ASSOCIATES, INC. 1920 WEKIVA WAY SUITE 200, WEST PALM BEACH, FL 33411 PHONE (561) 845-0665 FAX (561) 863-8175 WWW.KIMLEY-HORN.COM CA 00000696	BRADLEY PARK IMPROVEMENTS PREPARED FOR THE TOWN OF PALM BEACH COA-040-2016 SE 024-2016 W SPR PALM BEACH FLORIDA	LANDSCAPE IMPROVEMENTS MAINTENANCE RESPONSIBILITY MAP	DATE 05/25/2017 PROJECT NO. 140311001	DESIGN ENGINEER: BRETT A. JOHNSON, P.E. FLORIDA P.E. LICENSE NUMBER: 74005 DATE:	SHEET NUMBER 1

SECTION No.:	**93060**
Permit No.:	**2017-C-496-0005**
COUNTY:	**PALM BEACH**
S.R. No.:	**A1A**

EXHIBIT B

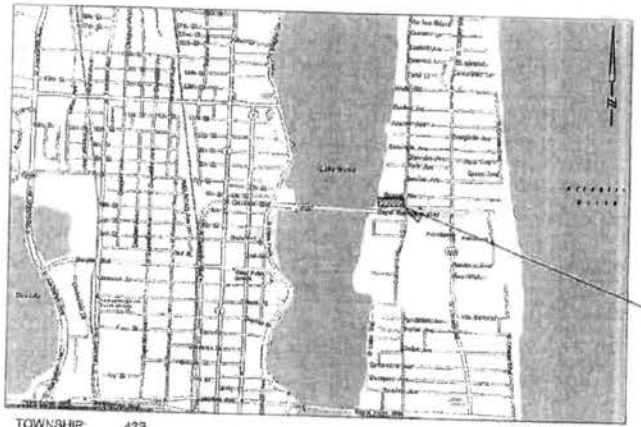
LANDSCAPE IMPROVEMENT PLANS

The AGENCY agrees to install the landscape improvements in accordance with the plans and specifications attached hereto and incorporated herein.

Please see attached plans prepared by: Brett A. Johnson P.E.
Kimley Horn

Date: May 25, 2017

CONSTRUCTION PLANS
FOR
BRADLEY PARK IMPROVEMENTS
PREPARED FOR THE
TOWN OF PALM BEACH



TOWNSHIP: 43S
RANGE: 43E
SECTION: 22

SPEED LIMIT: 30 MPH

LOCATION MAP
NTS

INDEX OF PLANS

C0 - COVER SHEET - CIVIL
C1 - GENERAL NOTES
C2 - MATERIALS REMOVAL PLAN - CIVIL
C3 - MATERIALS REMOVAL PLAN - CIVIL
C4 - HORIZONTAL CONTROL PLAN
C5 - HORIZONTAL CONTROL PLAN
C6 - GRADING AND PAVING PLAN
C7 - GRADING AND PAVING PLAN
C8 - CONSTRUCTION DETAILS
S1 - FOUNTAIN STRUCTURAL PLAN
S2 - DRINKING FOUNTAIN STRUCTURAL PLAN

TOWN OFFICIALS

GAIL L. CONIGLIO	MAYOR
RICHARD M. KLEID	PRESIDENT
DANIELLE H. MOORE	PRESIDENT PRO-TEM
JULIE ARASKOG	COUNCIL MEMBER
BOBBIE LINDSAY	COUNCIL MEMBER
MARGARET ZEIDMAN	COUNCIL MEMBER
THOMAS G. BRADFORD	TOWN MANAGER
H. PAUL BRAZIL, P.E.	DIRECTOR OF PUBLIC WORKS
PATRICIA STRAYER, P.E.	TOWN ENGINEER

GOVERNING STANDARDS AND SPECIFICATIONS (IN FDOT R/W)

MOST RECENT VERSIONS OF THE FDOT DESIGN STANDARDS AND THE FDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION

FDOT PERMIT NO.
17C-496-0005-93060

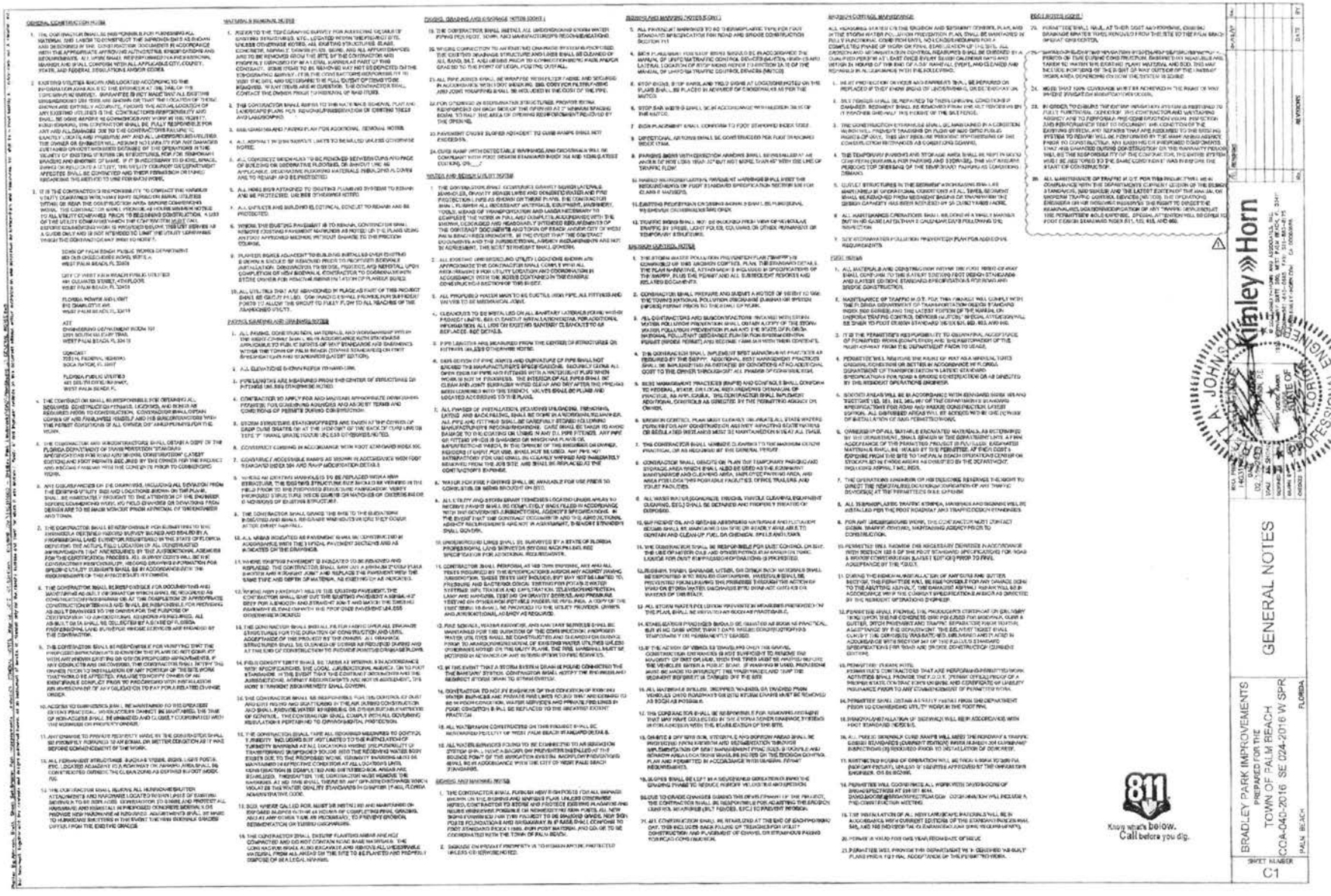
811 Know what's below. Call before you dig.

Kimley»Horn

BRADLEY PARK IMPROVEMENTS
PREPARED FOR THE
TOWN OF PALM BEACH
PCDA-040-2016 SE 02A-2016 W SPR

COVER SHEET - CIVIL

SHEET NUMBER
C0



GENERAL CONSTRUCTION NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FURNISHING ALL MATERIAL, LABOR TO CONSTRUCT THE IMPROVEMENTS AS SHOWN AND DESCRIBED IN THE CONSTRUCTION DOCUMENTS IN ACCORDANCE WITH THE APPROPRIATE APPROVED AUTHORITIES' RULES OR OPTIONS AND REQUIREMENTS. ALL WORK SHALL BE PERFORMED IN A PROFESSIONAL MANNER AND SHALL COMPLY WITH ALL APPLICABLE CITY, COUNTY, STATE, AND FEDERAL REGULATIONS AND/OR CODES.

2. EXISTING UTILITIES SHOWN ARE LOCATED ACCORDING TO THE INFORMATION AVAILABLE TO THE ENGINEER AT THE TIME OF THE CONSTRUCTION SURVEY. WARRANTEE IS NOT MADE THAT ALL EXISTING UNDERGROUND UTILITIES ARE SHOWN OR THAT THE LOCATION OF THOSE SHOWN ARE ENTIRELY ACCURATE. KNOWING THE ACTUAL LOCATION OF ANY EXISTING UTILITIES IS THE CONTRACTOR'S RESPONSIBILITY AND SHALL BE DONE BEFORE RECOMMENCING ANY WORK IN THE VICINITY. WHEN KNOWING, THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGE DUE TO THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. THE OWNER OR ENGINEER WILL ASSUME NO LIABILITY FOR ANY DAMAGES SUSTAINED ON OR OBSTRUCTIONS ENCOUNTERED IN THE VICINITY OF EXISTING STRUCTURES OR UTILITIES, NOR FOR UNKNOWN LOCATIONS AND IDENTITIES OF SAME. IF IT IS NECESSARY TO ADD, REMOVE, SHIFT OR RELOCATE A UTILITY, THE UTILITY COMPANY OR DEPARTMENT AFFECTED SHALL BE CONTACTED AND THEIR PERMISSION OR TERMS REGARDING THE METHOD TO USE FOR SUCH WORK.

3. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE VARIOUS UTILITY COMPANIES WITH MANY DAYS NOTICE IN ADVAL UTILITIES WITHIN OR NEAR THE CONSTRUCTION AREA BEFORE COMMENCING WORK. THE CONTRACTOR SHALL PROVIDE 48 HOURS MINIMUM NOTICE TO ALL UTILITY COMPANIES PRIOR TO BEGINNING CONSTRUCTION. A LOSS OF THE UTILITY COMPANIES WHEN THEY CONFIRM IN WRITTING THAT ALL EXISTING UNDERGROUND WORK IS PROPERLY LOCATED. THE COMPANIES AS A GUIDE ONLY AND IS NOT INTENDED TO LIMIT THE UTILITY COMPANIES THAT THE CONTRACTOR MAY WISH TO NOTIFY.

TOWN OF PALM BEACH PUBLIC WORKS DEPARTMENT
901 OLD SOUTH COUNTY ROAD
WEST PALM BEACH, FL 33406

CITY OF WEST PALM BEACH PUBLIC UTILITIES
401 CLEMATIS STREET, 4TH FLOOR
WEST PALM BEACH, FL 33401

FLORIDA POWER AND LIGHT
810 DIAMOND AVE
WEST PALM BEACH, FL 33418

ATT
ENGINEERING DEPARTMENT ROOM 701
1201 SOUTH DIXIE HWY
WEST PALM BEACH, FL 33415

COMCAST
7031 N. FEDERAL HIGHWAY
BOCA RATON, FL 33487

FLORIDA PUBLIC UTILITIES
401 SOUTH DIXIE HWY
WEST PALM BEACH, FL

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED CONSTRUCTION PERMITS, LICENSES, AND BONDS AS REQUIRED PRIOR TO CONSTRUCTION. CONTRACTOR SHALL OBTAIN COPIES OF ANY PERMITS ISSUED AND HAVE THEM AVAILABLE ON SITE TOGETHER WITH THE PERMIT CONDITIONS OF ALL OWNER, DOT AND PERMITTING AGENCIES.

5. THE CONTRACTOR AND SUBCONTRACTORS SHALL OBTAIN A COPY OF THE FLORIDA DEPARTMENT OF TRANSPORTATION 'STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION' LATEST EDITION AND ITS INTERIM REVISIONS IN EFFECT ON THE DATE OF THE PROJECT AND BECOME FAMILIAR WITH THE CONTENTS PRIOR TO COMMENCING WORK.

6. ANY DISCREPANCIES ON THE DRAWINGS, INCLUDING ALL DEVIATION FROM THE EXISTING UTILITY SIZE AND LOCATIONS SHOWN ON THE PLANS, SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE COMMENCING WORK. NO FIELD CHANGES OR DEVIATIONS FROM DESIGN ARE TO BE MADE WITHOUT PRIOR APPROVAL OF THE ENGINEER AND TOWN.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SUBMITTING TO THE ENGINEER A CERTIFIED RECORD SURVEY SIGNED AND SEALED BY A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF FLORIDA DEPICTING THE ACTUAL FIELD LOCATION OF ALL CONSTRUCTED IMPROVEMENTS THAT ARE REQUIRED BY THE JURISDICTIONAL AGENCIES FOR THE CERTIFICATION PROCESS. ALL SURVEY COSTS SHALL BE THE CONTRACTORS RESPONSIBILITY. RECORD DRAWING INFORMATION FOR SPECIFIC UTILITY SYSTEMS SHALL BE ACCORDINGLY PER THE REQUIREMENTS OF THE AFFECTED UTILITY OWNER.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DOCUMENTING AND MAINTAINING AS-BUILT INFORMATION WHICH SHALL BE RECORDED AS CONSTRUCTION PROGRESSES OR AT THE COMPLETION OF APPROPRIATE CONSTRUCTION SEGMENTS AND SHALL BE RESPONSIBLE FOR PROVIDING AS-BUILT DRAWINGS TO THE OWNER FOR THE PURPOSE OF CERTIFICATION TO JURISDICTIONAL AGENCIES WHERE REQUIRED. ALL AS-BUILT DATA SHALL BE COLLECTED BY A LICENSED FLORIDA PROFESSIONAL LAND SURVEYOR WHOSE SERVICES ARE ENGAGED BY THE CONTRACTOR.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THAT THE PROPOSED IMPROVEMENTS AS SHOWN ON THE PLANS DO NOT CONFLICT WITH ANY KNOWN EXISTING OR OFFICIALLY PROPOSED IMPROVEMENTS. IF ANY CONFLICTS ARE DISCOVERED, THE CONTRACTOR SHALL NOTIFY THE OWNER PRIOR TO INSTALLATION OF ANY PORTION OF THE SITE WORK THAT WOULD BE AFFECTED. FAILURE TO NOTIFY OWNER OF SUCH KNOWINGLY CONFLICT PRIOR TO PROCEEDING WITH INSTALLATION SHALL RELIEVE OWNER OF ANY OBLIGATION TO PAY FOR A RELATED CHANGE ORDER.

10. ACCESS TO DRIVEWAYS SHALL BE MAINTAINED TO THE GREATEST DEGREE PRACTICAL. WHEN ACCESS CANNOT BE MAINTAINED, THE TIME OF NON-ACCESS SHALL BE MINIMIZED AND CLOSELY COORDINATED WITH THE AFFECTED PROPERTY OWNER.

11. ANY DAMAGE TO PRIVATE PROPERTY MADE BY THE CONTRACTOR SHALL BE PROMPTLY REPAIRED TO AN EQUAL OR BETTER CONDITION AS IT WAS BEFORE COMMENCEMENT OF THE WORK.

12. ALL PERMANENT STRUCTURES, SUCH AS TYPE'S, INLETS, LIGHT POLES, FPL / LOCATED ADJACENT TO ROADWAY OR PARKING AREA SHALL BE CONSTRUCTED DIRECTLY IN CLEAR ZONE AS DEFINED IN DOT INDEX NO.

13. THE CONTRACTOR SHALL REMOVE ALL HURRICANE SHUTTER ATTACHMENTS AND HARDWARE LOCATED WITHIN LIMITS OF EXISTING BUILDINGS TO BE SIDE AGED. CONTRACTOR TO SHIELD AND PROTECT ALL HARDWARE AND REINSTALL IN PREPARED CONCRETE BUILDING S OR PROVIDE NEW HARDWARE AS REQUIRED. ADJUSTMENTS SHALL BE MADE TO HURRICANE SHUTTERS IN THE EVENT THE NEW BUILDINGS GROOVE DIFFER FROM THE EXISTING GROOVE.

MATERIALS MARKING NOTES

1. REFER TO THE TOPOGRAPHIC SURVEY FOR ADDITIONAL DETAILS OF EXISTING DRAINAGE AND UTILITIES WITHIN THE PROJECT SITE. UNLESS OTHERWISE NOTED, ALL EXISTING STRUCTURE, SLABS, CONCRETE, ASPHALT, SIGNS, POLES, SIGNS, AND ALL APPURTENANCES ARE TO BE REMOVED FROM THE SITE BY THE CONTRACTOR AND PROPERLY DISPOSED OF IN A LEGAL MANNER AS PART OF THIS CONTRACT. ITEMS (TREES) TO BE REMOVED MAY NOT BE DEPICTED ON THE TOPOGRAPHIC SURVEY. IT IS THE CONTRACTORS RESPONSIBILITY TO VISIT THE SITE AND DETERMINE THE FULL SCOPE OF ITEMS TO BE REMOVED. IF ANY ITEMS ARE IN QUESTION, THE CONTRACTOR SHALL CONTACT THE OWNER PRIOR TO REMOVAL OF ANY ITEMS.

2. THE CONTRACTOR SHALL REFER TO THE DETAILED SIGNING, PLAT AND LANDSCAPE PLANS FOR NON-PAVEMENT MARKINGS OR EXISTING TREES AND LANDSCAPING.

3. SEE DRAINAGE AND PAVING PLAN FOR ADDITIONAL DIMENSIONAL NOTES.

4. ALL ASPHALT TO BE SAWCUT LINES TO BE MILLED UNLESS OTHERWISE NOTED.

5. ALL CONCRETE WHICH HAS TO BE REMOVED BETWEEN CURB AND FACE OF SIDEWALK OR UNDERNEATH THE FLOORS OF BUILDINGS SHALL BE, WHERE APPLICABLE, DESIGNATED BY A LICENSED FLORIDA SURVEYOR AND THE OWNER AND ENGINEER NOTIFIED. ALL SUCH REMOVALS SHALL BE DONE IN A NEAT AND WORKMANLIKE MANNER.

6. ALL HOSE BIBS ATTACHED TO EXISTING PLUMBING SYSTEMS TO REMAIN AND BE PROTECTED, UNLESS OTHERWISE NOTED.

7. ALL OUTLETS AND BUILDING ELECTRICAL CONDUIT TO REMAIN AND BE PROTECTED.

8. WHERE THE EXISTING PAVEMENT IS TO REMAIN, CONTRACTOR SHALL REMOVE EXISTING PAVEMENT MARKINGS AS NOTED UP TO PLANS USING PALM BEACH REQUIREMENTS. IN THE EVENT THAT THE CONTRACT DOCUMENTS AND THE JURISDICTIONAL AGENCY REQUIREMENTS ARE NOT TO BE REMOVED, THE MOST STRINGENT SHALL GOVERN.

9. ALL EXISTING UNDERGROUND UTILITY LOCATIONS SHOWN ARE APPROXIMATE THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE REQUIREMENTS FOR UTILITY LOCATION AND COORDINATION IN ACCORDANCE WITH THE NOTES CONTAINED IN THE GENERAL CONSTRUCTION SECTION OF THIS SHEET.

10. ALL PROPOSED WATER MAIN TO BE DUCTILE IRON PIPE, ALL FITTINGS AND VALVES TO BE MECHANICAL JOINT.

11. CLEANOUTS TO BE INSTALLED ON ALL SANITARY LATERALS (SEWER) WITH 90 PRODUCT LINES. SEE CLEANOUT INSTALLATION DETAIL FOR ADDITIONAL INFORMATION. INSTALL LIDS ON EXISTING SANITARY CLEANOUTS TO BE REPLACED. SEE DETAILS.

12. PIPE LENGTHS ARE MEASURED FROM THE CENTER OF STRUCTURES OR FITTINGS UNLESS OTHERWISE NOTED.

13. DEPTH SECTION OF PIPE JOINTS AND DURATURE OF PIPE SHALL NOT EXCEED THE MANUFACTURER'S SPECIFICATIONS. SUBSURFACE CAUSE ALL OPEN ENDS OF PIPE AND FITTINGS WITH A WATERTIGHT PLUG WHEN WORK IS NOT IN PROGRESS. THE INTERIOR OF ALL PIPES SHALL BE CLEAN AND JOINT SURFACES WIPED CLEAN AND DRY AFTER THE PIPE HAS BEEN LOWERED INTO THE TRENCH. VALVES SHALL BE PLUMB AND LOCATED ACCORDING TO THE PLANS.

14. ALL PHASES OF INSTALLATION, INCLUDING UNLOADING, TRENCHING, LAYING AND BACK FILLING, SHALL BE DONE IN A WORKMANLIKE MANNER. ALL PIPE AND FITTINGS SHALL BE CAREFULLY STORED FOLLOWING MANUFACTURER'S RECOMMENDATIONS. CARE SHALL BE TAKEN TO AVOID DAMAGE TO PIPE COATING OR LINING IN ANY D.I. PIPE FITTINGS. ANY PIPE OR FITTING FOUND DAMAGED OR WHICH HAVE PLAYED OUT IMPERFECTIONS THEREIN, IN THE OPINION OF THE ENGINEER OR OWNER, REQUIRING EXCEPT FOR USE, SHALL NOT BE USED. ANY PIPE NOT SATISFACTORY FOR USE SHALL BE CLEARLY MARKED AND IMMEDIATELY REMOVED FROM THE JOB SITE AND SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.

15. WATER FOR FIRE FIGHTING SHALL BE AVAILABLE FOR USE PRIOR TO CONSTRUCTION BEING BROUGHT ON SITE.

16. ALL UTILITY AND STORM DRAIN TRENCHES LOCATED UNDER AREAS TO RECEIVE PAVING SHALL BE COMPACTED AND FILLED IN ACCORDANCE WITH THE GOVERNING JURISDICTIONAL AGENCY'S SPECIFICATIONS. IN THE EVENT THAT THE CONTRACT DOCUMENTS AND THE JURISDICTIONAL AGENCY REQUIREMENTS ARE NOT IN AGREEMENT, THE MOST STRINGENT SHALL GOVERN.

17. UNDERGROUND LINES SHALL BE SURVEYED BY A STATE OF FLORIDA PROFESSIONAL LAND SURVEYOR AND MAINTAINED AS-BUILT AND SPECIFICATION FOR ADDITIONAL REQUIREMENTS.

18. CONTRACTOR SHALL PERFORM, AT HIS OWN EXPENSE, ANY AND ALL TESTS REQUIRED BY THE SPECIFICATIONS AND/OR ANY AGENCY HAVING JURISDICTION. WHERE TESTS ARE INDICATED, BUT MAY NOT BE LIMITED TO, PRESSURE AND BACTERIOLOGICAL TESTING FOR POTABLE WATER SYSTEMS, TRANSMISSION MAINS, FORCE MAINS, GRAVITY SEWER LINES, LAMP AND MANHOLE TEST ON GRAVITY SEWERS, AND PRESSURE TESTING ON OTHER NON-GRAVITY SYSTEMS. A COPY OF THE TEST RESULTS SHALL BE PROVIDED TO THE UTILITY PROVIDER, OWNER AND JURISDICTIONAL AS MAY BE REQUIRED.

19. FIRE SERVICES, HYDRANT ASSEMBLIES, AND MAIN GATE SERVICES SHALL BE MARKED AS PER THE LOCAL FIRE DEPARTMENT REQUIREMENTS. ALL FIRE WATER UTILITIES SHALL BE CONSTRUCTED AND CLEANED FOR SERVICE PRIOR TO ANY COMBUSTIBLE CONSTRUCTION. ALL DRAINAGE STRUCTURES SHALL BE CLEANED OF DEBRIS AS REQUIRED DURING AND AT THE END OF CONSTRUCTION. ALL DRAINAGE PIPES SHALL BE FREE OF DEBRIS AND SEDIMENT.

20. ALL UTILITY TRENCH SHALL BE TAMPED AS INTERVAL IS IN ACCORDANCE WITH SPECIFICATIONS, THE LOCAL JURISDICTIONAL AGENCY, OR TO POST STANDARDS. IN THE EVENT THAT THE CONTRACT DOCUMENTS AND THE JURISDICTIONAL AGENCY REQUIREMENTS ARE NOT IN AGREEMENT, THE MORE STRINGENT REQUIREMENTS SHALL GOVERN.

21. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONTROL OF DUST AND LIMITS RAISED AND DISTURBED IN THE PERFORMING CONSTRUCTION AND SHALL PROVIDE WATER SPRINKLING OR OTHER SUITABLE METHODS OF CONTROL. THE CONTRACTOR SHALL COMPLY WITH ALL GOVERNING REGULATIONS PERTAINING TO CONTROLLING AIR POLLUTION.

22. THE CONTRACTOR SHALL TAKE ALL REASONED MEASURES TO CONTROL TURBIDITY, INCLUDING BUT NOT LIMITED TO THE INSTALLATION OF TURBIDITY BARRIERS AT ALL LOCATIONS WHERE DISCHARGE OF TURBIDITY WATER SUSPENDED SOLIDS INTO THE RECEIVING WATER BODY EXISTS DUE TO THE PROPOSED WORK. TURBIDITY BARRIERS MUST BE MAINTAINED IN EFFECTIVE CONDITION AT ALL LOCATIONS UNTIL CONSTRUCTION IS COMPLETED AND SOIL CONDITIONS IN THE AREAS ARE STABILIZED. THEREAFTER, THE CONTRACTOR MUST REMOVE THE BARRIERS. AT NO TIME SHALL TURBIDITY ANY TURBIDITY DISCHARGE WHICH WOULD BE DUE WATER QUALITY STANDARDS IN CHAPTER 17-302, FLORIDA ADMINISTRATIVE CODE.

23. SOD, WHERE CALLED FOR, MUST BE INSTALLED AND MAINTAINED ON REPAIRED SLOPES TO THE 4:1 SLOPE OF CONFLICTING PAVING, GRADING, AND AT ANY OTHER TIME AS NECESSARY, TO PREVENT EROSION, SEDIMENTATION OR TURBID DISCHARGES.

24. THE CONTRACTOR SHALL ENSURE PLANTED AREAS ARE ONCE COMPACTED AND DO NOT CONTAIN NOXIOUS BASE MATERIALS. THE CONTRACTOR SHALL ALSO EXCAVATE AND REMOVE ALL UNDESIRABLE MATERIAL FROM ALL AREAS ON THE SITE TO BE PLANTED AND PROPERLY DISPOSE OF IN A LEGAL MANNER.

PAVING, GRADING AND DRAINAGE NOTES (CONT.)

19. THE CONTRACTOR SHALL INSTALL ALL UNDERGROUND STORM WATER PIPING PER PLOT, TOWN, AND MANUFACTURER'S RECOMMENDATIONS.

20. WHERE CONNECTION TO AN EXISTING DRAINAGE SYSTEM IS PROPOSED, THE EXISTING DRAINAGE STRUCTURE AND LINES SHALL BE CLEANED OF ALL SAND, SILT, AND DEBRIS PRIOR TO CONNECTION TO EXISTING PAVE AND/OR GRADED TO THE POINT OF LEGAL OUTFALL OUTFALL.

21. ALL PIPE JOINTS SHALL BE WRAPPED WITH FILTER FABRIC AND SECURED IN ACCORDANCE WITH DOT INDEX NO. 280. CARE SHALL BE TAKEN TO AVOID JOINT OPEN THAT WILL ALLOW SOIL TO ENTER THE SYSTEM.

22. FOR CONFINED IN EXISTING STRUCTURES, PROVIDE BOTTOM REINFORCED 24 ON EACH SIDE OF THE OPENING AT 2" MINIMUM SPACING FROM, TO HALF THE AREA OF OPENING REINFORCEMENT REQUIRED BY THE OPENING.

23. PAVEMENT CROSS SLOPES ADJACENT TO CURB RAMPS SHALL NOT EXCEED 5%.

24. CURB RAMP WITH DETECTABLE WARNINGS AND GUTTER SHALL BE CONSTRUCTED WITH POST DESIGN STANDARD INDEX 304 AND 1024 (LATEST EDITION), OR ...."

WATER AND SEWER QUALITY NOTES

1. THE CONTRACTOR SHALL FURNISH NEW FIRE HYDRANTS FOR ALL BRANCH BRANDS ON SITE, BEGINNING AND MARKING PLAN UNLESS OTHERWISE NOTED. CONTRACTOR TO STORE AND PROTECT EXISTING PLANTING AND INSURE WHERE NOT POSSIBLE OR NECESSITATING NEW POSTS, ALL NEW SIGNS FURNISHED FOR THIS PROJECT TO BE BRACED GRADE, NEW SIGN POSTS FOUNDATIONS AND SIGNAGE IN #1 AGE RACE (COMPOSE TO POST STANDARD INDEX 11000, 11001 POST MATERIAL AND COLOR TO BE COORDINATED WITH THE TOWN OF PALM BEACH.

2. DAMAGE ON PRIVATE PROPERTY IS TO BE MAINTAIN AND BE PROTECTED UNLESS OTHERWISE NOTED.

SIGNING AND MARKING NOTES (CONT.)

3. ALL PAVEMENT MARKINGS TO BE THERMOPLASTIC TYPE PER FDOT STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION SECTION 711

4. BIKE PLAN SIGNAL / FDOT SIGN SHOULD BE IN ACCORDANCE THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), LATEST EDITION, WHICH IS LATERAL LOCATION OF STOP SIGNS RELATIVE TO INTERSECTION IS TO BE THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).

5. STOP SIGNS, STOP AHEAD AND YIELD SIGNS AT LOCATIONS NOTED ON THE PLANS SHALL BE PLACED IN ACCORDANCE OF CROSSWALKS AS PER THE MUTCD.

6. STOP BAR, STOP AHEAD AND YIELD SIGNS SHALL BE PLACED IN ACCORDANCE WITH MUTCD.

7. STOP BAR PLACEMENT SHALL CONFORM TO FDOT STANDARD INDEX 17355

8. DIRECTIONAL ARROWS SHALL BE CONSTRUCTED PER FDOT STANDARD INDEX 17356.

9. PARKING SIGNS WITH DIRECTION ARROWS SHALL BE INSTALLED AT AN ANGLE OF NOT LESS THAN 30° BUT NOT MORE THAN 45° WITH ONE LINE OF TRAFFIC FLOW.

10. PARKED RELATIONAL PAVEMENT MARKINGS SHALL MEET THE REQUIREMENTS OF FDOT STANDARD SPECIFICATION SECTION 536 FOR CLASS F MARKERS.

11. EXISTING PROTECTION ON SIDEWALK SHALL BE PURPOSEFUL WHENEVER CONSTRUCTION IS IN PROGRESS.

12. TRAFFIC SIGNS SHALL NOT BE ENCROACH FROM VIEW OF VEHICULAR TRAFFIC BY TREES, LIGHT POLES, COLUMNS OR OTHER PERMANENT OR TEMPORARY STRUCTURES.

EROSION CONTROL NOTES

1. THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) IS COMPRISED OF THIS EROSION CONTROL PLAN, THE STANDARD DETAILS & NOTES, THE SPECIFICATIONS, AND ANY OTHER SUBMISSIONS OF THE SWPPP, PLUS THE PERMIT AND ALL SUBMITTED REPORTS AND RELATED DOCUMENTS.

2. CONTRACTOR SHALL PREPARE AND SUBMIT A NOTICE OF INTENT TO USE THE TOWN'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PRIOR TO THE START OF WORK.

3. ALL CONTRACTORS AND SUBCONTRACTORS INVOLVED WITH STORM WATER POLLUTION PREVENTION PLAN AND THE STATE OF FLORIDA NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT (NPDES PERMIT) AND BECOME FAMILIAR WITH THEIR CONTENTS.

4. THE CONTRACTOR SHALL IMPLEMENT BEST MANAGEMENT PRACTICES AS REQUIRED BY THE SWPPP. ADDITIONAL BEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED AS INITIATED BY DONATIONS AT NO ADDITIONAL COST TO THE OWNER THROUGHOUT ALL PHASES OF CONSTRUCTION.

5. BEST MANAGEMENT PRACTICES (BMPS) AND CONTROLS SHALL CONFORM TO FEDERAL, STATE, LOCAL AND WATER MANAGEMENT DISTRICT CRITERIA, AS APPLICABLE. THE CONTRACTOR SHALL IMPLEMENT ADDITIONAL CONTROLS AS DIRECTED BY THE PERMITTING AGENCY OR OWNER.

6. EROSION CONTROL PLAN MUST CLEARLY DELINEATE ALL STATE WATERS POTENTIALLY AFFECTED BY CONSTRUCTION ACTIVITY. IMPACTS TO STATE WATERS OR REGULATED WETLANDS MUST BE MAINTAINED IN WRITING AT ALL TIMES.

7. THE CONTRACTOR SHALL MINIMIZE CLEARING TO THE MINIMUM DOING PRACTICAL, OR AS REQUIRED BY THE GENERAL PERMIT.

8. CONTRACTOR SHALL DESIGNATE ON PLAN DOT TEMPORARY PARKING AND STORAGE AREA WHICH SHALL ALSO BE USED AS THE EQUIPMENT MAINTENANCE AND CLEANING AREA, EMPLOYEE PARKING AREA, AND AREA FOR LOCATING PORTABLE FACILITIES, OFFICE TRAILERS, AND TOILET FACILITIES.

9. ALL WASH RACK/UPGRADE AREAS, WHERE VEHICLE CLEANING, EQUIPMENT CLEANING, FUELING SHALL BE DESIGNED AND PROPERLY TREATED OF DISPOSED.

10. SAP RESPECT OIL AND GREASE ABSORBING MATERIALS AND FLOTATION BOOMS SHALL BE MAINTAINED ON SITE OR READILY AVAILABLE TO CONTAIN AND CLEAN UP FUEL OIL OVERFLOW, SPILLS AND LEAKS.

11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DUST CONTROL ON SITE. THE USE OF WATER OILS AND OTHER METHODS IN A MANNER OR TOXIC LEAKAGE FOR DUST IS PROHIBITED UNLESS OTHERWISE PERMITTED.

12. DISPOSAL TRASH, DAMAGE, LITTER, OR DEBRIS SHALL NOT BE ALLOWED TO BE DEPOSITED INTO, INSIDE CONTAINERS, WASTEFUL SPILLS, BE PREVENTED FROM LEAVING THIS PREMISES THROUGH THE ACTION OF VEHICLE TRAFFIC OR BY ANY OTHER MEANS. DISPOSE OF DEBRIS AND GARBAGE IN WARDS OF DAILY BASIS.

13. ALL STORM WATER POLLUTION PREVENTION MEASURES REMOVED ON THE PLAN, SHALL BE MAINTAINED AND SOON AS PRACTICABLE.

14. STABILIZATION PROCESSES SHOULD BE INITIATED AS SOON AS PRACTICAL, BUT IN NO CASE MORE THAN 7 DAYS UNLESS DESCRIPTION HAS TEMPORARILY OR PERMANENTLY CEASED.

15. USE THE ACTION OF VEHICLES TRAVELING ONTO THE GRAVEL CONSTRUCTION ENTRANCES AND NOT SURFACE TO REMOVE THE MAJORITY OF DIRT ON SAID, WHEN THE TIRES MUST BE WASHED BEFORE THE VEHICLES ENTER A PUBLIC ROAD. IF WASHING IS USED, PROVISIONS MUST BE MADE TO PREVENT THE WASHWATER AND TRAMP THE SEDIMENT RESPECTIVE IS DAMAGED OFF THE SITE.

16. ALL MATERIALS SPILLED, DROPPED, WASHED, OR TRACKED FROM VEHICLES UNTO ROADWAYS OR DRAINAGE SYSTEMS MUST BE REMOVED AS SOON AS POSSIBLE.

17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING/CLEANING THAT MAY HAVE COLLECTED IN THE STORM SEWER DRAINAGE SYSTEMS (INTERCEPTORS) WITH THE ELIMINATION OF THE SITE.

18. CREATE A DRY SPILL BOX, STOCKPILE AND DISPOSAL AREAS SHALL BE PROTECTED FROM RUNOFF WITH SEDIMENTATION THROUGH IMPLEMENTATION OF BEST MANAGEMENT PRACTICES. STOCKPILE AND DISPOSAL AREA LOCATIONS SHALL BE NOTED ON THE EROSION CONTROL PLAN AND PERMITTED IN ACCORDANCE WITH GENERAL PERMIT REQUIREMENTS.

19. SLOPES SHALL BE LEFT IN A SECURE AND STABLE CONDITION BY THE END OF EACH WORKING PHASE TO REDUCE RUNOFF VELOCITIES AND EROSION.

20. USE TO GRADE CHANGES DURING THE DRY SEASON OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADJUSTING THE EROSION CONTROL MEASURES (SILT FENCES, ETC.) TO PREVENT EROSION.

21. ALL CONSTRUCTION SHALL BE REVALIDATED AT THE END OF EACH WORKING DAY. THIS INCLUDES BACK FILLING OF TRENCHES FOR UTILITY CONSTRUCTION AND PLACEMENT OF CURVES, OR STRAW HAY BALE TO CREATE CONSTRUCTION.

RECLAMATION NOTES

25. PERMITTEE SHALL RAKE, AT THEIR COST AND EXPENSE, CROSS DRAINAGE WATER THAT REMOVED FROM THE SITE TO THE PALM BEACH INTERNAT ONS DITCH.

26. IMPLEMENTATION OF EROSION AND SEDIMENT CONTROL PRACTICES PRIOR TO THE START OF CONSTRUCTION, DURING THE CONSTRUCTION PERIOD, AND UNTIL ALL DISTURBED AREAS ARE PERMANENTLY STABILIZED.

27. MODIFICATIONS TO THE EROSION AND SEDIMENT CONTROL PLAN AND BMPS AS NECESSARY TO MAINTAIN COMPLIANCE WITH THE REQUIREMENTS OF THE NPDES GENERAL PERMIT.

28. INSPECTION AND MAINTENANCE OF ALL BMPS AFTER EACH STORM EVENT.

29. REMOVAL OF ALL TEMPORARY EROSION CONTROL MEASURES, BMPS, AND TREATMENT SYSTEMS AFTER FINAL STABILIZATION IS ACHIEVED.

30. ALL MAINTENANCE OF PAVING IS AT THE PERMITTEE'S EXPENSE.

GENERAL NOTES

1. ALL MATERIALS AND CONSTRUCTION WITHIN THE FDOT RIGHT-OF-WAY SHALL COMPLY WITH THE LATEST EDITION FDOT DESIGN STANDARDS AND LATEST EDITION FDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.

2. MAINTENANCE OF TRAFFIC M.O.T. FOR THIS PROJECT WILL COMPLY WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION DESIGN STANDARD INDEX 600 SERIES AND THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD). SPECIAL ATTENTION WILL BE GIVEN TO POST DESIGN STANDARD INDEX 600, 602, 603.

3. IT IS THE PERMITTEE'S RESPONSIBILITY TO OBTAIN FINAL ACCEPTANCE OF PERMITTED WORK (COMPLETION) AND THE REPRESENTATION OF THE MUNICIPALITY FROM THE DEPARTMENT PRIOR TO USE OR SALE.

4. PERMITTEE SHALL RESTORE THE RIGHT OF WAY AS A MINIMUM, TO THE ORIGINAL CONDITION OR BETTER IN ACCORDANCE W FLORIDA DEPARTMENT OF TRANSPORTATION'S LATEST STANDARD SPECIFICATIONS FOR ROAD & BRIDGE CONSTRUCTION OR AS DIRECTED BY THIS RESIDENT OPERATIONS ENGINEER.

5. SODDED AREAS SHALL BE IN ACCORDANCE WITH STANDARD INDEX 981 AND TEXTURE 160, 161, 162, 981, W OF THE DEPARTMENT'S STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION LATEST EDITION. ALL DISTURBED AREAS WILL BY SODDED WITH BERMUDA OF BATTALION OF SAID PERMITTED WORK.

6. OWNERSHIP OF ALL SALVAGE EXCAVATED MATERIALS, AS DETERMINED BY THIS DEPARTMENT, SHALL REMAIN IN THE DEPARTMENT UNTIL AFTER ACCEPTANCE OF THE PERMITTED PROJECT IN FULL USE. EXCAVATED MATERIALS SHALL BE REMOVED BY THE PERMITTEE AND DISPOSED OF FROM THE SITE TO THE PALM BEACH OPERATIONS CENTER OR STOCKPILED IN AREAS AS DIRECTED BY THE DEPARTMENT. INCLUDING ASPHALT MILLINGS.

7. THE OPERATIONS ENGINEER OF RESIDENCE RESERVES THE RIGHT TO DIRECT THE REMOVAL/RELOCATION/OPERATION OF ANY TRAFFIC DEVICE(S) AT THE PERMITTEES EXPENSE.

8. ALL THERMOPLASTIC TRAFFIC STRIPING, MARKINGS AND SIGNING WILL BE INSTALLED PER THE FDOT ROADWAY AND TRAFFIC DESIGN STANDARDS.

9. FOR ANY UNDERGROUND WORK, THE CONTRACTOR MUST CONTACT SUNSHINE STATE ONE CALL OF FLORIDA, INC. (811) PRIOR TO CONSTRUCTION.

10. PERMITTEE SHALL NOTIFY THE ENGINEER OF RESIDENCE (ERO) 48 HOURS IN ADVANCE OF THE PRE-CONSTRUCTION MEETING.

11. PERMITTEE SHALL REMOVE ONLY NECESSARY DEBRIS IN ACCORDANCE WITH SECTION 120.5 OF THE FDOT STANDARD SPECIFICATIONS FOR ROAD & BRIDGE CONSTRUCTION (LATEST EDITION) PRIOR TO FINAL ACCEPTANCE OF THE PROJECT.

12. DURING THE PERIOD OF MAINTENANCE OF ANY DITCH AND OUTFALL SECTION, THE PERMITTEE WILL BE RESPONSIBLE FOR ANY DAMAGE DONE TO THE ADJOINING ASPHALT. THE DAMAGED ASPHALT WILL HAVE TO BE IN ACCORDANCE WITH THE CURRENT SPECIFICATION AS MAY BE DIRECTED BY THE RESIDENT OPERATIONS ENGINEER.

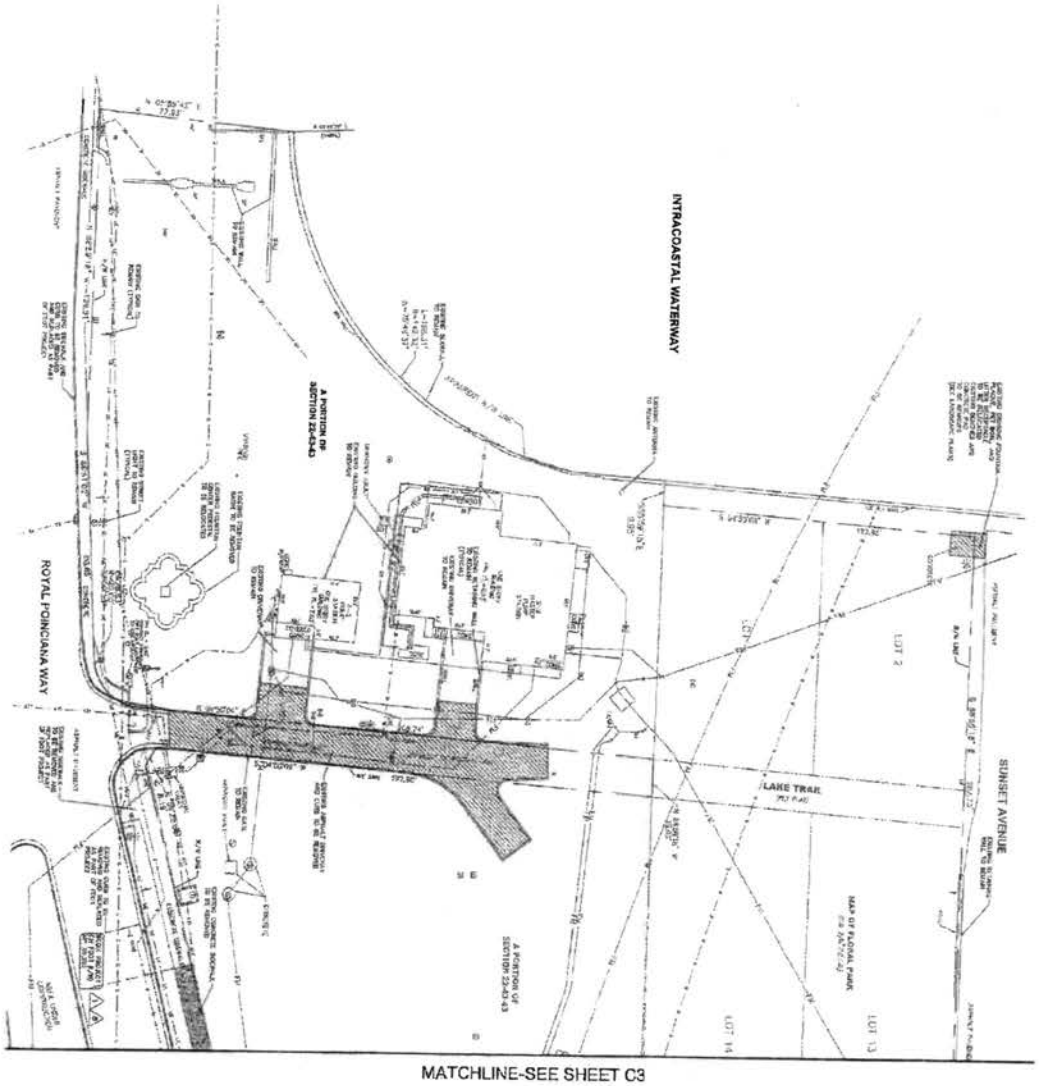
13. PERMITTEE SHALL PROVIDE SITE PASSAGEWAYS OVER/PAST OR ON/AWAY FROM UPON THEIR CONCRETE SIDEWALK OR PAVED OR PAVED DRIVE, CURB & GUTTER, DITCH PAVEMENT AND TRAFFIC SEPARATOR MAY NOT BE ACCEPTANCE BY THE DEPARTMENT. THE DELAYED TICKET SHALL CLOSE THE CONSISTED TRAFFIC AND REMAINED AND ACTED IN ACCORDANCE WITH THE PERMITTEES SHALL COMPLY WITH FDOT'S STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION (CURRENT EDITION).

14. PERMITTEE PLEASE NOTE:
PERMITTEE'S CONTRACTORS THAT ARE PERFORMING PERMITTED WORK ACTIVITIES SHALL PROVIDE THEY (I.E. D.E. ZENITH) OFFICE PROOF OF A PROPER STATE OR TOWN BUSINESS LICENSE AND CERTIFICATE OF LIABILITY INSURANCE PRIOR TO ANY COMMENCEMENT OF PERMITTED WORK.

15. PERMITTEE SHALL OBTAIN ALL UTILITY PERMITS FROM THE DEPARTMENT PRIOR TO DOWNSIDING UTILITY WORK IN THE FDOT R/W.

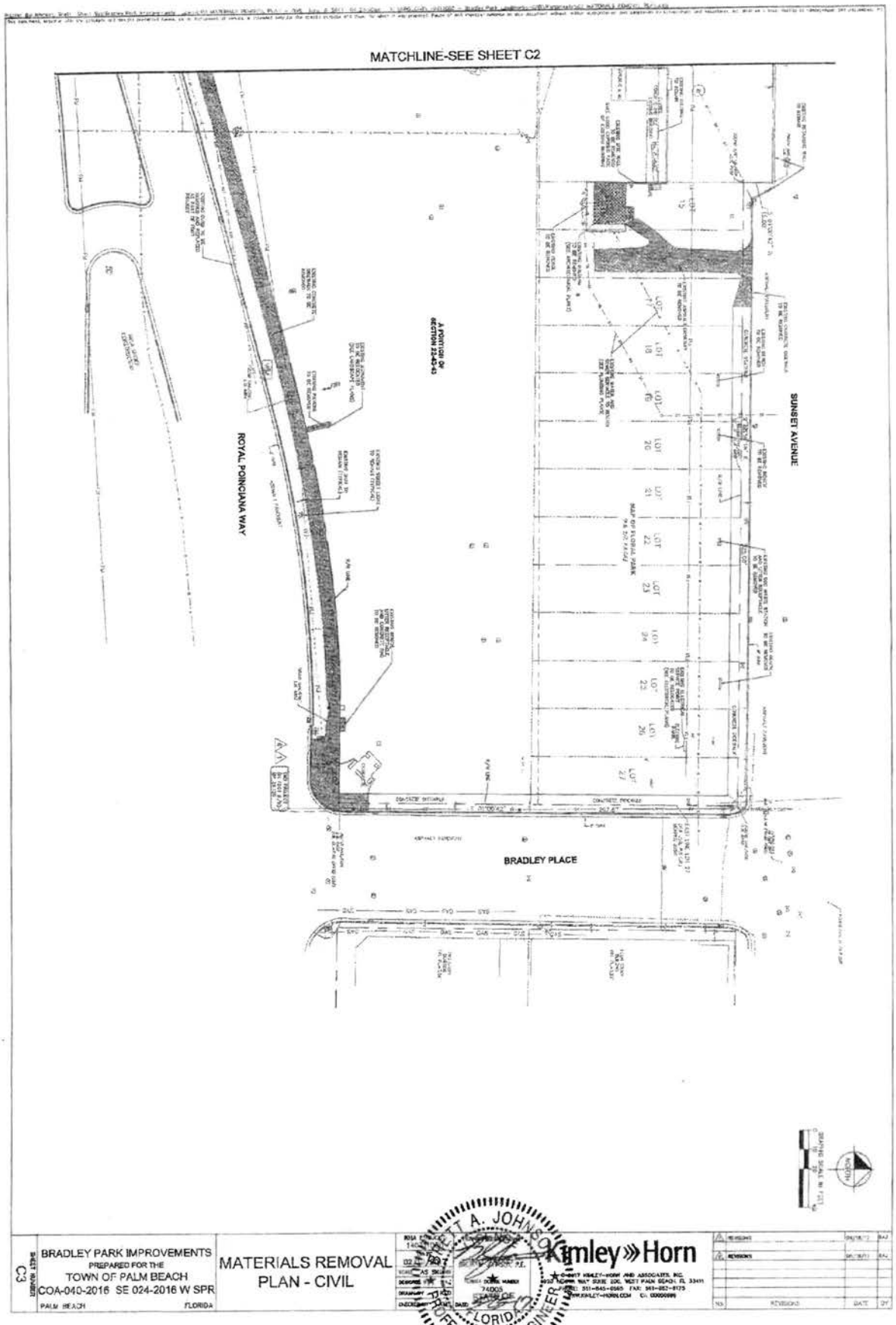
16. DRAINAGE INSTALLATION OF SIDEWALK WILL KEEP ACCORDANCE WITH FDOT STANDARD INDEX 515.

17. ALL PIPES DIAGONALLY CURB RAMPS WILL MEET THE ROADWAY & TRAFFIC DESIGN ST



MATCHLINE-SEE SHEET C3

C2	BRADLEY PARK IMPROVEMENTS PREPARED FOR THE TOWN OF PALM BEACH COA-040-2016 SE 024-2016 W SPR PALM BEACH FLORIDA	MATERIALS REMOVAL PLAN - CIVIL	BRETT A. JOHNSON LICENSED PROFESSIONAL ENGINEER STATE OF FLORIDA Kimley»Horn



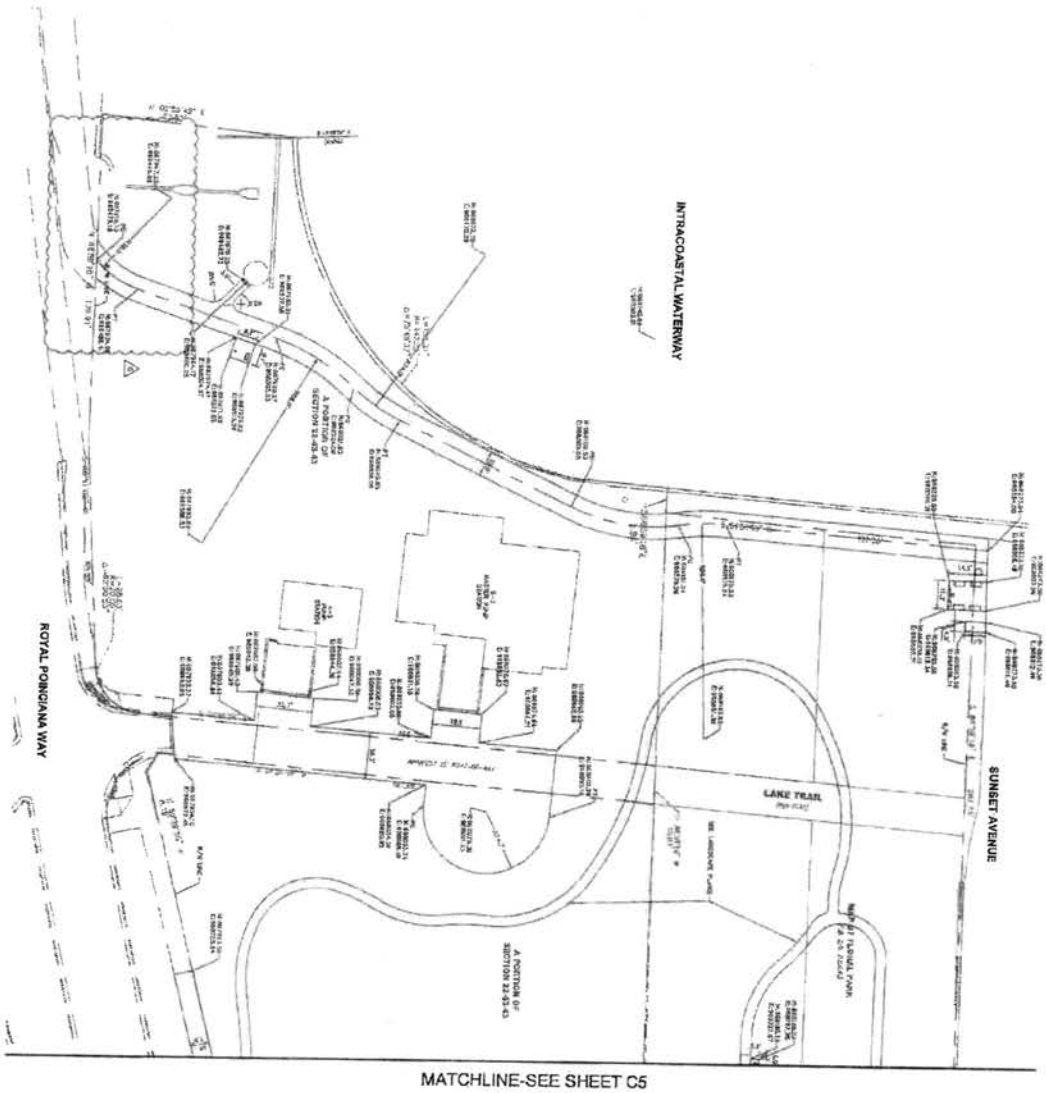
BRADLEY PARK IMPROVEMENTS
PREPARED FOR THE
TOWN OF PALM BEACH
COA-040-2016 SE 024-2016 W SPR
PALM BEACH FLORIDA

MATERIALS REMOVAL PLAN - CIVIL

SHEET NUMBER C3

ROBERT A. JOHNSON 74005 STATE OF FLORIDA PROFESSIONAL ENGINEER

Kimley»Horn



MATCHLINE-SEE SHEET C5

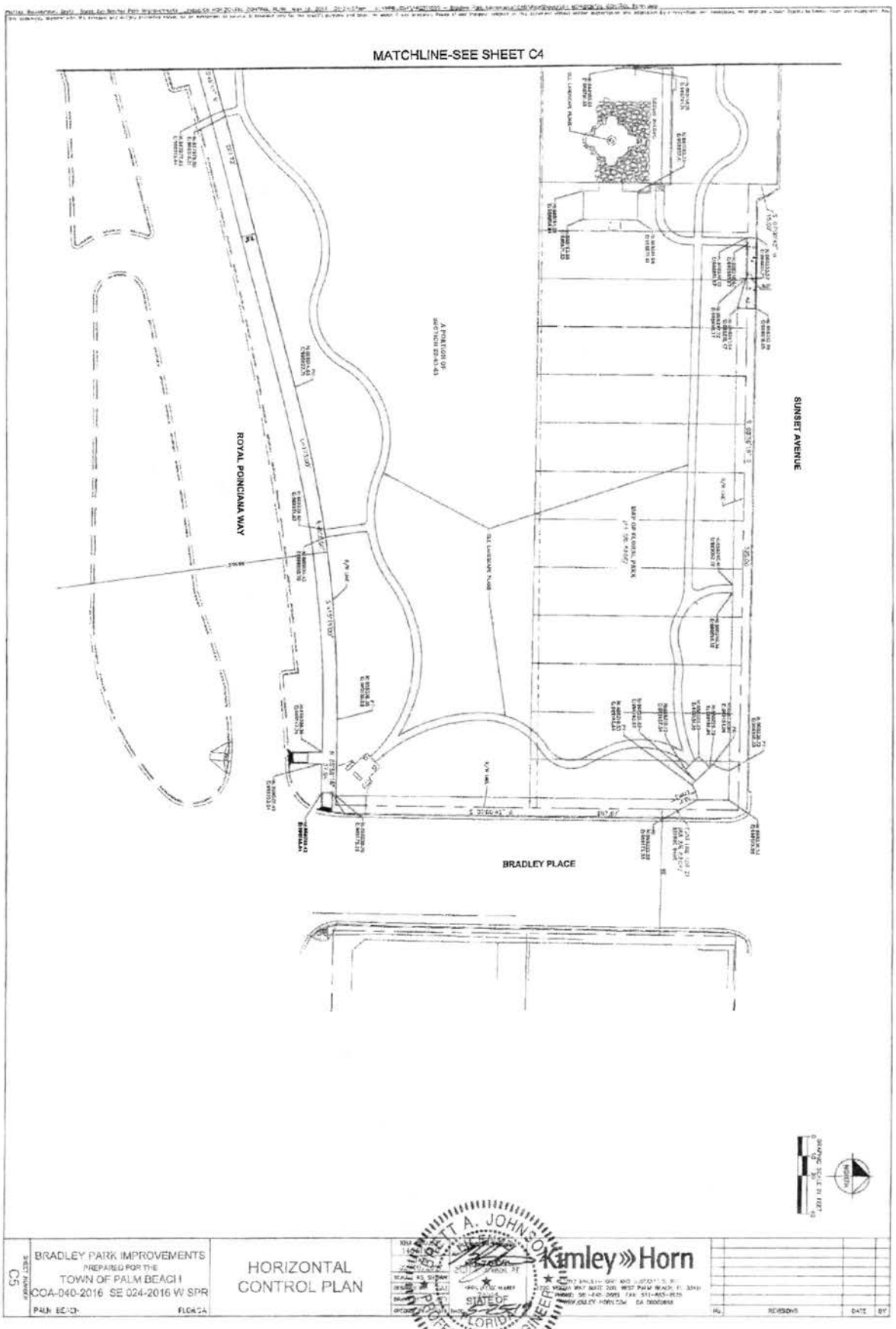
BRADLEY PARK IMPROVEMENTS
PREPARED FOR THE
TOWN OF PALM BEACH
COA-040-2016 SE 024-2016 W SPR

HORIZONTAL CONTROL PLAN

BRETT A. JOHNSON
LICENSED
STATE OF FLORIDA
PROFESSIONAL ENGINEER

Kimley»Horn

C4



BRADLEY PARK IMPROVEMENTS
PREPARED FOR THE
TOWN OF PALM BEACH
COA-040-2016 SE 024-2016 W SPR
PALM BEACH FLORIDA

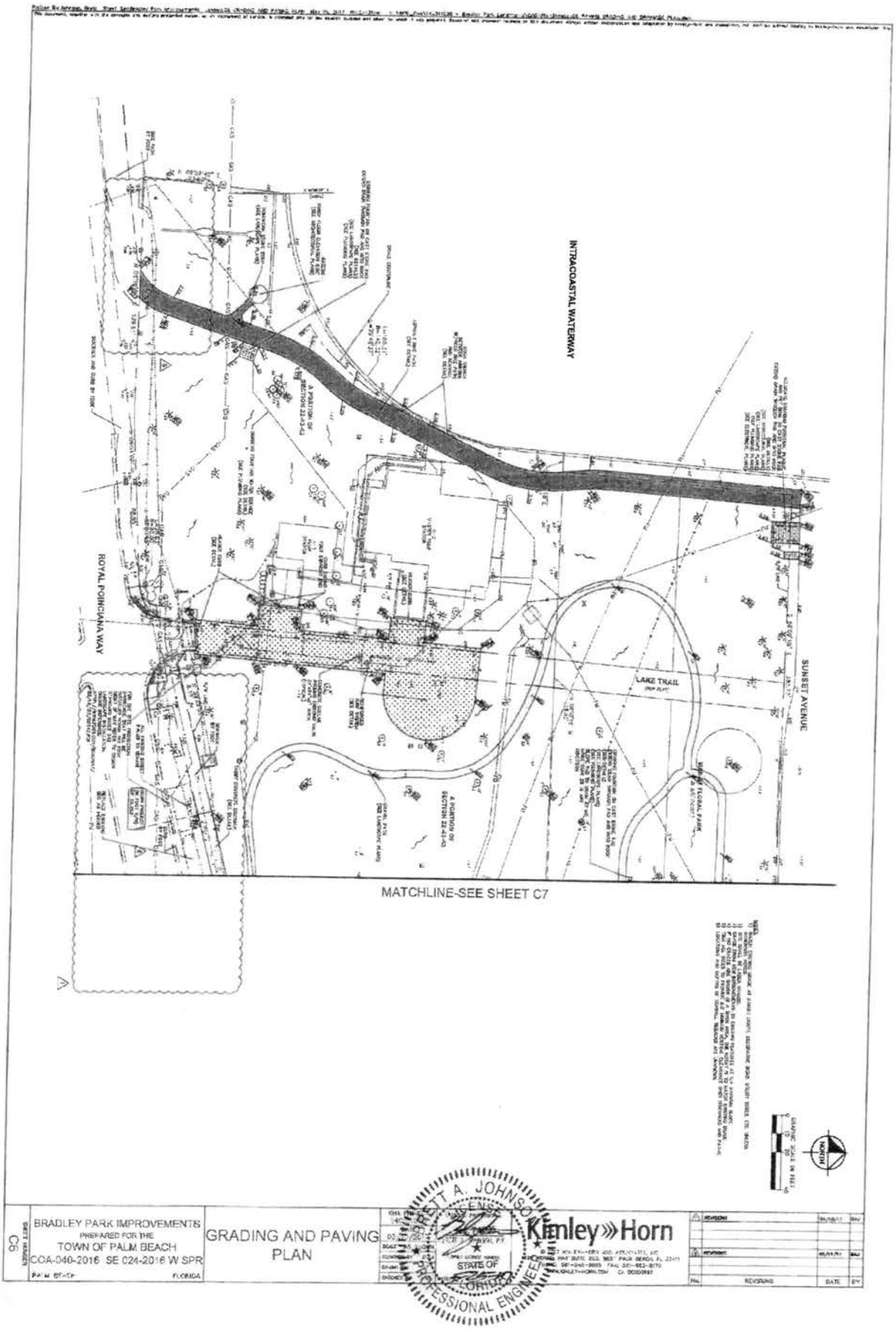
HORIZONTAL CONTROL PLAN

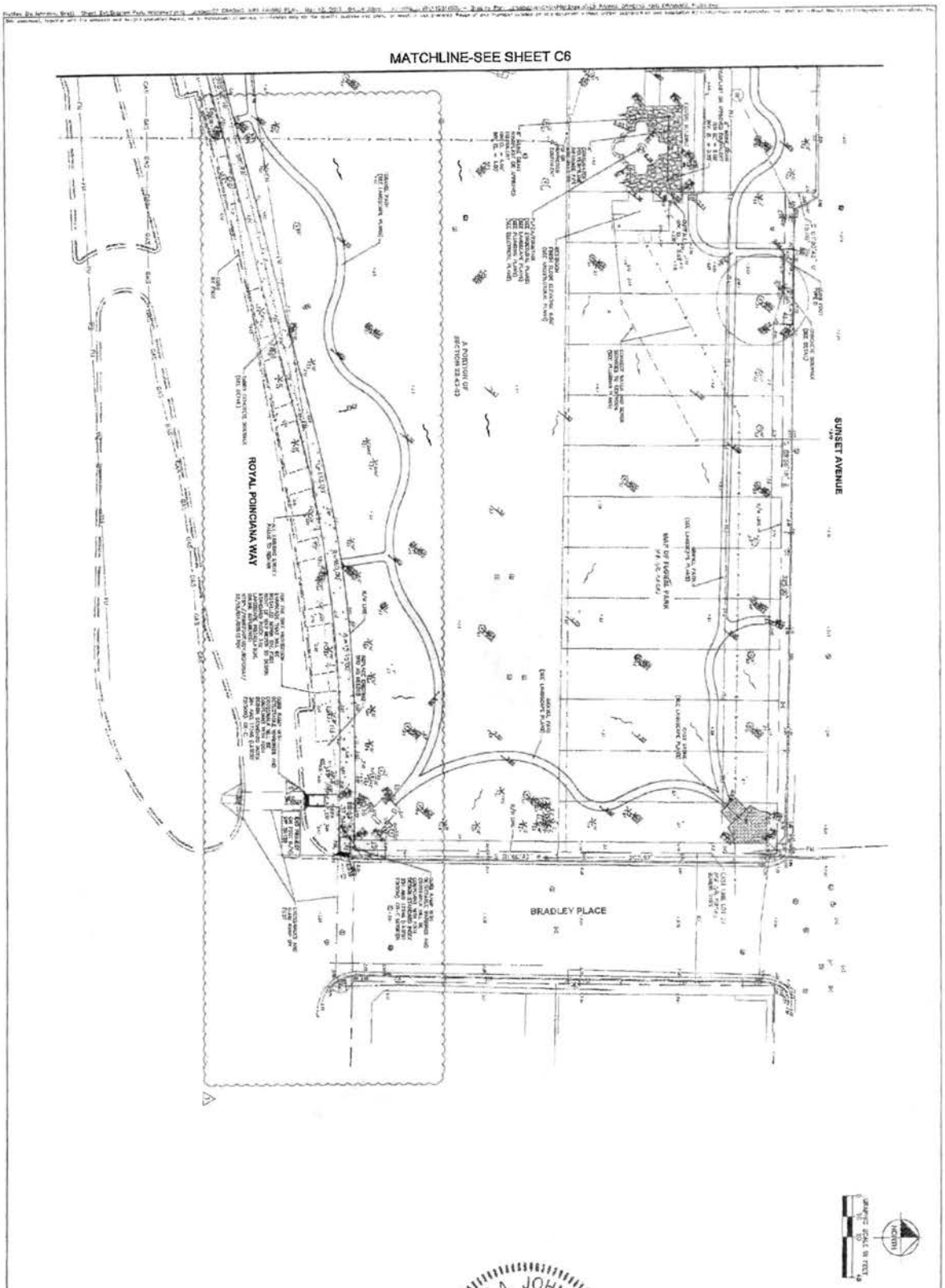
SHEET NUMBER C5

MATT A. JOHNSON
STATE OF FLORIDA
PROFESSIONAL ENGINEER

Kimley»Horn

NO.	REVISIONS	DATE	BY


INTRACOASTAL WATERWAY
ROYAL POINCIANA WAY
SUNSET AVENUE
LAKE TRAIL
MATCHLINE-SEE SHEET C7
BRADLEY PARK IMPROVEMENTS
PREPARED FOR THE
TOWN OF PALM BEACH
COA-040-2016 SE 024-2016 W SPR
PALM BEACH FLORIDA
GRADING AND PAVING PLAN
Kimley»Horn
STATE OF FLORIDA
PROFESSIONAL ENGINEER
REVISIONS
DATE
BY



BRADLEY PARK IMPROVEMENTS
PREPARED FOR THE
TOWN OF PALM BEACH
COA-040-2016 SE 024-2016 W SPR
PALM BEACH FLORIDA

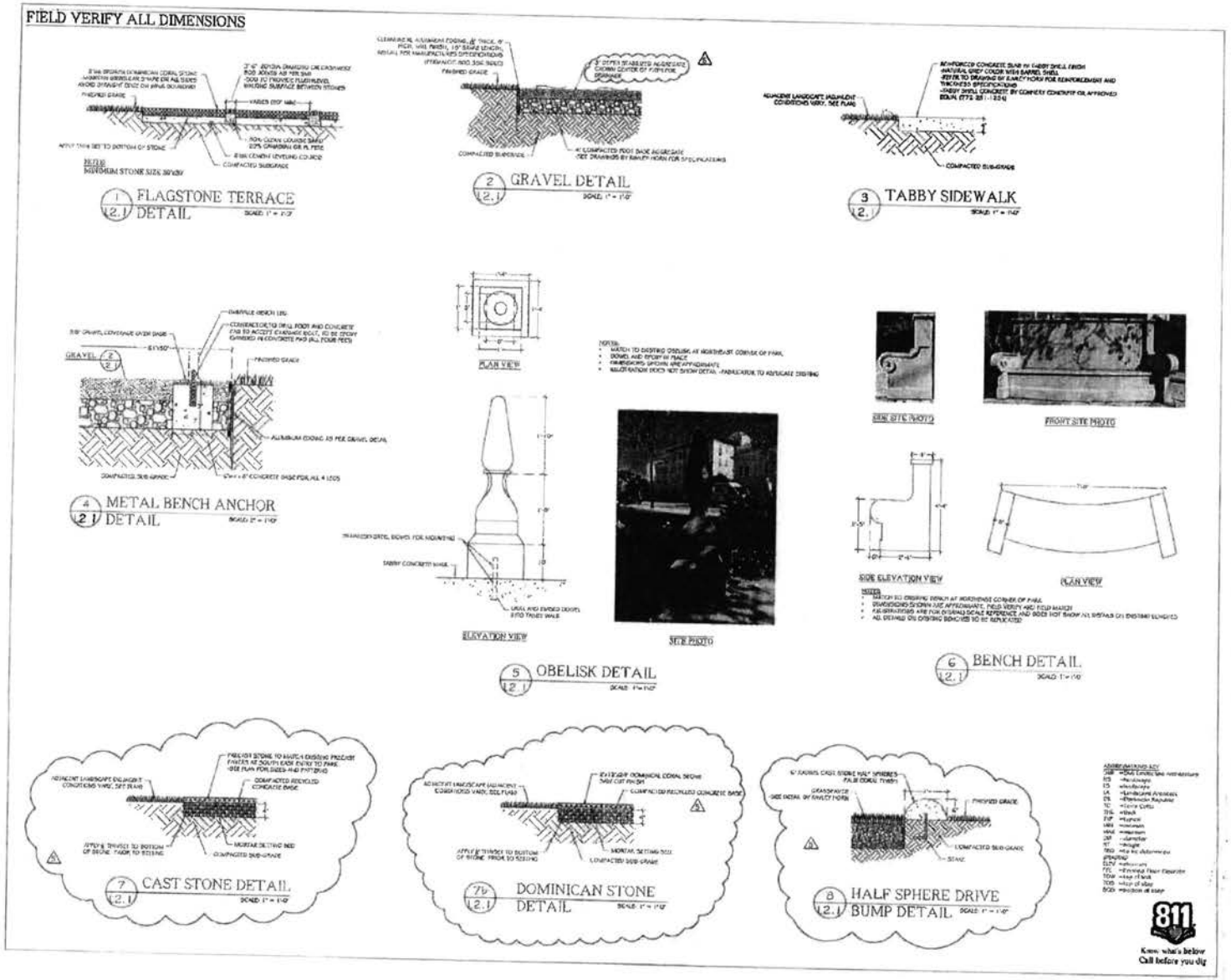
GRADING AND PAVING PLAN

BRETT A. JOHNSON
STATE OF FLORIDA
PROFESSIONAL ENGINEER

Kimley»Horn

NO.	REVISIONS	DATE	BY

C7



Bradley Park Improvements

Palm Beach, Florida

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NOTE:
-FOOTINGS FOR ALL STRUCTURES TO BE AT LEAST 3 BELOW GRADE TO ALLOW FOR PLANTINGS / ROOT BALLS

	DATE	DESCRIPTION
5	[illegible]	Archives
4	[illegible]	Building Set
3	[illegible]	Referred Existing Features to Set Show
2	[illegible]	Changes As Per Show / COA-040-2016(SE)
1	[illegible]	SE #24-2016 WITH SPR REV2 - [illegible]

ADVISORY

SE #24-2016 with SPR
COA-040-2016

SMI
LANDSCAPE ARCHITECTURE
140 Royal Palm Way, Suite #206, Palm Beach, Florida 33480
Telephone 561-655-4868 Fax 561-655-6907
eMail: [illegible]
Fl. registration #222 SC registration #329

TITLE
Hardscape Details

SCALE	PROJECT NO.
As Noted	1524
DATE	PLAT NO. / CHECKED
05-02-2017	BSV
SEAL	DRAWING NO.
	L2.1
	SHEET 3 OF 9

SECTION No.: 93060
Permit No.: 2017-C-496-0005
COUNTY: PALM BEACH
S.R. No.: A1A

EXHIBIT C

MAINTENANCE PLAN FOR LANDSCAPE IMPROVEMENTS

This Exhibit forms an integral part of the DISTRICT FOUR (4) LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT between the State of Florida, Department of Transportation and the AGENCY.

Please see attached

MAINTENANCE PLAN
Landscape Improvements

Project State Road No(s):	**From State Road (Royal Poinciana Way) from Bradley Place (M.P. 28.126) to (M.P. 28.203)**
Permit No.:	**2017C-496-0005**
Maintaining Agency:	**Town of Palm Beach**
RLA of Record:	**Brian Vertesch**
Date:	**May 25, 2017**

I. GENERAL MAINTENANCE REQUIREMENTS AND RECOMMENDATIONS:

The purpose of a plan for the landscape improvements maintenance practices is to allow the plant material on your project to thrive in a safe and vigorous manner while fulfilling their intended purpose and conserving our natural resources. Plantings and all other landscape improvements shall be maintained to avoid potential roadway hazards and to provide required clear visibility, accessibility, clearance, and setbacks as set forth by Florida Department of Transportation (FDOT) governing standards and specifications: *FDOT Design Standards, FDOT Plans Preparation Manual Vol. I, Chapter 2.11* and *FDOT Standard Specifications for Road and Bridge Construction,* as amended by contract documents, and all other requirements set forth by the District 4 Operations Maintenance Engineer. The initial portion of the Maintenance Plan describes general maintenance requirements and recommendations. **The concluding section provides recommendations prepared by the Registered Landscape Architect of Record specific to the attached approved plans.**

WATERING REQUIREMENTS

Watering is a critical concern for not only the maintenance of healthy plant material but also for observing water conservation practices. The amount of water to apply at any one time varies with the weather, drainage conditions and water holding capacity of the soil. For plant materials that have been established, it is imperative that any mandated water restrictions be fully conformed to on FDOT roadways.

Proper watering techniques should provide even and thorough water dispersal to wet the entire root zone, but not saturate the soil or over-spray onto travel lanes.

IRRIGATION SYSTEM

The Agency shall ensure there are no roadway overspray or irrigation activities during daytime hours (most notably "rush hour" traffic periods). It is imperative the irrigation controller is properly set to run early enough that the watering process will be entirely completed before high traffic periods, while adhering to mandated water restrictions. To ensure water conservation, the Agency shall monitor the system for water leaks and the rain sensors to ensure they are functioning properly so that the system shuts down when there is sufficient rainfall.

INTEGRATED PLANT MANAGEMENT

An assessment of each planting area's soil is recommended to periodically determine the nutrient levels needed to sustain healthy, vigorous plant growth.

Palms, shrubs, trees and turf areas shall be fertilized in such a manner and frequency to ensure that the plant material remains healthy and vigorously growing. Please be alert to changes in fertilization types per University of Florida, Institute of Food and Agricultural Services (I.F.A.S.) recommendations. Establishment of an integrated pest management program is encouraged to ensure healthy plants, which are free of disease and pests.

MULCHING
Mulch planting beds in such a manner as to prevent weed growth, retain moisture to the plants, protect against soil erosion and nutrient loss, maintain a more uniform soil temperature, and improve the appearance of the planting beds. Avoid mulch mounded up on the trunks of trees, palms, and the base of shrubs to encourage air movement in this area which aids in lowering disease susceptibility. Cypress mulch is prohibited on state right of way.

PRUNING
All pruning, and the associated safety criteria, shall be performed according to American National Standard Institute (ANSI) A300 standards and shall be supervised by an International Society of Arboriculture (ISA) Certified Arborist. Pruning shall be carried out with the health and natural growth of plant materials in mind, to specific pruning heights maintaining clear visibility for motorists, and provide vertical clearance for pedestrian, bicyclist, and truck traffic where applicable. Visibility windows must be maintained free of view obstructions, and all trees and palms must be maintained to prevent potential roadway and pedestrian hazards, all palms are to be kept fruit free. The specific pruning heights are determined by understanding the designer's intent when selecting and placing the plants. The intended mature maintained height and spread of plants are noted on the plans (See Exhibit B.) and see Part II. Specific Requirements and Recommendations for guidelines. The understory plant materials selected for use within the restricted planting areas (Limits of Clear Sight) are to be maintained at a height in compliance with *FDOT Design Standards* Index 546; Page 6 of 6, Window Detail. Vertical tree heights must meet *FDOT Maintenance Rating Program* (MRP) standards.

STAKING AND GUYING
All staking materials, except for replacements, are to be removed by the completion of FDOT warranty period or at one year (whichever comes first). Any subsequent staking and guying activities by the Agency must adhere to *FDOT Design Standards* guidelines (See Index 544). The Agency shall closely monitor staking and guying attachment materials so that they are securely fastened to avoid potential roadway hazards.

TURF MOWING:
All grassed areas are to be mowed and trimmed with sufficient frequency to maintain a deep, healthy root system while providing a neat and clean appearance to the urban landscape. All turf efforts, mowing, curb/sidewalk edging and turf condition, must at a minimum, meet *FDOT Maintenance Rating Program* (MRP).

LITTER CONTROL:
The project site shall remain as litter free as practicable. It is recommended to recycle this litter to avoid unnecessary waste by its reuse. Litter removal efforts must meet *FDOT Maintenance Rating Program* (MRP) standards.

WEEDING/HERBICIDE
All planting areas shall be maintained as weed free as practicable by enlisting integrated pest management practices in areas specified on the plans and maintaining proper mulch levels. Extreme care is recommended when using a chemical herbicide to avoid overspray onto plant materials. It is the applicator's responsibility to restore any damage, resulting from overspray to the plantings, per the approved plans.

PLANT REPLACEMENT
Plant replacement shall be the same species and specification as the approved plan. Move and replace all plant materials that may conflict with utility relocations and service. Only plants graded Florida #1 or better, per the *Florida Department of Agriculture and Consumer Services, Grades and Standards for Nursery Plants* are permitted on FDOT roadways. Should it become necessary to change the species, a permit is required from FDOT for approval by the FDOT District Landscape Architect.

HARDSCAPE (SPECIALTY SURFACING)
All tree grates and specialty surfacing shall be maintained in such a manner as to prevent any potential tripping hazards and protect damage to the surfacing and tree grates. Final surface tolerance from grade elevations shall, at a minimum, meet the most current FDOT Maintenance Rating Program Handbook Pages 43-47; ADA accessible sidewalk; and FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on The State Highway System. If the specialty surfacing or tree grates become damaged, they shall be replaced with the same type and specification as the approved plan.

HARDSCAPE (NON-STANDARD) TRAVELWAY SURFACING
It shall be the responsibility of the AGENCY to restore an unacceptable ride condition of the roadway, including asphalt pavement (if applicable), caused or contributed by the installation or failure of non-standard surfacing, and/or the header curb, on the Department of Transportation right of way within the limits of this Agreement. Pavement restoration areas or "patches" will have a minimum length of 10-ft, measured from the edge of the header curb, and a width to cover full lanes for each lane affected by the restoration.

Pavement restoration will be performed in accordance with the most current edition of the *FDOT Standard Specifications for Road and Bridge Construction*, and the *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System.*

It shall be the responsibility of the AGENCY to maintain all signs located within a non-standard surfacing area. Such maintenance to be provided by the AGENCY shall include repair and replacement of the sign panel, post, and base.

HARDSCAPE (LANDSCAPE ACCENT LIGHTING)
(IF APPLICABLE)
Landscape accent lighting shall be maintained in such a manner as to prolong the life of the lighting fixture and prevent potential safety hazards. If the lighting fixtures and their system become damaged, they shall be replaced with the same type and specification as the approved plan. Landscape lighting shall meet requirements for the sea turtle nesting and hatching.

MAINTENANCE OF TRAFFIC CONTROL
Reference the FDOT website regarding the selection of the proper traffic control requirements to be provided during routine maintenance and / or new installations of this DOT roadway.

VEGETATION MANAGEMENT AT OUTDOOR ADVERTISING (ODA) (IF APPLICABLE)
To avoid conflicts with permitted outdoor advertising, please reference the State of Florida website regarding the vegetation management of outdoor advertising. This website provides a portal to search the FDOT Outdoor Advertising Inventory Management System Database. The database contains an inventory of outdoor advertising structures, permits and other related information maintained by the Department.

Also, reference the *Florida Highway Beautification Program* website link for "*Vegetation Management at ODA signs*" "Florida Statutes" and "Florida Administrative Code" related to vegetation management at outdoor advertising sign, permit applications for vegetation management and determining mitigation value of roadside vegetation.

II. SPECIFIC PROJECT SITE MAINTENANCE REQUIREMENTS AND RECOMMENDATION
Coquina-surfaced (tabby concrete will be used throughout the project for sidewalks. Maintenance for the sidewalks will include periodic inspections for American with Disabilities Act compliance as well as any necessary cleaning, repairs, or replacement.

REFERENCES

This reference list is provided as a courtesy. The list may not contain the most current websites. The most current references must be accessed for up to date information.

Accessible Sidewalk (ADA)
http://www.access-board.gov/guidelines-and-standards/streets-sidewalks

Americans with Disabilities Act (ADA) (ADAAG)
http://www.ada.gov/2010ADAstandards_index.htm

American National Standard Institute, *ANSI A300, (Part 1) for Tree Care Operations – Trees, Shrub, and Other Woody Plant Maintenance – Standard Practices (Pruning)*, available for purchase
http://webstore.ansi.org

Florida Department of Agriculture and Consumer Services, Division of Plant Industry, *Florida Grades and Standards for Nursery Plants 2015*
http://www.freshfromflorida.com/Divisions-Offices/Plant-Industry/Bureaus-and-Services/Bureau-of-Plant-and-Apiary-Inspection

Florida Department of Community Affairs (DCA), *Florida Board of Building Codes & Standards, 2010 Florida Building Code, Chapter 11 Florida Accessibility Code for Building Construction Part A*
http://www2.iccsafe.org/states/florida_codes/

Florida Department of Transportation, *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index 544 Landscape Installation*
http://www.fdot.gov/roadway/DS/17/IDx/00544.pdf

Florida Department of Transportation, *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index 546 Sight Distance at Intersections*
http://www.fdot.gov/roadway/DS/17/IDx/00546.pdf

Florida Department of Transportation, *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index 600 Traffic Control through Work Zones*
http://www.fdot.gov/roadway/DS/17/IDx/00600.pdf

Florida Department of Transportation, *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index 700 Roadside Offsets*
http://www.fdot.gov/roadway/DS/17/IDx/00700.pdf

Florida Department of Transportation, *FDOT Plans Preparation Manual (PPM) Vol. I Chapter 4, 4.2.4 Lateral Offset*
Table 4.2.1 Clear Zone Width Requirements
Table 4.2.3 Lateral Offset Criteria (for Trees)
http://www.fdot.gov/roadway/PPMManual/2016PPM.shtm

Florida Department of Transportation, *Program Management, Maintenance Specifications Workbook Supplemental Specifications, Section 580 Landscape Installation*
http://www.fdot.gov/programmanagement/Maintenance/2017Jan/Files/SS5800000.doc

Department of Transportation, Landscape Architecture Website
www.MyFloridaBeautiful.com

Florida Department of Transportation, *Maintenance Rating Program Handbook*
http://www.dot.state.fl.us/statemaintenanceoffice/MaintRatingProgram.shtm

Florida Department of Transportation Outdoor Advertising Database
http://www2.dot.state.fl.us/rightofway/

Florida Exotic Pest Plant Council Invasive Plant Lists
http://www.fleppc.org/list/list.htm

Florida Irrigation Society
http://www.fisstate.org

Florida Power and Light (FPL), *Plant the Right Tree in the Right Place*
http://www.fpl.com/residential/trees/right_tree_right_place.shtml

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2017

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 195-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order to Professional Concessions, Inc., to Provide Post-Storm Recovery Meal Service for Staff, in the Amount of $33,515.50; and Authorizing the Town Manager to Execute Said Purchase Order on Behalf of the Town.

Presenter
Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- **Memorandum Dated October 2, 2017, from Jay Boodheshwar, Deputy Town Manager**
- **Resolution No. 195-2017**
- **Invoice Dated September 14, 2017, from Professional Concessions, Inc.**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Issuance of Confirming Purchase Order for Professional Concessions, Inc.
Resolution No. 195-2017

Date: October 2, 2017

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 195-2017, authorizing the Town Manager to issue a Confirming Purchase Order to Professional Concessions, Inc. in the amount of $33,515.50 for the provision of post-storm meal service to Town personnel performing Hurricane Irma recovery efforts.

GENERAL INFORMATION

As part of the emergency recovery efforts by Town staff, the provision of staff meals is vital to ensuring that employees are properly nourished during peak recovery efforts. For Hurricane Irma, staff implemented a best practice that relied on contracted food service in lieu of dedicating important staff resources to procure, store and prepare meals as had been done in the past. Considering that a large portion of the Town did not have electrical service, businesses were restricted from operation and the security checkpoints were in place, providing meal service allowed for ample break time, in a convenient manner, with quick return of staff to Town recovery efforts. This process is a recognized best practice in the recovery efforts from any natural disaster or emergency event requiring multi-day recovery efforts.

During the Town's preparedness efforts earlier this year, staff engaged with Professional Concessions, Inc. to provide meal services to staff in the event of a hurricane impact. This vendor provides the same post-storm meal service to several other nearby municipalities including but not limited to West Palm Beach, Wellington, and Ft. Lauderdale. After the storm had passed and emergency recovery efforts began, the vendor was issued a notice to begin serving meals. Four days of meal services began on September 11, 2017.

The original purchase order (#171207) established earlier this year included an estimate of $19,760 this service. Actual service needs were much more than the pre-storm estimate, as the impact (and recovery) from Irma was greater than what we planned for, therefore, a Confirming Purchase Order in the amount of $33,515.50 is required to ensure prompt payment to the vendor.

FUNDING/FISCAL IMPACT

Of the $33,515.50 expended to provide three meals a day for recovery and emergency services personnel, it is anticipated that the vast majority of these costs will be reimbursed to the Town by FEMA (75%) and the State of Florida (12.5%), leaving the Town to absorb $4,189.44 of said expenses.

PURCHASING REVIEW

The Purchasing Division of the Finance Department has reviewed this item and concurs with the issuance of a Confirming Purchase Order, in accordance with emergency purchasing regulations.

TOWN ATTORNEY REVIEW

This Resolution is in a form previously approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: John C. Randolph, Town Attorney
Jane Struder, Director of Finance
Danielle Olson, Director of Human Resources
Dean Mealy, Purchasing Manager

RESOLUTION NO. 195-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A PURCHASE ORDER TO PROFESSIONAL CONCESSIONS, INC., TO PROVIDE POST-STORM RECOVERY MEAL SERVICE FOR STAFF, IN THE AMOUNT OF $33,515.50 AND AUTHORIZING THE TOWN MANAGER TO EXECUTE SAID PURCHASE ORDER ON BEHALF OF THE TOWN.

BE IT RESOLVED BY THE TOWN OF 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 the issuance of an agreement to Professional Concessions, Inc. for the provision of meal service for staff working on recovery efforts post-storm in the amount of $33,515.50.

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

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the purchase of this service.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of October 2017.

_____
Gail L. Coniglio, Mayor

_____
Richard M. Kleid, Town Council President

_____
Danielle H. Moore, Council President Pro Tem

_____
Julie Araskog, Town Council Member

_____
Bobbie Lindsay, Town Council Member

ATTEST:

_____
Kathleen Dominguez, Town Clerk

_____
Margaret A. Zeidman, Town Council Member

Professional Concessions, Inc
9067 Southern Blvd.
West Palm Beach, FL 33411
Ph: 561-793-1971 Fax: 561-795-6414

Invoice No. 2220

INVOICE

Customer

Name: Palm Beach Hurricane Irma feeding 9/11/17 thru 9/14/17
Address:
City: State: ZIP:
Phone:

Misc

Date: 9/14/2017
Order No.:
Rep:
FOB:

Qty	Description	Unit Price	TOTAL
	Irma Hurricane feedings		
254	Breakfast 9/11/17	$9.00	$ 2,286.00
254	Lunch 9/11/17	$14.00	$ 3,556.00
254	Dnner 9/11/17	$15.75	$ 4,000.50
254	Breakfast 9/12/17	$9.00	$ 2,286.00
254	Lunch 9/12/17	$14.00	$ 3,556.00
254	Dinner 9/12/17	$ 15.75	$ 4,000.50
200	Breakfast 9/13/17	$9.00	$ 1,800.00
200	Lunch 9/13/17	$14.00	$ 2,800.00
200	Dinner 9/13/17	$15.75	$ 3,150.00
200	Breakfast 9/14/17	$9.00	$ 1,800.00
200	Lunch 9/14/17	$14.00	$ 2,800.00
94	Dinner 9/14/17	$ 15.75	$ 1,480.50

SubTotal		$ 33,515.50
Shipping		
Tax Rate(s)	0.00%	$ -
TOTAL		$ 33,515.50

Payment Select One…

Comments:
Name:
CC #:
Expires:

Office Use Only

PAYABLE UPON RECEIPT

THANK YOU

TOWN OF PALM BEACH
Town Council Meeting on: October 10, 2017

Section of Agenda
Consent - Other

Agenda Title
Approve Easement Variance Agreement with Florida Power and Light.

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

ATTACHMENTS:

- **Memorandum dated September 29, 2017, from H. Paul Brazil, P.E., Director of Public Works**
- **Agreement**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Approve Easement Variance Agreement with Florida Power and Light

DATE: September 29, 2017

STAFF RECOMMENDATION

Town staff recommends that the Town Council approve authorizing the Town Manager to sign a Hold Harmless Agreement between Florida Power & Light and the Town related to easement variance requests at certain properties located within the Town.

GENERAL INFORMATION

During the Undergrounding Program design of Phase 1 North and concurrent easement acquisition activities in this Phase area, it became necessary to reuse existing platted utility easements for the placement of new equipment. These existing easements were created with the original plats for this area of Town and while they are physically large enough to contain the new equipment, they do not meet current standards for the additional easement width required for equipment side clearance. Florida Power & Light has agreed to grant a variance from the equipment side clearance requirements if the Town enters into a Hold Harmless Agreement related to damages that may occur within the side clearance area that would have been contained in a standard size easement.

FUNDING/FISCAL IMPACT

There are no funding or fiscal impacts.

TOWN ATTORNEY REVIEW

The proposed agreement has been reviewed by the Town Attorney and approved for legal form and sufficiency.

Attachment

cc: Patricia Strayer, P.E., Town Engineer
John Randolph, Town Attorney

HOLD HARMLESS AND INDEMNITY AGREEMENT

This Hold Harmless and Indemnity Agreement (hereinafter referred to as "Hold Harmless") is entered into this __th day of _____, 2017, by and between Florida Power & Light Company (hereinafter referred to as "FPL") and the Town of Palm Beach, Florida, (hereinafter referred to as "Town").

WHEREAS, FPL has established certain, specifications, criteria and standards in connection with the overhead to underground conversion and installation of electrical facilities within the Town's geographic boundaries (hereinafter referred to as "Standards").

WHEREAS, the Town has requested variances from those Standards with respect to easements for electrical facilities to be converted and located at 230 Arabian Road, Palm Beach Florida; 1554 North Ocean Way, Palm Beach, Florida; and 1570 North Ocean Way, Palm Beach, Florida (hereinafter referred to as "Properties").

WHEREAS, the Town agrees to the execution and recording of a hold harmless agreement for the benefit of FPL for claims and damages of any kind within three (3) feet on either the north or south side of the transformer and electrical facilities as installed in the five (5) foot easement of said Properties.

WHEREAS, the Town hereby covenants, warrants, represents and certifies to FPL the following for which the Town acknowledges that FPL is relying on:

1. To the extent required by applicable, laws, rules, regulations, Standards, and FPL's electrical utility Tariff Sheet No. 6.020 (Section 2.8), FPL or its designee will have safe access to the Properties and FPL's electrical facilities at all times in order for FPL to provide installation, maintenance, removal, and inspection services on the FPL equipment, as may be needed from time to time. To the extent required under FPL's electrical utility Tariff, FPL will endeavor to make reasonable efforts to notify customer(s) when FPL requires access to the Properties;

2. To the extent required by applicable, laws, rules, regulations, Standards, and FPL's electrical utility Tariff Sheet No. 6.040 (Section 5.6), FPL or its designee will have perpetual unobstructed access to the Properties and FPL's electrical facilities at all times in order to perform repair and maintenance in a safe, timely and cost-efficient manner. The Town is responsible for contacting FPL for guidance before constructing and/or allowing said owners or occupants of said Properties from constructing any "Items" which may obstruct FPL's access to its electrical facilities. Such "Items" include, but are not limited to, trees, shrubbery, foliage, vegetation, building additions, decks, patios, pools, fences or pavings. Relocation of FPL's facilities, as provided in FPL tariff Section 5.3 of its Rules and Regulations, may be necessary. Should an Item interfere with access to FPL's facilities requiring repair or maintenance, the Town will be responsible for any and all repairs of the FPL Electrical facilities. The Town shall also be responsible for any and all claims made by the owners and/or occupants of said Properties for damage and/or repairs of Items as described in this paragraph; and

3. The Town acknowledges that it has consulted with legal counsel regarding this Agreement and is voluntarily entering into this Agreement based on that advice and counsel.

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth herein, and for other good and valuable consideration, the receipt of which is hereby acknowledged by the Town, the Town hereby agrees as follows:

A. By signing this Hold Harmless, the Town knowingly and voluntarily: (a) acknowledges that the recitals outlined in this Hold Harmless are true and correct and form a vital part of this Hold Harmless; (b) agrees to the terms and conditions outlined in this document; and (c) understands that any and all claims and damages within three (3) feet of the FPL electrical facilities installed in the five (5) foot easement location may involve the risk of fire, property damage, loss of service and potential injury to person(s), and that the Town agrees to this installation with the knowledge of the foregoing dangers and risks involved.

B. The Town agrees to (i) fully release any right to recover from FPL, its parent company, affiliates, and their respective officers, directors, employees and agents (each a "FPL Entity" and collectively the "FPL Entities"), and (ii) subject to the limitations set forth herein, indemnify and hold the FPL Entities, harmless from and against any and all claims, demands, damages, actions, causes of action, or suits of any kind or nature whatsoever, whether at trial or on appeal, in each case of clauses (i) and (ii), for property damage, lost income or revenue, bodily injury and/or death, and including any and all costs and attorney's fees for any action taken as a result of, arising from or in connection with the electrical facilities installation, use, and location at said Properties. **For purposes of satisfying the Town's contractual indemnity obligations to FPL, the Town agrees to waive its statutory amount of liability and provide indemnity obligations to FPL within the limits of its available insurance coverage of one million dollars ($1,000,000).** If any action or proceeding is brought against any FPL Entity by reason of such claims, demands, damages, actions, causes of action, or suits as described above, the Town, on notice from the applicable FPL Entity, shall defend the action or proceeding at the Town's expense by counsel of the Town's choosing reasonably satisfactory to the applicable FPL Entity. **The Town shall seek FPL's approval regarding the resolution or settlement of any and all claims, demands, damages, actions, causes of actions brought against any FPL Entity, with said approval to not be unreasonably withheld by FPL.**

C. By executing this Hold Harmless, each party hereby agrees that (1) any and all disputes under this Hold Harmless shall be resolved in the appropriate state and federal courts in the State of Florida located in West Palm Beach, Florida, exclusively, and subject to the laws of the State of Florida (excluding its conflict of laws rules), and (2) it irrevocably waives any objection, which any of them may now or hereafter have to the bringing of any such action or proceeding in such respective jurisdictions, including any objection to the laying of venue based on the grounds of forum non conveniens and any objection based on the grounds of lack of in personam jurisdiction. IN ANY LITIGATION ARISING FROM OR RELATED TO THIS HOLD HARMLESS, EACH PARTY HEREBY KNOWINGLY, VOLUNTARILY AND INTENTIONALLY WAIVES THE RIGHT IT MAY HAVE TO A TRIAL BY JURY.

D. The Town may not assign this Hold Harmless to any other entity without written notice provided to FPL and permission granted by FPL. If said permission is granted by FPL, such successor entity accepts the Town's rights, liabilities and obligations under this Hold Harmless. Following any permitted assignment, this Hold Harmless shall be binding upon and shall inure to the benefit of the permitted assignee.

E. The failure of either party to enforce, insist upon, or comply with any of the terms, conditions or covenants of this Hold Harmless, or a party's waiver of the same in any instance or instances shall not be construed as a general waiver or relinquishment of any such terms, conditions or covenants, but the same shall be and remain at all times in full force and effect.

F. Should any provision of this Hold Harmless be determined by a court of competent jurisdiction to be illegal, unenforceable, or in conflict with any applicable law, the validity of the remaining provisions shall not be impaired.

[Remainder of Page Left Intentionally Blank;
Signatures on Following Page]

IN WITNESS WHEREOF, FPL and the Town have caused this Hold Harmless to be executed by their duly authorized employee as of the date first written above.

The Town of Palm Beach Florida, a political subdivision.

By: _____
Town Manager Signature

Name (Please Print): _____

Title (if applicable): _____

STATE OF FLORIDA)
) SS:
COUNTY OF PALM BEACH)

The foregoing Hold Harmless and Indemnity was acknowledged before me this ___ day of _____, 2017, by_____, who is personally known to me, and who, after being duly sworn, deposes and says that he has read the foregoing, acknowledges that the statements therein are true and correct to the best of his knowledge, and that he has executed the foregoing for the purpose described therein.

_____
SIGNATURE OF PERSON GIVING OATH

_____
NAME OF PERSON GIVING OATH, TYPED, PRINTED OR STAMPED

Acknowledged by:

FLORIDA POWER & LIGHT COMPANY

By: _____

Name (Please Print): Manny Miranda

Title (if applicable): Senior Vice President, Power Delivery

STATE OF FLORIDA)
) SS:
COUNTY OF _____)

The foregoing Hold Harmless and Indemnity was acknowledged before me this ___ day of _____, 2017, by_____, who is personally known to me, and who, after being duly sworn, deposes and says that he has read the foregoing, acknowledges that the statements therein are true and correct to the best of his knowledge, and that he has executed the foregoing for the purpose described therein.

_____

SIGNATURE OF PERSON GIVING OATH

_____

NAME OF PERSON GIVING OATH, TYPED, PRINTED OR STAMPED

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2017

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Demonstration of NovusAgenda Software Capabilities for Efficient Agenda Backup Preparation and Distribution

Presenter
Kathleen Dominguez, Town Clerk

ATTACHMENTS:

- **Memorandum Dated September 28, 2017, from Thomas G. Bradford, Town Manager**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2017

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: NovusAgenda Board View Feature Demonstration

Date: September 28, 2017

STAFF RECOMMENDATION

Town Council approved staff's request to provide a demonstration of NovusAgenda's Board View feature at the September 19, 2017 Town Council Meeting. The purpose of this demonstration is to introduce the features of the Board View portal which includes easier and potentially earlier access to the back-up material.

GENERAL INFORMATION:

NovusAgenda Software – Board View

Town staff utilizes NovusAgenda meeting software to create the agenda and upload back-up material for all upcoming Town Council meetings. Once all of the agenda and back-up documents are approved by the Town Manager, the Town Clerk's Office assembles the book into one master PDF which then gets printed out and collated into each Council Member's binder. A copy is also provided to the Town Attorney, Town Manager and the press. This process is costly and time consuming and can be eliminated by using the board view feature and viewing the agenda material in an electronic format.

The Board View feature lists out each agenda item individually with links to all of the staff memos and attachments for each item on the agenda. Town Council Members would be able to access the agenda on their home computer or other device, such as a laptop, an iPad or iPhone, Therefore, agenda materials could potentially be reviewed earlier than currently scheduled to Town Council Members who are interested.

As you will see from the live demonstration, the Board View feature has the capability to allow the viewer to write notes and flag items. Town Council Members would be able to look at the documents for a particular item individually, not as part of one large PDF, which is how it is currently offered.

FUNDING/FISCAL IMPACT:

The Board view feature is included in the software program so there is no extra cost to the Town.

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2017

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Town-wide Underground Project:
Steven N. Stern, Underground Utilities Project Manager

a. Project Update

b. Underground Utility Project Dashboard

c. Future Fiber Optic Communications System for the Town
Deferred from the August 9, and September 19, 2017 Town Council Meetings

d. Discussion of Credits for Property Owners Providing Easements with Transformers and Switch Cabinets
Deferred from the September 19, 2017 Town Council Meeting

e. Consideration of Approving Staff Position on Assessments Vis-a-Vis Anticipated Private Undergrounding Efforts

Presenter
Thomas G. Bradford, Town Manager

ATTACHMENTS:

- **Project Update Hurricane Irma**
- **Exh. B Project Dashboard**
- **Future Fiber Optic Communications System for the Town**
- **Exh. D Credits Memo**
- **Exh. E Consideration of Approving Staff Position**

TOWN OF PALM BEACH
Information for Town Council Meeting on: October 10, 2017

To: Mayor & Town Council

From: Steven Stern, Underground Utilities Project Manager

Re: Project Update, Hurricane Irma Undergrounding Performance

Date: October 5, 2017

STAFF RESEARCH

Feedback from barrier island municipalities regarding Hurricane Irma utility performance is summarized within this memo. Articles on other municipalities discussing or exploring Undergrounding are also being collected.

1. Marty Deloach, Fire Marshall, Town of Palm Beach.
   - 9600 subscribers were out of service.
   - Restoration took appx 1 week to attain 100%.
   - There were 43 total calls to Fire Stations from 9/9-11.
   - Fire responded to 8 power related incidents associated with OH utilities.
     - 9/9: 1, Power Line down
     - 9/10: 5, Power Line down,
       1, wire across the road
     - 9/11: 1, Assist police pole guide wire

2. Gene Rauth, Town Manager, Jupiter Island.
   - Town did very well due to the undergrounded effort.
   - There were no outages during the storm, no uprooted trees, nothing collapsed on any transformers, there was no storm surge, and no flooding.
   - FPL damage on the mainland caused an island wide outage from Sunday 9/10 thru Wednesday 9/13 night with all 6 feeders out of service. Gene believes the outage could have been avoided if FPL had better planned for alternate routing of power.
   - Summary: All Jupiter Island had power thru storm, FPL turned off power during mainland repair activities from Mon to Wed.

3. Alexander Diaz, Town Manager, Golden Beach. (South of Hollywood)
    - Our system fared excellent- there was only a small issue that affected six homes.
    - However, the Town did not have power restored until Thursday September 14, 2017.
    - There seems to be a huge misconception about communities with underground systems, although our system was intact, we are dependent on surrounding communities to have our power delivered.
    - Given that most surrounding communities are not underground, we, just like many other cities were left in the dark.

4. Dave Bullock, Town Manager, Long Boat Key (South of St Petersburg)
    - There are about 10,000 properties on LBK
    - Just over 50%, 6,000 have underground service
    - The underground areas experienced no power outages
    - The overhead areas had about 2200 customers with outages
    - Overhead had still had some folks out of power on Monday Sept 18th, a week after the storm.
    - It is our assessment that if we had our underground system fully implemented we would have had very few outages.
    - Tree damage and blowing debris was reason for most outages.

5. Dan Comorford, Mayor, Jupiter Inlet Colony
    - Jupiter Inlet Colony did not lose power, internet or cable throughout Irma.
    - The Town is fed from the FPL substation to the South on US1 (via overhead hardened poles.
    - We discussed the current outage report from FPL which showed 10 affected/out of service subscribers, Dan says the report was in error.
    - Dan quotes:
        - "No electrical or communications utility problems experienced throughout the 70-80 MPH wind rain event."
        - "It was fantastic watching television with my A/C on throughout the storm."
        - "Undergrounding the Town was the best decision I've ever made."
        - "Frances, Jean and Wilma were all extended multiday and weeklong outages.

6. Greg Dunham, Town Manager, Gulf Stream (South of Boynton Beach)
    - Undergrounding started in 2010-11.
    - North side is phase 2, not yet completed all subscribers still overhead.
    - Southern part of Gulf Stream was phase 1 and completed in 2016.
    - Hurricane Irma disabled the entire town due to feeder issues initially from Sept 10 Sunday to Sept 13 Wed in the South. North took longer to restore due to wires down, pole replacements and vegetation issues in easements.
    - There was no damage to undergrounded areas.

7. John Oldenburg, Parks & Public Spaces Director, Bal Harbour (East of Miami)
    - 3000 Residents
    - Entire Town is underground, including feeders
    - Town lost power during the storm
    - 60% restored in 24 hours, 85% restored in 4 days, 100% restored in 7 days.
    - Not sure why it took FPL 4-7 days to restore power, possibly controlled shut down.
    - There are transformers below grade in underground vaults which flooded.

8. Christopher Russo, City Manager, Sunny Isles Beach (South of Hollywood)
    - No reply.

9. Articles
    - Palm Beach Post

        Boca Raton: After Irma, is it time to finally bury power lines? http://www.palmbeachpost.com/news/local/boca-raton-after-irma-time-finally-bury-power-lines/dZwIFDO20IbcAcrnrVIuYJ/

    - Miami Herald

        Coral Gables to study multi-million dollar plan to move power lines underground after Irma. http://www.miamiherald.com/news/local/community/miami-dade/coral-gables/article175553886.html

    - Orlando Sentinel

        Orlando: Homeowners clamor for underground power lines; experts say it's not a panacea. http://www.orlandosentinel.com/news/orange/os-central-florida-underground-power-20170926-story.html

    - EE News

        Houston Area: For utilities, buried lines no 'panacea' to avoid outages. https://www.eenews.net/stories/1060060765

    - Sun Sentinel Editorial

        Rich cities putting power lines underground | Editorial. http://www.sun-sentinel.com/opinion/editorials/fl-op-editorial-underground-power-lines-20170929-story.html

        "FPL, which powers half the state, says it can't yet compare the performance of underground systems to overhead lines post-Irma. A forensic analysis is planned. And comparisons are tricky because 81 percent of the grid is a hybrid of the two."

Town Of Palm Beach
Utility Undergrounding Program

Report: September 2017

Updates

Town has received $10,237,460 in prepaid collections from 909 properties plus the Town's prepayment of $2,797,291

Status Legend

Green (1) - On Task
Yellow (2) - Caution
Red (3) - Not On Task

Design

Phase I Design	Budget	1	97.5% 100%
	Schedule	1	99.0% 100%
Phase II Design	Budget	1	14.2% 100%
	Schedule	1	23.0% 100%

Construction

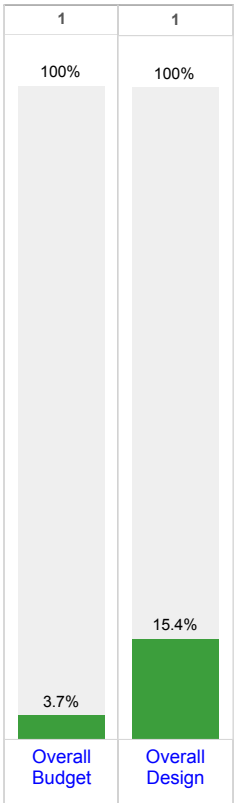
Phase I North Construction	Budget	1	8.0% 100%
	Schedule	1	16.0% 100%
Phase I South Construction	Budget	1	25.4% 100%
	Schedule	1	9.0% 100%

Easement Acquisition

Phase I Easements		1	100.0% 100%
Phase II Easements		1	0.0% 100%

Communications

Communications	Budget	1	29.9% 100%



Saves And Raves

TMO office assisted KH with boundary surveys for base map development.

Underground Utility Task Force
Monthly Progress Report
September 2017

Table of Contents

Dashboard – Phase 1 Construction and Phase 2 Design

1. Kimley-Horn Progress Report Phase 1
2. Kimley Horn Progress Report Phase 2
3. Master Plan Gantt Chart
4. Phase 1 Design Gantt Chart
5. Phase 2 Design Gantt Chart Draft
6. Phase 1 North Construction Schedule
7. Burkhardt Executive Project Summaries
8. Phase 1 South Construction Schedule
9. Whiting Turner Executive Summary
10. Project Financial Report
11. Interest Rate Forecast as of September 28, 2017

The following reports will be provided when applicable in future reporting:

- Safety and Reliability Reports
- Completion Milestones

Dashboard Notes:

- Overall Budget represents the percentage encumbered to date versus the total project budget of $98.6 million.

Prepared by the Finance Department
September 29, 2017

Kimley»Horn

Town-Wide Undergrounding Master Planning and Phase 1 Design Project Progress Report
Period: August 25, 2017 to September 25, 2017

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
  - Master Planning is 99% complete
  - North End Design is 99% complete
  - South End Design is 99% complete
- Budget: Project is on budget as of September 15, 2017
  - Master Planning is at 99% of total task budget
  - North End Design is at 99% of total task budget
  - South End Design at 99% of total task budget
- Easement Status
  - Phase 1: 100% of easements approved

B. Master Planning Phase

- Continued coordination with AT&T and Comcast regarding overall program cost reduction.

C. Detailed Design Phase

- FDOT Landscape Permit Application submittal and review process coordination with the FDOT.
- Service conduit revisions to North and South End plans based on utility owner design revisions.
- Coordination with Town Attorney, Brannon & Gillespie, Waypoint Engineering, and FPL related to the easement acquisition process.

II. Upcoming Activities (Sept 26, 2017 – Oct 25, 2017)

A. Master Planning Phase

- None until presentation of master plan at Town Council

B. Detailed Design Phase

- Continued coordination with the FDOT related to the Landscape Permit application
- Follow up coordination with residents, businesses, and condominiums to obtain executed easement documents.
- Progress meetings to occur to coordinate various elements of the project.

III. Saves and Raves

A. *Saves:* The use of the LT1 Tariff for FPL street lighting replacement will save the Town $8,000/Pole over a 30-year period considering a 3% inflation rate

B. *Raves:* We would like to thank the Town Manager's office for their assistance with locating boundary surveys to assist with the base map development.

Town-Wide Undergrounding - Phase 2 Design
September 2017 Progress Report
Period: Aug 25, 2017 to Sept 25, 2017

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
  - Phase 2 North Design is 23% complete
  - Phase 2 South Design is 23% complete
- Budget: Project is on budget as of September 15, 2017
  - Phase 2 North Design is at 19% of total task budget
  - Phase 2 South Design at 10% of total task budget
- Easement Status
  - Phase 2: N/A, will provide status when this work begins

B. Detailed Design Phase

- Subconsultant/utility owner coordination related to Phase 2 Design.
- Continued progress of right of way/topographical survey. Received draft survey for Phase 2 North from surveyor for review. Received two sub areas of Phase 2 South for review. Comments provided to surveyor.
- Coordination with geotechnical engineer for field investigation and drilling activities.
- Field work to locate remaining meter and communications service entrances that could not be accessed during original field reconnaissance activities.
- Coordination with existing utility owners to collect record drawings and data in the Phase 2 design areas.
- Development of utility base map based on field survey and collected record drawings.
- Drafting of electrical meter locations, coordination of resident contact information, scheduling meetings with residents for meter access and field visits to collect missing meter information.
- Submittal of Phase 2 North Utility Base Map to FPL for their use in design.
- Progress Meeting Attendance

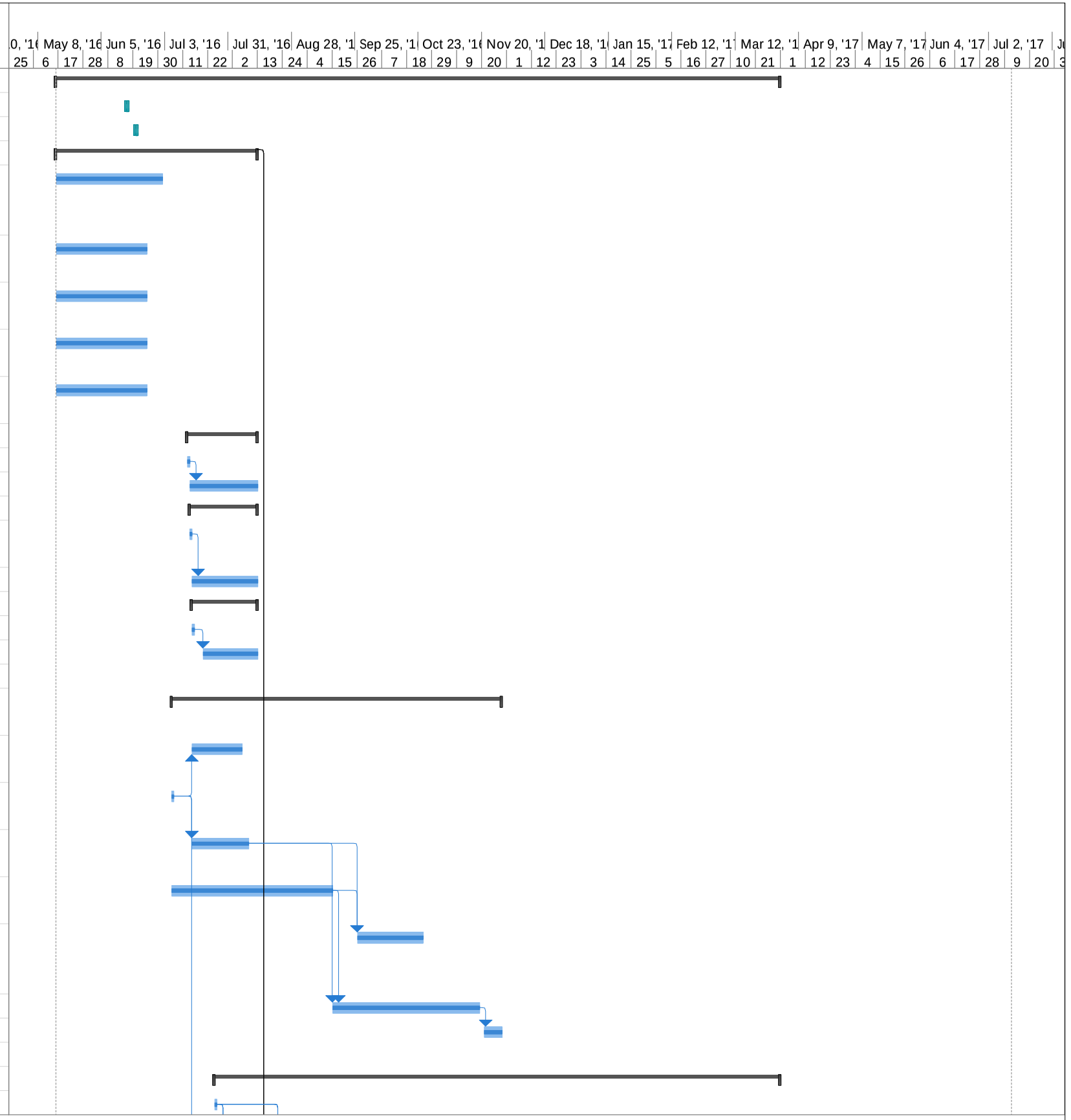
II. Upcoming Activities (September 26, 2017 – October 25, 2017)

A. Detailed Design Phase

- Subconsultant/utility owner coordination related to Phase 2 Design. Confirming design schedule with FPL after they return from storm duty.
- Continued progress of right of way/topographical survey for Phase 2 South.

- Geotechnical field work for soils investigation.
- Field work to locate meter and communications service entrances. Scheduling meetings with residents for meter access and site visits to collect missing meter information.
- Complete Phase 2 South utilities base map and submittal to FPL for their use in design.
- Progress Meeting Attendance

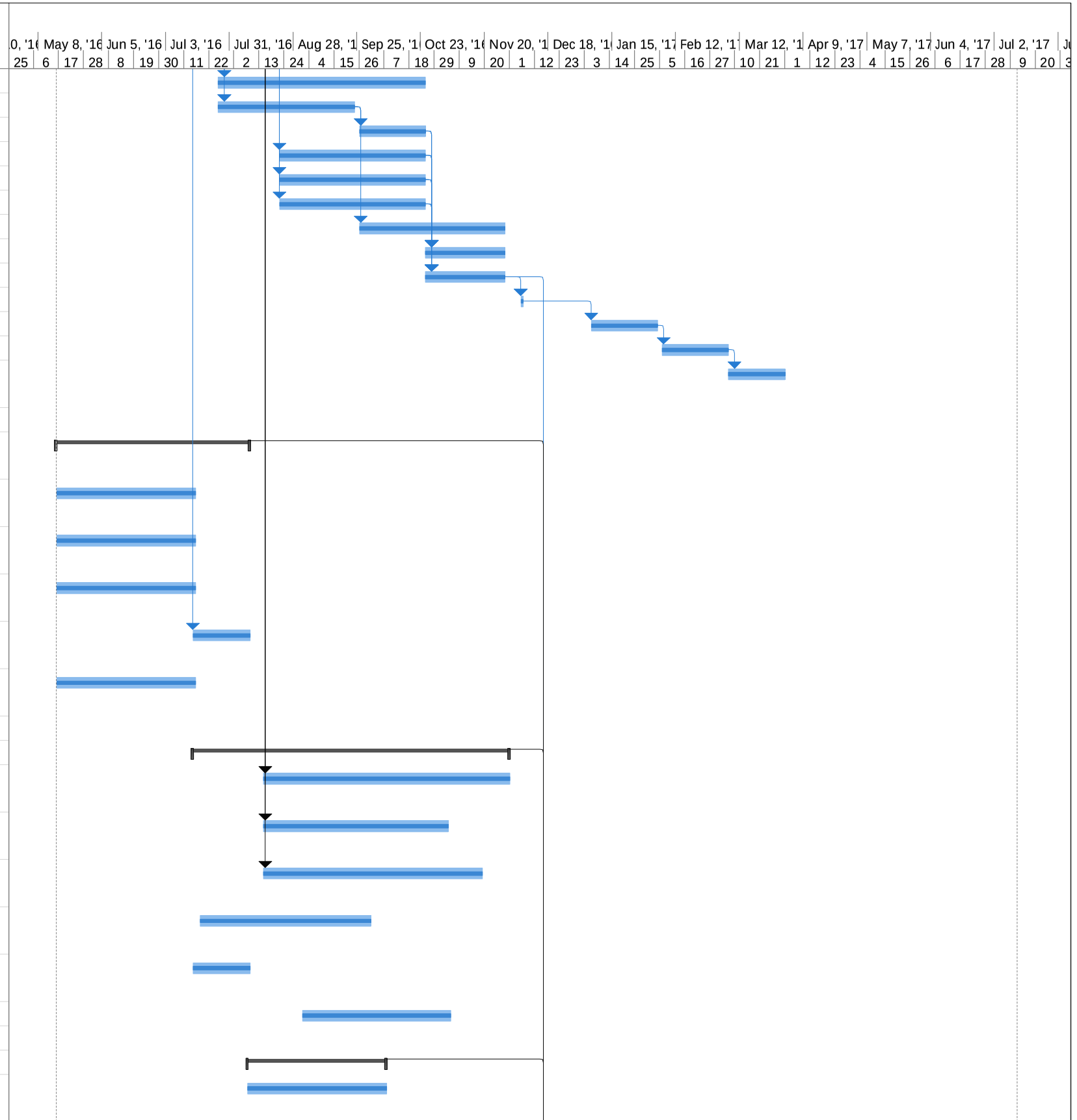
ID	Task Name	Duration	Start	Finish
1	**Master Planning**	230 days?	Mon 5/16/16	Fri 3/31/17
2	**External Project Kick off Meeting**	1 day	Thu 6/16/16	Thu 6/16/16
3	**Internal Project Kick off Meeting**	1 day	Mon 6/20/16	Mon 6/20/16
4	**Task 1.1.1 - Data Collection**	65 days?	Mon 5/16/16	Fri 8/12/16
5	Collect/Analyze Town Project Data- ACIP Program Information (roads, drainage, street lights, other planned ACIP projects)	35 days	Mon 5/16/16	Fri 7/1/16
6	Collect/Analyze City Data - Watermain program information	30 days	Mon 5/16/16	Fri 6/24/16
7	Collect/Analyze Lake Worth and South Palm Beach data at project limits	30 days	Mon 5/16/16	Fri 6/24/16
8	Collect/Analyze FPU - gas main replacement program	30 days	Mon 5/16/16	Fri 6/24/16
9	Collect/ Analyze - FDOT records and proposed projects in Town limits	30 days	Mon 5/16/16	Fri 6/24/16
10	**Collect/Analyze FPL**	23 days?	Wed 7/13/16	Fri 8/12/16
11	Office Meeting/Record Review with FPL	1 day?	Wed 7/13/16	Wed 7/13/16
12	Field Verification of Major Utility Elements	22 days	Thu 7/14/16	Fri 8/12/16
13	**Collect/Analyze ATT**	22 days?	Thu 7/14/16	Fri 8/12/16
14	Office Meeting/Record Review with ATT (infrastructure / Smart Poles)	1 day?	Thu 7/14/16	Thu 7/14/16
15	Field Verification of Major Utility Elements	21 days	Fri 7/15/16	Fri 8/12/16
16	**Collect/Analyze Comcast**	21 days	Fri 7/15/16	Fri 8/12/16
17	Office Meeting/Record Review with Comcast	1 day	Fri 7/15/16	Fri 7/15/16
18	Field Verification of Major Utility Elements	18 days	Wed 7/20/16	Fri 8/12/16
19				
20	**Task 1.1.2 - Data Collection-Future Communications Systems**	104 days	Wed 7/6/16	Mon 11/28/16
21	Collect/Analyze - TOPB Police and Fire Dept private lines	16 days	Fri 7/15/16	Fri 8/5/16
22	Meeting with Town Public Works staff, Fire Department Staff, and Police Staff	1 day	Wed 7/6/16	Wed 7/6/16
23	Analysis of Town-wide Closed communications system expansion (police/fire/public works)	17 days	Fri 7/15/16	Mon 8/8/16
24	Analysis of Town-wide Closed Circuit communications system	51 days	Wed 7/6/16	Wed 9/14/16
25	Develop recommendations/conceptual order of magnitude OPC (Town Future Communications only)	21 days	Mon 9/26/16	Mon 10/24/16
26	Draft and Issue summary memorandum	47 days	Thu 9/15/16	Fri 11/18/16
27	Review recommendations with Town	6 days	Mon 11/21/16	Mon 11/28/16
28				
29	**Broadband Infrastructure Assessment**	180 days?	Mon 7/25/16	Fri 3/31/17
30	Kickoff meeting	1 day	Mon 7/25/16	Mon 7/25/16



Project: TOPB UG Master Plann
Date: Mon 9/25/17

Task | Summary | Manual Summary | Deadline | Manual Progress
Milestone | Manual Task | Finish-only | Progress

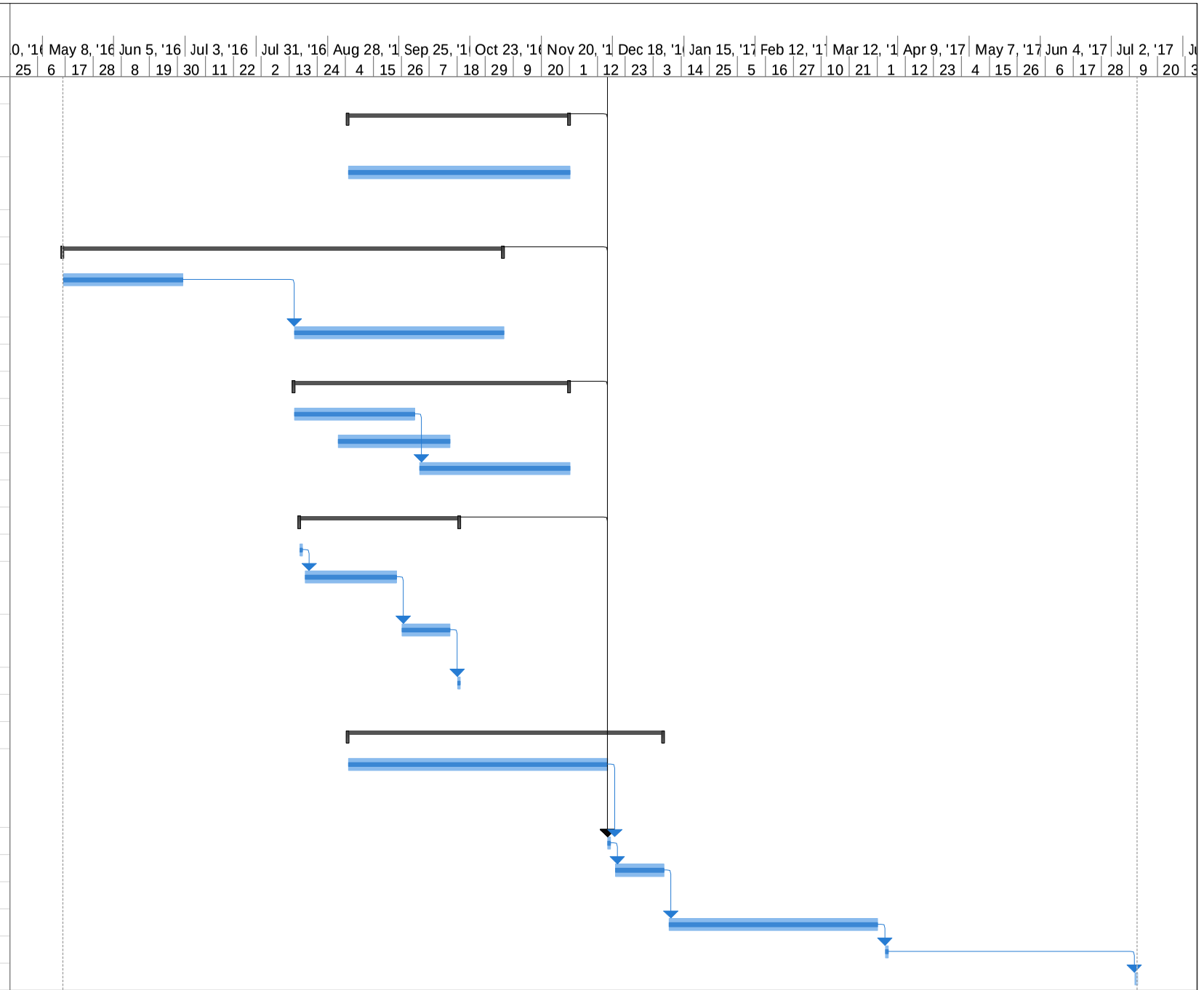
ID	Task Name	Duration	Start	Finish
31	Community Needs & Stakeholder Outreach	65 days	Tue 7/26/16	Mon 10/24/16
32	Broadband Market Analysis	44 days	Tue 7/26/16	Fri 9/23/16
33	Broadband Issue Analysis	21 days	Mon 9/26/16	Mon 10/24/16
34	FTTP Data Collection & Benchmarking	46 days	Mon 8/22/16	Mon 10/24/16
35	FTTP Technical Design Options	46 days	Mon 8/22/16	Mon 10/24/16
36	FTTP Business Case Analysis	46 days	Mon 8/22/16	Mon 10/24/16
37	FTTP Financial Evaluation	46 days	Mon 9/26/16	Mon 11/28/16
38	FTTP Roadmap and Business Plan	25 days	Tue 10/25/16	Mon 11/28/16
39	Final Presentation and Deliverables	25 days	Tue 10/25/16	Mon 11/28/16
40	UUTF Presentation	1 day	Tue 12/6/16	Tue 12/6/16
41	RFI Development	21 days	Fri 1/6/17	Fri 2/3/17
42	RFI Distribution and Advertisement	21 days?	Mon 2/6/17	Mon 3/6/17
43	Review RFI Responses and Provide Recommendations	19 days?	Tue 3/7/17	Fri 3/31/17
44				
45	**Task 1.1.3 - GIS Base Map Development - Existing Infrastructure**	61 days	Mon 5/16/16	Mon 8/8/16
46	GIS Map Development Town Project Data- ACIP Program Information	45 days	Mon 5/16/16	Fri 7/15/16
47	GIS Map Development - Watermain program information	45 days	Mon 5/16/16	Fri 7/15/16
48	GIS Map Development FPU - gas main replacement program	45 days	Mon 5/16/16	Fri 7/15/16
49	GIS Map Development - TOPB Police and Fire private lines	17 days	Fri 7/15/16	Mon 8/8/16
50	GIS Map Development - FDOT records and proposed projects in Town limits	45 days	Mon 5/16/16	Fri 7/15/16
51				
52	**Task 1.2 - Concept Design/Master Plan**	99 days	Fri 7/15/16	Wed 11/30/16
53	Master Plan Design Layout/Workshop - FPL Infrastructure -GIS Maps	78 days	Mon 8/15/16	Wed 11/30/16
54	Master Plan Design Layout/Workshop - ATT Infrastructure - GIS Maps	59 days	Mon 8/15/16	Thu 11/3/16
55	Master Plan Design Layout/Workshop - Comcast Infrastructure - GIS Maps	70 days	Mon 8/15/16	Fri 11/18/16
56	Master Plan Design Layout - Street lights - GIS Area Map	55 days	Mon 7/18/16	Fri 9/30/16
57	Master Plan Design Layout - CC fiber link and Competitor Communications - GIS Map	17 days	Fri 7/15/16	Mon 8/8/16
58	Major easement Identification, field verification	47 days	Thu 9/1/16	Fri 11/4/16
59				
60	**Task 1.2.3 - Phase Selection and Development**	45 days	Mon 8/8/16	Fri 10/7/16
61	Phase Selection and Development / GIS Map Development of Phasing Limits (first half of project)	45 days	Mon 8/8/16	Fri 10/7/16



Project: TOPB UG Master Plann
Date: Mon 9/25/17

Task | Summary | Manual Summary | Deadline | Manual Progress
Milestone | Manual Task | Finish-only | Progress

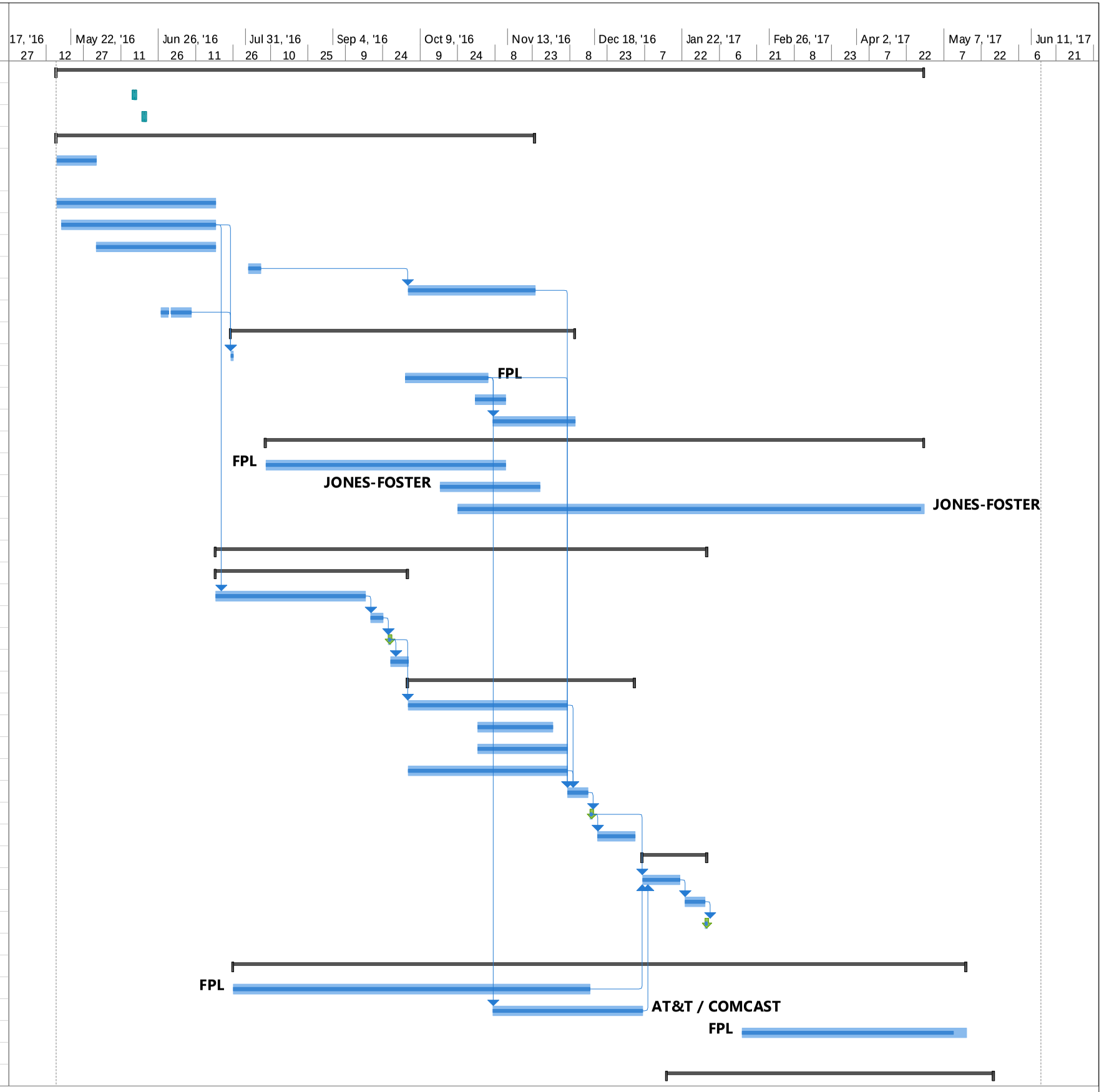
ID	Task Name	Duration	Start	Finish
62				
63	**Task 1.2.4 - Engineers Opinion of Probable Construction Cost**	63 days	Mon 9/5/16	Wed 11/30/16
64	Development of Overall OPC and year-by-year cost projection	63 days	Mon 9/5/16	Wed 11/30/16
65				
66	**Task 1.3 - Project Sequencing and Phasing**	125 days	Mon 5/16/16	Fri 11/4/16
67	Task 1.3.1 - Schedule Collection - Outside Projects (ACIP, City, Town, FPU, FDOT, etc.)	35 days	Mon 5/16/16	Fri 7/1/16
68	Task 1.3.2 - Master Schedule Development	60 days	Mon 8/15/16	Fri 11/4/16
69				
70	**Task 1.4 - Assessment of Traffic Impacts**	78 days	Mon 8/15/16	Wed 11/30/16
71	Develop Traffic Control Notes/Overall Plan	35 days	Mon 8/15/16	Fri 9/30/16
72	Develop General Project Zones	32 days	Thu 9/1/16	Fri 10/14/16
73	Develop GIS Map for MOT Plan	43 days	Mon 10/3/16	Wed 11/30/16
74				
75	**Task 1.5 - Project Delivery Methods**	45 days?	Wed 8/17/16	Tue 10/18/16
76	Meeting with Town to review delivery method criteria	1 day	Wed 8/17/16	Wed 8/17/16
77	Develop general selection criteria based on project phase complexity, phasing, etc.	26 days	Fri 8/19/16	Fri 9/23/16
78	Develop delivery method recommendations for each Phase of Project	15 days?	Mon 9/26/16	Fri 10/14/16
79	Review recommendations with Town	1 day	Tue 10/18/16	Tue 10/18/16
80				
81	**Task 1.6 - Master Plan Document**	90 days	Mon 9/5/16	Fri 1/6/17
82	Develop master plan document to describe process undertaken, present design criteria, public vetting process and recommendations	74 days	Mon 9/5/16	Thu 12/15/16
83	Submit to Town Staff	1 day	Fri 12/16/16	Fri 12/16/16
84	Town Staff Review	15 days	Mon 12/19/16	Fri 1/6/17
85				
86	**Refine Master Plan based on Town Comments**	60 days	Mon 1/9/17	Fri 3/31/17
87	**UUTF Meeting to Present MP**	1 day?	Tue 4/4/17	Tue 4/4/17
88	**Town Council Meeting to Present MP**	1 day?	Tue 7/11/17	Tue 7/11/17



Project: TOPB UG Master Plann
Date: Mon 9/25/17

Task | Summary | Manual Summary | Deadline | Manual Progress
Milestone | Manual Task | Finish-only | Progress

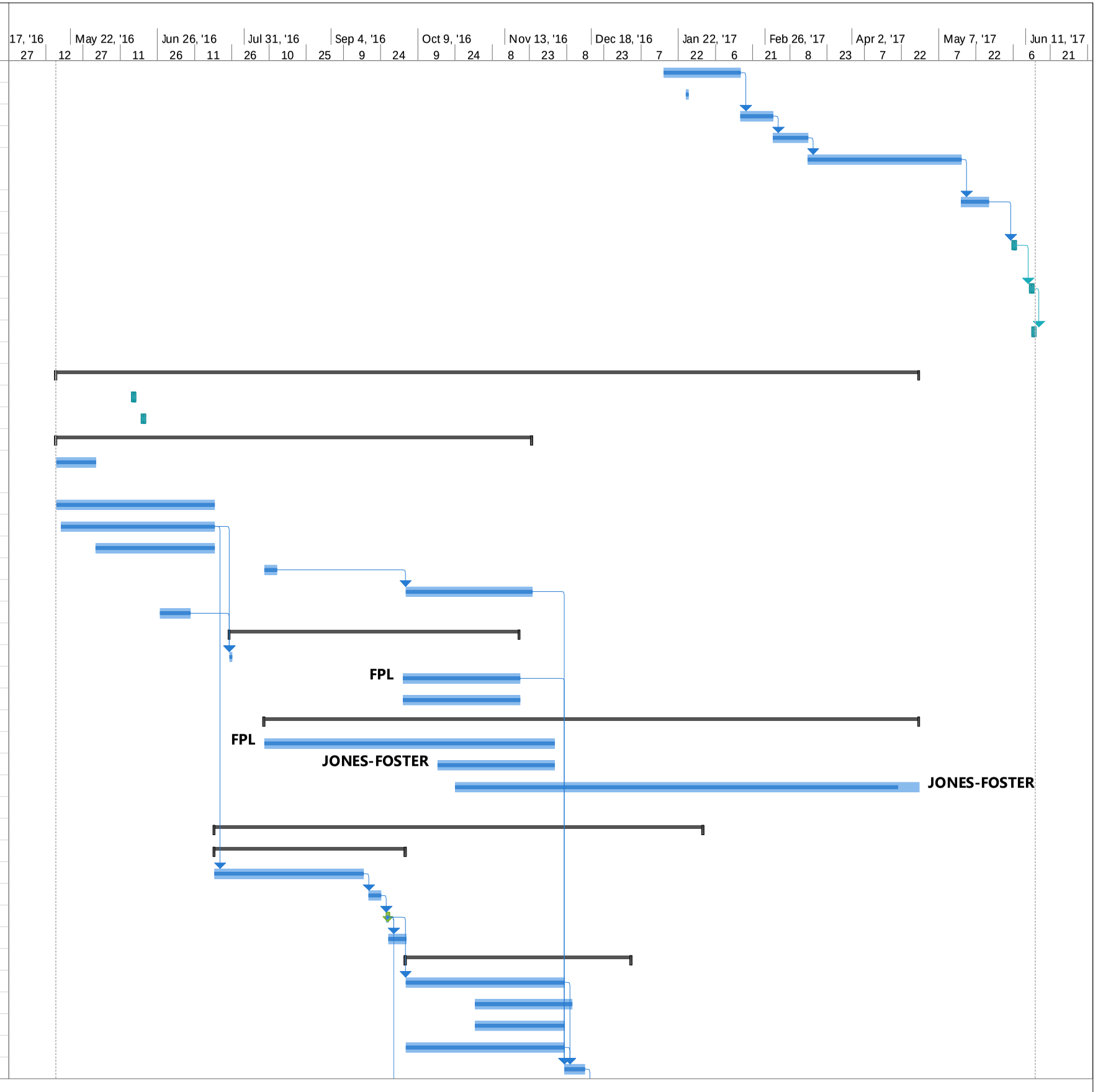
ID	Task Name	Duration	Start	Finish
1	**Task 2.1 - Detailed Design North End (Phase 1)**	250 days?	Mon 5/16/16	Fri 4/28/17
2	**Internal Project Kick off Meeting**	1 day	Thu 6/16/16	Thu 6/16/16
3	**External Project Kick off Meeting**	1 day	Mon 6/20/16	Mon 6/20/16
4	**Data Collection**	138 days?	Mon 5/16/16	Wed 11/23/16
5	Sunshine One-Call Utility coordination and letter request for record data	12 days	Mon 5/16/16	Tue 5/31/16
6	Collect/Analyze record information	46 days	Mon 5/16/16	Mon 7/18/16
7	Site Survey	44 days	Wed 5/18/16	Mon 7/18/16
8	Geotechnical Investigation	34 days	Wed 6/1/16	Mon 7/18/16
9	GPR Utility Corridor Mapping	5 days?	Mon 8/1/16	Fri 8/5/16
10	Soft Dig Utility Locates	37 days?	Tue 10/4/16	Wed 11/23/16
11	Site Visit to Determine meter locations	9 days	Mon 6/27/16	Fri 7/8/16
12	**Utility Coordination**	100 days?	Mon 7/25/16	Fri 12/9/16
13	Provide Survey Files to Utility Owners	1 day?	Mon 7/25/16	Mon 7/25/16
14	FPL Provision of Equipment Locations	25 days?	Mon 10/3/16	Fri 11/4/16
15	Field Reviews with FPL	10 days?	Mon 10/31/16	Fri 11/11/16
16	Field Reviews with ATT / Comcast	25 days?	Mon 11/7/16	Fri 12/9/16
17	**Easement Coordination**	190 days?	Mon 8/8/16	Fri 4/28/17
18	Determine Easement Needs and Locations	70 days?	Mon 8/8/16	Fri 11/11/16
19	Send Letters to Property Owners	30 days?	Mon 10/17/16	Fri 11/25/16
20	Procure Easements and Follow up	135 days?	Mon 10/24/16	Fri 4/28/17
21				
22	**Construction Documents**	141 days?	Tue 7/19/16	Tue 1/31/17
23	**60% Construction Document Development**	55 days?	Tue 7/19/16	Mon 10/3/16
24	60% Construction Document Development	44 days	Tue 7/19/16	Fri 9/16/16
25	60% Construction Document Internal QC	5 days?	Mon 9/19/16	Fri 9/23/16
26	60% Construction Document Town Submittal	1 day?	Mon 9/26/16	Mon 9/26/16
27	60% Town Review and Comment	5 days?	Tue 9/27/16	Mon 10/3/16
28	**90% Construction Document Development**	65 days?	Tue 10/4/16	Mon 1/2/17
29	90% Construction Document Development	46 days	Tue 10/4/16	Tue 12/6/16
30	Conductor Sizing	22 days?	Tue 11/1/16	Wed 11/30/16
31	Landscaping Plans	26 days?	Tue 11/1/16	Tue 12/6/16
32	Technical Specifications	46 days?	Tue 10/4/16	Tue 12/6/16
33	90% Construction Document Internal QC	6 days?	Wed 12/7/16	Wed 12/14/16
34	90% Construction Document Town Submittal	1 day?	Fri 12/16/16	Fri 12/16/16
35	90% Town Review and Comment	11 days?	Mon 12/19/16	Mon 1/2/17
36	**Final Construction Document Development**	18 days?	Fri 1/6/17	Tue 1/31/17
37	Final Construction Document Development	11 days?	Fri 1/6/17	Fri 1/20/17
38	Final Construction Document Internal QC	6 days?	Mon 1/23/17	Mon 1/30/17
39	Final Construction Document Town Submittal	1 day?	Tue 1/31/17	Tue 1/31/17
40				
41	**Utility Design and BCE Development - North End**	210 days?	Tue 7/26/16	Mon 5/15/17
42	FPL Design	103 days	Tue 7/26/16	Thu 12/15/16
43	AT&T and Comcast Design	44 days?	Mon 11/7/16	Thu 1/5/17
44	Utility Agreement and BCE Development	64 days?	Wed 2/15/17	Mon 5/15/17
45				
46	**Task 2.4 - Bid Phase - Phase 1 - North**	95 days?	Mon 1/16/17	Fri 5/26/17



Project: TOPB UG Ph 1 Design_
Date: Mon 9/25/17

Task | Summary | Manual Task | Deadline | Critical Split | Manual Progress
Milestone | Project Summary | Manual Summary | Critical | Progress

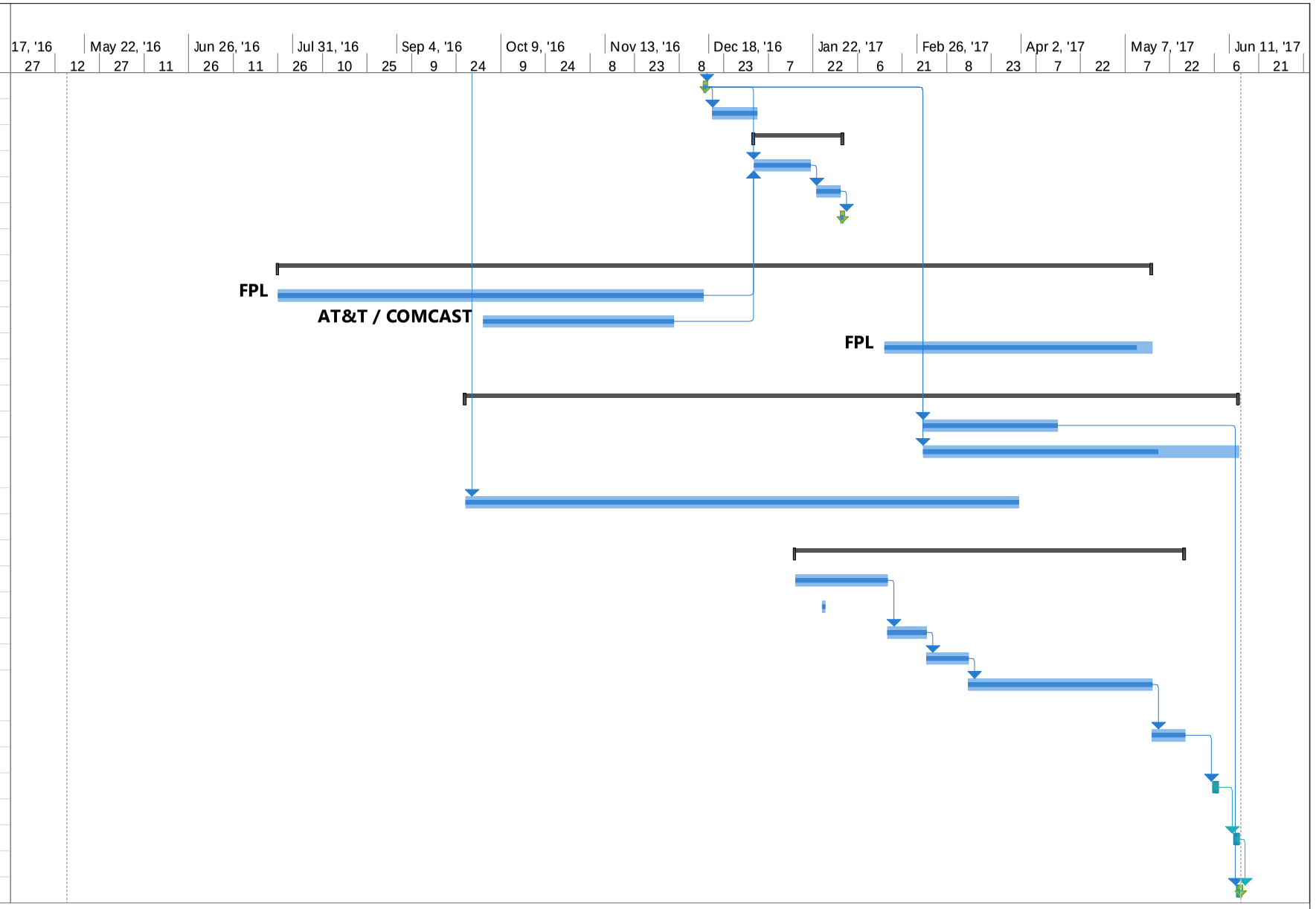
ID	Task Name	Duration	Start	Finish
47	Advertisement for CMAR Procurement	23 days?	Mon 1/16/17	Wed 2/15/17
48	Pre-Proposal meeting	1 day?	Wed 1/25/17	Wed 1/25/17
49	Evaluate Submittals	9 days?	Thu 2/16/17	Tue 2/28/17
50	CMAR Recommendation and Award	10 days?	Wed 3/1/17	Tue 3/14/17
51	Pre-Construction Services/Bidding/GMP Development	44 days?	Wed 3/15/17	Mon 5/15/17
52	GMP review and Negotiation	9 days?	Tue 5/16/17	Fri 5/26/17
53				
54	**UUTF Bid Award Review (North End)**	1 day	Tue 6/6/17	Tue 6/6/17
55				
56	**Town Council Award (North End)**	1 day	Tue 6/13/17	Tue 6/13/17
57				
58	**Start Construction (North End)**	1 day	Wed 6/14/17	Wed 6/14/17
59				
60	**Task 2.2 - Detailed Design South End (Phase 1)**	250 days?	Mon 5/16/16	Fri 4/28/17
61	**Internal Project Kick off Meeting**	1 day	Thu 6/16/16	Thu 6/16/16
62	**External Project Kick off Meeting**	1 day	Mon 6/20/16	Mon 6/20/16
63	**Data Collection**	138 days?	Mon 5/16/16	Wed 11/23/16
64	Sunshine One-Call Utility coordination and letter request for record data	12 days?	Mon 5/16/16	Tue 5/31/16
65	Collect/Analyze record information	46 days?	Mon 5/16/16	Mon 7/18/16
66	Site Survey	44 days?	Wed 5/18/16	Mon 7/18/16
67	Geotechnical Investigation	34 days?	Wed 6/1/16	Mon 7/18/16
68	GPR Utility Corridor Mapping	5 days?	Mon 8/8/16	Fri 8/12/16
69	Soft Dig Utility Locates	37 days?	Tue 10/4/16	Wed 11/23/16
70	Site Visit to Determine meter locations	10 days?	Mon 6/27/16	Fri 7/8/16
71	**Utility Coordination**	85 days?	Mon 7/25/16	Fri 11/18/16
72	Provide Survey Files to Utility Owners	1 day?	Mon 7/25/16	Mon 7/25/16
73	Provision of FPL Equipment Locations	35 days?	Mon 10/3/16	Fri 11/18/16
74	Field Reviews with FPL / ATT / Comcast	35 days?	Mon 10/3/16	Fri 11/18/16
75	**Easement Coordination**	190 days?	Mon 8/8/16	Fri 4/28/17
76	Determine Easement Needs and Locations	85 days?	Mon 8/8/16	Fri 12/2/16
77	Send Letters to Property Owners	35 days?	Mon 10/17/16	Fri 12/2/16
78	Procure Easements and Follow up	135 days?	Mon 10/24/16	Fri 4/28/17
79				
80	**Construction Documents**	141 days?	Tue 7/19/16	Tue 1/31/17
81	**60% Construction Document Development**	55 days?	Tue 7/19/16	Mon 10/3/16
82	60% Construction Document Development	44 days?	Tue 7/19/16	Fri 9/16/16
83	60% Construction Document Internal QC	5 days?	Mon 9/19/16	Fri 9/23/16
84	60% Construction Document Town Submittal	1 day?	Mon 9/26/16	Mon 9/26/16
85	60% Town Review and Comment	5 days?	Tue 9/27/16	Mon 10/3/16
86	**90% Construction Document Development**	65 days?	Tue 10/4/16	Mon 1/2/17
87	90% Construction Document Development	46 days?	Tue 10/4/16	Tue 12/6/16
88	Conductor Sizing	29 days?	Tue 11/1/16	Fri 12/9/16
89	Landscaping Plans	26 days?	Tue 11/1/16	Tue 12/6/16
90	Technical Specifications	46 days?	Tue 10/4/16	Tue 12/6/16
91	90% Construction Document Internal QC	6 days?	Wed 12/7/16	Wed 12/14/16



Project: TOPB UG Ph 1 Design_
Date: Mon 9/25/17

Task | Summary | Manual Task | Deadline | Critical Split | Manual Progress
Milestone | Project Summary | Manual Summary | Critical | Progress

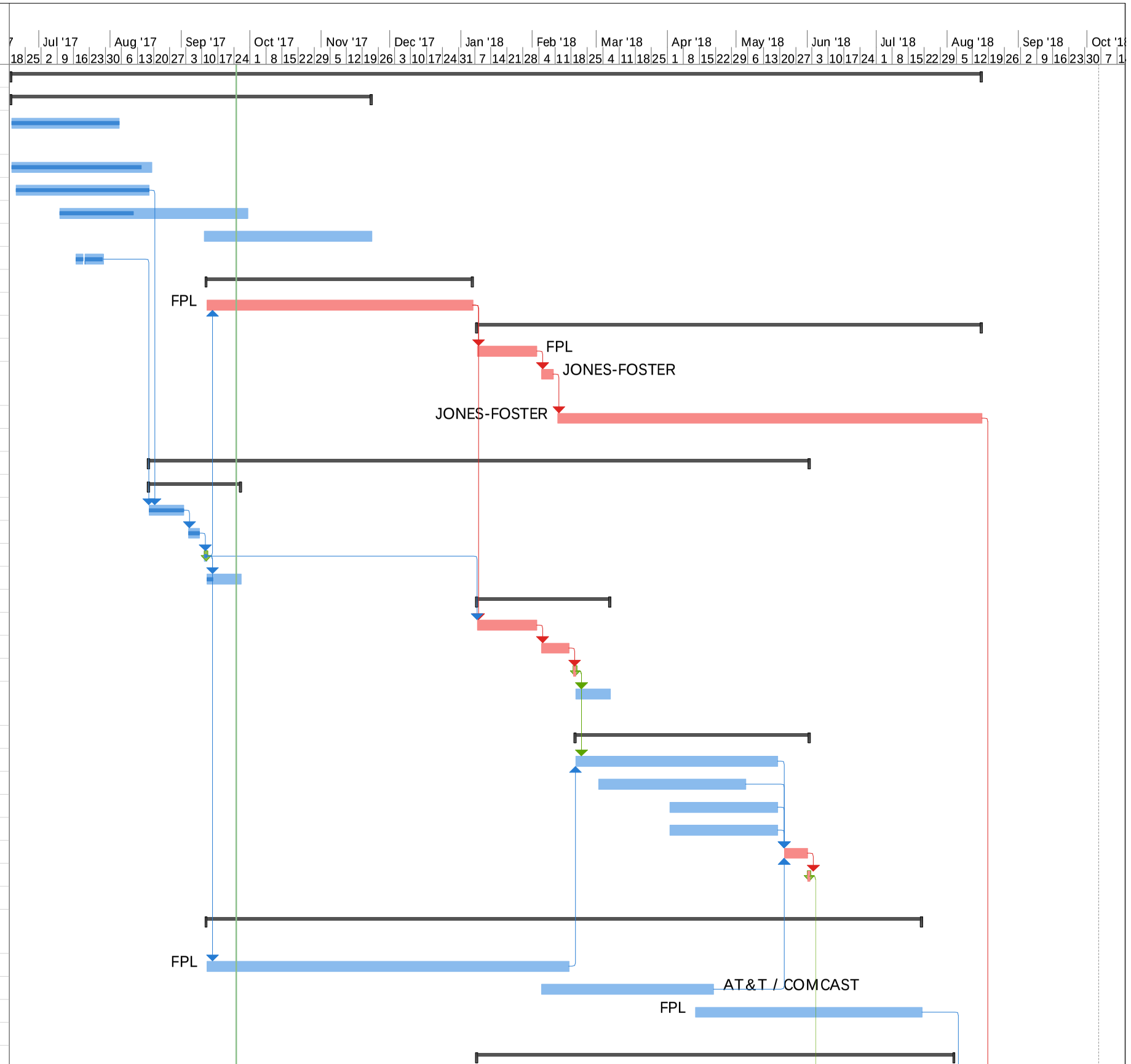
ID	Task Name	Duration	Start	Finish
92	90% Construction Document Town Submittal	1 day?	Fri 12/16/16	Fri 12/16/16
93	90% Town Review and Comment	11 days?	Mon 12/19/16	Mon 1/2/17
94	**Final Construction Document Development**	22 days?	Mon 1/2/17	Tue 1/31/17
95	Final Construction Document Development	15 days?	Mon 1/2/17	Fri 1/20/17
96	Final Construction Document Internal QC	6 days?	Mon 1/23/17	Mon 1/30/17
97	Final Construction Document Town Submittal	1 day?	Tue 1/31/17	Tue 1/31/17
98				
99	**Utility Design and BCE Development - South End**	210 days?	Tue 7/26/16	Mon 5/15/17
100	FPL Design	103 days	Tue 7/26/16	Thu 12/15/16
101	AT&T and Comcast Design	46 days?	Mon 10/3/16	Mon 12/5/16
102	Utility Agreement and BCE Development	64 days?	Wed 2/15/17	Mon 5/15/17
103				
104	**Task 2.3 - Permitting Assistance - Phase 1**	186 days?	Tue 9/27/16	Tue 6/13/17
105	FDOT Utility Permit application	33 days?	Tue 2/28/17	Thu 4/13/17
106	FDOT Landscape Permit and Construction Agreement/MMOA	76 days?	Tue 2/28/17	Tue 6/13/17
107	FDEP ERP (Mock Roos)	134 days?	Tue 9/27/16	Fri 3/31/17
108				
109	**Task 2.4 - Bid Phase - Phase 1 - South**	95 days?	Mon 1/16/17	Fri 5/26/17
110	Advertisement for CMAR Procurement	23 days?	Mon 1/16/17	Wed 2/15/17
111	Pre-Proposal meeting	1 day?	Wed 1/25/17	Wed 1/25/17
112	Evaluate Submittals	9 days?	Thu 2/16/17	Tue 2/28/17
113	CMAR Recommendation and Award	10 days?	Wed 3/1/17	Tue 3/14/17
114	Pre-Construction Services/Bidding/GMP Development	44 days?	Wed 3/15/17	Mon 5/15/17
115	GMP review and Negotiation	9 days?	Tue 5/16/17	Fri 5/26/17
116				
117	**UUTF Bid Award Review (South End)**	1 day	Tue 6/6/17	Tue 6/6/17
118				
119	**Town Council Award (South End)**	1 day	Tue 6/13/17	Tue 6/13/17
120				
121	**Start Construction (South End)**	1 day	Wed 6/14/17	Wed 6/14/17



Project: TOPB UG Ph 1 Design_
Date: Mon 9/25/17

Task | Summary | Manual Task | Deadline | Critical Split | Manual Progress
Milestone | Project Summary | Manual Summary | Critical | Progress

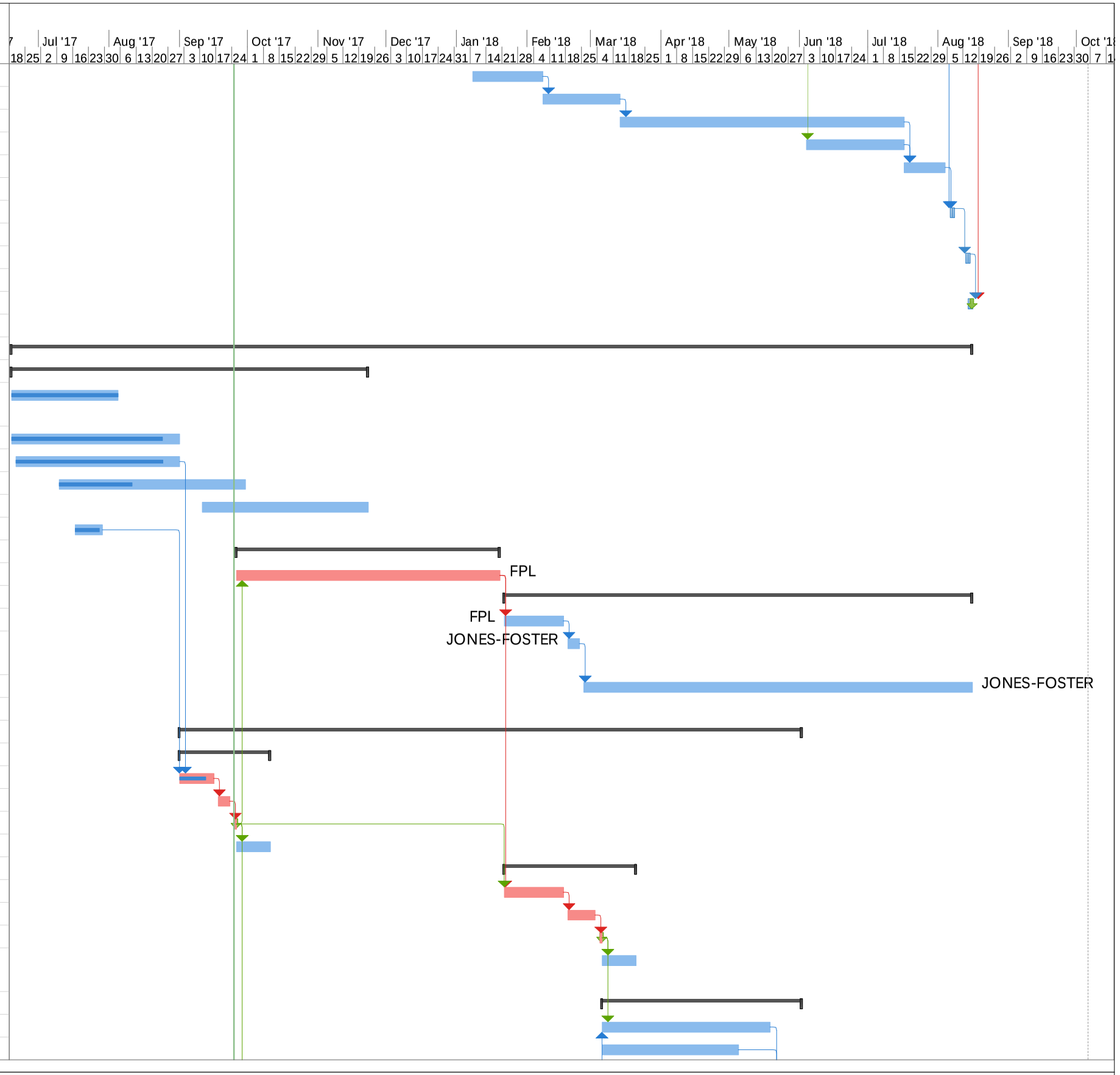
ID	Task Name	Start	Finish
1	**Detailed Design North End (Phase 2 North)**	Mon 6/19/17	Wed 8/15/18
2	**Data Collection**	Mon 6/19/17	Wed 11/22/17
3	Sunshine One-Call Utility coordination and letter request for record data	Mon 6/19/17	Fri 8/4/17
4	Collect/Analyze record information	Mon 6/19/17	Fri 8/18/17
5	Site Survey	Wed 6/21/17	Thu 8/17/17
6	Geotechnical Investigation	Mon 7/10/17	Fri 9/29/17
7	Soft Dig Utility Locates	Mon 9/11/17	Wed 11/22/17
8	Site Visit / Determine meter locations	Mon 7/17/17	Fri 7/28/17
9	**Utility Preliminary Design**	Tue 9/12/17	Fri 1/5/18
10	FPL Provision of Preliminary Equipment Locations	Tue 9/12/17	Fri 1/5/18
11	**Easement Coordination**	Mon 1/8/18	Wed 8/15/18
12	Determine Easement Needs and Locations	Mon 1/8/18	Fri 2/2/18
13	Send Easement Request Letters to Property Owners	Mon 2/5/18	Fri 2/9/18
14	Procure Easements and Follow up	Mon 2/12/18	Wed 8/15/18
15			
16	**Construction Documents**	Fri 8/18/17	Fri 6/1/18
17	**Utility Base Mapping**	Fri 8/18/17	Tue 9/26/17
18	Utility Base Map Development	Fri 8/18/17	Fri 9/1/17
19	Utility Base Map Internal QC	Mon 9/4/17	Fri 9/8/17
20	Utility Base Map Town/Utility Owner Submittal	Mon 9/11/17	Mon 9/11/17
21	Utility Base Map Town Review and Comment	Tue 9/12/17	Tue 9/26/17
22	**Equipment Location Plan Development**	Mon 1/8/18	Tue 3/6/18
23	Equipment Location Plan Development	Mon 1/8/18	Fri 2/2/18
24	Equipment Location Plan Internal QC	Mon 2/5/18	Fri 2/16/18
25	Equipment Location Plan Town Submittal	Mon 2/19/18	Mon 2/19/18
26	Equipment Location Plan Town Review and Comment	Tue 2/20/18	Tue 3/6/18
27	**Conduit Routing Plan Development**	Tue 2/20/18	Fri 6/1/18
28	Conduit Routing Plan Development	Tue 2/20/18	Fri 5/18/18
29	Commercial/Customer Owned Services Design	Fri 3/2/18	Fri 5/4/18
30	Landscaping Plans	Mon 4/2/18	Fri 5/18/18
31	Technical Specifications	Mon 4/2/18	Fri 5/18/18
32	Conduit Routing Plan Internal QC	Tue 5/22/18	Thu 5/31/18
33	Conduit Routing Plan Town Submittal	Fri 6/1/18	Fri 6/1/18
34			
35	**Utility Design and BCE Development - Phase 2 North**	Tue 9/12/17	Fri 7/20/18
36	FPL Design and Preliminary Conduit Routing	Tue 9/12/17	Fri 2/16/18
37	AT&T and Comcast Design	Mon 2/5/18	Fri 4/20/18
38	Utility Agreement and BCE Development	Fri 4/13/18	Fri 7/20/18
39			
40	**Bid Phase - Phase 2 North**	Mon 1/8/18	Fri 8/3/18



Project: TOPB UG Ph 2 Design
Date: Mon 9/25/17

Task | Milestone | Summary | Project Summary | Manual Task | Manual Summary | Deadline | Critical | Critical Split | Progress | Manual Progress

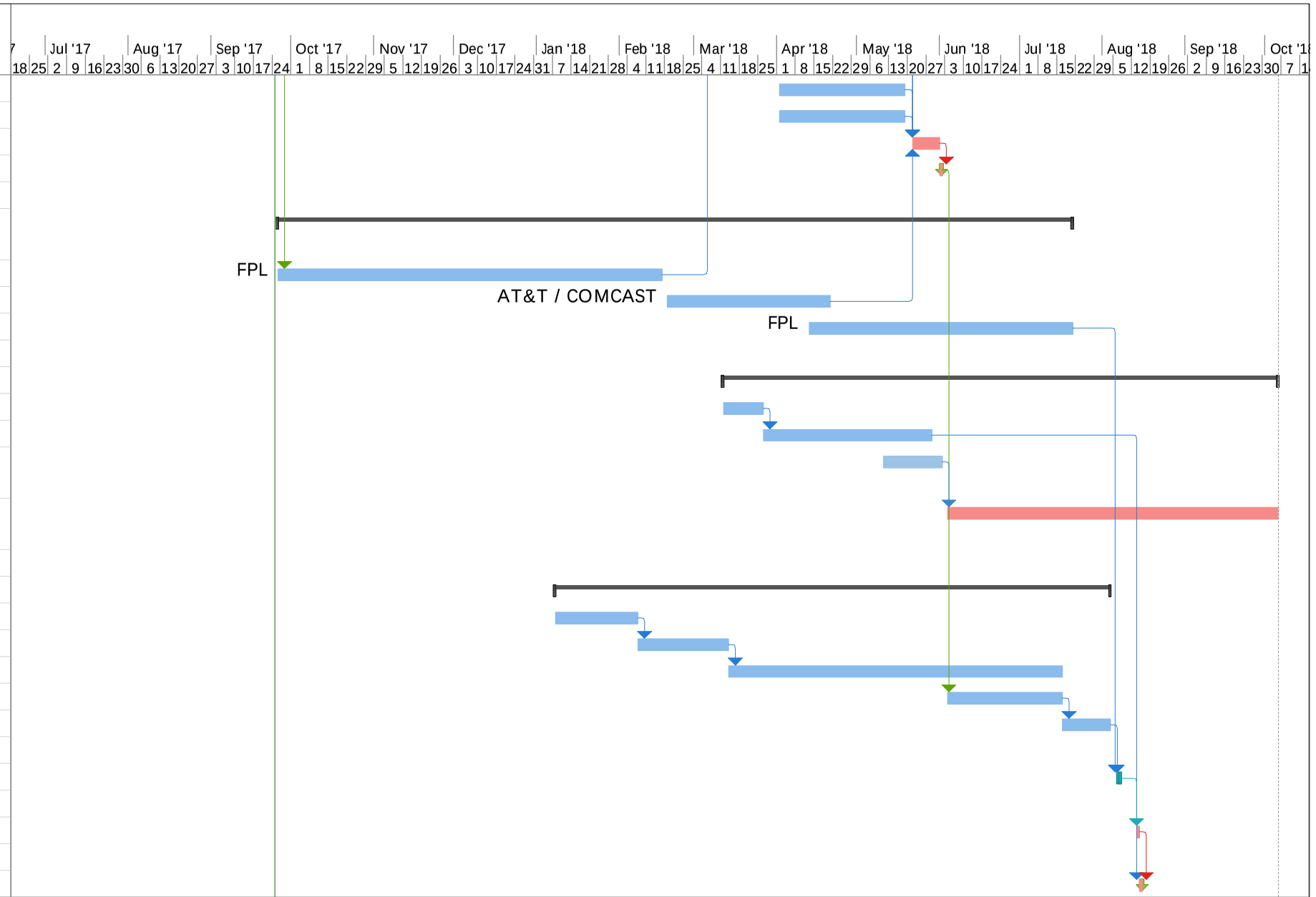
ID	Task Name	Start	Finish
41	Advertisement for CMAR Procurement	Mon 1/8/18	Wed 2/7/18
42	CMAR Recommendation and Award	Thu 2/8/18	Tue 3/13/18
43	Pre-Construction Services	Wed 3/14/18	Mon 7/16/18
44	Bidding/GMP Development	Mon 6/4/18	Mon 7/16/18
45	GMP review and Negotiation	Tue 7/17/18	Fri 8/3/18
46			
47	**UUTF Bid Award Review (Phase 2 North)**	Tue 8/7/18	Tue 8/7/18
48			
49	**Town Council Award (Phase 2 North)**	Tue 8/14/18	Tue 8/14/18
50			
51	**Start Construction (Phase 2 North)**	Wed 8/15/18	Wed 8/15/18
52			
53	**Detailed Design South End (Phase 2 South)**	Mon 6/19/17	Wed 8/15/18
54	**Data Collection**	Mon 6/19/17	Wed 11/22/17
55	Sunshine One-Call Utility coordination and letter request for record data	Mon 6/19/17	Fri 8/4/17
56	Collect/Analyze record information	Mon 6/19/17	Thu 8/31/17
57	Site Survey	Wed 6/21/17	Thu 8/31/17
58	Geotechnical Investigation	Mon 7/10/17	Fri 9/29/17
59	Soft Dig Utility Locates	Mon 9/11/17	Wed 11/22/17
60	Site Visit / Determine meter locations	Mon 7/17/17	Fri 7/28/17
61	**Utility Preliminary Design**	Tue 9/26/17	Fri 1/19/18
62	FPL Provision of Preliminary Equipment Locations	Tue 9/26/17	Fri 1/19/18
63	**Easement Coordination**	Mon 1/22/18	Wed 8/15/18
64	Determine Easement Needs and Locations	Mon 1/22/18	Fri 2/16/18
65	Send Easement Request Letters to Property Owners	Mon 2/19/18	Fri 2/23/18
66	Procure Easements and Follow up	Mon 2/26/18	Wed 8/15/18
67			
68	**Construction Documents**	Fri 9/1/17	Fri 6/1/18
69	**Utility Base Mapping**	Fri 9/1/17	Tue 10/10/17
70	Utility Base Map Development	Fri 9/1/17	Fri 9/15/17
71	Utility Base Map Internal QC	Mon 9/18/17	Fri 9/22/17
72	Utility Base Map Town/Utility Owner Submittal	Mon 9/25/17	Mon 9/25/17
73	Utility Base Map Town Review and Comment	Tue 9/26/17	Tue 10/10/17
74	**Equipment Location Plan Development**	Mon 1/22/18	Tue 3/20/18
75	Equipment Location Plan Development	Mon 1/22/18	Fri 2/16/18
76	Equipment Location Plan Internal QC	Mon 2/19/18	Fri 3/2/18
77	Equipment Location Plan Town Submittal	Mon 3/5/18	Mon 3/5/18
78	Equipment Location Plan Town Review and Comment	Tue 3/6/18	Tue 3/20/18
79	**Conduit Routing Plan Development**	Tue 3/6/18	Fri 6/1/18
80	Conduit Routing Plan Development	Tue 3/6/18	Fri 5/18/18
81	Commercial/Customer Owned Services Design	Tue 3/6/18	Fri 5/4/18



Project: TOPB UG Ph 2 Design
Date: Mon 9/25/17

Task | Summary | Manual Task | Deadline | Critical Split | Manual Progress
Milestone | Project Summary | Manual Summary | Critical | Progress

ID	Task Name	Start	Finish
82	Landscaping Plans	Mon 4/2/18	Fri 5/18/18
83	Technical Specifications	Mon 4/2/18	Fri 5/18/18
84	Conduit Routing Plan Internal QC	Tue 5/22/18	Thu 5/31/18
85	Conduit Routing Plan Town Submittal	Fri 6/1/18	Fri 6/1/18
86			
87	**Utility Design and BCE Development - Phase 2 South**	Tue 9/26/17	Fri 7/20/18
88	FPL Design and Preliminary Conduit Routing	Tue 9/26/17	Fri 2/16/18
89	AT&T and Comcast Design	Mon 2/19/18	Fri 4/20/18
90	Utility Agreement and BCE Development	Fri 4/13/18	Fri 7/20/18
91			
92	**Permitting Assistance - Phase 2 South**	Mon 3/12/18	Fri 10/5/18
93	FDOT Utility Permit application	Mon 3/12/18	Mon 3/26/18
94	FDOT Permit Application Review Process	Tue 3/27/18	Mon 5/28/18
95	FDOT Landscape Permit and Construction Agreement/MMOA	Fri 5/11/18	Fri 6/1/18
96	FDOT Landscape Permit and Construction Agreement/MMOA Review Process	Mon 6/4/18	Fri 10/5/18
97			
98	**Bid Phase - Phase 2 South**	Mon 1/8/18	Fri 8/3/18
99	Advertisement for CMAR Procurement	Mon 1/8/18	Wed 2/7/18
100	CMAR Recommendation and Award	Thu 2/8/18	Tue 3/13/18
101	Pre-Construction Services	Wed 3/14/18	Mon 7/16/18
102	Bidding/GMP Development	Mon 6/4/18	Mon 7/16/18
103	GMP review and Negotiation	Tue 7/17/18	Fri 8/3/18
104			
105	**UUTF Bid Award Review (Phase 2 South)**	Tue 8/7/18	Tue 8/7/18
106			
107	**Town Council Award (Phase 2 South)**	Tue 8/14/18	Tue 8/14/18
108			
109	**Start Construction (Phase 2 South)**	Wed 8/15/18	Wed 8/15/18



Project: TOPB UG Ph 2 Design
Date: Mon 9/25/17

Task | Summary | Manual Task | Deadline | Critical Split | Manual Progress
Milestone | Project Summary | Manual Summary | Critical | Progress

BURKHARDT CONSTRUCTION, INC.

Vincent G. Burkhardt
President

Executive Summary
for
August 2017

Project Description
Townwide Overhead Utility Undergrounding
Phase 1 North
P.O. # 171308

Project Status:

The project kicked off with an informational meeting for residents on July 20, 2017 at the Sailfish Club. This meeting provided contact emails and phone numbers along with construction photos of what to expect in the coming months. Our north end resident liaison was introduced and her cell phone number was provided.

It was announced that we will be hosting "Coffee with the Crew". This event will be held on the first Monday of each month at the North end dock (Annie's dock). This monthly event is a casual way for the residents to ask questions about the construction and allow us to provide an update.

A ground-breaking ceremony for Phase I - North was held on August 4, 2017.

The first "Coffee with the Crew" was held on August 7, 2017.

The horizontal directional drilling for the utility undergrounding started August 14, 2017. During that week, the crews performed "soft digs" to locate the existing utilities. This process is performed to avoid damage to existing utilities when the directional drilling and installation of conduit begins.

The drilling and installation of conduit began mid-week of August 14, 2017. The work began at the very south end of the project along North Ocean Blvd south of Onondaga Avenue. Drilling operations have been performing daily maintenance of traffic with flagmen, which is allowing a single lane of traffic to remain open at all times. The drilling operation continues to head north out of the "S" bend on North Ocean Blvd. Conduits for FPL, AT&T, and Comcast are currently being installed in this area.

The project is running on schedule and is within budget.

BURKHARDT
CONSTRUCTION, INC.

Vincent G. Burkhardt
President

Executive Summary
For
August 2017

Project Description

Townwide Utility Undergrounding
Onondaga Avenue & Laurie Lane Improvements
Phase 1 North
P.O. # 171308

Project Status:

The roadway & drainage improvements for Onondaga Avenue and water main improvements along Laurie Lane began the week of July 24, 2017. Materials were staged and maintenance of traffic devices were set up. During that week, the crews performed "soft digs" to locate the existing utilities. This is performed to avoid damage to existing utilities and avoid conflicts with proposed underground structures.

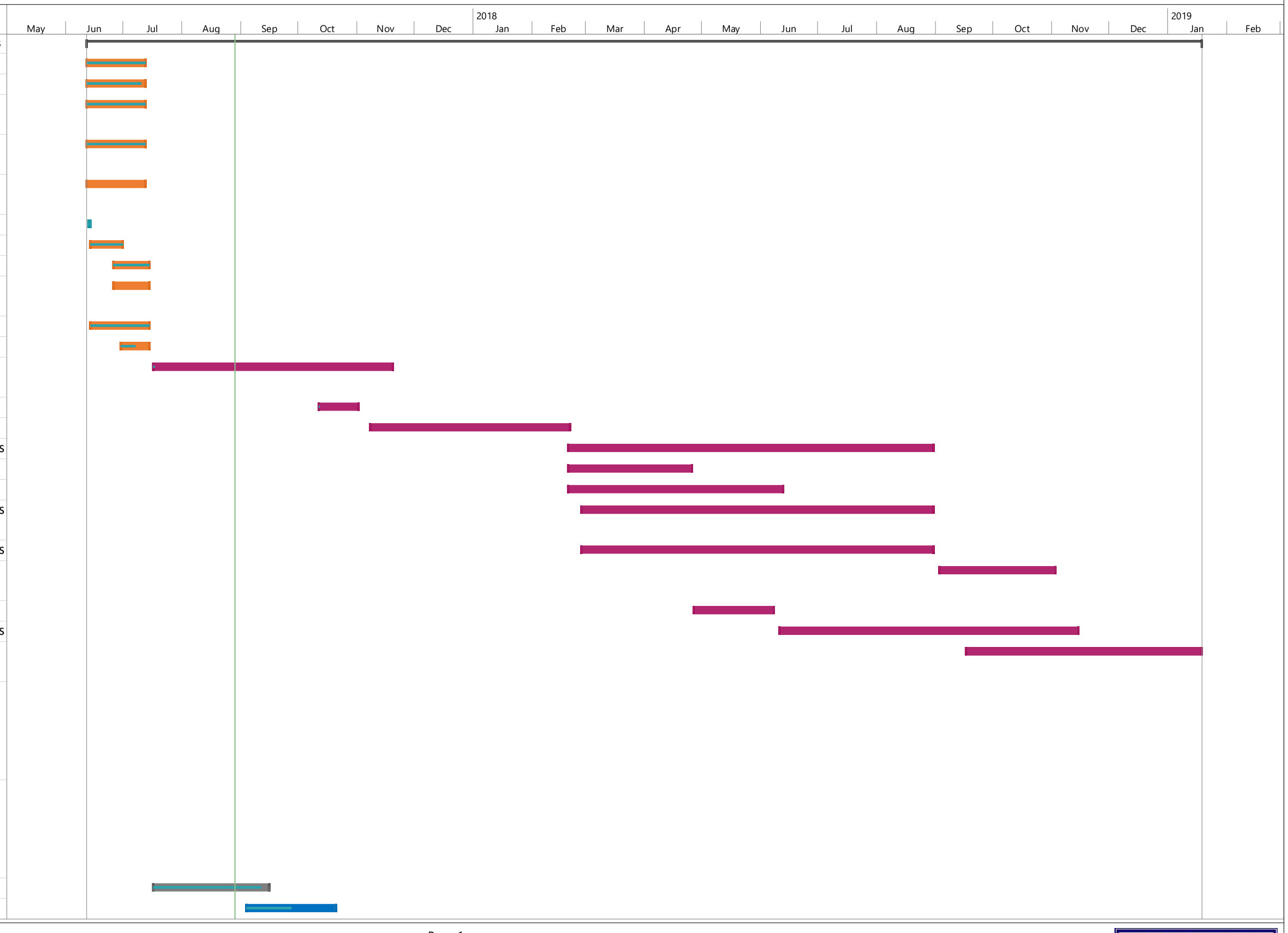
The installation of the water main along Laurie Lane began on August 7, 2017. Immediately following, the proposed water service lines along Laurie Lane and fire hydrant on the north side of Onondaga Ave near North Ocean Blvd. were installed. The new water main was flushed and pressure tested. As-built record drawings were taken and the water main is currently being chlorinated for final testing and clearance from the Health Department.

The drainage improvements along Onondaga Ave. are almost complete. This work consisted of new curb inlets, drainage pipe and mainline manholes. It is anticipated that the drainage work along Onondaga will finish the first week of September. The roadway reconstruction will begin in September.

The project is running on schedule and is within budget.

TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 1 NORTH
SCHEDULE
RFQ No. 2017-14

ID	Task Name	% Complete	Duration
1	**Phase I - NORTH**	**16%**	**420 days**
2	Fully Executed Non-GAF Agreement	100%	23 days
3	Copy Of Executed Easements	90%	23 days
4	Fully Executed Applicant Installed Agreement With FPL	100%	23 days
5	Fully Executed R/O/W Agreement With FPL	100%	23 days
6	Fully Executed Agreement With COMCAST / AT & T	0%	23 days
7	Town Council Approval	100%	1 day
8	Award Prime Contract	100%	13 days
9	Permitting	100%	15 days
10	Customer Owned Service Connection Permitting	0%	15 days
11	Sub Contract Agreements	100%	23 days
12	Material Procurement	50%	11 days
13	Underground Conduit Installation, Primary/Secondary (FPL, ATT,	1%	91 days
14	Feeder Splice Box Installation	1%	15 days
15	Set Transformers / Switch Cabinets (FPI	0%	75 days
16	Secondary Services / Wire	0%	138 days
17	As-Built Submission / Review (FPL)	0%	47 days
18	Pull Wire / Terminations Primary (FPL)	0%	81 days
19	*ATT Rod Conduit, Pull Wire, Set Pedestals	0%	133 days
20	*Comcast Pull Wire, Set Pedestals	0%	133 days
21	Cut over / Overhead Removal (ATT/Comcast)	0%	45 days
22	Energize Underground (FPL)	0%	30 days
23	Secondary Service Switch Over (FPL)	0%	113 days
24	** Demo Overhead / Remove Poles (FPL) / Final Restoration	0%	90 days
25	*This Work Will Be Performed By ATT/COMCAST Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%	
26	**This Work Must Be Performed By FPL Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%	
27	Storm Drainage	90%	45 days
28	Water Main	50%	35 days



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DATED 8/29/17
CURRENT PERCENT COMPLETED 16%

BURKHARDT CONSTRUCTION, INC.

UNDERGROUNDING OF UTILITIES PROJECT
PHASE 1 SOUTH

UNDERGROUNDING TODAY
For A Better Tomorrow!

WHITING-TURNER

September 2017 MONTHLY REPORT

TOWN UNDERGROUNDING PHASE 1—SOUTH—Whiting-Turner Project Updates

SAFETY

Monthly safety inspections are conducted by WT EHS Manager. Daily safety inspections conducted by onsite staff.

- 0 lost time incidents to date
- 0 recordable incidents to date

CONSTRUCTION

- Water Deflections Crew conducting exploratory work, to minimize unforeseen conditions. Currently installing (2) line-stops and water-main deflection at Deflection #3 (3250 S. Ocean).
- S. Ocean Blvd. Undergrounding Crew conducting exploratory work, to minimize unforeseen conditions. Currently installing FPL feeder & primary at the Town's Southern Limit (Sta 11+20 to Sta 13+00)
- Ibis Isle Undergrounding Crew conducting exploratory work, to minimize unforeseen conditions. Currently installing FPL primary, Comcast & AT&T conduit at East & West Ibis Way.

DOCUMENTATION:

RFIs:

A. 8 RFIs issued to date
B. 2 Outstanding RFIs

SUBMITTALS:

A. 42+ Individual Submittals Processed
B. 1 Submittal Package Currently Under Review
C. 0 Submittal Packages Pending Submission to A/E

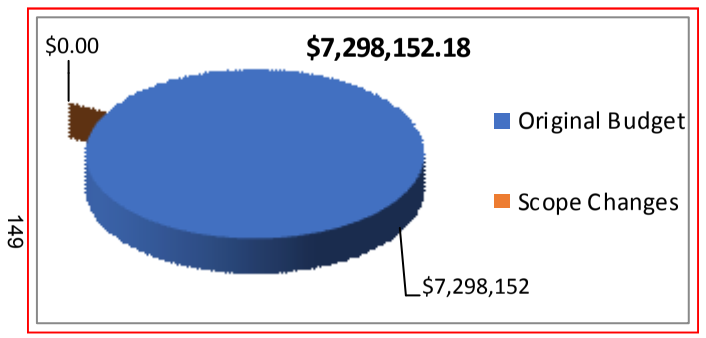
DRAWINGS:

A. Post GMP Drawing Revision #1 received July 26th from KHA

RELEVANT POTENTIAL CHNAGES:

A. Additional Fiber Optic Conduit (Per the Town's Request)
B. Hurricane Irma Impact
C. Revised Street Lighting Scope (Per FPL LT1 Tariff)

FINANCIALS—BUDGET VS. COSTS



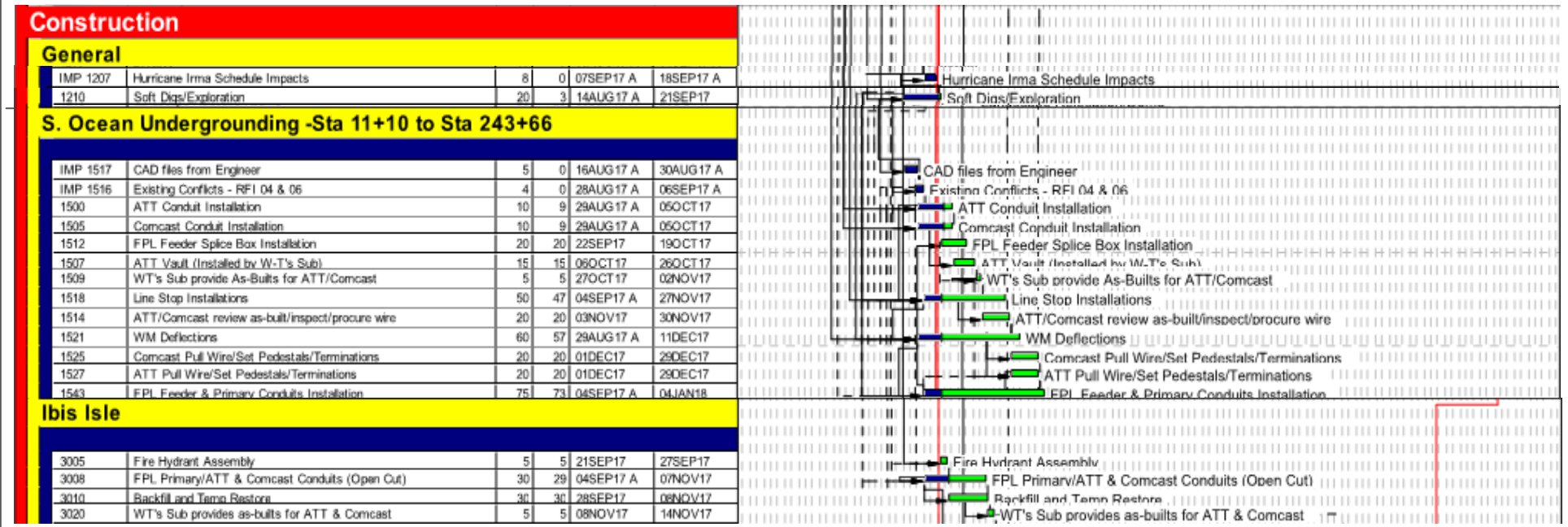
Current GMP Amount — $7,298,152.18

Pending Scope Changes — $0.00

Gross Billings to Date — $433,873.88

Percent Complete — 5.9%

SCHEDULE SUMMARY



Construction					
General					
IMP 1207	Hurricane Irma Schedule Impacts	8	0	07SEP17 A	18SEP17 A
1210	Soft Digs/Exploration	20	3	14AUG17 A	21SEP17
S. Ocean Undergrounding -Sta 11+10 to Sta 243+66					
IMP 1517	CAD files from Engineer	5	0	16AUG17 A	30AUG17 A
IMP 1516	Existing Conflicts - RFI 04 & 06	4	0	28AUG17 A	06SEP17 A
1500	ATT Conduit Installation	10	9	29AUG17 A	05OCT17
1505	Comcast Conduit Installation	10	9	29AUG17 A	05OCT17
1512	FPL Feeder Splice Box Installation	20	20	22SEP17	19OCT17
1507	ATT Vault (Installed by W-T's Sub)	15	15	06OCT17	26OCT17
1509	WT's Sub provide As-Builts for ATT/Comcast	5	5	27OCT17	02NOV17
1518	Line Stop Installations	50	47	04SEP17 A	27NOV17
1514	ATT/Comcast review as-built/inspect/procure wire	20	20	03NOV17	30NOV17
1521	WM Deflections	60	57	29AUG17 A	11DEC17
1525	Comcast Pull Wire/Set Pedestals/Terminations	20	20	01DEC17	29DEC17
1527	ATT Pull Wire/Set Pedestals/Terminations	20	20	01DEC17	29DEC17
1543	FPL Feeder & Primary Conduits Installation	75	73	04SEP17 A	04JAN18
Ibis Isle					
3005	Fire Hydrant Assembly	5	5	21SEP17	27SEP17
3008	FPL Primary/ATT & Comcast Conduits (Open Cut)	30	29	04SEP17 A	07NOV17
3010	Backfill and Temp Restore	30	30	28SEP17	08NOV17
3020	WT's Sub provides as-builts for ATT & Comcast	5	5	08NOV17	14NOV17

SCHEDULE NOTES / IMPACTS:

PROJECT DELAYED DUE TO HURRICANE IRMA.

- **Project currently delayed by approximately 2 weeks due to Hurricane Irma.**
- **FPL Material Delivery impacted due to materials being prioritized to critically damaged areas throughout the State (Schedule / Cost Impact to be determined)**
- **ATT / Comcast Material availability may be impacted due to material shortage as a result of Hurricane Irma.**

OTHERS

- **Street Lighting scope of work on hold pending redesign by the Engineer. Town directed the Engineer to proceed based on FPL LT1 Tariff for FPL Street Lighting.**

Underground Utility Project Budget
Project Financial Summary
September 30, 2017

	Budget	Actual	% Expended
Phase 1			
Phase 1 Design	$ 1,310,829	$ 1,278,380	97.5%
Phase 1 Utility Costs	$ 48,608	$ 48,608	100.0%
Phase 1 Construction	$ 8,494,121	$ 662,689	7.8%
Phase 1 Construction Utility Costs	$ 1,850,970	$ 1,236,770	66.8%
Phase 1 Construction Engineering	$ 568,532	$ 47,974	8.4%
Phase 1 Easements	$ -	$ 273,858	n/a
Total Phase 1	***$ 12,273,060***	***$ 3,548,279***	**28.9%**
Phase 2			
Phase 2 Design	$ 979,659	$ 138,886	**14.2%**
Other			
Other Project Costs	$ 880,414	$ 965,528	**109.7%**
Total To Date	**$ 14,133,133**	**$ 3,687,165**	**26.1%**
Total Project Budget	**$ 98,600,000**		
% Budgeted/Encumbered To Date	**14.33%**		
% Spent to Date	**3.74%**		

Underground Utility Project Budget
Phase 1 Project Costs
September 30, 2017

	Budget	Actual	% Expended
Project Engineering			
Task 2.1 - Detailed Design North End	472,063	472,063	100.0%
Task 2.2 - Detailed Design South End	619,411	619,411	100.0%
Task 2.3 - Permitting Assistance	17,790	15,122	85.0%
Task 2.4 - Bid Phase Assistance	42,166	42,166	100.0%
Task 2.5 - Meetings - Design Phase	125,399	107,883	86.0%
Legal Sketch and Description - Easements	34,000	21,735	63.9%
Subtotal Design Phase	***$ 1,310,829***	***$ 1,278,380***	**97.5%**
Utility Costs (FPL)			
FPL Engineering for Binding Cost Estimate	**$ 38,608**		
North End Design		10,595	
South End Design		28,013	
Total FPL Engineering Costs for Design	***$ 38,608***	***$ 38,608***	**100.0%**
Utility Costs (AT&T and Comcast)			
AT&T North End Design		5,000	
AT&T South End Design		5,000	
Total Utility Costs (AT&T and Comcast)	**$ 10,000**	**$ 10,000**	**100.0%**
Construction Costs			
Phase 1 North Construction			
Preconstruction	**$ 19,720**	**19,720**	**100.0%**
Burkhardt Construction	**$ 3,798,144**	**227,329**	**6.0%**
Utility Costs (FPL, Comcast, AT&T)	**$ 476,776**	**96,884**	**20.3%**
Construction Engineering (KH)	**$ 253,532**	**20,807**	**8.2%**
	$ 4,548,172	**$ 364,740**	**8.0%**
Phase 1 South Construction			
Preconstruction	**$ 22,200**	**22,200**	**100.0%**
Whiting Turner Construction	**$ 4,695,977**	**435,360**	**9.3%**
Utility Costs (FPL, Comcast, AT&T)	**$ 1,374,193**	**1,139,886**	**82.9%**
Construction Engineering (KH)	**$ 315,000**	**27,167**	**8.6%**
	$ 6,407,370	**$ 1,624,613**	**25.4%**
Legal Costs/Easement Acquisition - Jones Foster	**$ -**	**$ 273,858**	**0.0%**
Total Phase 1 Costs	**$ 12,314,980**	**$ 3,590,199**	**29.2%**

Underground Utility Project Budget
Phase 2 Project Costs
September 30, 2017

	Budget	Actual	% Expended
Phase 2 Design			
Kimley Horn			
Task 1.1 Phase 2 North Design	$ 281,304	$ 84,391	30.0%
Task 1.2 Phase 2 South Design	$ 335,353	$ 50,303	15.0%
Task 1.3 Permitting Assistance North	$ 5,779	$ -	0.0%
Task 1.3 Permitting Assistance South	$ 6,895	$ -	0.0%
Task 1.4 Bid Phase Assistance North	$ 18,498	$ -	0.0%
Task 1.4 Bid Phase Assistance South	$ 22,067	$ -	0.0%
Task 1.5 Easement Assistance North	$ 64,936	$ 3,002	4.6%
Task 1.5 Easement Assistance South	$ 77,466	$ -	0.0%
Task 1.6 Meetings North	$ 62,297	$ 1,190	1.9%
Task 1.6 Meetings South	$ 74,320	$ -	0.0%
Task 1.7 Legal Sketch North	$ 14,020	$ -	0.0%
Task 1.7 Legal Sketch South	$ 16,725	$ -	0.0%
Total Phase 2 Design	**$ 979,659**	**$ 138,886**	**14.2%**

Underground Utility Project Budget
Other Project Costs
September 30, 2017

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	$ 42,800	95.0%
Task 1.7 - Meetings Master Planning Phase	$ 113,135	$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	$ 40,067	$ 38,064	95.0%
Subtotal Master Planning	***$ 597,895***	**$ 593,627**	99.3%
Community Outreach	**$ 282,519**	$ 170,331	60.3%
FPL Future Phases	Future Phase Budget	$ 75,215	
FPL Nightingale/LaPuerta - Townwide Portion	Future Phase Budget	$ 74,900	
Comcast Preplanning	Future Phase Budget	$ 12,015	
Comcast Nightingale/LaPuerta - Townwide Portion	Future Phase Budget	$ 8,885	
AT&T Nightingale/LaPuerta Townwide Portion	Future Phase Budget	$ 30,555	
Total Other Project Costs	**$ 880,414**	**$ 965,528**	**109.7%**

Related Costs Outside of the Underground Project Budget

Underground City of Lake Worth Section	Budget	Actual	% Expended
Project Design	**$ 25,231**	$ 24,430	96.8%
Project Construction	**$ 351,081**	$ 20,853	5.9%
Project Construction Engineering	**$ 11,607**	$ 929	8.0%
Utility Cost (FPL, Comcast, AT&T)	**$ 134,333**	$ 127,531	94.9%
Project Meeting Attendance	**$ 3,334**	$ 556	16.7%
Total Lake Worth Section	**$ 525,586**	$ 174,299	33.2%
Ibis Way PGD Improvements	**$ 14,583**	$ 14,583	100.0%
Project Manager -Pay and benefits	**$ 130,000**	$ 26,241	20.2%
Peer Review Study - Patterson & Dewar	**$ 100,000**	$ -	0.0%
Telecommunications Consultant	**$ 89,000**	$ 82,722	92.9%
Peter Brandt (Contract Negotiations)	**$ 35,000**	$ 22,633	64.7%
Total Related Costs Outside of the Budget	**$ 894,169**	**$ 320,477**	**35.8%**

TOWN OF PALM BEACH
Information for Town Council Meeting on: October 10, 2017

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Future Fiber Optic Communications System for the Town

Date: October 5, 2017

STAFF RECOMMENDATION:

On September 19, 2017 the Town Council voted not to approve change orders for Whiting Turner and Burkhardt Construction to proceed with additional conduit installation in parallel to Phase 1 Undergrounding of Utilities. During the evening session, the Town Council discussed revisiting the decision and requested UUTF provide an opinion whether or not to proceed. The Task Force voted 5-3 to recommend not proceeding with conduit at this time. Staff requests a final decision from the Town Council.

GENERAL INFORMATION:

At the evening session of the Town Council meeting on September 19, in addition to requesting the input of the Task Force on the subject of additional conduit, it was also requested that staff provide additional justification for additional conduit. This would be for the backbone only and at least initially only for Town purposes. The following information is provided in response to the Town Council request for additional information.

The Town has critical requirements for communications infrastructure for pump stations, public safety monitoring, traffic control, and general administrative IP Voice/data services demanding high performance and scalability. Today, the selection of a wide area network connectivity solution is limited to the two existing service providers, AT&T and Comcast and their present systems capabilities.

With the current deployment of the Underground of Utilities project, there is an opportunity to leverage the Phase 1 North and South buildouts permitting the CMARs, Burkhardt and Whiting Turner, to deploy an additional parallel conduit for Town services. The conduit, if installed, provides a path for a future, enhanced, communications infrastructure deployed over fiber optic transport. Network ownership and service options for the future system may include:

- A Town owned, operated and maintained private fiber infrastructure
- Third party owned, operated and managed high speed fiber services within Town owned conduit.
- Third party owned, operated and managed high speed fiber services within third party owned conduit.
- A hybrid deployment, where the Town and a service provider may separately own sections of conduit. Management of fiber and optical equipment, inclusive of installation, operations and maintenance supported by a service provider.

COST SUMMARY:

Below are the costs for conduit presented by the Town's Construction Managers.

Phase 1 North – Change Order Request	**Cost**	**Contingency**
• Fiber Optic Backbone Conduit Only	$102,833.18	$8,741.82
Phase 1 South – Change Order Request	**Cost**	**Contingency**
• Fiber Optic Backbone Conduit Only	$518,008.59	$47,100.00

OPINION OF STAFF:

Regardless of the physical ownership or maintenance option ultimately selected, the deployed Private Network services offers the Town secure bandwidth, scalability, competitive advantage and flexibility. Multiple locations may be securely and privately connected with infrastructure shared by existing Town administrative facilities and public works sites such as pump station data collection and other important lower bandwidth streams added, for example traffic signals and security cameras.

Fiber is desirable and if deployed, an enabler of necessary upgrades to the Town's existing infrastructure. Examples include:

- The Town benefits through use of fiber optic connectivity at pump stations with increased levels of remote control and monitoring. The bandwidth fiber optics provides allows additional data points to be monitored permitting operations to more efficiently address proactive pre failure maintenance activities. Fiber optics also allows pump station equipment to be operated from a remote location reducing operator call outs to stations, operating expenses and staff time. Remote trouble shooting prevents the need for operators to be deployed to a station during adverse conditions such as a hurricane.

  The Town's current system of radio telemetry is based on a system of radios and antennas that are more susceptible to wind damage than an underground fiber optic system. The radio system is limited in the data it can transmit and control. With underground fiber we eliminate vulnerability and increase collectable data points

leveraging additional bandwidth beyond the capabilities the installed Motorola radios. Additional capabilities may also be added to our equipment not supported today such as, but not limited to, monitoring switches, motors, and fuel tanks.

- Facilities: Fiber could enable implementation of a building automation system to monitor HVAC, power, water and alarm systems at connected buildings. This could also include generator power and fuel levels at these locations as well.

- Transportation systems, such as traffic signals, may benefit from a fiber optic network through use of adaptive signal control. This is a system leveraging real-time traffic data to change signal timing to reduce congestion. Studies have shown significant improvements in number of stops, travel time, speed, wait times, and emissions. Such systems require fiber optic data transport due to the significant bandwidth requirements associated with video detection, real-time computation and control. The fiber would permit the installation of real time video displays of Town owned intersections. Traffic technicians could see a problem or situation in real time and make changes remotely rather than dispatched to the intersection.

- Fiber optics is a highly secure communication transport medium, especially when fiber strands are closed-circuit, or dedicated to transporting Town data, as compared to radio communication or contracting with third-parties for use of shared infrastructure. Throughout the environment, services may be deployed over resilient, dedicated access spurs or rings at industry standard bandwidths of 100Mb, 1,000Mb or 10GB.

CONCLUSION:

An additional conduit if installed has the potential to "future proof" and empower the Town by creating network utility and additional competition among the existing service providers namely, Comcast and AT&T. A deployed "third" network will be a valuable resource for all users leveraging not only a private, secure Town fibers but potentially offering a public/private sharing of infrastructure. For example, a hybrid option allows a service provider to deploy private services to the Town over dedicated fiber pairs and in parallel, local businesses may also procure high speed private or public internet services. The third service provider could offer local business services securely over separate wavelengths on the same fiber or via physically separate fibers within the deployed system.

The more control the Town has over communications infrastructure, the more control it has over the long term operational costs of the system and new technology options the Town may elect to deploy over the network. Building fiber optic backbone conduits enable deployment of future public/private infrastructure sharing options. Flexibility is created to choose bandwidth,

maintenance schedules and types of connections required by users and not be limited solely by the capabilities of incumbent service providers providing significant benefits to the Town as new desirable technologies emerge, such as autonomous vehicles.

Tremendous technological changes that most of us cannot begin to contemplate that will alter the socio-economic fabric of our society are on the near horizon. This is inevitable. This coming change has significant ramifications for municipalities.

Smart City is a concept that entails integration of information and communication technology (ICT) and the Internet of things (IoT) technology in a secure fashion to manage a city's assets. These assets include information systems, transportation systems, including traffic and traffic signals, utilities, water supply networks, pumping stations, waste management, law enforcement, and other community services. A smart city uses urban informatics, the study of people in the context of cities and urban environments, and technology to improve the efficiency of services. ICT allows city officials to interact directly with the community and the city infrastructure to monitor what is happening in the city, how the city is evolving, and how to enable a better quality of life. Through the use of sensors integrated with real-time monitoring systems, data are collected from citizens and devices, including infrastructure, then processed and analyzed. The information and knowledge gathered are keys to tackling inefficiency. Information and communication technology (ICT) is used to enhance quality, performance and interactivity of services, to reduce costs and resource consumption and to improve contact between citizens and government.

Simply put, if you want to have maximum operational efficiency of Town assets such storm water and sanitary sewer system pumping stations, traffic signals, security cameras, enhanced internal communications and a real time communications interface with the public, you have to have state of the art communications systems and that begins with underground conduit strategically placed throughout the island.

Note*: For additional thoughts on this issue, please see the following email recently sent by town resident Mr. Howard Murray to Tom Bradford, Town Manager.

*** eMAIL TO TOM BRADFORD, FROM MR. MURRAY**

From: Howard Murray
Date: September 21, 2017 at 11:10:17 PM EDT
To: TBradford@TownofPalmBeach.com
Subject: Extra Duct

Hey Tom:

It was interesting to see how the meeting unfolded Tuesday. It appears the cost for Phase 1 extra duct change order was exorbitant which drove the "no" vote.

As suggested during the meeting, the prospect of leaving the Town's citizens, businesses, and employees with the prospect the 2 incumbents will provide future proof services at competitive

prices is obviously risky. As pointed out to the Council by a Palm Beach Business Community Organization Leader, a lack of cutting edge communication services at competitive prices could lead to an exodus of businesses "across the bridge" having a deleterious effect on the tax base. As business competitiveness decreases, a 1 to 2 percent relative decrease in real estate value might represent over $200,000 per year in lost taxes to the Town indefinitely, based on an estimate of tax rolls.

As I mentioned to you previously, I have always enjoyed working with Comcast, ATT and FPL, during my 40+ year career. I negotiated a JV with Comcast and 4 other cable companies as GM for Teleport South Florida. Teleport was acquired by ATT shortly thereafter for $12B. I also negotiated a 400 mile JV fiber optic construction project as President of Nextlink's Southern Region, which became the basis of FPL Fibernet. As one might expect, these great, very professional, "for profit" organizations always use their leverage in negotiations. The Town felt this imbalance during present negotiations and would expect it in the future if it doesn't increase its leverage. Additional ducts level the playing field during future negotiations and increase the prospect of future proof cutting edge services at competitive prices. I suggest the overwhelming consensus within the Palm Beach community, including Town employees and businesses would be that the benefits will far exceed the initial cost. It is not difficult to imagine a 15% price decrease for cutting edge services with the introduction of additional competitors roughly translating to over $3M per year in savings for businesses and citizens. T-Mobile drove 44% savings when they came to market.

The future is difficult to predict with precision, but the major carriers such as Verizon and ATT are planning fiber rich backbones which in general, collect and transport massive amounts of data from various media such as copper, coax, wireless, powerline and other fiber to the business or home. As an aside, powerline has been actively discussed since I have been in the business, but has never proven technically or economically feasible and most likely won't. The expert consensus is solid, the future generation telecom backbone will be fiber optics.

As suggested, the extra duct will future proof the community at competitive prices. This does not mean the Town must become a telecom company. It simply means the Town has the flexibility to provide its own services or not based on the economics. The Town might consider a bundle of services, for fire and police operations, cameras, pump stations, traffic lights, employee virtual private network (VPN) to improve Town data security and throughput, etc. With enhanced leverage, the Town then requests a price from service providers and compares it to either an outsourced solution in the Town's duct or a solution the Town would provide. The Town then picks the least cost solution which might include a service provider for a specific aspect of the bundle. The Town would only begin to buy equipment for the bundle of services if the business case warranted that. Overall, costs will be contained and minimized in general.

The estimate the Town has been working with for the backbone is $3.7M and almost $700K for Phase 1 alone. In this proposal, the entire Town owned backbone duct will be under $1M, paid in

monthly increments for 5.5 years. To mitigate risk, at least one additional duct will be added and simultaneously directional bored using standard equipment and practices in a single pass. Additional ducts will only increase competition which insures to the benefit of the Palm Beach community. No work would be done in season and the single Town owned duct would be available before the 2018 season. Work in Phase 1 could begin now.

This is a high level overview to assess your level of interest. A more detailed proposal with specific pricing and execution plan will be forthcoming. Methodology alternatives can be applied to the main undergrounding project in an attempt to reduce the budget. If $3.7M is the working estimate for the fiber backbone, there should be additional savings in the main project that can be found.

Perhaps these significantly lower extra duct costs, coupled with the potential impact on business competitiveness, tax collections and the expected decrease in consumer telecom billing warrants another look at the issue. I look forward to hearing from you.

Thank you,

Howard "Howie" Murray - Sent from AOL Mobile Mail

Cc: Steven Stern, Underground Utilities Project Manager
H. Paul Brazil, P.E., Director of Public Works
Patricia Strayer, P.E., Town Engineer

MEMORANDUM REGARDING ASSESSMENT CREDITS

Agency: Town of Palm Beach

To: Tom Bradford – Town Manager

From: Habib Isaac, Senior Manager

Re: Assessment credits for transformers and other appurtenant facilities

Date: September 1, 2017

This memorandum provides responses to the feasibility and appropriateness of providing assessment credits towards a parcel's aesthetic Equivalent Benefit Unit (EBU) allocation due to the installation of necessary utility facilities, such as, transformers, switch cabinets and other large size boxes or cabinets (collective referred to as "Transformers" herein) located adjacent to a parcel resulting from the completion of the Utility Undergrounding Project (UUP).

It is first important to note that the total assessment charged to each parcel for the UUP is comprised of 3 categories of special benefit, including improved safety, improved reliability, and improved aesthetics. The credits in question would only be associated with improved aesthetics as the installation of the Transformers impacts this category of special benefit. In addition, although we are referring to the potential reduction to the aesthetic assessment as a "credit," these credits are a result of a reduced level of special benefit to the affected parcel when compared to parcels without a Transformer adjacent to its property. Therefore, credits are a component that will be incorporated into the assessment calculation.

With previous UUP assessments for other municipalities and special districts, credits associated with Transformers were considered when all Transformer locations were identified and the total number of credits were known. With this known information, a parcel with a Transformer would receive a reduced Aesthetic EBU allocation to account for the slightly reduced level of special benefit. For the Town of Palm Beach, the location of the Transformers is not known and; therefore, it is not possible to assign a reduced EBU to those that will be affected. As part of finalizing the assessments, the only possible option for the Town's UUP is to reduce the total Aesthetics EBUs by the potential credits based on a projected number of Transformers that would exist after the completion of the project. The total number of expected Transformers has recently been estimated at 800 units.

The improved Aesthetic EBU calculation is comprised of two components: The improved aesthetics of the surrounding area of a parcel (0.5) and the improved aesthetics associated with the property itself (0.5) for a baseline EBU equal to 1.0. The Transformer is associated with the property specific benefits of the parcel (0.5). In previous UUP assessments using the same methodology as the Town, the property specific portion of EBUs would be reduced by half, which would result in a total reduction of 0.25 EBUs. I wouldn't recommend a reduction of 0.5 EBUs because this would mean that the existence of a Transformer is equivalent to the removal of overhead facilities comprised of utility poles and lines. Therefore, a parcel with a current aesthetic EBU assignment of 1.0 that receives a transformer would have their total aesthetic EBU reduced by 0.25 EBUs to account for the reduced benefit received by the property resulting from utility facilities remaining adjacent to the property.

With this approach, the total possible credits available from the 800 Transformers would be a total of 200 EBUs. Based on the rate per Aesthetic EBU of $256.62, the total possible credit of the entire UUP would be an unfunded amount equal to $51,324 annually. Since the assessments were approved on July 12, 2017, reference is made to an unfunded amount. The Towns attorney may need to determine if it is

possible to increase the previously approved assessments as well as the necessary steps or actions that would need to take place to increase the assessments.

Based on the current annual aesthetic assessment rate of $256.62 per EBU, a 0.25 EBU reduction would reduce the annual rate by approximately $64 per Aesthetic EBU. As such, a property owner who has already prepaid would receive a refund in proportion to the percentage ratio of 0.25 EBUs to the total EBUs assigned to the parcel. As an example, a parcel that is assigned 1.0 EBUs for each category would receive an 8.33% refund of their prepayment amount (0.25/3.0 = 0.0833 or 8.33%). Each parcel will vary in direct relation to what percent the applied credit is of the total EBUs assigned to the parcel.

Conversely, assuming it is possible to increase assessments and considering the potential reduction in EBU assignments to parcels affected by Transformers, the assessment rate for each category would increase from $256.62 to $259.08 per EBU for a total increase of $7.38 for a parcel that is assigned 1.0 EBU for each special benefit category. As an alternative, if the assessment rate for Aesthetics is the only one adjusted, the new rate would increase to approximately $265.

For Condominiums, the credit will vary based on the number of Transformers adjacent to the property and the number of condominiums within the condominium complex as each Condominium will receive an even share of the total credits. Therefore, the specific credit amount per Condominium would need to be calculated on a case-by-case basis once all Transformers associated with the Condominium Complex are known.

In terms of administrating credits, irrespective of the final amount of the credit, there are 2 primary ways to consider for implementing credits. The first is to wait until the entire project is at final design and all Transformers are known. This will ensure the credit amount is final and the credit per EBU would not need to be revisited. However, the project may take up to 10 years to complete and property owners in the early phases with a transformer already installed would most likely not want to wait many years before a credit is applied. In addition, as time passes, real estate transactions will occur and properties will transfer between current owner and future owners. Therefore, it would be recommended for the credits to stay with the property even though a previous owner may have made years of assessment payments before selling their property. The only exemption would be for property owners who have prepaid the assessment in full. The Town will know who has prepaid and may want to provide the ability for those individuals to claim their refund.

The second option for implementing credits is on an ongoing basis as Transformers are installed and the locations are known. For this option, the assessments of the affected parcels would then be modified and the adjustment should be incorporated into each subsequent fiscal year's assessment submittal to the County. One issue that may arise with this approach is submitting incorrect credits to a parcel because the final count of Transformers may end different from what was estimated. Thus, the final assessments may go up or go down depending on the final count of Transformers versus the estimated total count identified today. The final recalibration of the credits at the end of the project would need to account for all the years of previously applied credits and track when each affected parcel received its original credit.

Credits may be provided to properties; however, it is not common to provide credits prior to the final design plans. In addition, applying credits now would create an annual revenue shortfall unless the previously approved assessments may be adjusted or the total obligation of the unfunded portion is prepaid by other revenue sources. In addition, if credits are applied, the timing of when credits are applied would need to be determined by the Town.

TOWN OF PALM BEACH
Information for Town Council Meeting on: October 10, 2017

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Consideration of Staff Recommendation on Application of Assessment Methodology to Future Resident Undergrounding Efforts

Date: October 5, 2017

STAFF RECOMMENDATION:

A decision is required regarding application of the assessment methodology to properties that will convert to underground service before the Town project is in their area. Staff recommends that we modify the assessment if underground conversion occurs, subject to the criteria enumerated below.

GENERAL INFORMATION:

There are parcels currently deemed ineligible for the Undergrounding Utilities Safety and Aesthetics discount due to adjacent overhead utility services. The EBU calculations, application of discount, prepayment and annual assessment calculations are presently applied according to the Initial Assessment Resolution No. 090-2017 and the Utility Undergrounding Assessment Methodology adopted by the Town Council, June 13, 2017. We are aware of a number of property owners that do not wish to wait until the town-wide project converts their neighborhood to underground service. These property owners are willing to pay the utility firms directly to do the work without any Town involvement except for applicable permitting.

The question at hand is if they do this work and meet the Town's definition of being "underground" can we give them the discount for being "underground?" Staff is of the opinion that we can provide the discount if the following circumstances are met:

1. The parcel is verified by the Town Manager's Office as being appropriately undergrounded. There are no remaining overhead utilities present immediately adjacent to, across an alleyway or street from the parcel boundaries.
2. The Town wide undergrounding project's design phase has not commenced or been awarded for the area occupied by the parcel.

3. General Obligation Bonds have not been initiated to finance the project.
4. The discount will not be applied in arrears. Adjustments will only be applied to future assessment payments after TMO certifies the undergrounding effort is complete.

If these four requirements are applied, staff is of the opinion that the Town will not incur any additional cost of borrowing funds for such properties and will avoid the cost of converting such properties to underground service when the project reaches such property.

Cc: Steven Stern, Underground Utilities Project Manager
Jane Struder, Finance Director
Amy Wood, Accounting Supervisor

TOWN OF PALM BEACH
Town Council Meeting on: October 10, 2017

Section of Agenda
Regular Agenda - Old Business

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

a. Shore Line Condition Update

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2017

Section of Agenda
Regular Agenda - Old Business

Agenda Title
RESOLUTION NO. 196-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing a Funding Policy for the Town of Palm Beach Retirement System; Providing an Effective Date.

Presenter
Jane Struder, Director of Finance

ATTACHMENTS:

- **Memorandum Dated October 4, 2017, From Jane Struder, Director of Finance**
- **Resolution No. 196-2017**
- **Retirement Funding Policy**
- **GRS Report Dated August 31, 2017**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jane Struder, Finance Director

Re: **Resolution No. 196-2017**
Adoption of Funding Policy for the Town of Palm Beach Retirement System

Date: October 4, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 196-2017, Adopting a Funding Policy for the Town of Palm Beach Retirement System.

GENERAL INFORMATION

Over the years, the Town has adopted 20 financial policies. The establishment of specific financial and reserve policies is an important part of prudent financial management and the practice is strongly recommended by the Government Finance Officers Association (GFOA) and the National Advisory Committee on State and Local Budgeting (NACSLB). Reserve policies reduce ambiguity and guide the creation, maintenance and use of resources for financial stabilization purposes. Rating agencies recommend the adoption of such policies and their ratings reflect the presence of strong financial management and financial policies. We have received our AAA ratings in part because of our financial management and financial policies.

At the September 19th Regular Town Council Meeting, the Chairman of the Board of Trustees for the Town's Retirement System, Dan Stanton presented his annual report to Council. The report included options for paying down the Unfunded Actuarial Accrued Liability (UAAL). Town Council recommended creating a financial policy to establish an additional annual minimum amount of $5,420,000 to be contributed toward the UAAL. The attached Resolution establishes this policy.

FUNDING/FISCAL IMPACT

The annual funding/fiscal impact to the Town is $5,420,000 absent circumstances that will allow for a reduced contribution. In addition, the Town's UAAL will be reduced over time.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed and approved Resolution No. 197-2017 for legal form and sufficiency.

Attachments

RESOLUTION NO. 196-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ESTABLISHING A FUNDING POLICY FOR THE TOWN OF PALM BEACH RETIREMENT SYSTEM; PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is recommended by the Government Finance Officers Association (GFOA) and the National Advisory Committee on State and Local Budgeting (NACSLB) that all governments implement financial policies; and

WHEREAS, it has been determined that the Town of Palm Beach would prepare a policy to memorialize the method to reduce the Town of Palm Beach Retirement System unfunded liability; and

WHEREAS, the Town's actuary has provided a methodology that requires a minimum additional amount of $5,420,000 to be paid annually until fully funded, unless reduced due to a maximum allowed under this policy. The total Town contribution (including the ADEC) shall be capped at $16 million (Indexed after 2017 at 2.75% per annum); and

WHEREAS, the Town Council agreed to move forward with these additional annual payments, in order to accelerate the pay down of the unfunded liability and improve the overall funded status of the Retirement System; and

WHEREAS, it is now necessary to formally adopt the policy in order to memorialize the same.

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

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The attached financial policy pertaining Funding Policy for the Town of Palm Beach Retirement System marked as Exhibit "A"; incorporated by reference as part of this Resolution is hereby adopted and the Town Manager and Finance Director of the Town are directed to do all things necessary to effectuate the policy and to report to the Town Council, and Retirement Board, as may be needed relative to matters pertaining to the same, in order to preserve and enhance the financial interests of the Town of Palm Beach.

Section 3. The effective date of the attached financial policy amendment shall be October 1, 2017.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of October, 2017.

_____	_____
Gail L. Coniglio, Mayor	Richard M. Kleid, Town Council President
	_____
	Danielle H. Moore, Council President Pro Tem
	_____
	Julie Araskog, Town Council Member
	_____
ATTEST:	Bobbie Lindsay, Town Council Member
_____	_____
Kathleen Dominguez, Town Clerk	Margaret A. Zeidman, Town Council Member

Town of Palm Beach, Florida

Subject Policy: Funding Policy for the Town of Palm Beach Retirement System

Effective Date: October 1, 2017

Purpose: The Mayor and Town Council along with the Retirement Board recognizes its fiduciary duty to set prudent funding policies that promote benefit security and intergenerational equity in compliance with all federal, state and local statutes, ordinances and regulations. This Funding Policy constitutes the Town's intentions that the Retirement Systems benefit obligations be funded on a systematic and actuarially sound basis in accordance with State Statutes.

This Funding Policy is intended to guide the Town, the Board members, and the plan's actuary in the discharge of their respective services to the Plan.

Policy: Each year the Town of Palm Beach will budget and contribute an amount equal to the Actuarially Determined Employer Contribution (ADEC). The contribution will be made to the Retirement Fund in quarterly installments throughout the fiscal year. The ADEC amount will be derived from the annual valuation report and determined based on the current actuarial assumptions in place each year that is adjusted by the Board and/or the Town Council.

In addition, the Town of Palm Beach will contribute additional funds over and above the ADEC during the first month of the fiscal year. These additional funds serve to reduce the Town's Unfunded Actuarially Accrued Liability (UAAL) and will be reflected as receivable contributions in the actuarial valuation that is as of the September 30th immediately preceding the deposit date of the additional funds. The amount of $5,420,000 of additional funding will be paid annually until fully funded, unless reduced due to a maximum allowed under this policy. The total Town contribution (including the ADEC) shall be capped at $16 million (indexed after 2017 at 2.75% per annum).

The additional contribution will be budgeted and paid each year unless one of the following circumstances are met:

1. A force majeure, including a catastrophic storm or other unforeseen event that would prohibit the Town from meeting this obligation.
2. A financial circumstance such as a severe recession or other unforeseen financial event that would cause the Town to not be able to meet this obligation.
3. A supermajority vote of the Town Council is required to deviate from this contribution.
4. The Retirement Fund achieves the 100% actuarial funding objective.

Responsibility: It is the responsibility of the Town Manager and the Finance Director to, appropriate funds for this contribution in the Town's annual budget process.

Approval Date: October 10, 2017

Reference Document: Refer to GRS Retirement Consulting Report dated August 31, 2017 for the basis of the minimum amount.

GRS Retirement Consulting

P: 954.527.1616 | F: 954.525.0083 | www.grsconsulting.com

August 31, 2017

William P. Hanes, Esq.
Administrator
Town of Palm Beach Retirement System
P.O. Box 2112
Palm Beach, FL 33480

Re: Town of Palm Beach Retirement System – Alternative Contribution Policy Projections

Dear Bill:

As requested, we have prepared alternative contribution policy projections for the Town of Palm Beach Retirement System (Plan). The enclosed exhibits present projected assets, liabilities and contribution requirements over the next 20 years for the Plan in aggregate under two alternative contribution policy methods, each with three deterministic assumption scenarios, as described below.

Alternative Contribution Policy Methods:

- **Alternative 1** – An additional Town contribution is made each year to reduce the Unfunded Actuarial Accrued Liability (UAAL) with a target funded ratio of 68% as of 9/30/2017. The target funded ratio will remain at 68% through 9/30/2019, and thereafter increase to 70% as of 9/30/2020, 72% as of 9/30/2021, and by 2% in each subsequent year until 100% (full funding) is reached as of 9/30/2035. The total Town contribution is limited to $16 million with indexing at the assumed rate of payroll growth (3.0% for 2017-18, 2.75% in subsequent years), but never less than the Actuarially Determined Employer Contribution (ADEC).
- **Alternative 2** – An additional Town contribution of $5.42 million towards the UAAL is made each year until the Plan is fully funded.

Deterministic Assumption Scenarios:

- **Scenario 1 (Baseline assumptions)** – same assumptions as used in the September 30, 2016 Actuarial Valuation Report, as amended by the General & Ocean Rescue Actuarial Impact Statement dated March 6, 2017 and the Firefighters Actuarial Impact Statement dated August 4, 2017, with three exceptions. The investment return assumption is assumed to decrease by 0.1% per year from 7.4% used in the September 30, 2016 Actuarial Valuation Report to 7.0% as of September 30, 2020; the payroll growth assumption is assumed to decrease by 0.25% per year, from 3.25% used in the September 30, 2016 Actuarial Valuation Report to 2.75% as of September 30, 2018; and the amortization period for amortizing changes in the UAAL is limited to 25 years effective September 30, 2017.
- **Scenario 2 (Stress Test)** – same assumptions as described above but reflecting an actual return on the market value of assets of 5.0% each year.
- **Scenario 3 (Stress Test)** – same assumptions as described above but reflecting an actual return on the market value of assets of 3.0% each year.

Throughout the projection period, new members are assumed to be hired each year at a rate sufficient to maintain a constant active headcount. New employees are assumed to have the same average demographic characteristics (age, gender, salary – adjusted each year for inflation) at their dates of employment as those of current members with 5 years of service or less as of September 30, 2016. Additionally, DROP and Share accounts are projected forward assuming 40% payout in the first projection year, 30% in year two, 20% in year three and the remainder paid out in year four.

Projections are deterministic, meaning that throughout the projection period, Plan experience is expected to match the actuarial assumptions. For the stress test scenarios (scenarios 2 and 3) the investment return on the market value of assets each year is assumed to be 5.0% or 3.0%, as indicated, throughout the projection period.

The calculations are based upon assumptions regarding future events, which may or may not materialize. Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period or additional cost or contribution requirements based on the plan's funded status); and changes in plan provisions or applicable law. If you have reason to believe that the assumptions that were used are unreasonable, that the plan provisions are incorrectly described, that important plan provisions relevant to this proposal are not described, or that conditions have changed since the calculations were made, you should contact the author of the report prior to relying on information in the report.

The calculations in this report are based upon information furnished by the Town of Palm Beach and the Plan Administrator for the September 30, 2016 Actuarial Valuation concerning Retirement System benefits, financial transactions, plan provisions and active members, terminated members, retirees and beneficiaries. We reviewed this information for internal and year-to-year consistency, but did not otherwise audit the data. We are not responsible for the accuracy or completeness of the information provided by the Town or the Plan Administrator.

This report complements the September 30, 2016 Actuarial Valuation Report and subsequent Actuarial Impact Statements previously delivered to the Plan Administrator and the City and should be considered in conjunction with those reports. Please see the Actuarial Valuation Report as of September 30, 2016, dated February 15, 2017, the March 6, 2017 Actuarial Impact Statement for General and Ocean Rescue Employees, and the August 4, 2017 Actuarial impact Statement for Firefighters for additional discussion of the nature of actuarial calculations and information related to participant data, economic and demographic assumptions, and benefit provisions.

Peter N. Strong and Jeffrey Amrose are members of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained herein. The undersigned actuaries are independent of the plan sponsor.

This report has been prepared by actuaries who have substantial experience valuing public employee retirement systems. To the best of our knowledge the information contained in this report is accurate and fairly presents the actuarial position of the Plan as of the valuation date. All calculations have been made in conformity with generally accepted actuarial principles and practices, and with the Actuarial Standards of Practice issued by the Actuarial Standards Board and with applicable statutes.

Respectfully submitted,

Peter N. Strong, FSA, EA, MAAA
Senior Consultant and Actuary

Jeffrey Amrose, EA, MAAA, FCA
Senior Consultant and Actuary

Enclosures

cc: Jane Struder, CPA, Director of Finance (electronic)

Town of Palm Beach Retirement System (Composite)

Alternative 1: Additional Contributions for Target Funded Ratio (68.0% for 2017-2019, Increasing 2% Per Year Until Fully Funded)
Total Annual Town Contribution Cap of $16 million, indexed after 2017; Current Valuation Assumptions
(7.4% Investment Return Assumption, decreasing by 0.1% per year until ultimate 7.0%; 25-year Amortization Cap Effective 9/30/2017)

Valuation Date	Active Count	Payroll	Expected Benefit Payments	Actuarial Accrued Liability	Actuarial Value of Assets	Unfunded Actuarial Accrued Liability	Funded Ratio	Total Employer Contribution: Fiscal Year Ending	ADEC as % of Payroll	ADEC as Illustrative Dollar Amount	Additional Contribution	Total Contribution
								2017	44.46%	7,850,390	5,513,336	13,363,726
9/30/2016	268	17,731,259	22,063,581	307,993,649	209,122,540	98,871,109	67.9%	2018	49.43%	9,195,946	5,493,077	14,689,023
9/30/2017	268	18,123,933	21,532,997	313,221,673	212,990,737	100,230,936	68.0%	2019	51.40%	9,738,243	4,935,468	14,673,711
9/30/2018	268	18,548,556	21,002,777	319,102,237	216,989,523	102,112,715	68.0%	2020	52.78%	10,196,716	6,281,776	16,478,492
9/30/2019	268	18,937,496	20,620,727	325,750,807	221,510,550	104,240,258	68.0%	2021	53.56%	10,564,187	2,862,761	13,426,948
9/30/2020	268	19,377,832	20,256,213	333,058,771	233,141,141	99,917,629	70.0%	2022	52.10%	10,514,788	2,854,582	13,369,370
9/30/2021	268	19,785,486	20,813,129	337,380,724	242,914,121	94,466,603	72.0%	2023	50.77%	10,461,533	2,798,416	13,259,949
9/30/2022	268	20,189,359	21,391,659	341,460,933	252,681,090	88,779,842	74.0%	2024	49.43%	10,395,087	2,751,415	13,146,502
9/30/2023	268	20,613,885	21,929,486	345,257,188	262,395,463	82,861,725	76.0%	2025	48.06%	10,318,105	2,576,181	12,894,286
9/30/2024	268	20,950,292	22,588,177	348,777,817	272,046,697	76,731,122	78.0%	2026	46.84%	10,219,754	2,532,329	12,752,083
9/30/2025	268	21,375,235	23,167,859	351,901,163	281,520,930	70,380,232	80.0%	2027	45.24%	10,070,849	2,439,174	12,510,023
9/30/2026	268	21,729,139	23,761,573	354,657,529	290,819,174	63,838,357	82.0%	2028	39.36%	8,908,129	3,324,670	12,232,799
9/30/2027	268	22,020,368	24,382,720	357,016,661	299,893,995	57,122,666	84.0%	2029	37.85%	8,680,793	3,190,250	11,871,043
9/30/2028	268	22,463,010	24,888,582	359,033,526	308,768,832	50,264,695	86.0%	2030	35.86%	8,389,054	3,190,716	11,579,770
9/30/2029	268	22,967,849	25,380,341	360,732,106	317,444,252	43,287,853	88.0%	2031	33.65%	8,049,080	3,218,452	11,267,532
9/30/2030	268	23,389,073	25,910,337	362,091,775	325,882,597	36,209,179	90.0%	2032	31.28%	7,618,787	3,292,190	10,910,977
9/30/2031	268	23,851,153	26,371,126	363,059,422	334,014,668	29,044,754	92.0%	2033	23.92%	5,943,062	4,615,199	10,558,261
9/30/2032	268	24,343,818	26,780,929	363,682,052	341,861,128	21,820,924	94.0%	2034	18.09%	4,586,418	5,609,599	10,196,017
9/30/2033	268	24,885,592	27,068,714	363,974,201	349,415,233	14,558,967	96.0%	2035	15.16%	3,928,587	5,843,725	9,772,312
9/30/2034	268	25,431,351	27,362,885	364,012,716	356,732,463	7,280,253	98.0%	2036	11.88%	3,146,636	0	3,146,636
9/30/2035	268	26,022,528	27,673,624	363,833,394	363,833,395	0	100.0%	2037	8.14%	2,206,417	0	2,206,417
Total:										**$ 170,982,561**	**$ 73,323,316**	**$ 244,305,877**
Total Present Value at 9/30/2017 (using 7% discount rate):										**$ 102,476,758**	**$ 43,829,437**	**$ 146,306,195**

Assumptions

Mortality Assumption: FRS Non-Special Risk Mortality for General Employees and FRS Special Risk Mortality for Ocean Rescue, Police Officers and Firefighters
Please see our 9/30/2016 Actuarial Valuation Report dated February 15, 2017 for additional details on this assumption.

Investment Return Assumption: 7.40% as of 9/30/16, 7.30% as of 9/30/17, 7.20% as of 9/30/18, 7.10% as of 9/30/19, and 7.00% as of 9/30/20 and thereafter

Actual Return on Plan Assets: Same as assumed above

Wage Payroll Growth Assumption: 3.25% as of 9/30/16, 3.0% as of 9/30/17, and 2.75% as of 9/30/18 and thereafter

For the Share and DROP accounts, 40% of the total was included in the benefit payments in the FYE 2017, 30% in FYE 2018, 20% in FYE 2019, and 10% in FYE 2020.

We have not determined any additional possible impact due to F.S. 112.64(5).

Total employer contributions should not expect any reduction from Chapter 175 or 185 monies.

Future experience was assumed to be consistent with the aforementioned actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.

Town of Palm Beach Retirement System (Composite)

Alternative 1: Additional Contributions for Target Funded Ratio (68.0% for 2017-2019, Increasing 2% Per Year Until Fully Funded)
Total Annual Town Contribution Cap of $16 million, indexed after 2017; 5% Actual Rate of Return on Plan Assets Assumed to be Earned Each Year
(7.4% Investment Return Assumption, decreasing by 0.1% per year until ultimate 7.0%; 25-year Amortization Cap Effective 9/30/2017)

Valuation Date	Active Count	Payroll	Expected Benefit Payments	Actuarial Accrued Liability	Actuarial Value of Assets	Unfunded Actuarial Accrued Liability	Funded Ratio	Total Employer Contribution: Fiscal Year Ending	ADEC as % of Payroll	ADEC as Illustrative Dollar Amount	Additional Contribution	Total Contribution
								2017	44.46%	7,850,390	6,514,286	14,364,676
9/30/2016	268	17,731,259	22,063,581	307,993,649	209,122,540	98,871,109	67.9%	2018	49.43%	9,195,946	7,284,054	16,480,000
9/30/2017	268	18,123,933	21,532,997	313,221,673	212,990,739	100,230,934	68.0%	2019	51.28%	9,715,442	7,217,758	16,933,200
9/30/2018	268	18,548,556	21,002,777	319,102,237	216,787,573	102,314,665	67.9%	2020	52.52%	10,145,444	7,253,419	17,398,863
9/30/2019	268	18,937,496	20,620,727	325,750,807	220,606,534	105,144,274	67.7%	2021	53.26%	10,504,537	7,372,795	17,877,332
9/30/2020	268	19,377,832	20,256,213	333,058,771	229,246,436	103,812,334	68.8%	2022	52.64%	10,623,652	7,667,854	18,291,506
9/30/2021	268	19,785,486	20,813,129	337,380,724	238,450,193	98,930,531	70.7%	2023	50.95%	10,498,539	7,668,475	18,167,014
9/30/2022	268	20,189,359	21,391,659	341,460,933	248,163,645	93,297,288	72.7%	2024	48.95%	10,294,107	7,820,286	18,114,393
9/30/2023	268	20,613,885	21,929,486	345,257,188	257,827,797	87,429,391	74.7%	2025	46.82%	10,052,977	7,965,877	18,018,854
9/30/2024	268	20,950,292	22,588,177	348,777,817	267,432,454	81,345,363	76.7%	2026	44.73%	9,760,135	8,304,758	18,064,893
9/30/2025	268	21,375,235	23,167,859	351,901,163	276,865,366	75,035,797	78.7%	2027	42.16%	9,385,625	8,632,634	18,018,259
9/30/2026	268	21,729,139	23,761,573	354,657,529	286,127,144	68,530,386	80.7%	2028	36.70%	8,306,810	9,597,997	17,904,807
9/30/2027	268	22,020,368	24,382,720	357,016,661	295,170,754	61,845,907	82.7%	2029	34.21%	7,846,192	9,874,450	17,720,642
9/30/2028	268	22,463,010	24,888,582	359,033,526	304,018,909	55,014,616	84.7%	2030	31.25%	7,312,265	10,289,304	17,601,569
9/30/2029	268	22,967,849	25,380,341	360,732,106	312,671,857	48,060,249	86.7%	2031	28.08%	6,717,453	10,721,292	17,438,745
9/30/2030	268	23,389,073	25,910,337	362,091,775	321,092,215	40,999,562	88.7%	2032	24.84%	6,050,688	11,179,228	17,229,916
9/30/2031	268	23,851,153	26,371,126	363,059,422	329,211,484	33,847,938	90.7%	2033	20.07%	4,985,538	11,998,041	16,983,579
9/30/2032	268	24,343,818	26,780,929	363,682,052	337,049,709	26,632,343	92.7%	2034	16.38%	4,153,583	12,553,577	16,707,160
9/30/2033	268	24,885,592	27,068,714	363,974,201	344,599,946	19,374,256	94.7%	2035	13.68%	3,546,654	12,848,567	16,395,221
9/30/2034	268	25,431,351	27,362,885	364,012,716	351,916,666	12,096,050	96.7%	2036	11.10%	2,940,644	N/A	2,940,644
9/30/2035	268	26,022,528	27,673,624	363,833,394	359,019,970	4,813,424	98.7%	2037	8.80%	2,385,979	N/A	2,385,979
Total:										**$ 162,272,600**	**$ 172,764,652**	**$ 335,037,252**
Total Present Value at 9/30/2017 (using 7% discount rate):										**$ 98,883,441**	**$ 93,424,028**	**$ 192,307,470**

Assumptions

Mortality Assumption: FRS Non-Special Risk Mortality for General Employees and FRS Special Risk Mortality for Ocean Rescue, Police Officers and Firefighters
Please see our 9/30/2016 Actuarial Valuation Report dated February 15, 2017 for additional details on this assumption.

Investment Return Assumption: 7.40% as of 9/30/16, 7.30% as of 9/30/17, 7.20% as of 9/30/18, 7.10% as of 9/30/19, and 7.00% as of 9/30/20 and thereafter

Actual Return on Plan Assets: 5.0% per annum

Wage Payroll Growth Assumption: 3.25% as of 9/30/16, 3.0% as of 9/30/17, and 2.75% as of 9/30/18 and thereafter

For the Share and DROP accounts, 40% of the total was included in the benefit payments in the FYE 2017, 30% in FYE 2018, 20% in FYE 2019, and 10% in FYE 2020.

We have not determined any additional possible impact due to F.S. 112.64(5).

Total employer contributions should not expect any reduction from Chapter 175 or 185 monies.

Future experience was assumed to be consistent with the aforementioned actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.

Town of Palm Beach Retirement System (Composite)

Alternative 1: Additional Contributions for Target Funded Ratio (68.0% for 2017-2019, Increasing 2% Per Year Until Fully Funded)
Total Annual Town Contribution Cap of $16 million, indexed after 2017; 3% Actual Rate of Return on Plan Assets Assumed to be Earned Each Year
(7.4% Investment Return Assumption, decreasing by 0.1% per year until ultimate 7.0%; 25-year Amortization Cap Effective 9/30/2017)

Valuation Date	Active Count	Payroll	Expected Benefit Payments	Actuarial Accrued Liability	Actuarial Value of Assets	Unfunded Actuarial Accrued Liability	Funded Ratio	Total Employer Contribution				
								Fiscal Year Ending	ADEC as % of Payroll	ADEC as Illustrative Dollar Amount	Additional Contribution	Total Contribution
								2017	44.46%	7,850,390	7,268,678	15,119,068
9/30/2016	268	17,731,259	22,063,581	307,993,649	209,122,540	98,871,109	67.9%	2018	49.43%	9,195,946	7,284,054	16,480,000
9/30/2017	268	18,123,933	21,532,997	313,221,673	212,990,737	100,230,936	68.0%	2019	51.19%	9,698,898	7,234,302	16,933,200
9/30/2018	268	18,548,556	21,002,777	319,102,237	215,234,876	103,867,362	67.5%	2020	52.95%	10,228,670	7,170,193	17,398,863
9/30/2019	268	18,937,496	20,620,727	325,750,807	216,565,677	109,185,130	66.5%	2021	54.53%	10,754,782	7,122,550	17,877,332
9/30/2020	268	19,377,832	20,256,213	333,058,771	221,704,030	111,354,741	66.6%	2022	55.08%	11,115,983	7,252,976	18,368,959
9/30/2021	268	19,785,486	20,813,129	337,380,724	226,313,101	111,067,623	67.1%	2023	54.94%	11,322,502	7,551,603	18,874,105
9/30/2022	268	20,189,359	21,391,659	341,460,933	231,087,982	110,372,950	67.7%	2024	54.71%	11,505,212	7,887,931	19,393,143
9/30/2023	268	20,613,885	21,929,486	345,257,188	236,051,271	109,205,917	68.4%	2025	54.27%	11,651,306	8,275,148	19,926,454
9/30/2024	268	20,950,292	22,588,177	348,777,817	241,169,552	107,608,266	69.1%	2026	53.87%	11,754,545	8,719,886	20,474,431
9/30/2025	268	21,375,235	23,167,859	351,901,163	246,447,235	105,453,927	70.0%	2027	52.88%	11,772,815	9,264,663	21,037,478
9/30/2026	268	21,729,139	23,761,573	354,657,529	251,761,945	102,895,584	71.0%	2028	48.60%	10,999,124	10,616,885	21,616,009
9/30/2027	268	22,020,368	24,382,720	357,016,661	257,207,164	99,809,497	72.0%	2029	47.63%	10,923,279	11,287,170	22,210,449
9/30/2028	268	22,463,010	24,888,582	359,033,526	262,920,074	96,113,452	73.2%	2030	46.01%	10,764,372	12,056,864	22,821,236
9/30/2029	268	22,967,849	25,380,341	360,732,106	269,021,081	91,711,024	74.6%	2031	43.97%	10,518,471	12,930,349	23,448,820
9/30/2030	268	23,389,073	25,910,337	362,091,775	275,409,175	86,682,602	76.1%	2032	41.75%	10,170,267	13,923,396	24,093,663
9/30/2031	268	23,851,153	26,371,126	363,059,422	282,121,887	80,937,535	77.7%	2033	36.45%	9,054,731	15,544,493	24,599,224
9/30/2032	268	24,343,818	26,780,929	363,682,052	289,267,143	74,414,909	79.5%	2034	32.09%	8,135,843	16,318,746	24,454,589
9/30/2033	268	24,885,592	27,068,714	363,974,201	296,780,292	67,193,909	81.5%	2035	29.29%	7,592,178	16,672,859	24,265,037
9/30/2034	268	25,431,351	27,362,885	364,012,716	304,091,952	59,920,764	83.5%	2036	26.46%	7,008,680	N/A	7,008,680
9/30/2035	268	26,022,528	27,673,624	363,833,394	311,218,816	52,614,578	85.5%	2037	23.61%	6,399,476	N/A	6,399,476
Total:										**$ 208,417,470**	**$ 194,382,746**	**$ 402,800,216**
Total Present Value at 9/30/2017 (using 7% discount rate):										**$ 117,053,798**	**$ 101,550,422**	**$ 218,604,220**

Assumptions

Mortality Assumption: FRS Non-Special Risk Mortality for General Employees and FRS Special Risk Mortality for Ocean Rescue, Police Officers and Firefighters
Please see our 9/30/2016 Actuarial Valuation Report dated February 15, 2017 for additional details on this assumption.

Investment Return Assumption: 7.40% as of 9/30/16, 7.30% as of 9/30/17, 7.20% as of 9/30/18, 7.10% as of 9/30/19, and 7.00% as of 9/30/20 and thereafter

Actual Return on Plan Assets: 3.0% per annum

Wage Payroll Growth Assumption: 3.25% as of 9/30/16, 3.0% as of 9/30/17, and 2.75% as of 9/30/18 and thereafter

For the Share and DROP accounts, 40% of the total was included in the benefit payments in the FYE 2017, 30% in FYE 2018, 20% in FYE 2019, and 10% in FYE 2020.

We have not determined any additional possible impact due to F.S. 112.64(5).

Total employer contributions should not expect any reduction from Chapter 175 or 185 monies.

Future experience was assumed to be consistent with the aforementioned actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.

Town of Palm Beach Retirement System (Composite)

Alternative 2: Additional Contributions of $5.42 Million Per Year Until Fully Funded

Total Annual Town Contribution Cap of $16 million, indexed after 2017; Current Valuation Assumptions

(7.4% Investment Return Assumption, decreasing by 0.1% per year until ultimate 7.0%; 25-Year Amortization Cap Effective 9/30/2017)

								Total Employer Contribution				
Valuation Date	Active Count	Payroll	Expected Benefit Payments	Actuarial Accrued Liability	Actuarial Value of Assets	Unfunded Actuarial Accrued Liability	Funded Ratio	Fiscal Year Ending	ADEC as % of Payroll	ADEC as Illustrative Dollar Amount	Additional Contribution	Total Contribution
								2017	44.46%	7,850,390	5,420,000	13,270,390
9/30/2016	268	17,731,259	22,063,581	307,993,649	209,122,540	98,871,109	67.9%	2018	49.43%	9,195,946	5,420,000	14,615,946
9/30/2017	268	18,123,933	21,532,997	313,221,673	212,897,401	100,324,272	68.0%	2019	51.44%	9,746,291	5,420,000	15,166,291
9/30/2018	268	18,548,556	21,002,777	319,102,237	216,816,298	102,285,939	67.9%	2020	52.86%	10,211,212	5,420,000	15,631,212
9/30/2019	268	18,937,496	20,620,727	325,750,807	221,817,725	103,933,082	68.1%	2021	53.42%	10,536,958	5,420,000	15,956,958
9/30/2020	268	19,377,832	20,256,213	333,058,771	232,624,551	100,434,220	69.8%	2022	52.32%	10,560,362	5,420,000	15,980,362
9/30/2021	268	19,785,486	20,813,129	337,380,724	244,890,134	92,490,590	72.6%	2023	49.88%	10,279,258	5,420,000	15,699,258
9/30/2022	268	20,189,359	21,391,659	341,460,933	257,409,970	84,050,963	75.4%	2024	47.24%	9,932,560	5,420,000	15,352,560
9/30/2023	268	20,613,885	21,929,486	345,257,188	269,882,303	75,374,885	78.2%	2025	44.44%	9,541,094	5,420,000	14,961,094
9/30/2024	268	20,950,292	22,588,177	348,777,817	282,237,955	66,539,862	80.9%	2026	41.68%	9,095,201	5,420,000	14,515,201
9/30/2025	268	21,375,235	23,167,859	351,901,163	294,443,137	57,458,026	83.7%	2027	38.40%	8,548,500	5,420,000	13,968,500
9/30/2026	268	21,729,139	23,761,573	354,657,529	306,347,507	48,310,022	86.4%	2028	31.75%	7,186,473	5,420,000	12,606,473
9/30/2027	268	22,020,368	24,382,720	357,016,661	317,883,997	39,132,664	89.0%	2029	28.47%	6,530,361	5,420,000	11,950,361
9/30/2028	268	22,463,010	24,888,582	359,033,526	328,284,694	30,748,832	91.4%	2030	25.04%	5,858,898	5,420,000	11,278,898
9/30/2029	268	22,967,849	25,380,341	360,732,106	338,261,103	22,471,003	93.8%	2031	21.29%	5,092,733	5,420,000	10,512,733
9/30/2030	268	23,389,073	25,910,337	362,091,775	347,699,373	14,392,402	96.0%	2032	17.20%	4,190,632	5,420,000	9,610,632
9/30/2031	268	23,851,153	26,371,126	363,059,422	356,430,840	6,628,582	98.2%	2033	11.69%	2,904,751	0	2,904,751
9/30/2032	268	24,343,818	26,780,929	363,682,052	364,353,677	(671,625)	100.2%	2034	8.20%	2,079,494	0	2,079,494
9/30/2033	268	24,885,592	27,068,714	363,974,201	365,632,870	(1,658,669)	100.5%	2035	8.14%	2,108,982	0	2,108,982
9/30/2034	268	25,431,351	27,362,885	364,012,716	365,804,936	(1,792,220)	100.5%	2036	8.14%	2,154,788	0	2,154,788
9/30/2035	268	26,022,528	27,673,624	363,833,394	365,753,347	(1,919,953)	100.5%	2037	8.14%	2,205,824	0	2,205,824
Total:										**$ 145,810,708**	**$ 86,720,000**	**$ 232,530,708**
Total Present Value at 9/30/2017 (using 7% discount rate):										**$ 92,412,746**	**$ 54,784,894**	**$ 147,197,640**

Assumptions

Mortality Assumption: FRS Non-Special Risk Mortality for General Employees and FRS Special Risk Mortality for Ocean Rescue, Police Officers and Firefighters
Please see our 9/30/2016 Actuarial Valuation Report dated February 15, 2017 for additional details on this assumption.

Investment Return Assumption: 7.40% as of 9/30/16, 7.30% as of 9/30/17, 7.20% as of 9/30/18, 7.10% as of 9/30/19, and 7.00% as of 9/30/20 and thereafter

Actual Return on Plan Assets: Same as assumed above

Wage Payroll Growth Assumption: 3.25% as of 9/30/16, 3.0% as of 9/30/17, and 2.75% as of 9/30/18 and thereafter

For the Share and DROP accounts, 40% of the total was included in the benefit payments in the FYE 2017, 30% in FYE 2018, 20% in FYE 2019, and 10% in FYE 2020.

We have not determined any additional possible impact due to F.S. 112.64(5).

Total employer contributions should not expect any reduction from Chapter 175 or 185 monies.

Future experience was assumed to be consistent with the aforementioned actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.

Town of Palm Beach Retirement System (Composite)

Alternative 2: Additional Contributions of $5.42 Million Per Year Until Fully Funded

Total Annual Town Contribution Cap of $16 million, indexed after 2017; 5% Actual Rate of Return on Plan Assets Assumed to be Earned Each Year

(7.4% Investment Return Assumption, decreasing by 0.1% per year until ultimate 7.0%; 25-year Amortization Cap Effective 9/30/2017)

Valuation Date	Active Count	Payroll	Expected Benefit Payments	Actuarial Accrued Liability	Actuarial Value of Assets	Unfunded Actuarial Accrued Liability	Funded Ratio	Total Employer Contribution: Fiscal Year Ending	ADEC as % of Payroll	ADEC as Illustrative Dollar Amount	Additional Contribution	Total Contribution
								2017	44.46%	7,850,390	5,420,000	13,270,390
9/30/2016	268	17,731,259	22,063,581	307,993,649	209,122,540	98,871,109	67.9%	2018	49.43%	9,195,946	5,420,000	14,615,946
9/30/2017	268	18,123,933	21,532,997	313,221,673	211,885,510	101,336,162	67.6%	2019	51.77%	9,808,108	5,420,000	15,228,108
9/30/2018	268	18,548,556	21,002,777	319,102,237	213,712,671	105,389,566	67.0%	2020	53.90%	10,412,615	5,420,000	15,832,615
9/30/2019	268	18,937,496	20,620,727	325,750,807	215,580,358	110,170,449	66.2%	2021	55.52%	10,951,313	5,420,000	16,371,313
9/30/2020	268	19,377,832	20,256,213	333,058,771	222,285,632	110,773,139	66.7%	2022	55.78%	11,257,863	5,420,000	16,677,863
9/30/2021	268	19,785,486	20,813,129	337,380,724	229,502,750	107,877,974	68.0%	2023	55.04%	11,341,985	5,420,000	16,761,985
9/30/2022	268	20,189,359	21,391,659	341,460,933	237,014,318	104,446,614	69.4%	2024	54.16%	11,387,899	5,420,000	16,807,899
9/30/2023	268	20,613,885	21,929,486	345,257,188	244,575,102	100,682,086	70.8%	2025	53.14%	11,409,569	5,420,000	16,829,569
9/30/2024	268	20,950,292	22,588,177	348,777,817	252,065,541	96,712,277	72.3%	2026	52.28%	11,408,334	5,420,000	16,828,334
9/30/2025	268	21,375,235	23,167,859	351,901,163	259,413,191	92,487,971	73.7%	2027	50.96%	11,345,143	5,420,000	16,765,143
9/30/2026	268	21,729,139	23,761,573	354,657,529	266,428,791	88,228,738	75.1%	2028	45.84%	10,373,682	5,420,000	15,793,682
9/30/2027	268	22,020,368	24,382,720	357,016,661	273,101,221	83,915,440	76.5%	2029	44.81%	10,276,345	5,420,000	15,696,345
9/30/2028	268	22,463,010	24,888,582	359,033,526	278,593,781	80,439,745	77.6%	2030	43.75%	10,236,555	5,420,000	15,656,555
9/30/2029	268	22,967,849	25,380,341	360,732,106	283,802,374	76,929,731	78.7%	2031	42.58%	10,186,459	5,420,000	15,606,459
9/30/2030	268	23,389,073	25,910,337	362,091,775	288,657,913	73,433,863	79.7%	2032	41.49%	10,106,473	5,420,000	15,526,473
9/30/2031	268	23,851,153	26,371,126	363,059,422	293,128,551	69,930,870	80.7%	2033	35.95%	8,930,925	5,420,000	14,350,925
9/30/2032	268	24,343,818	26,780,929	363,682,052	297,250,836	66,431,216	81.7%	2034	31.70%	8,036,597	5,420,000	13,456,597
9/30/2033	268	24,885,592	27,068,714	363,974,201	299,954,496	64,019,705	82.4%	2035	30.82%	7,987,622	5,420,000	13,407,622
9/30/2034	268	25,431,351	27,362,885	364,012,716	301,503,672	62,509,044	82.8%	2036	30.25%	8,011,404	5,420,000	13,431,404
9/30/2035	268	26,022,528	27,673,624	363,833,394	302,795,105	61,038,289	83.2%	2037	29.65%	8,037,367	5,420,000	13,457,367
Total:										**$ 208,552,594**	**$ 113,820,000**	**$ 322,372,594**
Total Present Value at 9/30/2017 (using 7% discount rate):										**$ 116,732,810**	**$ 62,839,557**	**$ 179,572,367**

Assumptions

Mortality Assumption: FRS Non-Special Risk Mortality for General Employees and FRS Special Risk Mortality for Ocean Rescue, Police Officers and Firefighters
Please see our 9/30/2016 Actuarial Valuation Report dated February 15, 2017 for additional details on this assumption.

Investment Return Assumption: 7.40% as of 9/30/16, 7.30% as of 9/30/17, 7.20% as of 9/30/18, 7.10% as of 9/30/19, and 7.00% as of 9/30/20 and thereafter

Actual Return on Plan Assets: 5.0% per annum

Wage Payroll Growth Assumption: 3.25% as of 9/30/16, 3.0% as of 9/30/17, and 2.75% as of 9/30/18 and thereafter

For the Share and DROP accounts, 40% of the total was included in the benefit payments in the FYE 2017, 30% in FYE 2018, 20% in FYE 2019, and 10% in FYE 2020.

We have not determined any additional possible impact due to F.S. 112.64(5).

Total employer contributions should not expect any reduction from Chapter 175 or 185 monies.

Future experience was assumed to be consistent with the aforementioned actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.

Town of Palm Beach Retirement System (Composite)

Alternative 2: Additional Contributions of $5.42 Million Per Year Until Fully Funded

Total Annual Town Contribution Cap of $16 million, indexed after 2017; 3% Actual Rate of Return on Plan Assets Assumed to be Earned Each Year

(7.4% Investment Return Assumption, decreasing by 0.1% per year until ultimate 7.0%; 25-year Amortization Cap Effective 9/30/2017)

Valuation Date	Active Count	Payroll	Expected Benefit Payments	Actuarial Accrued Liability	Actuarial Value of Assets	Unfunded Actuarial Accrued Liability	Funded Ratio	Total Employer Contribution: Fiscal Year Ending	ADEC as % of Payroll	ADEC as Illustrative Dollar Amount	Additional Contribution	Total Contribution
								2017	44.46%	7,850,390	5,420,000	13,270,390
9/30/2016	268	17,731,259	22,063,581	307,993,649	209,122,540	98,871,109	67.9%	2018	49.43%	9,195,946	5,420,000	14,615,946
9/30/2017	268	18,123,933	21,532,997	313,221,673	211,130,967	102,090,706	67.4%	2019	52.01%	9,854,371	5,420,000	15,274,371
9/30/2018	268	18,548,556	21,002,777	319,102,237	211,368,740	107,733,497	66.2%	2020	54.69%	10,566,252	5,420,000	15,986,252
9/30/2019	268	18,937,496	20,620,727	325,750,807	210,786,506	114,964,301	64.7%	2021	57.15%	11,271,647	5,420,000	16,691,647
9/30/2020	268	19,377,832	20,256,213	333,058,771	214,172,540	118,886,231	64.3%	2022	58.49%	11,805,207	5,420,000	17,225,207
9/30/2021	268	19,785,486	20,813,129	337,380,724	217,197,957	120,182,767	64.4%	2023	59.15%	12,189,819	5,420,000	17,609,819
9/30/2022	268	20,189,359	21,391,659	341,460,933	220,399,933	121,061,000	64.5%	2024	59.74%	12,562,326	5,420,000	17,982,326
9/30/2023	268	20,613,885	21,929,486	345,257,188	223,629,365	121,627,823	64.8%	2025	60.23%	12,931,869	5,420,000	18,351,869
9/30/2024	268	20,950,292	22,588,177	348,777,817	226,810,076	121,967,741	65.0%	2026	60.94%	13,297,454	5,420,000	18,717,454
9/30/2025	268	21,375,235	23,167,859	351,901,163	229,931,371	121,969,792	65.3%	2027	61.17%	13,617,636	5,420,000	19,037,636
9/30/2026	268	21,729,139	23,761,573	354,657,529	232,815,330	121,842,199	65.6%	2028	57.30%	12,968,979	5,420,000	18,388,979
9/30/2027	268	22,020,368	24,382,720	357,016,661	235,494,301	121,522,360	66.0%	2029	57.87%	13,272,092	5,420,000	18,692,092
9/30/2028	268	22,463,010	24,888,582	359,033,526	237,101,316	121,932,210	66.0%	2030	58.36%	13,653,772	5,420,000	19,073,772
9/30/2029	268	22,967,849	25,380,341	360,732,106	238,633,976	122,098,130	66.2%	2031	58.69%	14,039,025	5,420,000	19,459,025
9/30/2030	268	23,389,073	25,910,337	362,091,775	240,018,108	122,073,667	66.3%	2032	59.15%	14,408,762	5,420,000	19,828,762
9/30/2031	268	23,851,153	26,371,126	363,059,422	241,277,590	121,781,832	66.5%	2033	53.95%	13,401,298	5,420,000	18,821,298
9/30/2032	268	24,343,818	26,780,929	363,682,052	242,480,379	121,201,673	66.7%	2034	50.00%	12,677,495	5,420,000	18,097,495
9/30/2033	268	24,885,592	27,068,714	363,974,201	242,314,221	121,659,980	66.6%	2035	50.25%	13,023,613	5,420,000	18,443,613
9/30/2034	268	25,431,351	27,362,885	364,012,716	241,029,086	122,983,630	66.2%	2036	50.84%	13,467,304	5,420,000	18,887,304
9/30/2035	268	26,022,528	27,673,624	363,833,394	239,780,905	124,052,489	65.9%	2037	51.35%	13,916,223	5,420,000	19,336,223
Total:										**$ 259,971,480**	**$ 113,820,000**	**$ 373,791,480**
Total Present Value at 9/30/2017 (using 7% discount rate):										**$ 136,434,206**	**$ 62,839,557**	**$ 199,273,763**

Assumptions

Mortality Assumption: FRS Non-Special Risk Mortality for General Employees and FRS Special Risk Mortality for Ocean Rescue, Police Officers and Firefighters
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Actual Return on Plan Assets: 3.0% per annum

Wage Payroll Growth Assumption: 3.25% as of 9/30/16, 3.0% as of 9/30/17, and 2.75% as of 9/30/18 and thereafter

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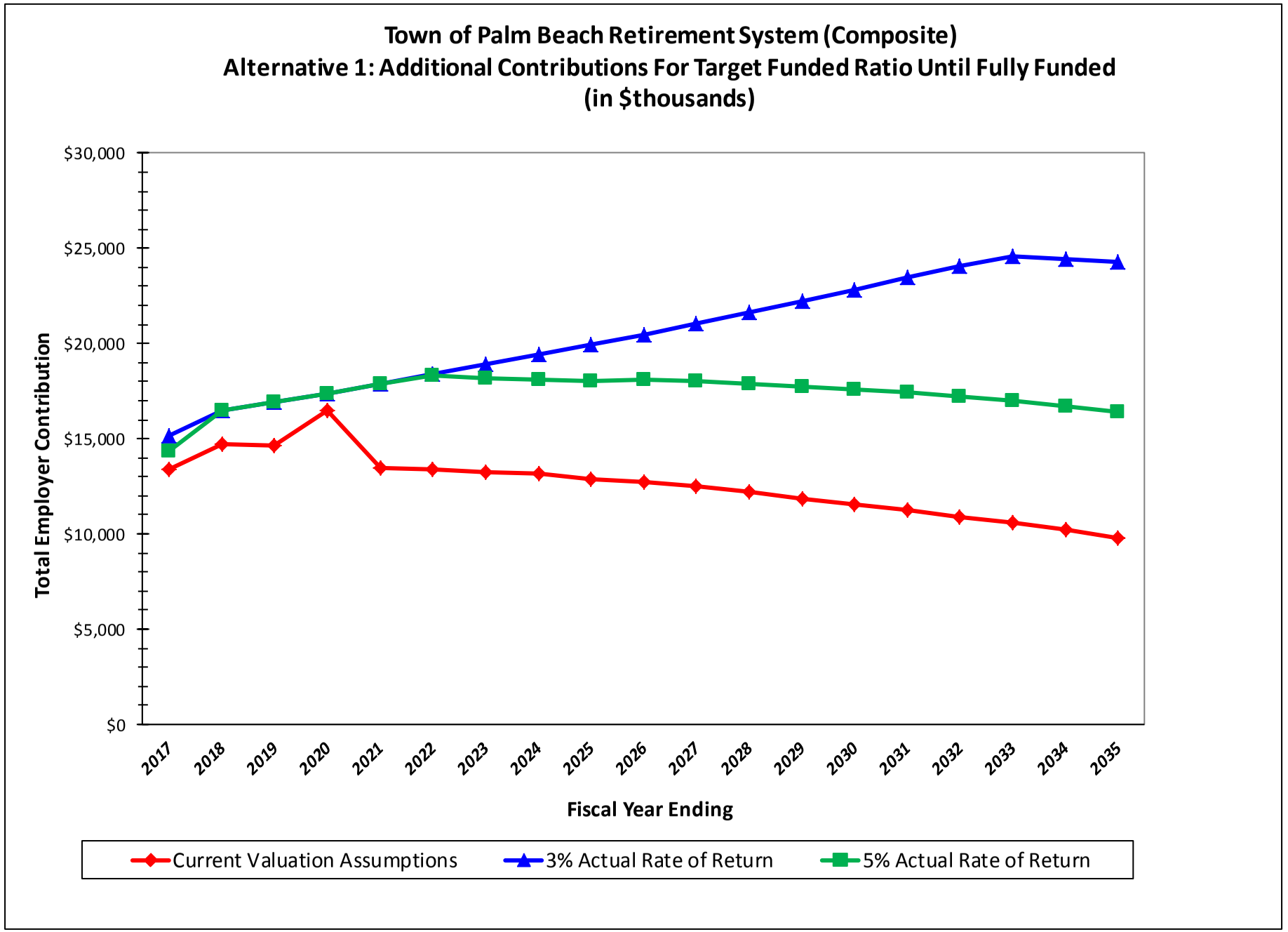
Town of Palm Beach Retirement System (Composite)
Alternative 1: Additional Contributions For Target Funded Ratio Until Fully Funded
(in $thousands)
Total Employer Contribution
$30,000
$25,000
$20,000
$15,000
$10,000
$5,000
$0
2017
2018
2019
2020
2021
2022
2023
2024
2025
2026
2027
2028
2029
2030
2031
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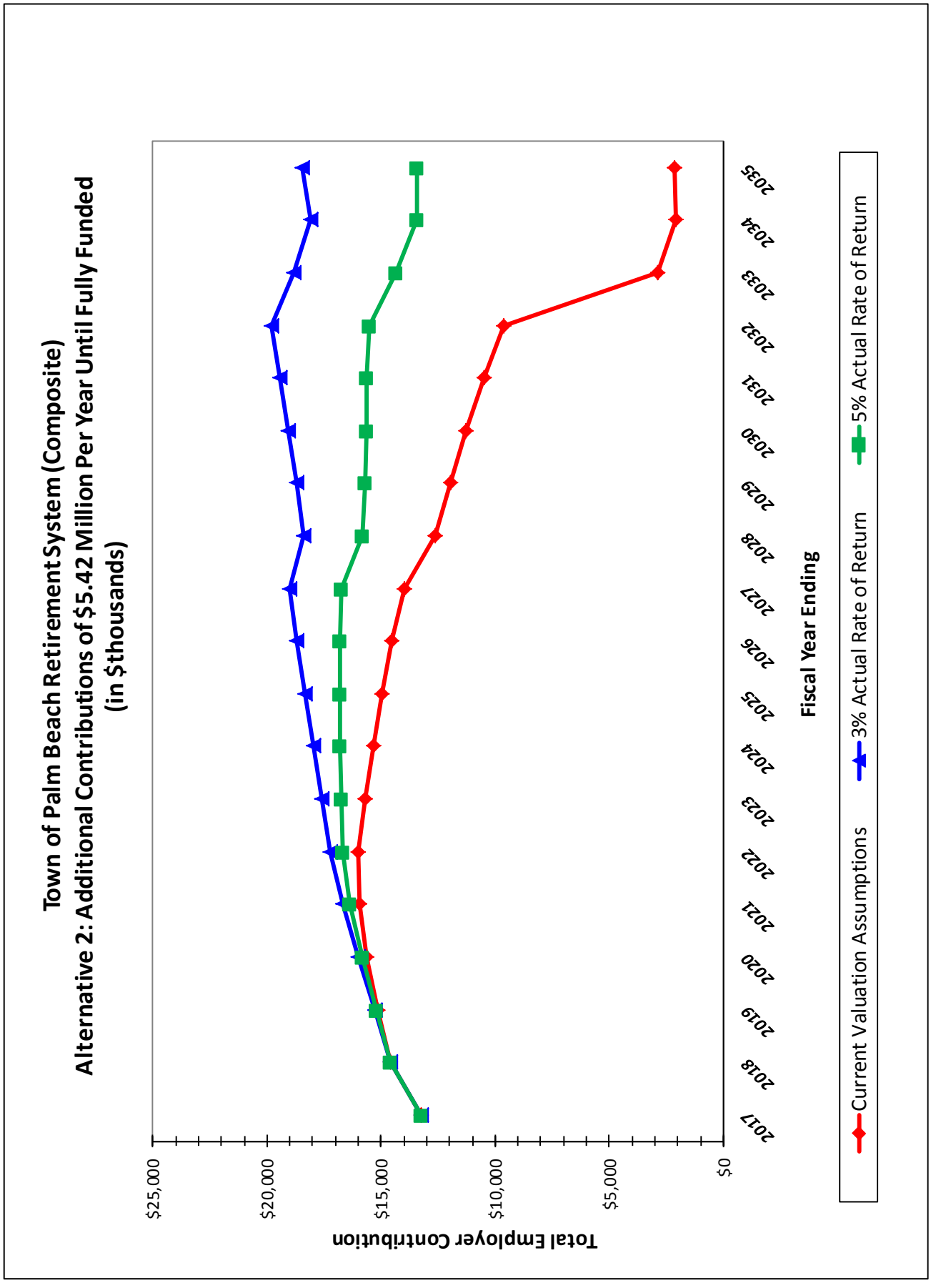
2033
2034
2035
Fiscal Year Ending
Current Valuation Assumptions
3% Actual Rate of Return
5% Actual Rate of Return


Town of Palm Beach Retirement System (Composite)
Alternative 2: Additional Contributions of $5.42 Million Per Year Until Fully Funded
(in $thousands)
Total Employer Contribution
$25,000
$20,000
$15,000
$10,000
$5,000
$0
2017
2018
2019
2020
2021
2022
2023
2024
2025
2026
2027
2028
2029
2030
2031
2032
2033
2034
2035
Fiscal Year Ending
Current Valuation Assumptions
3% Actual Rate of Return
5% Actual Rate of Return

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2017

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Discussion of the additional information to the August 9, 2017, Development Review Town Council Meeting Minutes.

Julie Araskog and Bobbie Lindsay, Town Council Members

Presenter

ATTACHMENTS:

- **a. Minutes of the Regular Town Council Meeting of August 9, 2017**
- **b. Minutes of the Development Review Meeting of August 9, 2017**

c. Email Dated September 17, 2017, from Bobbie Lindsay, Town Council Member

d. E-mail Dated September 18, 2017, from Julie Araskog, Town Council Member

MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON WEDNESDAY, AUGUST 9, 2017

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Wednesday, August 9, 2017, at 9:30 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Town Clerk Dominguez gave the invocation. Council President Kleid led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

The following changes were made to the Agenda:

- **Item IX.A.4. - A discussion to reschedule the Second Budget Hearing was added.**

- **Item IX.A.2.c. was heard after Items IX.A.2. d. and e.**

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

IV. PRESENTATIONS - *None*

V. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio thanked the Palm Beach Crime Watch for their $50,000 donation to the Town's license plate recognition program, acknowledged Assistant Director Veronica Close's upcoming retirement and thanked her for her seventeen years of service to the Planning, Zoning and Building team.

Mayor Coniglio requested a consensus from the Town Council for the authority to work with the City of West Palm Beach on the future enhancements to the Okeechobee Boulevard corridor. Unanimous consent was given.

VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

President Kleid thanked the Palm Beach Police Department for apprehending his stolen kayak.

President Pro Tem Moore announced that her Community Liaison Officer Melanie Neilsen will be returning to her previous career in healthcare, thanked her for her service to the community, and wished her well.

Council Member Araskog requested the following items be placed on the September Town Council meeting agenda for discussion:

1) **Holding a workshop on conducting quasi-judicial land-use hearings for ARCOM, Landmarks, and Town Council members.**

2) **Holding a workshop or a Special Town Council Meeting for local business owners to discuss the myriad of issues they are having in Palm Beach.**

Council Member Araskog spoke regarding the lack of information she was given about assessment credits and requested a re-vote of the vote that took place at the May 9, 2017, Town Council Meeting to drop the inclusion of an assessment credit to property owners who provide multiple utility boxes on their property.

Town Attorney Randolph spoke regarding the process for re-voting and the impact it would have on the previously approved assessment methodology for the undergrounding project.

Town Manager Bradford spoke regarding ways the Town can handle future assessment credits issued to the residents with multiple transformer boxes on their property.

Discussion ensued regarding complications with a re-vote on the inclusion of assessment credits, not having a final count of property owners who choose to provide multiple switchboxes on their property, and possible remedies for those property owners once the final count is determined.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to reconsider the vote to drop the inclusion of assessment credits to property owners that agree to provide multiple switchboxes on their property. The motion was defeated with Council Members Araskog and Lindsay in favor of and President Kleid, President Pro-Tem Moore and Council Member Zeidman against.

Motion was made by Council Member Araskog, and seconded by Council Member Zeidman, to hire an expert to look into the issue with the assessment credits for property owners with multiple switch boxes at a later date. On roll call, the motion passed unanimously.

VII. COMMUNICATIONS FROM CITIZENS - *None*

VIII. APPROVAL OF CONSENT AGENDA

The following items were removed from Consent Agenda (to be heard under item IX.C., Matters Pulled From Consent Agenda):

- **Item VIII.,A,1,b. and c.**
- **Item VIII., B.,2.**
- **Item VIII., B.,4,**
- **Item VIII.,B., 5.**
- **Item VIII., B., 7.**
- **Item VIII., B.,8.**
- **Item VIII., B.,9.**

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

A. MINUTES

1. TOWN COUNCIL MEETING MINUTES:

Gwendolynn Peirce, CMC, Acting Town Clerk

a. July 11, 2017, Special Town Council Meeting Minutes

b. July 12, 2017, Regular Town Council Meeting Minutes – **Pulled from Consent Agenda and heard under Item IX.C. 1.a.**

c. July 12, 2017, Development Review Town Council Meeting Minutes - **Pulled from Consent Agenda and heard under Item IX.C.1.b.**

2. Approval of Major Matters Considered by the Architectural Commission at its meeting of July 26, 2017.
John S. Page, Director of Planning, Zoning & Building

B. RESOLUTIONS

1. RESOLUTION NO. 113-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing The Issuance of a Purchase Order to Johnson Controls, Inc. for the Amount Of $169,951 for the Purchase of a New License Plate Recognition Solution System; and to Continue to Recognize the Vendor as the Sole Provider for the Continued Build-out, Maintenance, and Repairs of Townwide Camera and Security System; and Establish an Overall Budget for this Purchase of $175,000.
Kirk W. Blouin, Director of Public Safety

2. RESOLUTION NO. 126 - 2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Recreation Department Fees For Fiscal Year 2018 and Granting Authority to the Director of Recreation to Modify Daily Tennis and Golf Fees, When Necessary, to Maximize Revenue During Underused Periods.
Beth Zickar, Director of Recreation
Pulled from Consent Agenda and heard under Item IX.C.2.

3. RESOLUTION NO. 127-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing A One Year Contract Renewal To Regions Security Services, Inc.; Approving A Purchase Order To Regions Security Services, Inc. In The Amount Of $74,965.00.; Establishing A Budget Of $82,000.00 For Such Services, Subject To Approval Of The Fiscal Year 2018 Budget; And Authorizing The Town Manager To Take Further Actions Necessary To Effectuate Provisions For Said Services.
Beth Zickar, Director of Recreation

4. RESOLUTION NO. 128-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing A One Year Contract Renewal With Faneuil, Inc. To Provide Contractual Labor Services; Establishing A Budget For Said Services, Subject To Approval Of The Fiscal Year 2018 Budget; And Authorizing The Town Manager To Take Actions Necessary To Complete Said Services.
Beth Zickar, Director of Recreation
Pulled from Consent Agenda and heard under Item IX.C.3.

5. RESOLUTION NO. 129-2017 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 Increasing Various Permit Fees, Special Pick-up Fees, Parking Penalties, and Creating new Fees, Providing an Effective Date.

Jane Struder, Director of Finance
Pulled from Consent Agenda and heard under Item IX.C.4.

6. RESOLUTION NO. 130-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2017-13 and Approving Purchase Order to Battalian Enterprises d/b/a Property Works, for Town Square Maintenance Services, in the Amount of $4,902.95 and $47,591.85, and Establishing a Project Budget of $67,680.
H. Paul Brazil, P.E., Director of Public Works

7. RESOLUTION NO. 131-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Department of Public Works Engineering Division Standards Applicable to Public Rights-of-Way and Easements, Amending Chapter XII of the Town's Right-of-Way Manual, Miscellaneous Provisions: Construction, Parking, Fines, and Material Deliveries, and the Enforcement Thereof Providing an Effective Date.
(*Deferred from the July 12, 2017, Town Council Meeting)*
H. Paul Brazil, P.E., Director of Public Works
Pulled from Consent Agenda and heard under Item IX.C.5.

8. RESOLUTION NO. 132-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Renewing Contracts To Hy-Byrd Incorporated, GFA International Inc., And C.A.P. Government, Inc. For One Year To Provide Plan Review And Inspection Services; Establishing A Budget Of $340,000 For Said Services, And Authorizing The Town Manager To Take Actions Necessary To Effectuate Implementation Of Said Services; Subject To Approval Of The Fiscal Year 2018 Budget.
John S. Page, Director of Planning, Zoning & Building
Pulled from Consent Agenda and heard under Item IX.C.6.

9. RESOLUTION NO. 134-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing The Town Manager To Execute A Contract With American Consulting Engineers Of Florida, LLC On Behalf Of The Town For Professional Engineering Services, Ace Project No. 5089725; Establishing A Budget For All Work To Be Performed Not To Exceed $41,976.32; And Authorizing The Town Manager To Approve Purchase Orders And/Or To Take Actions Necessary To Complete Said Services.
John S. Page, Director of Planning, Zoning & Building
Pulled from Consent Agenda and heard under Item IX.C.7.

10. RESOLUTION NO 136-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of a RNI/Fuelomat Fuel Management System Software and Fuel Station Hardware Upgrade in the Amount of $57,217.00 and Establishing a Budget of $60,000 for Purchases in Fiscal Year 2017.
Jane Struder, Director of Finance

C. OTHER

1. Approval of the Selection Committee's Recommendation of the Ranking of Firms for RFP No. 2017-16 Master Plan for the Town Docks and Accessory Structures With W.F. Baird & Associates Ltd. Being the Highest Ranked Proposer and Authorizing Permission to Negotiate an Agreement on Behalf of the Town.
Beth Zickar, Director of Recreation

2. D-14 Pump Station Improvements Update
H. Paul Brazil, P.E., Director of Public Works

3. Request for the Finance and Taxation Committee to Review Proposed Modifications to the Town's Purchasing Manual
Jane Struder, Director of Finance

IX. REGULAR AGENDA

A. Old Business

1. Town-wide Underground Project:
Thomas G. Bradford, Town Manager

a. Project Update

Town Manager Bradford provided an update on the Town-wide Underground Utility Project and spoke regarding the groundbreaking ceremonies, the number of acquired easements to date, clarification on the prepayment option and benefits, the logic behind the September 1st deadline, and provided an update on the lawsuits.

Discussion ensued regarding the benefits of prepaid assessments, Bethesda-by-the-Sea's issues with the prepayment deadline and their options, time constraints due to the State Law that mandates the deadline for municipalities to adopt their budget, and the Town's communication efforts regarding the prepayment of assessments.

b. Underground Utility Project Dashboard
Jane Struder, Director of Finance

Director Struder provided an overview of the Underground Utility Project Dashboard.

Town Engineer Strayer provided a status update on the placement of conduits in the North and South end.

In response to a question from Council Member Zeidman, Town Manager Bradford provided an update on the acquisition of easements from the Condominiums in the South end.

Discussion ensued regarding a need for improved communication for the project.

c. Future Fiber Optic Communications System for the Town (*Deferred from the July 12, 2017, Town Council Meeting)*

Town Manager Bradford stated that he would like to defer this item to the September Town Council meeting because Kimley-Horn is still waiting to receive the final cost numbers from both contractors. He spoke regarding a proposal from FiberNet Direct and stated that he would like to obtain further information on that proposal, as well.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to defer the Future Fiber Optic Communication item to the September 12, 2017 Town Council Regular Meeting. On roll call, the motion carried unanimously.

d. RESOLUTION NO. 141-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Appropriation from General Fund Contingency in the Amount of $175,000 for Legal and Consulting Services for the Kosberg et al. Class Action Lawsuit and Associated Assessment Program.
Jane Struder, Director of Finance

Director Struder provided an overview of Resolution 141-2017.

In response to questions from President Kleid, Director Struder provided the total amount the Town has spent to date on the lawsuits pertaining to the undergrounding project. Mr. Kleid commented that individuals have a right to file a lawsuit, but it's the taxpayers who end up paying for the legal fees.

Town Manager Bradford clarified that this Resolution was written prior to the PBTR lawsuit, but with the Council's approval, the funds will also go towards that lawsuit.

Town Attorney Randolph stated that a similar strategy is being used to defend two of the lawsuits since they are both similar in nature and clarified that the Resolution title should include the PBTR lawsuit.

Motion was made by Council Member Zeidman, and seconded by Council Member Araskog, to approve Resolution No. 141-2017, as amended to include the PBTR lawsuit. On roll call, the motion carried unanimously.

In response to a question by Council Member Araskog, Town Manager Bradford stated that the easement process is being streamlined in order to lower costs.

In response to a question by Council Member Araskog, Town Engineer Strayer spoke regarding the peer review process.

Council Member Araskog clarified that resident email addresses that are provided to the contractor will be considered public record.

Council Member Zeidman stated that there are many items being brought up at the Town Council meetings that should be handled by Town staff.

Council Member Araskog stated that she feels that this is the forum where the public hears these items and, therefore, feels that it is appropriate.

Mayor Coniglio and President Kleid spoke regarding the function of the Town Council being policy-makers and not micro-managing staff.

Marianne Beyle, 2840 S. Ocean Blvd., expressed concern over the public and Town Council members not being provided complete information on the undergrounding project and spoke regarding the frustration of residents.

President Kleid spoke regarding the multiple Underground Utilities Task Force and Town Council meetings that have taken place regarding this project and the information that is being distributed to interested residents. He also spoke regarding the availability of the methodology report to members of the public.

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

a. Shore Line Condition Update

Coastal Program Manager Weber provided an update on the shoreline conditions for each reach.

b. Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in Lake Worth Lagoon and Construction of 2017/2018 Palm Beach Harbor Inlet Maintenance Dredging Project.

Coastal Program Manager Weber provided an overview of the maintenance dredging project and the request to waive the section of the Town Code for Construction Dates, Hours, and Noise.

In response to a request by Council Member Zeidman, Mr. Weber explained the exact location of the staging area.

Council Member Moore expressed concern over work being done during the ten days over the Thanksgiving and Christmas holidays.

Mayor Coniglio requested that Mr. Weber notify the lakefront property owners and Palm Beach Shores' residents prior to the start of the project.

Motion was made by President Pro Tem Moore, and seconded by Council Member Lindsay, to waive Town Code Sections 42.198, 42.199, and 42.226-229 On roll call, the motion carried unanimously.

c. RESOLUTION NO. 137-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of $139,657 to Tetra Tech, Inc., for Coastal Engineering Design, Permitting, and Construction Management Services for the 2017/2018 Sand Forepassing Project, and Establishing a Coastal Engineering Services Budget of $150,000.

(Clerk's Note: This item was taken out of order and heard after Items IX.2.d and e.)

Coastal Program Manager Weber provided an overview of the Resolution.

Motion was made by Council Member Zeidman, and seconded by Council Member Araskog, to approve Resolution No. 137-2017. On roll call, the motion carried unanimously.

d. Ratification of the Selection Committee's Recommendation for RFQ No. 2017-35 for Coastal Engineering Design, Permitting, and Construction Management Services.

Motion was made by Council Member Moore, and seconded by Council Member Araskog, to ratify the Selection Committee's Recommendation for RFQ No. 2017-35. On roll call, the motion carried unanimously.

e. Ratification of the Selection Committee's Recommendation for RFQ No. 2017-36 for Coastal Engineering Review, Research, and Planning Services.

Motion was made by Council Member Zeidman, and seconded by Council Member Lindsay, to ratify the Selection Committee's Recommendation for RFQ No. 2017-36. On roll call, the motion carried unanimously.

3. RESOLUTION NO. 138-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design, Permitting, and Construction Phase Engineering Services to Kimley-Horn & Associates, Inc., in an Amount of $19,989 for the Re-Establishment of the Flagler Statue in the Royal Poinciana Way Median, and Establishing an Engineering Phase Budget of $22,000.
H. Paul Brazil, P.E., Director of Public Works

Director Brazil provided an overview of Resolution No. 138-2017.

In response to a question from Ms. Araskog, Town Engineer Strayer spoke regarding the fair and competitive negotiations process for vendors continuing services with the Town.

Motion was made by Council President Pro Tem Moore, and seconded by Council Member Araskog, to approve Resolution No. 138-2017. On roll call, the motion carried unanimously.

Motion was made by Council Member Araskog, and seconded by Council Member Zeidman, to approve the acceptance of a donation of up to $11,000 from Colonel Hanke for Resolution No. 138-2017. On roll call, the motion carried unanimously.

4. FY18 Budget Update
Jane Struder, Director of Finance

Director Struder provided an update on the status of the Town's proposed FY2018 Budget cuts.

Council Member Lindsay requested that annual recurring costs get included in the budget instead of taken out of contingency.

Discussion ensued regarding the history of the contingency fund, the need to examine whether or not certain items should be moved out of contingency, forecasting and unexpected costs, and how the unused contingency money can be used to pay down the debt.

In response to a question from President Pro-Tem Moore, Town Manager Bradford explained that the unused money from the contingency fund goes towards the Unfunded Liability.

It was the consensus of the Town Council to approve the proposed cuts to the FY18 General Fund.

Discussion ensued about rescheduling the Final Budget Hearing to September 19, 2017 at 5:01 p.m. due to the Rosh Hashanah Holiday which begins at sunset on September 20, 1017.

Motion was made by Council Member Araskog, and seconded by Council Member Zeidman, to reschedule the Final Budget Hearing for September 19, 2017 at 5:01 p.m.

5. Palm House Hotel, Receiver Request for Second Extension of Fine Abatement
Cary Glickstein, Receiver

Greg Glickstein, Attorney, spoke regarding the Receiver meeting the conditions of the abatement and requested an additional extension of the abatement for 120 days with the same conditions that were previously given in December 2016.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, to approve the Receiver's request for an extended abatement period of 120 days with the conditional abatement of $2,000 in daily fines. On roll call, the motion carried unanimously.

(Clerk's Note: This item was taken out of order and heard after Item VIII).

6. Discussion regarding Term Limits for Investment Advisory Committee

Maggie Zeidman, Town Council Member

Council Member Zeidman spoke regarding the boards and commissions that do not have term limits and asked the Town Council for their opinion on whether not there should be a term limit for the Investment Advisory Committee.

It was the consensus of the Town Council to leave the term limits for the Investment Advisory Council as is which is no term limits.

B. New Business

1. Code Enforcement Recommendations for Foreclosure Consideration

Kirk W. Blouin, Director of Public Safety

Town Attorney Randolph spoke regarding the actions taken by code enforcement and the property owner on the actions taken to avoid foreclosure and come into compliance.

Discussion ensued regarding the Town Attorney's recommendation for a 20-day cure period.

Motion was made by Council Member Zeidman, and seconded by President Pro-Tem Moore, to proceed with foreclosure action on the 353 Seaspray Avenue property upon conclusion of a 20-day cure period for the property owner. On roll call, the motion passed unanimously.

C. Matters Pulled From Consent Agenda:

1. <u>TOWN COUNCIL MEETING MINUTES:</u>
Gwendolynn Peirce, CMC, Acting Town Clerk

a. July 11, 2017, Special Town Council Meeting Minutes

b. July 12, 2017, Regular Town Council Meeting Minutes

Council Member Araskog spoke regarding Resolution No. 120-2017 and why the information pertaining to the discussion about a second Town Council Vote to use the Revenue Bonds was not included in the minutes.

Town Manager Bradford clarified that closing documents would come back to the Town Council.

In response to Ms. Araskog, President Kleid and Town Attorney Randolph explained the standards for minute taking which is to be in a summarized format, not verbatim.

It was the consensus of the Town Council to approve the minutes of the July 12, 2017 Town Council meeting.

c. July 12, 2017, Development Review Town Council Meeting Minutes

Council Member Araskog stated that a correction should be made to the verbiage in the motion for Item VII.A.1. since it does not reflect what was stated at the meeting.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to approve the minutes of the July 12, 2017 Development Review Meeting, with the following amendment to the verbiage for the motion for Item VII.A.1.: "*…, and with the caveat that if there are any issues or complaints, the item would be brought back to Town Council to discuss.*" On roll call, the motion passed unanimously.

2. RESOLUTION NO. 126 - 2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Recreation Department Fees For Fiscal Year 2018 and Granting Authority to the Director of Recreation to Modify Daily Tennis and Golf Fees, When Necessary, to Maximize Revenue During Underused Periods.
Beth Zickar, Director of Recreation

Director Zickar provided an overview of the fees in the resolution, which also included the Town Docks.

Council Member Lindsay requested that staff research increased dockage rates for larger yachts and increased fees for electricity and utilities and report back at the September 12, TC Meeting.

Town Attorney Randolph noted that the Resolution can be corrected by removing the second Whereas Clause regarding the Town dock fees and providing a separate resolution for dock fees at the September meeting.

Motion was made by President Pro-Tem Moore, and seconded by Council Member Lindsay, to approve Resolution No. 126-2017, as amended. On roll call, the motion passed unanimously.

3. RESOLUTION NO. 128-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing A One Year Contract Renewal With Faneuil, Inc. To Provide Contractual Labor Services; Establishing A Budget For Said Services, Subject To Approval Of The Fiscal Year 2018 Budget; And Authorizing The Town Manager To Take Actions Necessary To Complete Said Services.
Beth Zickar, Director of Recreation

Director Zickar provided an overview of the Resolution.

In response to a question from Ms. Araskog, Director Zickar provided an overview of the labor services provided in the contract and the funds encumbered for fiscal years 2016 and 2017.

Motion was made by President Pro-Tem Moore, and seconded by Council Member Lindsay, to approve Resolution No. 128-2017. On roll call, the motion passed unanimously.

4. RESOLUTION NO. 129-2017 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 Increasing Various Permit Fees, Special Pick-up Fees, Parking Penalties, and Creating new Fees, Providing an Effective Date.
Jane Struder, Director of Finance

In response to a question from Ms. Lindsay, Director Struder provided an overview of the fees that will pay for the Communication Specialist position.

Council Member Lindsay spoke regarding placing a cap on permit fees for multi-phase projects.

Discussion ensued regarding the burden on staff for managing the permits and fees for multi-year projects.

Motion was made by President Pro-Tem Moore, and seconded by Council Member Zeidman, to approve Resolution No. 129-2017. On roll call, the motion passed 4 to 1 with Council Member Lindsay dissenting.

5. RESOLUTION NO. 131-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Department of Public Works Engineering Division Standards Applicable to Public Rights-of-Way and Easements, Amending Chapter XII of the Town's Right-of-Way Manual, Miscellaneous

Provisions: Construction, Parking, Fines, and Material Deliveries, and the Enforcement Thereof Providing an Effective Date.
(*Deferred from the July 12, 2017, Town Council Meeting)*
H. Paul Brazil, P.E., Director of Public Works

Mayor Coniglio expressed concern over enforcement and issuing double penalties and spoke regarding some discrepancies with the rules listed in the manual.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to approve Resolution No. 131-2017 with the following conditions: amend the language in the rules by removing the word "adjacent" and replacing it with "in front of the subject property" or "at the discretion of the Director of Public Works" upon approval of a hardship and adding a line that says "all placards must be displayed on the dashboard." On roll call, the motion passed unanimously.

5. RESOLUTION NO. 132-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Renewing Contracts To Hy-Byrd Incorporated, GFA International Inc., And C.A.P. Government, Inc. For One Year To Provide Plan Review And Inspection Services; Establishing A Budget Of $340,000 For Said Services, And Authorizing The Town Manager To Take Actions Necessary To Effectuate Implementation Of Said Services; Subject To Approval Of The Fiscal Year 2018 Budget.
John S. Page, Director of Planning, Zoning & Building

Town Manager Bradford provided an overview of the contract.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to approve Resolution No. 132-2017. On roll call, the motion passed unanimously.

6. RESOLUTION NO. 134-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing The Town Manager To Execute A Contract With American Consulting Engineers Of Florida, LLC On Behalf Of The Town For Professional Engineering Services, Ace Project No. 5089725; Establishing A Budget For All Work To Be Performed Not To Exceed $41,976.32; And Authorizing The Town Manager To Approve Purchase Orders And/Or To Take Actions Necessary To Complete Said Services.
John S. Page, Director of Planning, Zoning & Building

Mayor Coniglio spoke regarding her concerns with the timing of the completion of the traffic report and requested to receive an initial synopsis by September 20th in order to state her public position.

Motion was made by Council Member Zeidman, and seconded by Council Member Araskog, to approve Resolution No. 134-2017. On roll call, the motion passed unanimously.

X. ORDINANCES

A. Second Reading

a. ORDINANCE NO. 20-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel, at Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, in General, by Amending Section 82-52, Definitions; Section 82-67, United States Internal Revenue Code Qualifications; Section 82-80, Reserve for Member Contributions; Amending Subdivision III, Firefighters, by Amending Section 82-94; Retirement Age and Service Conditions for Firefighters; by Amending Section 82-95, Amount of Pension - Firefighters; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Motion was made by Council Member Zeidman, and seconded by Council Member Lindsay, to adopt Ordinance No. 20-2017 on second and final reading. On roll call, the motion carried unanimously.

b. RESOLUTION NO. 139-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Revising the Defined Contribution Retirement Plan for Town Employees; Approving Amendments to the ICMA Governmental Profit-Sharing Plan & Trust Adoption Agreement; Providing for Severability; Providing for Full Force and Effectiveness; Providing for Repeal of Conflicting Resolutions; and Providing an Effective Date.
Danielle Olson, Director of Human Resources

Motion was made by President Pro Tem Moore, and seconded by Council Member Zeidman, to approve Resolution No. 139-2017. On roll call, the motion passed 3 to 2 with Council Members Araskog and Lindsay dissenting.

2. ORDINANCE NO. 21-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the

Town's Charter at Article III, Officials, at Section 3.03, Town Council: Election and Terms, to modify the Town's Election Date to the Second Tuesday in March of Each Year; Further Amending Article V, Qualification and Elections, at Section 5.01, General Elections, to Provide that General Elections in the Town Shall be Held on the Second Tuesday of March of Each Year; Further Amending Section 5.03, Qualifications, so as to Provided that Candidates for the Office of Mayor or Town Council Shall Qualify for Such Offices by Being Nominated by an Elector of the Town and Seconded by not more than Three Electors at the Town Caucus to be Held on the Second Tuesday of January of Each Year; Providing for Severability; Providing for Codification; Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to adopt Ordinance No. 21-2017 on second and final reading. On roll call, the motion carried unanimously.

3. ORDINANCE NO. 22-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 34, Elections, so as to Provide that the Election Dates Referenced Therein are Consistent with the Amendments to the Town Charter Providing for Elections on the Second Tuesday of March of Each Year; Thereby Rescinding Section 34-3; Amending Sections 34-56 and Section 34-119; and Rescinding Article IV.

Jay Boodheshwar, Deputy Town Manager

Motion was made by Council Member Araskog, and seconded by Council Member Lindsey, to adopt Ordinance No. 22-2017 on second and final reading. On roll call, the motion carried unanimously.

4. ORDINANCE NO. 23-2017 An Ordinance of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 2 of the Town Code of Ordinance Titled Administration at Article V, Code Enforcement, Section 2-439 Titled Citation Fine Schedule, to Include Section 38-35 of Chapter 38, Article II, Alarm Systems, Providing for Severability, Providing for Codification; Providing an Effective Date.

Kirk H. Blouin, Director of Public Safety

Motion was made by Council Member Araskog, and seconded by Council Member Zeidman, to adopt Ordinance No. 23-2017 on second and final reading. On roll call, the motion carried unanimously.

B. First Reading

1. ORDINANCE NO. 25-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances As Amended ~~From Time To Time~~ At Chapter 130, Vehicles For Hire, Article III, Taxicabs And Limousines, By Amending Section 130-31, Definitions; By Rescinding Sections 130-32 And 130-33; By Incorporating A New Section 130-32 To Provide That Vehicles For Hire Permitted In The Town, Along With Their Drivers, Comply With Palm Beach County's Code, Chapter 19, Article IX Relating To Vehicles For Hire As Amended from Time to Time; Amending Section 130-34 Relating To Taxi Stands; Amending Section 130-36 – Penalties; Rescinding In Their Entirety Sections 130-61 And 130-62 Of Division 2 Relating To Certificates Of Public Convenience And Necessity And Permit; Amending Section 130-63 Relating To Approval Of Application, Denial; Amending Section 130-64 - Permit Fee; Rescinding Section 130-65 In Its Entirety; Amending Section 130-67 – Town Council To Determine The Number Of Permits Available; Amending Section 130-68 Relating To Annual Renewal Of Permits; Amending Section 130-69 Relating To Inspection Of Vehicles; Amending Section 130-70 Relating To Sale, Assignment Or Transfer; Rescinding Section 130-71 Relating To Automobile Liability Insurance Requirement In Its Entirety; Amending Section 130-72, Suspension And Revocation; Rescinding In Their Entirety Sections 130-96, 130-97, 130-98, And Section 130-99 Of Division 3 Relating To Chauffer's; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.
Jay Boodheshwar, Deputy Town Manager

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, to approve Ordinance No. 25-2017 as amended. On roll call, the motion carried unanimously.

XI. ANY OTHER MATTERS – *None*

XII. ADJOURNMENT

There being no further business, the Regular Town Council of August 9, 2017, meeting was adjourned at 1:33 p.m.

APPROVED:

_____
Richard M. Kleid
Town Council President

ATTEST:

_____
Gwendolynn Peirce, CMC
Acting Town Clerk

Date: _____

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES OF THE TOWN COUNCIL MEETING

HELD ON WEDNESDAY AUGUST 9, 2017

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting was called to order at 2:17 P.M. on Wednesday, August 9, 2017 in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR GAIL L. CONIGLIO - None

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Araskog asked to revisit SE-18-2017 257 Royal Poinciana Way, Cucina Restaurant.

Motion was made by Council Member Araskog that Special Exception #18-2017 conditions be reconsidered. Without a second, the motion was not considered.

V. COMMUNICATIONS FROM CITIZENS

Bill Metzger, 277 Esplanade Way, informed the Mayor and Town Council about a possible restoration effort for the eagle and flagpole on Royal Palm Way. He also added that the communication regarding the utilities undergrounding project has been terrific.

Mayor Coniglio and Council Member Araskog provided follow up comments.

VI. APPROVAL OF AGENDA

The following changes were made to the agenda:

Withdrawn: The following item was withdrawn:

- ITEM VII.B.1.a. VARIANCE #15-2017

Deferrals: The following items were deferred to the September 13, 2017 Town Council Meeting:

- ITEM VII.B.1.d. SITE PLAN REVIEW #1-2017
- ITEM VII.B.2.g. Z-17-00017 VARIANCE
- ITEM VII.B.2.h. Z-17-00018 VARIANCE

The following items were deferred to the October 11, 2017 Town Council meeting

- ITEM VII.B.1.b. VARIANCE #21-2017

- ITEM VII.B.2.j. SPECIAL EXCEPTION WITH SITE PLAN REVIEW Z-17-00021

- ITEM VII.B.2.k. SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE Z-17-00022

Motion was made by Council Member Araskog, and seconded by Council Member Zeidman, to approve the Agenda, as amended above. On roll call, the motion carried unanimously.

Deputy Clerk Churney swore in all those who would be providing testimony.

VII. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal

1236 South Ocean Boulevard

Case # B-046-2917 Landscape/Hardscape

Director Page provided a summary of the project.

No ex-parte communications were declared.

Attorney Barbara Hall spoke on behalf of the owners of 100 Emerald Beach Way who believe that approval was not properly given and that the application was deficient.

Attorney Tim Hanlon spoke on behalf of the owners of 1236 South Ocean Boulevard.

Discussion took place on landscaping requirements, letters of support, parking, and noise.

Mr. Randolph provided an explanation about the application.

Council Member Lindsay recused herself from the project.

Motion was made by Council President Pro Tem Moore, and seconded by Council Member Zeidman, to deny the ARCOM appeal. On roll call, the motion carried 4-0, with Council Member Lindsay recused.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. VARIANCE #15-2017 The application of 3200 Washington, LLC; relative to property commonly known as 1055 N. Ocean Blvd., described as lengthy legal description on file; located in the R-A Zoning District. The applicant is proposing to modify the existing one-story house by adding a 4,665 square foot second story pitched roof addition and adding a pitched roof and loggia element onto the existing one story portions of the house that are to remain. The following four variances are being requested in order to accomplish this: 1) A south side yard setback ranging from 7.4 feet to 9.9 feet in lieu of the 15 feet minimum setback required to add the pitched roof onto the one story south wing of the house and

the second story addition; 2) A north side yard setback ranging from the 5.1 feet to 8 feet in lieu of the 15 foot minimum setback required to add the pitched roof and loggia onto the one story north wing of the house and the second story addition. Both sides are proposed to have 2 foot overhangs for the pitch roof which is allowed by code. [Attorney: Joel P. Koeppel, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will cause negative architectural impacts to the subject property and the proposed project can be designed in an architecturally suitable manner which conforms to our Code of Ordinances without the need for a variance. Carried 5-2 The Architectural Commission approved the project as presented with a west loaded garage. Carried 4-3.] Request for Withdrawal Per Letter Dated July 26, 2017 from Joel P. Koeppel

Item was withdrawn

b. VARIANCE #21-2017 The application of Vera Alfieri Monforte; relative to property commonly known as 218 Miraflores Dr., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to construct a 1,230 square foot second story addition on the west side of the one story residence that will create two bedrooms, a gym and two bathrooms. The following variances are being requested: 1) lot coverage of 33.7% in lieu of the 30% maximum allowed for a two story residence, 2) a west side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [The Architectural Commission deferred the project to the August 23, 2017 meeting. Carried 7-0.] Request for Deferral to the October 11, 2017, Town Council Meeting Per Letter Dated August 1, 2017 from Maura Ziska

Item was deferred to the October 11, 2017 Town council meeting

c. SPECIAL EXCEPTION #19-2017 WITH SITE PLAN REVIEW The application of Stephen Wolf; relative to property commonly known as 158 Everglade Ave., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a special exception with site plan review to allow the construction of a 4,302 square foot two-story single family residence on a lot comprised of portions of platted lots. The lot is 85 feet in width in lieu of the 100 foot minimum required. [Attorney: David E. Klein, Esq.] [Architectural Commission recommendation: Implementation of the proposed special exception with site plan review will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project as amended. Carried 7-0.]

No ex-parte communications were declared.

Attorney David Klein provided details of the project.

Zoning Administrator Castro provided Staff comments.

Motion was made by Council Member Zeidman, and seconded by Council Member Araskog, that Special Exception #19-2017 shall be granted, with the caveat that the owner will provide a utility easement, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

Motion was made by Council Member Zeidman, and seconded by Council Member Lindsay, that Site Plan #19-2017 be approved, with the caveat that the owner will provide a utility easement, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

d. SITE PLAN REVIEW #1-2017 The application of 235 Via V PB LLC (Stuart Kapp, Manager); relative to property commonly known as 235 Via Vizcaya., described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required. [Attorney: Maura Ziska, Esq.] [The Architectural Commission deferred the project to the August 23, 2017 meeting. Carried 7-0]

Item was deferred to September 13, 2017 Town council meeting

2. New Business

a. Z-17-00005 VARIANCE Zoning District: R-B Low Density Residential The application of CAMPANA PB TRUST, Owner, relative to property located at 120 CANTERBURY LN, legal description on file, is described below. The applicant is proposing to add a 495 square foot second story addition for a guest suite above the existing one story guest suite (which will be converted to a garage) and a 69 square foot 2 story stair addition that will be out of the setback. Because the property is in excess of 20,000 square feet a variance is being requested to have a 15.2 east side yard setback in lieu of the 26 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.]

The following ex-parte communications were declared. Council Member Lindsay, Mayor Coniglio, Council President Kleid and Council Member Zeidman spoke with Maura Ziska who advocated the position of her client.

Attorney Ziska provided details of the project.

Mr. Castro provided Staff comments.

Discussion took place on ARCOM approval process.

Town Manager Bradford clarified underground status on Canterbury Lane.

Motion was made by Council Member Araskog, and seconded by Council Member Zeidman, that Variance #Z-17-0005 be deferred and forwarded to ARCOM for its recommendation and approval. On roll call, the motion carried 3-2 with Council President Pro Tem Moore and Council President Kleid dissenting.

b. Z-17-00006 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R D(2) High Density Residential The application of 2842 S OCEAN LLC, Owner, relative to property located at 2842 S OCEAN BLVD SUITE: REC AREA, legal description on file, is described below. Special Exception with site plan review requesting a modification to the site plan to relocate the pool cabana bar

and construct a small kitchen with seven (7) outdoor seats onto the existing pool deck of the Tideline Ocean Resort. The existing pool bar will become a towel storage building. The proposed hours are 11:00 a.m. to 8:00 p.m. [Applicant's Representative: Maura Ziska, Esq.]

The following ex-parte communications were declared. Council Member Lindsay and Council President Kleid spoke with Maura Ziska who advocated the position of her client.

Attorney Ziska provided details of the project.

Mr. Castro provided Staff comments.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Special Exception #Z-17-00006 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Site Plan #Z-17-0006 be, approved with the caveat the owner will provide a utility easement, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

c. Z-17-00007 SPECIAL EXCEPTION Zoning District: R B Low Density Residential The application of SULTAN MARILYN R, Owner, relative to property located at 314 DUNBAR RD, legal description on file, is described below. A request for a special exception to replace a chain link swing gate with a decorative aluminum swing gate in the same location at the driveway entrance on Dunbar Road, which is a dead end street. The existing and proposed gate would be 16.5 feet from the street pavement in lieu of the 18 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.]

The following ex-parte communications were declared. Council Member Lindsay and Council President Kleid spoke to Attorney Ziska who advocated for the position of her client.

Attorney Ziska provided details of the project.

Mr. Castro provided Staff comments.

Discussion took place on permitting and code violations related to the gate, the location of walkway, and the history of gate.

Motion was made by Council Member Araskog, and seconded by Council President Pro-Tem Moore, that Special Exception #Z-17-0007 be deferred to until Town Staff is able to research whether there is a code violation. This item will be revisited at the September Town Council meeting. On roll call, the motion carried unanimously.

d. Z-17-00014 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE Zoning District: R-B Low Density Residential The application of 280 NCR LLC, Owner, relative to property located at 280 N COUNTY RD, legal

description on file, is described below. The applicant is requesting a special exception with site plan review request to allow the construction of a 7,211 square foot two-story single family residence, detached one-story pool cabana and garage on a non-conforming lot, comprised of portions of platted lots, which has a width of 92.6 feet in lieu of the 100 foot minimum required width in the R-B Zoning District. In connection with the proposed construction, the following variance is being requested: A variance to construct a two-story house with a second story street sideyard setback (east side of the property) of 25 feet in lieu of the 30 foot minimum required. [Applicant's Representative: David E. Klein, Esq.] [Architectural Commission recommendation: Implementation of the proposed variance, site plan and special exception will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project. Carried 7-0.]

No ex-parte communications were declared.

Attorney David Klein provided details of the project.

Mr. Castro provided Staff comments.

Motion was made by Council Member Zeidman, and seconded by Council President Pro-Tem Moore, that Special Exception #Z17-00014 shall be granted, with the caveat the owner will provide a utility easement, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

Motion was made by Council Member Zeidman, and seconded by Council President Pro-Tem Moore, that Site Plan #Z17-00014 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

Motion was made by Council Member Zeidman, and seconded by Council President Pro-Tem Moore, that Variance #Z17-00014 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7, have been met. On roll call, the motion carried unanimously.

e. Z-17-00015 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-A Estate Residential The application of EVERGLADES CLUB INC, Owner, relative to property located at 500 S COUNTY RD SUITE: CLUBHOUSE (PALM TERRACE BLDG), legal description on file, is described below. A request for special exception approval with site plan review to allow modifications to the existing Palm Terrace building by demolition of an existing concrete patio, walkway and ficus trees and construct a new 5,686 square foot coquina tile patio in the same location as extended to the south. The request also includes the addition of a covered area for movable kitchen equipment located between the men's locker room and an existing covered walkway, masonry planters for low plantings and new Buttonwood trees, and new trellis screening at some of the existing openings. Additionally, there is a request to shift the previously approved soil bins to the southeast. [Applicant's Representative: Maura Ziska, Esq.]

The following ex-parte communications were declared. Council Member Lindsay and Council President Kleid spoke to Attorney Ziska who advocated the position of her client. Council President Pro-Tem Moore and Council Member Araskog announced they are members of the Everglades Club.

Attorney Ziska provided details of the project.

Architect Jason Drobot provided additional details.

Mr. Castro provided Staff comments.

Motion was made by Council Member Lindsay, and seconded by Council Member Zeidman, that Special Exception #Z17-00015 shall be granted with the caveat the owner will provide a utility easements on all sides of the property, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Site Plan #Z17-00015 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

f. Z-17-00016 VARIANCE Zoning District: C-TS Town-Serving Commercial The application of PARAMOUNT CHURCH INC LESSOR, Owner, relative to property located at 139 N COUNTY RD SUITE: 1, legal description on file, is described below. Request for a variance to allow a previously approved first floor real estate office (Illustrated Properties Real Estate Inc.) to expand across the covered walkway into first floor Suites 1 & 2 which contains 1,318 square feet. The total square footage for both spaces will equal 2,326 square feet. A variance is being requested to have the proposed real estate office on the first floor of a building located in the C-TS zoning district where office use is only allowed on the second floor if it doesn't meet the special exception criteria that would allow an office on the first floor. [Applicant's Representative: Maura Ziska, Esq.]

The following ex-parte communications were declared. Council President Kleid and Council Members Lindsay and Zeidman spoke with Attorney Ziska who advocated the position of her client.

Deputy Clerk Churney swore in all those who would be providing testimony.

Attorney Ziska provided details of the project.

Mr. Castro provided Staff comments.

Discussion took place on parking, visibility from the street, history of the property, the impact of surrounding retail businesses and walkability.

Architect Keith Spina presented proposed plans for the project.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, that Variance #Z-17-00016 be denied because the application does not meet all of the criteria applicable to this application as set forth in Section 134-201(a), items 1

through 7. On roll call, the motion carried 3-2 with Council Members Zeidman and Council President Pro-Tem Moore dissenting.

Eric Sain, District Sales Manager for the Illustrated Properties Group, spoke about bringing activities and events into the courtyard.

g. Z-17-00017 VARIANCE Zoning District: R-A Estate Residential The application of OLD KAPOK LLC, Owner, relative to property located at 8 S LAKE TRL, legal description on file, is described below. The applicant is requesting modifications to a Landmarked residence which will require the following variances: 1. A request for a variance to allow construction of a tennis court that will not be completely enclosed with a fence and that the tennis court with appurtenances will have a 27 foot front yard setback in lieu of the 35 foot minimum required. 2. A variance request to allow a driveway back up space to be 17 feet in lieu of the 25 feet required. 3. A variance request to construct a one story addition to the south side of the existing cabana that will have a front yard setback of 33.8 feet in lieu of the 35 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.] [The Landmarks Preservation Commission deferred the project to the August 16, 2017 meeting. Carried 7-0.] Request for Deferral to the September 13, 2017, Town Council Meeting Per Letter Dated July 27, 2017 From Maura Ziska

Item was deferred to the September 13, 2017 Town council meeting

h. Z-17-00018 VARIANCE Zoning District: R-B Low Density Residential The application of 130 DOLPHIN ROAD LLC, Owner, relative to property located at 130 DOLPHIN RD, legal description on file, is described below. The applicant is proposing to construct a 1,400 square foot, second floor addition (which includes a 260 square foot terrace) onto an existing one-story home. Adding a second story to an existing one story home causes the existing lot coverage of 32% to exceed the 30% maximum allowed for a two story residence in the R-B Zoning District. The variance request is for the lot coverage to be 32% in lieu of the 30% maximum allowed for a two story residence in the R-B Zoning District. [Applicant's Representative: Maura Ziska, Esq.] [The Architectural Commission deferred the project to the August 23, 2017 meeting. Carried 7-0.] Request for Deferral to the September 13, 1017, Town Council Meeting Per Letter Dated August 1, 2017 From Maura Ziska

Item was deferred to the September 13, 2017 Town council meeting

i. Z-17-00020 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of CARRIAGE HOUSE PROPERTIES PART, Owner, relative to property located at 264 S COUNTY RD SUITE: SITE, legal description on file, is described below. A request for a special exception with site plan review approval to allow a private club "Carriage House" to operate at 264 and 270 South County Road in the C-TS Zoning District. The Club will have a membership cap of 264 members based on the principal of equivalency for parking requirements. [Applicant's Representative: Maura Ziska, Esq.]

Mr. Castro recommended deferring to the September Town council meeting in order to obtain and review traffic concurrency; information still being prepared.

Discussion took place on whether or not to defer the presentation of information.

The following ex-parte communications were declared. Council Member Lindsay, Council President Kleid, Council Member Moore, and Council Member Zeidman all had a conversation with Maura Ziska who advocated the position of her client. Council Member Lindsay received a voice mail from Laurie Volk. Mayor Coniglio and Council Member Zeidman both received a telephone call from Laurie Volk, who shared her concerns.

All council members have read letters and E-mails associated with this project that were included in their backup.

Attorney Ziska provided details of the project.

Motion was made by Council Member Zeidman, and seconded by Council Member Araskog, to defer Special Exception Z-17-00020 With Site Plan Review to September 13, 2017 Town council meeting. On roll call, the motion carried unanimously

j. Z-17-00021 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of 211 PINE STREET LAND TRUST &, Owner, relative to property located at 225 ARABIAN RD, legal description on file, is described below. Request for special exception and site plan review approval to permit construction of a 4,247 square foot two-story single family residence on portions of platted lots with a width of 86 feet in lieu of the minimum 100 feet lot width requirement applicable to lots within the R-B District. [Applicant's Representative: Tim Hanlon, Esq.] [Architectural Commission recommendation: Implementation of the proposed site plan review and special exception will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission deferred the project to the September 27, 2017 meeting. Carried 7-0.] Request for Deferral to the October 11, 2017, Town Council Meeting Per Letter Dated August 2, 2017 from Tim Hanlon

Item was deferred to the October 11, 2017 Town Council meeting

k. Z-17-00022 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE Zoning District: R-A Estate Residential The application of PBC REALTY, Owner, relative to property located at 910 S OCEAN BLVD, legal description on file, is described below. 1. Site Plan Approval requested to permit construction of a new 7,963 square foot two story house and pool on a platted lot with a width of 128.42 feet in lieu of 150 feet minimum required. 2. Request for site plan approval and special exception to permit construction of a new 500 square foot beach cabana on the portion of the property lying east of S. Ocean Blvd. 3. Request for a zero datum (point of measurement) for the construction of the proposed two story house of 21.5 feet National Geodetic Vertical Datum ("NGVD") in lieu of 18.34 feet NGVD allowed by Code. A building height plane variance and building height variance is requested in order to permit this new zero datum. [Applicant's Representative: Tim Hanlon, Esq.] [The Architectural Commission deferred the project to the September 27, 2017 meeting. Carried 7-0.]

Item was deferred to the October 11, 2017 Town council meeting

VIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 9-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach's Comprehensive Plan By Amending The Data & Analysis, As Well As The Goals, Objectives And Policies Within The Plan Based On The Town's Recent Evaluation And Appraisal Of The Comprehensive Plan; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

Director Page provided a timeline of completion of the Comprehensive Plan.

Deputy Clerk Churney swore in Planning Administrator Lindgren.

Mr. Lindgren explained recent changes to the Comprehensive Plan.

Council Member Araskog itemized concerns with the verbiage of the Comprehensive Plan.

Discussion took place on the purpose of the Comprehensive Plan.

Anita Seltzer, 44 Cocoanut Row, expressed her concerns and recommended changes to the Comprehensive Plan.

Motion was made by Council President Pro Tem Moore, and seconded by Council Member Zeidman, to adopt Ordinance #9-2017, on second and final reading. On roll call, the motion carried 4-1 with Council Member Araskog dissenting.

2. ORDINANCE NO. 16-2017 An Ordinance By The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach Code Of Ordinances To Repeal Chapter 50; To Adopt A New Chapter 50; To Adopt Flood Hazard Maps, To Designate A Floodplain Administrator, To Adopt Procedures And Criteria For Development In Flood Hazard Areas, And For Other Purposes; Providing For Applicability; Repealer; Severability; And An Effective Date.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, to adopt Ordinance #16-2017, on second and final reading. On roll call, the motion carried unanimously.

3. ORDINANCE NO. 24-2017 An Ordinance By The Town Council Of The own Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach Code Of Ordinances Chapter 18; To Adopt Amendments Relating To Flood Provisions Of The Florida Building Code; Providing For Applicability; Repealer; Severability; And An Effective Date.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, to adopt Ordinance #24-2017, on second and final reading. On roll call, the motion carried unanimously.

Mayor Coniglio expressed her concerns regarding Town Council member's comments at Town sub-committee meetings and suggested eliminating sub-committees if they are to become pseudo Town Council meetings.

Discussion on this topic followed and all agreed when attending sub-committee meetings, they would not speak.

Discussion took place on two day versus one day Town Council meetings.

IX. ADJOURNMENT

There being no further business, the August 9, 2017 Town Council meeting was adjourned at 6:02 P.M.

APPROVED:

_____

Richard M. Kleid, Town Council President

PREPARED BY:

_____

Kathleen Ruderman, Deputy Town Clerk

From: Bobbie Lindsay [mailto:lindsaybobbie@gmail.com]
Sent: Sunday, September 17, 2017 9:00 AM
To: Cheryl Kleen <CKleen@Townofpalmbeach.com>
Subject: Edits to Minutes and Audio of August 9 Development Meeting

Hi Cheryl, for the sake of transparency, we need to acknowledge the discussion and spontaneous agenda item added by President Kleid at the end of the August 9 Development review meeting. I just listened to the audio again.

First, please place a hyperlink on the audio portion of the added last item on the agenda from the August 9 Development Meeting, which was spontaneously added by President Kleid as "Other Matters" The audio should reflect the subject "Other Matters—Town officials speaking at Town Committee Meetings"

On page 10 of the minutes of the August 9 meeting, directly before Line 36 beginning "Mayor Coniglio…" , Please Add:

After the last item on the agenda, Mr. Kleid asked if there were any Other Matters.

"
Following line 38, add….. The Mayor's comments were directed in particular at the Tax & Finance Meeting held the previous day on August 8, which every council member had attended.

Edit Line 39: "Discussion on this topic followed. INSERT BELOW.

It was pointed out by attorney Skip Randolph that all three council members who spoke at Tax & Finance had inquired of him prior to the meeting if they could ask questions or make comments at the meeting and he had told them it
was allowed. However, it became clear to the two committee members that after Mr. Ed Carter from the Retirement Board had made his Retirement Board presentation and questions ensued, that other members of the council were becoming engaged in asking questions. Mr. Randolf was asked to approach the podium by Councilmember Lindsay
to discuss whether further comments/questions be allowed. It was determined then by Mr. Randolf that the committee meeting was becoming too much like a council meeting and it hadn't been noticed as such, so it was wise to refrain from further questioning or commenting by members of the council. No further comments were made by attending council members.

In response to the Mayor's comments, Councilmember Lindsay explained that the August 8 meeting was unique because the Annual Report from the Retirement board that was prepared for the June meeting had been withheld from the Council in June, prior to its budgeting process. She had never before spoken at a committee meeting before that week and in both cases the situation was unique. Ms. Lindsay said she believed the Council had made a mistake at its July Council meeting by allowing such an important topic as the Retirement Board's opinion regarding the growing unfunded liability in the town's pension system to go to a committee before being heard at the Council level. She pointed out that the Town Council had unanimously supported her motion in 2016 that an annual discussion would be held at a Town Council regarding the

unfunded liability and its impact on the Town each year and that that meeting, scheduled for April, had not been held. She requested that it be held this year in November.

Remove remaining existing line 39 beginning “followed….” and insert after the above. "After considerable discussion, all agreed of their intent not to speak in the future when attending committee meetings.”

Thank you! Best, Bobbie

From: Julie Araskog
Sent: Monday, September 18, 2017 5:43 PM
To: Gwendolynn Peirce <gpeirce@TownOfPalmBeach.com>; Tom Bradford <TBradford@TownofPalmBeach.com>; Jay Boodheshwar <JBoodheshwar@TownofPalmBeach.com>
Subject: Fwd: Edits to Minutes and Audio of August 9 Development Meeting

I planned on bringing up this issue tomorrow to have the minutes changed. I too only asked questions and did not make comments per Skip's advisement.
However, we were going to make decisions on the budget and we never received the report from the Retirement Board and we would not have had the Merit Pay discussion, which pertains to the budget.

I also believed due to transparency this should be in the minutes.

You can read this but I suggest this be listened to for an exact transcript:

I only asked questions as Skip advised I could. I was very careful not to comment either way with an opinion.

After Gail's comments,Dick spoke, Then Skip: He I indicated I could ask a question.

Skip then said some asked questions and made comments. He got uncomfortable.
All five of us involved. Caused him concern... he took responsibility for advising us

Dick then spoke.

Then I stated: There was something different going on here Gail. Instead of sending the report on the Merit Pay and unfunded liability to the Town Council, which was so important to all of us, instead of having it at the Town Council it went to Tax and Finance. We did have questions and unfortunately she was going to be out of Town and we were not sure Carter could come back, so I was really careful, there were some comments made yesterday but I was very careful when I stood up to ask a very neutral question. I do not usually ask questions as you know. It is very rare that I will ask someone a question. It was a little different in the tax and Finance because there were very specific questions

Mayor: But remember Julie that was the directive of the Council

Julie: Let me finish

Mayor: To send that information for a full review to tax and Finance

Julie: But I did not know they would not be coming to us as well and maybe Bobby will speak to it too

Gail: It comes after that

Dani: It is coming to you julie

Julie: But we have got a budget that we are making decisions on Gail
And it was important and there were a few questions and the questions asked were not we hate Merit pay would you please (Dick cuts in) or we support Merit pay

Then Bobbie spoke.

Thank you, Julie.

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2017

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Post Budget Adoption Plans for the Comprehensive Review of Town Operations (CRTO).

Presenter

Thomas G. Bradford, Town Manager

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2017

Section of Agenda
Regular Agenda - New Business

Agenda Title
Appointments to the Planning & Zoning Commission.

Presenter
John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Memorandum dated October 2, 2017 from John S. Page, Director of Planning, Zoning and Building**
- **Ballot for Regular Member to the Planning and Zoning Commission**
- **Ballot for Alternate Member to the Planning and Zoning Commission**
- **PZC Roster**
- **Attendance and Voting Conflict Information for PZC**

TOWN OF PALM BEACH
Information for Town Council Meeting on: October 10, 2017

To: Mayor and Town Council

Via: Thomas B. Bradford, Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: Planning and Zoning Commission Appointment

Date: October 2, 2017

STAFF RECOMMENDATION

- Staff recommends that the Town Council appoint three (3) regular members to the Planning and Zoning Commission to fill the seats being vacated as a result of the term expiration of **Martin Klein, Carol Mack** and **Carol LeCates**.
- Staff recommends that the Town Council appoint two (2) alternate members to the Planning and Zoning Commission to fill the seats being vacated as a result of the term expiration of **Michael Spaziani** and **Rick Pollock**.
- Staff recommends that the Town Council make any subsequent appointments to the Planning and Zoning Commission which may become necessary as a result of making the aforementioned regular member appointments.

GENERAL INFORMATION

- Messrs. Klein, Spaziani, Pollock and Mses. Mack and LeCates terms expired on 9/30/2017.
- **Martin Klein** is eligible to serve a second term and has applied to do so.
- **Carol LeCates** is eligible to serve a first term and has applied to do so.
- **Carol Mack** is not seeking reappointment.
- **Alternate Members Michael Vincent John Spaziani and Rick Pollock** are interested in promotion to Regular Member status at this time and have submitted Applications for Service on the Planning and Zoning Commission.
- Pursuant to the news release notifying the public of the vacancy on the Planning and Zoning Commission, **Ronald J. Berk, John V. Ceriale and Lewis Katz** have submitted Applications for Service on the Planning and Zoning Commission together with other appropriate qualifying information.
- The applicants listed on the attached ballot are registered voters in the Town of Palm Beach, as required by Section 2-329 of the Town of Palm Beach Code of Ordinances.

Attachments
JP: kmc

cc: Kathleen Dominguez, Town Clerk
Paul Castro, Zoning Administrator

BALLOT FOR APPOINTMENT OF REGULAR MEMBERS TO THE PLANNING & ZONING COMMISSION

Town Council Meeting on October 10, 2017

Positions to be filled: 3 Regular Members

(due to term expiration of Martin Klein, Carol Mack and Carol LeCates)

Please circle 3 from the list of names appearing below

Regular Members Applying for Reappointment

Martin Klein, Regular Member — Completing Term 1

Carol LeCates, Regular Member — Completing Term 0

Alternate Members Applying for Promotion to Regular Member
(Listed alphabetically)

Rick Pollock, Alternate Member — Completing Term 1

Michael Vincent John Spaziani, Alternate Member — Completing Term 1

Others Who Have Submitted Applications
(Listed alphabetically)

Ronald J. Berk

John V. Ceriale

Lewis Katz

Signature of Town Council Member: _____

**Any currently serving Alternate who is not elevated to the position of Regular Member will retain his/her current position.*

Ballot Form 10/10/17

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

Town Council Meeting on October 10, 2017

Position to be filled: _____Alternate Member(s)

Please circle only ____ name(s) from the list of names appearing below.

Martin Klein (if not reappointed as a Regular Member)

Carol LeCates (if not reappointed as a Regular Member)

Michael Vincent John Spaziani (if not promoted to a Regular Member)

Rick Pollock (if not promoted to a Regular Member)

Others Who Have Submitted Applications (Listed alphabetically)

Ronald J. Berk

John V. Ceriale

Lewis Katz

Signature of Town Council Member: _____

Ballot Form 10/10/2017

PLANNING & ZONING COMMISSION MEMBERS

NAME AND ADDRESS	APPOINTED	TERM EXPIRES
Martin I. Klein, **Chairman**	4/14/2015 (3 yr term)	9/30/2017 (Term 1)**
	**to complete the remainder of D.Moore's unexpired 3 yr term which is greater than 50% and as such will count as Term 1.	
Lewis Crampton, **Vice Chairman**	10/10/2016 (3 yr term) 5/14/2014 (2 yr term)	9/30/2019 (Term 2) 9/30/2016 (Term 1)
Carol Mack	5/14/2014 (3 yr term)	09/30/2017 (Term 1)
Michael L. Ainslie	10/13/2015 (3 yr term)	9/30/2018 (Term 1)
Alan S. Golboro	10/13/15 (3 yr term)	9/30/2018 (Term 1)
Kenneth Walker	10/10/16 (3 yr term)	9/30/19 (Term 1)
Carol M. LeCates	10/10/2016 (3 yr term)	9/30/2017 (Term 0)**
	**to complete the remainder of S. Markin's unexpired 3 yr term which is less than 50% and as such will count as Term 0.	

Alternate Commission Members

Michael Vincent John Spaziani	5/14/2014 (3 yr term)	9/30/2017 (Term 1)
Rick Pollock	12/9/2014 (3 yr term)	9/30/2017 (Term 1)**
	**to complete the remainder of Guthrie's unexpired term which is greater than 50% and as such will count as Term 1.	
Eric Christu	12/13/2016	9/30/2019 (Term 1)

Rev. 12/19/2016 - kmc

TOWN OF PALM BEACH
PLANNING & ZONING COMMISSION

ATTENDANCE RECORD 2017

MEMBERS	1/17/2017	2/21/2017	3/21/2017	4/18/2017	5/16/2017	6/20/2017	7/18/2017	8/15/2017	9/19/2017	10/17/2017	11/21/2017	12/19/2017
Martin I. Klein, Chair	P	X	P	X	P	X	X	X	X			
Lewis Crampton, Vice Chair	P	X	P	X	P	X	X	X	X			
Carol Mack	P	X	P	X	U	X	X	X	X			
Michael Ainslie	P	X	P	X	P	X	X	X	X			
Alan Golboro	P	X	P	X	P	X	X	X	X			
Kenneth Walker	P	X	P	X	P	X	X	X	X			
Carol LeCates	P	X	P	X	P	X	X	X	X			
ALTERNATE MEMBERS												
Michael Spaziani	P	X	P	X	P	X	X	X	X			
Rick Pollock	P	X	P	X	P	X	X	X	X			
Eric Christu	P	X	U	X	P	X	X	X	X			

LEGEND P=PRESENT
E=EXCUSED
U-UNEXCUSED
A=ABSENT PENDING CLASSIFICATION AS "EXCUSED" OR "UNEXCUSED"
X=COMMISSION DID NOT MEET
R= Resigned
&= Term Expired

TOWN OF PALM BEACH **ATTENDANCE RECORD 2016**

PLANNING & ZONING COMMISSION

MEMBERS	1/19/2016	2/16/2016	3/22/2016	4/19/2016	5/17/2016	6/21/2016	7/19/2016	8/16/2016	9/20/2016	10/18/2016	11/15/2016	12/20/2016
Martin I. Klein, Chair**	P	P	P	P	X	X	P	X	P	P	P	X
Lewis Crampton, Vice Chair**	P	P	P	P	X	X	P	X	P	P	P	X
Susan Markin, Chair*	P	P	P	U	X	X	U	X	R	R	R	R
Michael Scharf, Vice-Chair*	U	P	P	P	X	X	P	X	P	&	&	&
Carol Mack	P	P	E	P	X	X	P	X	P	E	E	X
Michael Ainslie	P	P	P	P	X	X	P	X	U	P	P	X
Alan Golboro	P	P	P	P	X	X	P	X	P	P	P	X
Kenneth Walker	-	-	-	-	-	-	-	-	%	P	P	X
Carol LeCates	-	-	-	-	-	-	-	-	%	E	P	X
ALTERNATE MEMBERS												
Michael Spaziani	P	P	P	P	X	X	U	X	P	P	P	X
Susan Watts	P	P	P	P	X	X	P	X	U	R	R	R
Rick Pollock	P	P	E	P	X	X	E	X	U	P	P	X
Eric Christu												%%

LEGEND P=PRESENT
E=EXCUSED
U-UNEXCUSED
A=ABSENT PENDING CLASSIFICATION AS "EXCUSED" OR "UNEXCUSED"
X=COMMISSION DID NOT MEET
* Chair and Vice Chair until 3/16
** Began Chair and Vice Chair 3/16
R= Resigned
&= Term Expired
% = appointed 10/10/16
%%=appointed 12/13/16

TOWN OF PALM BEACH **ATTENDANCE RECORD 2015**

PLANNING & ZONING COMMISSION

MEMBERS	1/20/2015	2/17/2015	3/17/2015	4/21/2015	5/19/2015	6/16/2015	7/21/2015	8/18/2014	9/15/2015	10/20/2015	11/17/2015	12/15/2015
Susan Markin, Chair	P	P	P	P	P	P	X	X	X	P	P	P
Michael Scharf, Vice-Chair	P	P	P	P	P	E	X	X	X	E	P	P
Carol Mack	P	P	P	P	P	U	X	X	X	U	P	P
Martin I. Klein	-	-	-	P	P	P	X	X	X	P	P	P
Lewis Crampton	P	P	P	P	P	P	X	X	X	P	P	P
Michael Ainslie -	-	-	-	-	-	-	-	-	-	P	P	P
Alan Golboro	-	-	-	-	-	-	-	-	-	P	P	P
Jeffrey Cloninger	P	P	U	P	P	P	X	X	X	-	-	-
Floyd Wideman	P	P	P	P	P	E	X	X	X	-	-	-
ALTERNATE MEMBERS												
Michael Spaziani	P	P	P	P	P	P	X	X	X	P	P	P
Susan Watts	P	P	P	P	P	P	X	X	X	P	P	P
Rick Pollock	P	P	P	E	P	P	X	X	X	P	E	P

LEGEND P=PRESENT
E=EXCUSED
U-UNEXCUSED
A=ABSENT PENDING CLASSIFICATION AS "EXCUSED" OR "UNEXCUSED"
X=COMMISSION DID NOT MEET

TOWN OF PALM BEACH **ATTENDANCE RECORD 2015**

PLANNING & ZONING COMMISSION

MEMBERS	1/20/2015	2/17/2015	3/17/2015	4/21/2015	5/19/2015	6/16/2015	7/21/2015	8/18/2014	9/15/2015	10/20/2015	11/17/2015	12/15/2015
Susan Markin, Chair	P	P										
Michael Scharf, Vice-Chair	P	P										
Carol Mack	P	P										
Danielle Moore	P	X	X	X	X	X	X	X	X	X	X	X
Lewis Crampton	P	P										
Jeffrey Cloninger	P	P										
Floyd Wideman	P	P										
ALTERNATE MEMBERS												
Michael Spaziani	P	P										
Susan Watts	P	P										
Rick Pollock	P	P										

LEGEND P=PRESENT
E=EXCUSED
U-UNEXCUSED
A=ABSENT PENDING CLASSIFICATION AS "EXCUSED" OR "UNEXCUSED"
X=Elected to Council

TOWN OF PALM BEACH
PLANNING & ZONING COMMISSION

VOTING CONFLICTS 2017

MEMBERS	1/17/2017	2/21/2017	3/21/2017	4/18/2017	5/16/2017	6/20/2017	7/18/2017	8/15/2017	9/19/2017	10/17/2017	11/21/2017	12/19/2017
Martin I. Klein, Chair	X	%	X	%	X	%	%	%	%			
Lewis Crampton, Vice Chair	X	%	X	%	X	%	%	%	%			
Carol Mack	X	%	X	%	X	%	%	%	%			
Michael Ainslie	X	%	X	%	X	%	%	%	%			
Alan Golboro	X	%	X	%	X	%	%	%	%			
Kenneth Walker	X	%	X	%	X	%	%	%	%			
Carol LeCates	X	%	X	%	X	%	%	%	%			
ALTERNATE MEMBERS												
Michael Spaziani	X	%	X	%	X	%	%	%	%			
Rick Pollock	X	%	X	%	X	%	%	%	%			
Eric Christu	X	%	X	%	X	%	%	%	%			

LEGEND:

x	No conflict		
V	1 Voting Conflict during meeting	V2	Two Voting Conflicts during a meeting
V3	3 Voting Conflicts during a meeting	VPD	Voting Conflict Previously Declared (This category to be used when a conflict has been declared at a previous meeting, and the changes being reviewed are part of an ongoing project. Only count original declared voting conflict for ongoing projects per JCR.
%	Meeting cancelled		
\	Term ended		
r	Resigned		

TOWN OF PALM BEACH
PLANNING & ZONING COMMISSION

VOTING CONFLICTS 2016

MEMBERS	1/19/2016	2/16/2016	3/22/2016	4/19/2016	5/17/2016	6/21/2016	7/19/2016	8/16/2016	9/20/2016	10/18/2016	11/15/2016	12/20/2016
Susan Markin, Chair*	x	x	x	x	%	%	x	%	r	r	r	r
Michael Scharf, Vice Chair*	x	x	x	x	%	%	x	%	x	\	\	\
Carol Mack	x	x	x	x	%	%	x	%	x	x	x	%
Lewis Crampton, Vice Chair**	x	x	x	x	%	%	x	%	x	x	x	%
Martin Klein, Chair**	x	x	x	x	%	%	x	%	x	x	x	%
Michael Ainslie	x	x	x	x	%	%	x	%	x	x	x	%
Alan Golboro	x	x	x	x	%	%	x	%	x	x	x	%
ALTERNATE MEMBERS												
Michael Spaziani	x	x	x	x	%	%	x	%	x	x	x	%
Susan Watts	x	x	x	x	%	%	x	%	x	r	r	r
Rick Pollock	x	x	x	x	%	%	x	%	x	x	x	%
Eric Christu												X

LEGEND:

x	No conflict		
V	1 Voting Conflict during meeting	V2	Two Voting Conflicts during a meeting
V3	3 Voting Conflicts during a meeting	VPD	Voting Conflict Previously Declared (This category to be used when a conflict has been declared at a previous meeting, and the changes being reviewed are part of an ongoing project. Only count original declared voting conflict for ongoing projects per JCR.
%	Meeting cancelled		
\	Term ended		
X	New Appointments		
**	Began Chair and Vice Chair 3/16		
*	Chair and Vice Chair until 3/16		
r	Resigned		

TOWN OF PALM BEACH

PLANNING & ZONING COMMISSION

VOTING CONFLICTS 2015

MEMBERS	1/20/2015	2/17/2015	3/17/2015	4/21/2015	5/19/2015	6/16/2015	7/21/2015	8/18/2014	9/15/2015	10/20/2015	11/17/2015	12/15/2015
Susan Markin, Chair	x	x	x	x	x	x	*	*	*	x	x	x
Michael Scharf, Vice-Chair	x	x	x	x	x	x	*	*	*	x	x	x
Carol Mack	x	x	x	x	x	x	*	*	*	x	x	x
Danielle Moore	x	x	x	x	x	x	*	*	*	x	x	x
Lewis Crampton	x	x	x	x	x	x	*	*	*	x	x	x
Jeffrey Cloninger	x	x	x	x	x	x	*	*	*	x	x	x
Floyd Wideman	x	x	x	x	x	x	*	*	*	x	x	x
ALTERNATE MEMBERS												
Michael Spaziani	x	x	x	x	x	x	*	*	*	x	x	x
Susan Watts	x	x	x	x	x	x	*	*	*	x	x	x
Rick Pollock	x	x	x	x	x	x	*	*	*	x	x	x

LEGEND:

x	No conflict		
V	1 Voting Conflict during meeting	V2	Two Voting Conflicts during a meeting
V3	3 Voting Conflicts during a meeting	VPD	Voting Conflict Previously Declared (This category to be used when a conflict has been declared at a previous meeting, and the changes being reviewed are part of an ongoing project. Only count original declared voting conflict for ongoing projects per JCR.
*	Meeting cancelled		
\	Term ended		
X	New Appointments		

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2017

Section of Agenda
Regular Agenda - New Business

Agenda Title
Windsor Court Right-of-Way Condition Assessment.

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

ATTACHMENTS:

- **Memorandum dated August 24, 2017, from H. Paul Brazil, P.E., Director of Public Works**
- **Chen Moore Proposal**
- **Letter - Windsor PB Estates HOA**
- **Windsor Plat**
- **Chapter 10 Sub-Divisions**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Windsor Court Right-of-Way Condition Assessment

DATE: August 24, 2017

STAFF RECOMMENDATION

Town staff recommends that Town Council review the information herein and provide policy guidance on the requested transfer of a private roadway to the Town.

GENERAL INFORMATION

Windsor Court was dedicated in perpetuity as a private street for the ingress/egress of the residents of that subdivision (ref: Graham Eckes Academy as platted and recorded on 8/23/90). That recorded plat also dedicated easements for utilities, drainage, sight and egress. The property owners (Windsor Palm Beach Estates Homeowners Association, Inc.) had petitioned the Town to take ownership as a public street in 2002. Although there was some correspondence back and forth from November 2002 to April 2003 documenting various concerns and issues, it appears that no mutually agreeable conclusion was reached.

Recent e-mail correspondence and meetings with the Town Manager indicates that the residents of Windsor Court again would like to request that the Town assume the ownership of the street. The first step in considering such a request would be to determine whether the proposed infrastructure meets the Town standards and if not what the costs would be to bring it to "like new" condition meeting those standards. Town staff has obtained a proposal from one of the professional engineering consultants who could conduct an independent assessment of the condition of Windsor Court relative to the Town's right-of-way standards and subdivision infrastructure. That fee is estimated to be $6,115 and is not currently budgeted within the Town's budget.

If the Town Council desires to pursue this request, staff requests guidance on whether the fee is to be paid by the residents making the request. Another consideration is that the Town-wide undergrounding project will have an impact on the future condition of this private road and utilities. Although the work in the street is expected to be minimal, the resulting patches are likely to result in milling/resurfacing of the entire street. This street is in Phase 6 of the Town-Wide Undergrounding Program, which is scheduled for construction to begin in May 2021.

FUNDING/FISCAL IMPACT

Funding for the condition assessment by the consultant is not currently budgeted.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended. The Town would manage the task even if the residents pay for it.

TOWN ATTORNEY REVIEW

There are no documents to be reviewed and approved yet by the Town Attorney for legal form and sufficiency, but if there are any questions about pertinent legal issues associated with this request, they could be addressed at the Town Council meeting.

Attachments

cc: Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
John C. Randolph, Town Attorney
Paul Castro, Zoning Administrator, Planning, Zoning & Building
Herb Siegel, Windsor Court
Gerry Goldsmith, One Windsor Court

CHEN•MOORE &ASSOCIATES

500 Australian Ave S, Ste. 850
West Palm Beach, FL 33401
Phone: +1 (561) 746-6900
Fax: +1 (561) 746-8333
www.chenmoore.com

August 11, 2017
August 31, 2017 (Revised)

SENT VIA E-MAIL
EBrown@TownofPalmBeach.com

Eric Brown, P.E.
Assistant Director
Town of Palm Beach
Public Works Department
951 Okeechobee Road
West Palm Beach, FL 33401

Subject: Town of Palm Beach Windsor Court Assessment
CMA Proposal # P17.431.07 – Revision 1

Dear Mr. Brown:

Chen Moore and Associates (CMA) is pleased to submit the attached Scope of Services to provide engineering consulting services for the Windsor Court Assessment. The work will be performed in accordance with the Continuing Services Contract between the Town and CMA.

PROJECT INTRODUCTION

The residents of Windsor Court, Palm Beach have requested that the Town take ownership of the road easement as public right-of-way. The Town has requested that CMA perform an assessment of this easement to determine if it is compliant with Town standards and identify any deficiencies that may need to be corrected.

The "Owner" of the property are the Windsor Court residents (RESIDENTS)
The "Client" is the Town of Palm Beach (TOWN)
The "Consultant" is Chen Moore and Associates (CMA)

SCOPE OF SERVICES

CMA will perform an assessment of the Windsor Court roadway easement from Cherry Lane to North County Road. The scope of services includes the following:

- Field visit to measure approximate roadway widths and observe condition of items within the easement
- Review of asbuilts and plats

CHEN•MOORE &ASSOCIATES

500 Australian Ave S, Ste. 850
West Palm Beach, FL 33401
Phone: +1 (561) 746-6900
Fax: +1 (561) 746-8333
www.chenmoore.com

- Review of street compared to Town Right-of-Way standards and applicable Town ordinandces.
- (2) pavement cores to determine asphalt section
- Conceptual design and cost estimate for correcting deficiencies
- Technical memorandum outlining results of tasks above

ASSUMPTIONS

The following assumptions were incorporated into the development of the scope. Should the assumptions change, the scope of services may change.

- TPB shall provide all available pertinent information including previous reports, as-built drawings, and any other information that may help to verify the existing conditions.
- Progress meetings are not included.
- Survey is not included
- Construction level plans are not included
- Bidding assistance is not included
- Landscape architecture services are not included
- Construction administration services are not included

SCHEDULE AND FEES

The work will be completed within 30 days of the Notice to Proceed. The total lump sum fee is **$6,115**. Fees will be billed on a monthly basis according to the percent complete.

Should you have any questions, please do not hesitate to contact me at my office at (561) 746-6900 x 1035, my cell phone at (954) 650-7996 or send me an electronic message at sdombrowski@chenmoore.com.

Respectfully submitted,

CHEN MOORE AND ASSOCIATES
Suzanne Dombrowski, P.E., Envision SP
Senior Engineer and West Palm Beach Branch Manager

WINDSOR PALM BEACH ESTATES HOMEOWNERS ASSOCIATION, INC.
8 Windsor Court
Palm Beach, Florida 33480

Peter Elwell, Town Manager
360 South County Road
Palm Beach, Florida 33480

November 15, 2002

Dear Mr. Elwell,

At yesterdays meeting of our homeowners association our board voted to petition the Town of Palm Beach to turn our street, Windsor Court, into a public street. At present it is a private street.

Please take the necessary steps to accomplish this action. I will be available for any assistance you may need.

Sincerely,

William O. Cooley, Secretary

TOWN OF PALM BEACH

Office of the Town Manager

December 23, 2002

Mr. William Cooley, Secretary
Windsor Palm Beach Estates Homeowners Association, Inc.
8 Windsor Court
Palm Beach, FL 33480

Dear Mr. Cooley:

Thank you for your letter dated November 15, 2002, requesting that Windsor Court be accepted by the Town as a public street.

Before the Mayor and Town Council consider your request, the Homeowners Association must agree to bring the infrastructure in the subdivision up to a "like new" condition meeting current Town standards. This is the norm required for Town acceptance of any subdivision infrastructure.

A quick inspection of Windsor Court has revealed the following:

1. There are a number of sections of curb/gutter that are cracked, settled or broken. These will need to be replaced.

2. There is abnormal settlement near one of the inlets that will require excavation and repair.

3. There are a number of pavement "boils" where the asphalt has heaved. The cause of these boils will need to be determined and repaired.

4. The roadway needs to be milled and resurfaced since it has oxidized and cracked in many places.

5. The signage for the one-way section of Windsor Court is missing and will need to be installed.

WINDSOR PALM BEACH HOMEOWNERS ASSOCIATION, INC.
WILLIAM O. COOLEY, SECRETARY
8 WINDSOR COURT
PALM BEACH, FLORIDA 33480

February 25 2003

Town of Palm Beach
Peter Elwell, Town Manager
360 South County Road
Palm Beach, Florida 33480

Dear Mr. Elwell,

We are in receipt of your letter of December 23, thank you for your prompt response.

As I sit here typing this letter I notice a large concrete readi-mix truck using our private street as a short-cut from County Road to a construction site on Cherry Lane. This is not unusual. Vehicles, both commercial and residential, constantly use Windsor Court as a short-cut from Cherry Lane to County Road and from County Road to Cherry Lane.

The four Windsor Court homeowners are bearing the upkeep and maintenance of Windsor Court caused by public vehicular traffic far in excess of our use of the street. The town real estate taxes do not allow us any credits for road maintenance, insurance, etc., on a street that we, in fact, maintain for the benefit of the public. We cannot allow this to continue. Either Windsor Court becomes a public street or we will close it off to all traffic except that which is headed for one of the four homes on the street.

Would you please provide the following at your earliest convenience;

1. A list of all private streets in Palm Beach indicating which ones are through streets and which ones are dead end streets

2. How many applications to turn private streets into public streets are now pending? And, what for what streets?

3. In the past ten years which private streets have been accepted by the town?

4. In the past ten years which private streets have been rejected (after proper application) by the town and the reasons for such rejections.

5. Please provide specifics as to the repairs that need to be made and the location on the street of such repairs.

TOWN OF PALM BEACH

Office of the Town Manager

April 15, 2003

Mr. William Cooley, Secretary
Windsor Palm Beach Homeowners Association
8 Windsor Court
Palm Beach, FL 33480

Dear Mr. Cooley:

This is in response to your letter of February 25, 2003, regarding the potential conversion of Windsor Court from a private street to a public street. Thank you for your patience in awaiting my response.

My statements below correspond to the questions enumerated in your February 25th letter, a copy of which is enclosed for ease of reference.

1. Please see attached list and map.
2. None.
3. None.
4. None. Some residents explored the possibility but decided not to pursue it (e.g. Blossom Way).
5. My previous letter described the character of the necessary repairs. If you move forward with this application and it is approved, we will gladly identify the specific locations and repairs so that you may determine how to proceed.
6. The Town's adopted level of service in your basin requires that the pipes be sized to handle the three year-one hour storm. A runoff coefficient of 0.63 has been established for your area. A professional civil engineer can evaluate what needs to be done to comply with the Town's requirements on this item, including projecting the cost of this work.
7. Only the Town Council can grant you permission to install one or more gates. Please note that the gates in Phipps Estates are not privately controlled. They will open for anyone who approaches them either entering or leaving the subdivision via the private roads that connect to North Lake Way.

Property owners subdividing their land often provide for private streets and infrastructure in exchange for relaxation of the Town codes regarding such things as right-of-way widths and the layout of the subdivision itself. It is unlikely that the wall and hedge on the north side of Windsor Court would have been approved if the street was going to be dedicated to the public. But, because it was going to be private, the issues of wall and hedge maintenance and roadway right-of-way width were not of great importance. If the street is to be public, these issues become important. That is one of the reasons that trying to go from private to public is difficult.

See ORB 6645 p. 436 Surveyors AFF.
Dist. of N. line of Lt. 4 should be 335.44'
" " " Windsor Court should be 472.70" Data shown in NE corner of Lt. 1 should be Arc length 35.87' & Delta of 82°13'06"

This is not a certified copy

GRAHAM ECKES ACADEMY

105

TOWN of PALM BEACH, FLORIDA - BEING A PORTION OF GOVERNMENT LOT 3, SECTION 10, TOWNSHIP 43 SOUTH, RANGE 43 EAST and GOVERNMENT LOT 2, SECTION 11, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA

SHEET 1 of 2 **AUGUST, 1990**

STATE OF FLORIDA
COUNTY OF PALM BEACH
THIS PLAT WAS FILED FOR RECORD AT 3:41 P.M. THIS 23rd DAY OF August AD, 1990 AND DULY RECORDED IN PLAT BOOK 66 ON PAGES 105 AND 106.
JOHN B. DUNKLE, CLERK
CIRCUIT COURT
BY: Barbara A. Flood DC

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT P.B. LAND INVESTMENTS INC., A FLORIDA CORPORATION, OWNER OF THE LAND SHOWN HEREON BEING A PORTION OF GOVERNMENT LOT 3, SECTION 10 AND GOVERNMENT LOT 2, SECTION 11, TOWNSHIP 43 SOUTH, RANGE 43 EAST, TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA SHOWN HEREON AS GRAHAM ECKES ACADEMY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF CHERRY LANE AND THE EAST RIGHT-OF-WAY LINE OF LAKE WAY AS RECORDED IN THE PLAT OF CHERRY LANE IN PLAT BOOK 23, PAGE 75, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE OF CHERRY LANE, A DISTANCE OF 186.84 FEET TO THE POINT OF BEGINNING OF THIS PLAT; THENCE CONTINUE EASTERLY ALONG SAID RIGHT-OF-WAY LINE OF CHERRY LANE, A DISTANCE OF 811.53 FEET TO THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD AS SHOWN ON SAID PLAT; THENCE NORTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE THROUGH AN ANGLE FROM WEST TO NORTH OF 88°36'48", A DISTANCE OF 140.62 FEET TO THE SOUTH LINE OF EL DORADO PARK AS RECORDED IN PLAT BOOK 25, PAGE 236, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG THE SAID SOUTH LINE OF EL DORADO PARK THROUGH AN ANGLE FROM SOUTH TO WEST OF 91°42'54", A DISTANCE OF 808.14 FEET; THENCE SOUTHERLY THROUGH AN ANGLE FROM EAST TO SOUTH OF 89°40'18", A DISTANCE OF 145.21 FEET TO THE TO THE NORTH RIGHT-OF-WAY LINE OF CHERRY LANE AND THE POINT OF BEGINNING.

CONTAINING 2.6565 ACRES MORE OR LESS.

HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN HEREON AND DO HEREBY DEDICATE AS FOLLOWS:

1. THE UTILITY EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED IN PERPETUITY FOR THE CONSTRUCTION AND MAINTENANCE OF UTILITIES.
2. THE DRAINAGE EASEMENT AS SHOWN IS HEREBY DEDICATED TO THE TOWN OF PALM BEACH FOR THE CONSTRUCTION AND MAINTENANCE OF STORM DRAINAGE FACILITIES.
3. THE ACCESS TRACT SHOWN HEREON AS WINDSOR COURT IS HEREBY DEDICATED IN PERPETUITY AS A PRIVATE STREET FOR INGRESS AND EGRESS TO THE RESIDENTS OF THIS SUBDIVISION, AND FOR THE CONSTRUCTION AND MAINTENANCE OF UTILITIES AND STORM DRAINAGE FACILITIES.
4. THE SIGHT EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED IN PERPETUITY FOR THE OBSERVATION OF TRAFFIC FLOW ON ADJOINING STREETS. LANDSCAPING AND WALLS SHALL BE PERMITTED BUT SHALL NOT EXCEED TWO FEET SIX INCHES (2'6") IN HEIGHT.
5. THE EGRESS EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED IN PERPETUITY FOR THE PURPOSES OF EGRESS AND TRAFFIC REGULATING SIGNAGE.

IN WITNESS WHEREOF, P.B. LAND INVESTMENTS HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS PRESIDENT AND SOLE OFFICER OF SAID CORPORATION AND ITS CORPORATE SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS, THIS 3rd DAY OF AUGUST, 1990.

P.B. LAND INVESTMENTS, INC.
A FLORIDA CORPORATION

WITNESS Eleanor H. Law
WITNESS Jacqueline J. [illegible]

William A. Meyer
WILLIAM A. MEYER
PRESIDENT

ACKNOWLEDGEMENT

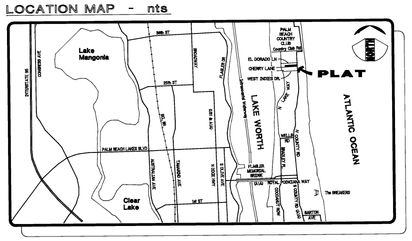
STATE OF FLORIDA
COUNTY OF PALM BEACH } SS

BEFORE ME PERSONALLY APPEARED WILLIAM A. MEYER TO ME WELL KNOWN AND KNOWN TO ME TO BE THE INDIVIDUAL DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AS PRESIDENT OF P.B. LAND INVESTMENTS INC., A FLORIDA CORPORATION, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT HE EXECUTED SUCH INSTRUMENT AS SUCH OFFICER OF SAID CORPORATION, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION AND THAT IT WAS AFFIXED TO SAID INSTRUMENT BY DUE AND REGULAR CORPORATE AUTHORITY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THIS 3rd DAY OF August, 1990.

Barbara Ricker
NOTARY PUBLIC
MY COMMISSION EXPIRES: 7/27/93

LOCATION MAP - nts



TITLE CERTIFICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH } SS

I, WILLIAM A. MEYER, A DULY LICENSED ATTORNEY IN THE STATE OF FLORIDA DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY; THAT I FIND THE TITLE TO THE PROPERTY IS VESTED IN P.B. LAND INVESTMENTS INC., A FLORIDA CORPORATION; THAT THE CURRENT TAXES HAVE BEEN PAID; THAT I FIND THAT THE PROPERTY IS ENCUMBERED BY THE MORTGAGES SHOWN HEREON; AND THAT I FIND ALL MORTGAGES ARE SHOWN AND ARE TRUE AND CORRECT.

DATE August 3, 1990

William A. Meyer
WILLIAM A. MEYER
ATTORNEY AT LAW
LICENSED IN THE STATE OF FLORIDA

SURVEYOR'S NOTES

1. THERE SHALL BE NO TREES, SHRUBS, OR OTHER IMPROVEMENTS PLACED ON ANY UTILITY EASEMENT WHICH COULD NOT BE READILY REMOVED BY THE RESPONSIBLE LOT OWNER AT THE LOT OWNER's EXPENSE.
2. THE BUILDING SETBACK LINES SHALL BE AS REQUIRED BY CURRENT TOWN OF PALM BEACH ZONING REGULATIONS.
3. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
4. PROPERTY OWNERS TO MAINTAIN WALL AND PLANTING ON NORTH SIDE OF WINDSOR COURT.

SURVEYOR's CERTIFICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH } SS

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED DOES HEREBY CERTIFY THAT IN SEPTEMBER OF 1989, HE COMPLETED THE SURVEY OF LANDS AS SHOWN ON THE HEREON PLAT; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS HEREIN DESCRIBED AND PLATTED; THAT PERMANENT REFERENCE MONUMENTS HAVE BEEN SET AS REQUIRED BY LAW AND THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF PART 1, CHAPTER 177, FLORIDA STATUTES, AS AMENDED AND THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA AND ORDINANCES AND REGULATIONS OF THE TOWN OF PALM BEACH, FLORIDA.

DATE 8/3/90

DONALD L. TODD
PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION No. 4380

APPROVAL - TOWN of PALM BEACH

THE PLAT AS SHOWN HEREON HAS BEEN APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA; AND THE TOWN DOES HEREBY FORMALLY ACCEPT THE OFFERS TO DEDICATE CONTAINED ON THE PLAT THIS 23rd DAY OF August, 1990.

BY: Robert J. Doney
ROBERT J. DONEY
TOWN MANAGER

MORTGAGEE's CONSENT

STATE OF FLORIDA
COUNTY OF PALM BEACH } SS

THE UNDERSIGNED HEREBY CERTIFIES THAT IT IS THE HOLDER OF A MORTGAGE UPON THE PROPERTY DESCRIBED HEREON AND DOES HEREBY JOIN IN AND CONSENT TO THE DEDICATION OF THE LAND DESCRIBED IN SAID DEDICATION BY THE OWNER THEREOF AND AGREES THAT ITS MORTGAGE, WHICH IS RECORDED IN OFFICIAL RECORD BOOK 6195 AT PAGE 324, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SHALL BE SUBORDINATED TO THE DEDICATION SHOWN HEREON.

IN WITNESS WHEREOF, FIRST UNION NATIONAL BANK OF FLORIDA HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS 3rd DAY OF August, 1990.

WITNESS Arden S. Riting
WITNESS Mara Vilardi

BY: William Piana
WILLIAM PIANA
VICE PRESIDENT

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH } SS

BEFORE ME PERSONALLY APPEARED WILLIAM PIANA TO ME WELL KNOWN AND KNOWN TO ME TO BE THE INDIVIDUAL DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AS VICE PRESIDENT OF FIRST UNION NATIONAL BANK OF FLORIDA, A FLORIDA CORPORATION, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT HE EXECUTED SUCH INSTRUMENT AS SUCH OFFICER OF SAID CORPORATION, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION AND THAT IT WAS AFFIXED TO SAID INSTRUMENT BY DUE AND REGULAR CORPORATE AUTHORITY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THIS 3 DAY OF August, 1990.

Arden S. Riting
NOTARY PUBLIC
MY COMMISSION EXPIRES: July 24, 1992

MORTGAGEE's CONSENT

STATE OF FLORIDA
COUNTY OF PALM BEACH } SS

THE UNDERSIGNED HEREBY CERTIFIES THAT IT IS THE HOLDER OF A MORTGAGE UPON THE PROPERTY DESCRIBED HEREON AND DOES HEREBY JOIN IN AND CONSENT TO THE DEDICATION OF THE LAND DESCRIBED IN SAID DEDICATION BY THE OWNER THEREOF AND AGREES THAT ITS MORTGAGE, WHICH IS RECORDED IN OFFICIAL RECORD BOOK 5954 AT PAGE 1303, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SHALL BE SUBORDINATED TO THE DEDICATION SHOWN HEREON.

IN WITNESS WHEREOF, NORTHERN TRUST BANK OF FLORIDA, HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS 3rd DAY OF AUGUST, 1990.

WITNESS Cindy James
WITNESS Mary Dunley

BY: Paul Moore
PAUL MOORE
VICE PRESIDENT

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH } SS

BEFORE ME PERSONALLY APPEARED PAUL MOORE TO ME WELL KNOWN AND KNOWN TO ME TO BE THE INDIVIDUAL DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AS VICE PRESIDENT OF NORTHERN TRUST BANK OF FLORIDA, A FLORIDA CORPORATION, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT HE EXECUTED SUCH INSTRUMENT AS SUCH OFFICER OF SAID CORPORATION, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION AND THAT IT WAS AFFIXED TO SAID INSTRUMENT BY DUE AND REGULAR CORPORATE AUTHORITY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THIS 3 DAY OF August, 1990.

Martha [illegible]
NOTARY PUBLIC
MY COMMISSION EXPIRES: Sept 17, 1990

P.B. LAND INVESTMENTS | NOTARY | SURVEYOR | TOWN of PALM BEACH | FLORIDA NATIONAL BANK | NOTARY | NORTHERN TRUST BANK of FLORIDA | NOTARY

THIS INSTRUMENT WAS PREPARED BY AGreen
IN THE OFFICES OF KESHAVARZ & ASSOCIATES, INC.
4425 BEACON CIRCLE, SUITE 201
WEST PALM BEACH, FLORIDA 33407
TEL: (407) 844-8600 FAX: (407) 844-5960

This is not a certified copy

GRAHAM ECKES ACADEMY

106

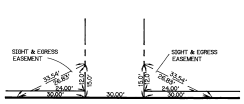
TOWN of PALM BEACH, FLORIDA - BEING A PORTION OF
GOVERNMENT LOT 3, SECTION 10, TOWNSHIP 43 SOUTH, RANGE 43 EAST and
GOVERNMENT LOT 2, SECTION 11, TOWNSHIP 43 SOUTH, RANGE 43 EAST,
PALM BEACH COUNTY, FLORIDA

SHEET 2 of 2 **AUGUST, 1990**

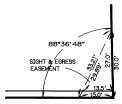
STATE OF FLORIDA
COUNTY OF PALM BEACH
THIS PLAT WAS FILED FOR RECORD AT _____
THIS _____ DAY OF _____ AD, 1990 AND
DULY RECORDED IN PLAT BOOK _____ ON PAGES _____ AND _____
JOHN B. DUNKLE, CLERK
CIRCUIT COURT
BY: _____ DC

NORTH
SCALE: 1" = 40'

GRAPHIC SCALE
0 20 40 80 120



DETAIL 'A'
nts



DETAIL 'B'
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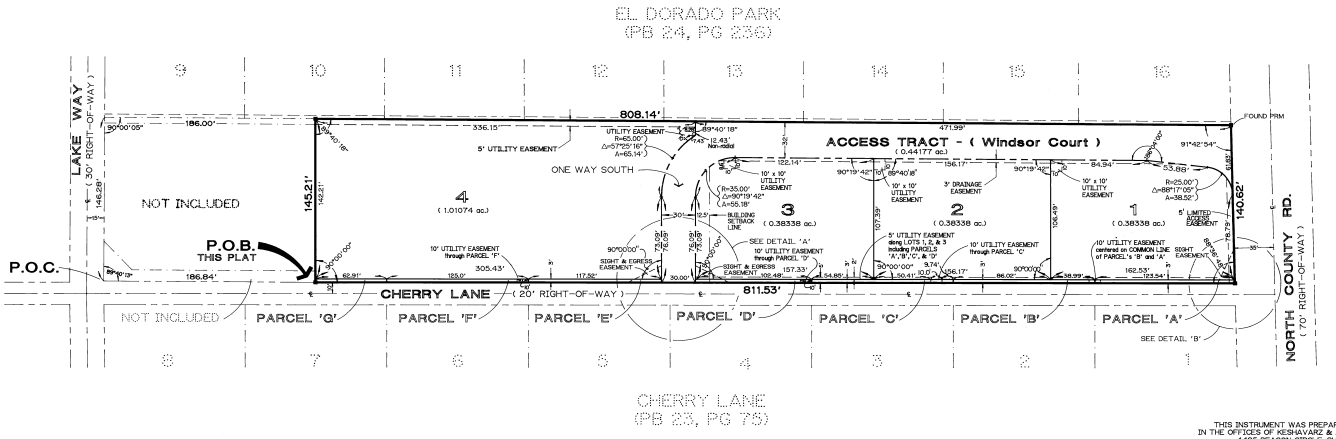

■ – DENOTES SET PERMANENT REFERENCE MONUMENT UNLESS NOTED OTHERWISE

THIS INSTRUMENT WAS PREPARED BY AGreen
IN THE OFFICES OF KESHAVARZ & ASSOCIATES, INC.
4425 BEACON CIRCLE, SUITE 201
WEST PALM BEACH, FLORIDA 33407
TEL: (407) 844-8600 FAX: (407) 844-5960

Chapter 110 - SUBDIVISIONS[1]

Footnotes:

--- (**1**) ---

Editor's note— Ord. No. 36-10, § 1, adopted January 11, 2011, amended chapter 110 in its entirety to read as herein set out. Formerly, chapter 110, articles I—III, pertained to similar subject matter, and derived from the Code of 1982, §§ 20-1, 20-2(a, b), 20-3(a, b), 20-4—20-9, and Ord. No. 23-95, § 1, adopted October 10, 1995.

Cross reference— Any ordinance dedicating or accepting any plat or subdivision in the town saved from repeal, § 1-8(8); buildings and building regulations, ch. 18; consistency and concurrency management system, ch. 30; environment, ch. 42; floods, ch. 50; historical preservation, ch. 54; marine structures, ch. 62; natural resource protection, ch. 66; planning, ch. 86; streets, sidewalks and other public places, ch. 106; utilities, ch. 122; vegetation, ch. 126; zoning, ch. 134.

State Law reference— Plats and platting, F.S. ch. 177.

ARTICLE I. - IN GENERAL

Sec. 110-1. - Subdivision fees.

(a) *Preliminary review.* A nonrefundable preliminary subdivision review fee as adopted by resolution of the town council, as may be amended from time to time shall be submitted to the director of planning, zoning and building upon application.

(b) *Impact study.* Prior to the town's acceptance of the proposed subdivision, the town council may negotiate a mutually agreeable subdivision fee based upon studies required by the town concerning the impact the proposed subdivision may place upon the town's infrastructure. However, in no instance shall this fee be less than the application fee adopted by resolution of the town council, as may be amended from time to time. This fee shall be payable to the director of planning, zoning and building prior to the town manager's signing the proposed plat.

(c) *Replats.* The minimum fee for replats shall not be less than the application fee adopted by resolution of the town council, as may be amended from time to time.

(d) *Publication costs.* A sum sufficient to pay publication costs of any notice required to be published shall be added to the fees in this section.

(Ord. No. 36-10, § 1, 1-11-11)

Sec. 110-2. - Variances.

Where the applicant fully demonstrates that an extraordinary hardship may result from strict compliance with this chapter, the town council may grant a variance to this chapter so that substantial justice may be done and a public interest secured; however, such variation must not be in conflict with nor have the effect of nullifying the intent and purpose of the town's comprehensive plan and zoning ordinance or the intent of this chapter. In granting variances and modifications, the town council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

(Ord. No. 36-10, § 1, 1-11-11)

Secs. 110-3—110-35. - Reserved.

ARTICLE II. - PLATS AND PLANS[2]

Footnotes:

--- (**2**) ---

State Law reference— Requirements for plats, F.S. § 177.091; dedication by developer required, F.S. § 177.081; vacation and annulment of plats, F.S. § 177.101.

DIVISION 1. - GENERALLY

Sec. 110-36. - Town manager's approval required.

No plat of a subdivision within the town shall be entitled to record unless it bears upon its face the approval in writing of the town manager, and the town manager shall not approve any such plat except upon approval by the town council.

(Ord. No. 36-10, § 1, 1-11-11)

State Law reference— Title certification required for approval, F.S. § 177.041; approval by city council required, F.S. § 177.071.

Sec. 110-37. - Letter of credit regarding proposed improvements.

The developer shall provide the town an irrevocable clean letter of credit drawn upon a county bank in the amount equal of 135 percent of the estimated cost of the proposed subdivision improvements to secure the cost of the construction of the improvements. This cost shall be certified by a state registered engineer and shall be subject to the town engineer's review and approval as well as any other mutually agreed upon subdivision fees prior to the execution of the plat for the town by the town manager. There shall be no building permits issued for development within the subdivision prior to the town engineer's and director of public works' acceptance of the completed improvements. Construction permits for the improvements must be obtained from the planning, zoning and building department within six months of the approval date, or all approvals shall become null and void. Improvements shall be completed within six months of the date of their commencement. If the improvements are not completed within the six-month period, or if work is abandoned on the property by failure to conduct activity toward the improvement of the property for a continuous period of 30 days or more, or if the improvements are not completed in accordance with the approved plans, the town may call in the irrevocable letter of credit and cause the improvements to be completed.

(Ord. No. 36-10, § 1, 1-11-11)

Secs. 110-38—110-60. - Reserved.

DIVISION 2. - LOT SPLITS

Sec. 110-61. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Lot split means the subdivision of a single lot or parcel of land into two lots or parcels. This shall not include splitting of a lot or parcel of land for the purpose of transferring additional land to an existing lot or parcel so long as nonconformities are not created.

(Ord. No. 36-10, § 1, 1-11-11)

Cross reference— Definitions generally, § 1-2.

Sec. 110-62. - Filing of plat and replats.

When any lot or parcel of land in the town is subdivided into three or more building lots or when a property that was previously the subject of a lot split subsequent to the adoption of this article is contemplated for another lot split, no development or any part thereof shall be permitted until the owner of such property shall comply with the provisions of this article by filing and recording a plat in the public records of the county that is deemed to be in concert with the town's comprehensive plan and zoning ordinance. No building permit shall be issued by the director of planning, zoning and building except in accordance with the requirements of this article.

(Ord. No. 36-10, § 1, 1-11-11)

Sec. 110-63. - Restrictive covenant.

(a) Because all development orders and development permits issued by the town must be consistent with the town's comprehensive plan, and since adequate public facilities for transportation, sanitary sewer, potable water, drainage, solid waste disposal and recreation/open space must be available sufficient to maintain the town's adopted levels of service concurrent with the impacts of development, property owners in the town have no assurance that when lands are the subject to a lot split, or are being subdivided by platting or replatting, such actions can be undertaken to the maximum extent that may be allowable under the provisions of the town's zoning ordinance.

(b) As a condition of approval, the owner of each of the two remaining properties of a lot split shall prepare and record a restrictive covenant on each lot requiring that further subdivision of the property shall be allowed only upon application to and approval by the town for a subdivision under the provisions of this article.

(Ord. No. 36-10, § 1, 1-11-11)

Sec. 110-64. - Review by the director of planning, zoning and building.

The director of planning, zoning and building may approve lot splits that conform to the requirements of this division.

(Ord. No. 36-10, § 1, 1-11-11)

Sec. 110-65. - Required materials.

The director of planning, zoning and building shall consider a proposed lot split upon submittal of the following materials:

(1) A completed application form provided by the director of planning, zoning and building accompanied by three paper copies of the proposed lot split; and

(2) Land descriptions and acreage or square footage of the original and proposed lots and a scaled drawing, prepared by a professional land surveyor registered in the state, showing the intended subdivision. If a lot contains any principal or accessory structures, a survey showing the structures on the lot shall accompany the application.

(Ord. No. 36-10, § 1, 1-11-11)

Sec. 110-66. - Review procedures.

If the director of planning, zoning and building determines that the lot split meets the conditions of this division and otherwise complies with all applicable laws and ordinances, he or she shall approve the lot split by signing the application form.

(Ord. No. 36-10, § 1, 1-11-11)

Sec. 110-67. - Recordation.

Upon approval of the lot split, the applicant shall record the split on the appropriate maps and documents with the county clerk and provide copies of the recorded documents to the director of planning, zoning and building. The department of planning, zoning and building shall record the appropriate map changes and documents in the town records.

(Ord. No. 36-10, § 1, 1-11-11)

Sec. 110-68. - Standards and restrictions.

(a) *Standards.* All lot splits shall conform to the following standards:

(1) Each proposed lot must conform to all provisions and requirements of the town's land development regulations.

(2) Each lot shall abut a public or private street for the required minimum lot width for the zoning district where the lots are located.

(3) If any lot abuts a street right-of-way that does not conform to the design specifications provided in the town's land development regulations, the owner may be required to dedicate up to half the right-of-way width necessary to meet the minimum design requirements.

(b) *Restrictions.* No further division of an approved lot split shall be permitted under this section unless a development plan is prepared and submitted in accordance with this article.

(Ord. No. 36-10, § 1, 1-11-11)

Secs. 110-69—110-90. - Reserved.

DIVISION 3. - PRELIMINARY PLANS

Sec. 110-91. - Submission of plans.

Preliminary plans, prepared by a state registered engineer, of the proposed subdivision of lands within the town, which shall include when deemed necessary by the director of planning, zoning and building a traffic engineering study, shall be first submitted to the director of planning, zoning and building accompanied by a review fee and in form and number sufficient for study by the mayor and town council, the town staff, and any town-appointed commission (if applicable), for the purpose of assisting and advising the developers of such subdivision as to the requirements of the town with reference thereto.

(Ord. No. 36-10, § 1, 1-11-11)

Sec. 110-92. - Contents.

(a) Preliminary application packages shall include but are not limited to the following items:

(1) A proposed plat or replat shall conform to all applicable state statutes and regulations, as well as all ordinances and regulations of the town.

(2) Construction drawings shall include but not be limited to the following:

a. Streets:

1. Locations at minimum elevation of six feet NGVD-29.

2. Street markings.

3. Street names.

4. Numbers to be assigned by the planning, zoning and building department.

b. Sidewalks, if provided, as approved by the town public works department.

c. Fire hydrant types and locations as approved by the South Eastern Underwriters Association and the fire-rescue department.

d. Security structure locations.

e. Proposed seawalls and docks, if applicable.

f. Landscape buffer areas and general subdivision landscape plans.

(3) Traffic engineering study, including traffic control devices and sign locations, when required by the director of planning, zoning and building.

(4) Detailed construction plans meeting all applicable governmental agency and town standards.

(5) Utility company review and acceptance letters.

(6) Soil-bearing capacity tests, where applicable.

(7) Topographics of existing land and proposed subdivision.

(8) Current survey of existing land and any existing structures.

(b) The formal subdivision request with 20 copies shall be submitted to the director of planning, zoning and building no later than 30 days prior to the next regular town council meeting at which consideration is requested.

(Ord. No. 36-10, § 1, 1-11-11)

Secs. 110-93—110-125. - Reserved.

ARTICLE III. - IMPROVEMENTS

Sec. 110-126. - Street widths.

The width of all street rights-of-way in subdivisions shall not be less than 30 feet; radius at all intersections shall not be less than 25 feet. Each street shall have not less than 24 feet of pavement with no parking permitted, to be confined by standard concrete curb and gutters or valley type gutters with proper catchbasins as approved by the town engineer and director of public works. Radius at culs-de-sac shall not be less than 50 feet. Concrete headers may be substituted for curb and gutters only where contour provides adequate drainage, and then only upon the approval of the town engineer and the director of public works.

(Ord. No. 36-10, § 1, 1-11-11)

State Law reference— Platted street requirements, F.S. § 177.085.

Sec. 110-127. - Street construction.

Pavement construction shall be in general conformance with state department of transportation standards. The minimum pavement section shall be composed of a compacted subgrade, five-inch-thick hot bituminous base course and a 1½-inch-thick asphaltic concrete surface course. Material specifications, density requirements, etc., shall be set by the town engineer. Alternative types of pavement design will be considered by the town engineer upon submission of appropriate data.

(Ord. No. 36-10, § 1, 1-11-11)

State Law reference— Installation of cul-de-sacs, F.S. § 177.086.

Sec. 110-128. - Easements.

A minimum of five feet shall be reserved at the rear or side within all platted lots for drainage and utilities, and the dedication thereof shall appear on the face of the plat. All utilities shall be installed underground in accordance with chapter 134. Up to a three-foot easement shall be dedicated within platted lots on each side of a dedicated street right-of-way if the pavement exceeds 27 feet, for the purpose of laying street lighting cables, the easement to remain unpaved; and no wall, trees, fences or similar structures or growth shall be allowed or placed on or over such easement. Limited-access easements and nuisance strips may be required by the town when situations dictate.

(Ord. No. 36-10, § 1, 1-11-11)

Sec. 110-129. - Sanitary sewers and storm drainage sewers.

Sanitary and storm sewers shall be so laid out and designed as to fit into the disposal systems of the town. The location of the sanitary and storm sewer lines shall be shown upon construction plans submitted with all plats. The following specifications shall be observed in the construction of a sanitary sewer:

(1) *Sanitary sewers.* The material specifications for sanitary sewers shall be stated and designed by a state registered engineer and subject to approval of the town.

(2) *Storm sewers.*

a. The material specifications for storm sewers shall be the same as subsection (1) of this section.

b. Appropriate stubs shall be made from the storm sewers so that each lot will have access for swimming pool wastewater.

(Ord. No. 36-10, § 1, 1-11-11)

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2017

Section of Agenda
Regular Agenda - New Business

Agenda Title
Creation of a Task Force for Reevaluation and Augmentation of Town Zoning and Building Codes.

Presenter
Margaret Zeidman, Town Council Member

ATTACHMENTS:

- **Memorandum Dated September 28, 2017 From John S. Page, Director of Planning, Zoning & Building**
- **Frisbee Call for Codes Task Force.**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: Creation of a Task Force for Reevaluation and Augmentation of Town Zoning & Building Codes

Date: September 28, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council consider all information contained herein before making any determination to establish a Task Force (or alternately refer this issue to the Planning & Zoning Commission) for review of current Town Codes.

GENERAL INFORMATION

Resident and developer David Frisbie emailed Town Council members and Planning & Zoning Commissioners on September 20 (see attached) with comments promoting new, higher building elevation and more stringent structural wind load requirements. Further, he proposes that a task force of various Town personnel be developed to move the process forward.

Planning for our future is always commendable. Please be advised of several critical clarifications and consequences of these two bold proposals, however, before reaching any conclusions.

Building Elevation Standards. It is suggested that the Town require first floor elevations to be 12' NAVD (North American Vertical Datum). Elevations vary throughout the Island, but for discussion purposes it can be assumed that natural grade is 3.5' NAVD (the same elevation expressed as 5' NGVD). As suggested, first floors would have to be elevated 8.5' higher than ground level to comply with a 12' NAVD standard. The result would be extreme, unprecedented to the knowledge of PZB staff, extremely costly to build, result in new structures that tower above those now in existence, and likely to be opposed by many. At time of next Florida Building Code revision (December likely), new commercial structures will be required to be elevated 2' above the 100-year base flood elevation; residential will become 1' above the 100-year base flood elevation (double the existing standard). That progress is notable in and of itself.

Wind Load Requirements. It is suggested that buildings be designed to withstand 200 mph winds or greater. The Florida Building Code/Town Code now requires 170 mph wind load

compliance. There will be difficulties with establishing a higher standard. Most, if not all, typical building products used in new construction have industry tested certifications at 170 mph wind loads. Per our Building Official, products are not tested at 200 mph. That means that all the building products used for new construction (windows, doors, shutters, all roofing materials, etc.) would require certification by a structural engineer prior to the issuance of a building permit that they achieve the 200 mph threshold. That process will be costly, and will undoubtedly slow the process of reviewing and issuing permits. This kind of additional Code requirement may be opposed by many. The idea causes another challenge. Any local Code change more stringent that the Florida Building Code requires approvals beyond the Town Council. Both the County Building Code Advisory Board and the Florida Building Commission must so approve.

Additional FEMA News. Unknown to most, FEMA is now in the middle of preparing a Coastal Study that will address storm surge, including inundation from the Intracoastal Waterway. It would be premature to adopt a higher, more stringent elevating standard until results from that study are known. It is likely a year away from being completed.

Establishing a formal Task Force will most certainly become a time consuming and resource-heavy commitment. If the Council decides that these issues need additional Town review at this time, it would then be appropriate to refer these matters to the Planning & Zoning Commission for further study and recommendation.

cc: John C. Randolph, Town Attorney
Bill Bucklew, Building Official
David Frisbie
Planning & Zoning Commissioners

On Sep 20, 2017, at 12:45 PM, Dave Frisbie <dave@frisbiegroup.com> wrote:

The Frisbie family wants to thank all involved for their leadership during this potentially devastating trauma. The misery Harvey inflicted on Houston and the ravages mega-storm Irma threatened to inflict on Palm Beach illustrate the unfortunate challenges, risks and dangers of our rapidly evolving 21st century climate. In response to this near-miss catastrophe for our Town and Community, it feels ever-pressing and evermore appropriate that we initiate a very serious reevaluation and augmentation of our zoning and building codes, taking all responsible measures to forestall the risks and potential tragedies of these increasingly destructive natural events. Our outdated and sometimes counterproductive codes are no longer protecting our citizens, properties and Community.

As you know, FEMA is currently mandating an increase in our minimum Flood Elevations and a further FEMA Flood Map upward-revision is already in process. To alleviate future financial and emotional devastation, our leaders should appropriately turn this near-disaster into a long-term, positive learning experience for the Town of Palm Beach, recognizing the indiscriminate fortune by which we were spared the devastation witnessed in other coastal towns. Responsible code updates should include building to first floor elevations of 12' NAVD and 200mph wind loads or greater, for example, while simultaneously augmenting all other appropriate Zoning/Building dictates.

As a barrier island, Palm Beach is on the forefront of climate change, and now more than ever, Palm Beach needs responsible leadership to ensure its successful positioning in the 21st century. Our community has world leading talent and resources, and we should find it incumbent upon ourselves to set the example. The Frisbies propose developing a task force, joining Town Council, Planning and Zoning Commission, Staff, and all other appropriate parties to initiate a thorough review and enhancement of current codes. The insights and recommendations of our extremely knowledgeable head building official, Bill Bucklew, should help steward the process. We are prepared to share the recommendations of our structural engineers, coastal engineers and coastal morphologists to provide counsel for best future practices, and are willing to investigate any further technologies or outside means necessary to advance this initiative as quickly as possible.

We thank you for your attention to this pressing matter, and look to your leadership to guide the process forward.

Best regards

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2017

Section of Agenda
Ordinances - Second Reading

Agenda Title
ORDINANCE NO. 26-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 82, Personnel, Article II, Employee Benefits, Division 3, Other Post-Employment Benefits, At Section 82-150, Definitions; Section 82-151, Statement of Purpose; Section 82-154, Contributions to OPEB Trust; Section 82-158, Miscellaneous; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter
Jane Struder, Director of Finance

ATTACHMENTS:

- **Ordinance No. 26-2017**

ORDINANCE NO. 26-2017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 82, PERSONNEL, ARTICLE II, EMPLOYEE BENEFITS, DIVISION 3, OTHER POST-EMPLOYMENT BENEFITS, AT SECTION 82-150, DEFINITIONS; SECTION 82-151, STATEMENT OF PURPOSE; SECTION 82-154, CONTRIBUTIONS TO OPEB TRUST; SECTION 82-158, MISCELLANEOUS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel, Article II, Employee Benefits, Division 3, Other Post-Employment Benefits, at Section 82-150, Definitions, at Section 82-151 Statement of Purpose, at Section 82-154, Contributions to OPEB Trust, and at Section 82-158, Miscellaneous, in the manner and form set forth below (as shown in the strikeouts and underlined):

"Division 3. Other Post-Employment Benefits

Sec. 82-150. Definitions.

The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Actuary means a member of the American Academy of Actuaries, or a person who has demonstrated an educational background necessary for the practice of actuarial science and has at least five (5) years of relevant actuarial experience. A partnership or corporation may be appointed actuary if the duties of the actuary are performed by or under direct supervision of an individual who meets the preceding qualifications.

Beneficiary means a person designated by Participating Retiree to be entitled to benefits under an OPEB Plan in the case of death of the Participating Retiree in accordance with the terms of the applicable OPEB Plan.

GASB Statements mean statements issued by the Governmental Accounting Standards Board regarding financial reporting for the OPEB Plan as amended or modified from time to time.

Investment Advisory Committee means the committee created under Section 2-567 of the Code.

Investment Manager means either (i) a registered investment advisor under the Investment Advisory Act of 1940, as amended; (ii) a bank as defined in that Act; or (iii) an insurance company qualified to perform the services described herein under the laws of more than one state.

Investment Policy means the investment policy to be created by the Trustees and approved by the Town Council, as may be amended from time to time.

IRC means the Internal Revenue Code of 1986, as amended.

OPEB Plan means the post employment benefit plan or plans, other than pension plans, which are maintained by the Town pursuant to any applicable statute, regulation, ordinance, resolution, plan, program, policy, agreement, understanding or other arrangement for the benefit of Participating Retirees and their Beneficiaries.

Other Post Employment Benefits (OPEB) mean post employment benefits other than pensions as that term is defined in the GASB Statements, including post employment health care benefits, regardless of the type of plan that provides them, and all post employment benefits provided separately from a pension plan, excluding benefits defined as termination offers and benefits.

Participating Retiree means any former employee of the Town who is eligible to receive benefits under an OPEB Plan.

Property means any property, real or personal, or part interest therein, wherever situated, including but not limited to, preferred and common stocks, shares of investment companies, bonds, notes, debentures and mortgages, investment trust certificates, investments in partnerships whether limited or general, or any insurance contract, policy, annuity or other investment offered by an insurance company.

Trustees mean the individuals appointed from time to time by the Town Council. The initial Trustees shall be the Investment Advisory Committee.

Section 82-151. Statement of Purpose.

The Town provide OPEB benefits to Participating Retirees and their Beneficiaries. Under the GASB Statements, if OPEB Plan assets are held in trust, or an equivalent arrangement, the GASB Statements will allow the assumed investment return to reflect the diversified mix of investments held by the trust or equivalent arrangement.

Section 82-152. Establishment of OPEB Trust.

The Town hereby establishes an OPEB Trust, which will be under the supervision and management of the Trustees, for the exclusive benefit of the Participating Retirees and their Beneficiaries. The OPEB Trust assets shall consist of cash or other property acceptable to the Trustees as shall be transferred to the Trustees from time to time for investment in the OPEB Trust, together with the earnings, income, additions and appreciation thereon.

Section 82-153. Administration of OPEB Trust.

(a) Except as otherwise set forth in this Section and except as otherwise provided by law, the Trustees shall have exclusive authority and discretion to manage and control the assets of the OPEB Trust held by them pursuant to the Investment Policy.

(b) The Trustees shall receive and accept for purposes set forth herein all property paid to them at the direction of the Town and Participating Retirees and shall hold, invest, reinvest, manage, administer and distribute property and the increments, proceeds, earnings and income thereof for the exclusive benefit of the Participating Retirees and their Beneficiaries under terms of the OPEB Plan. All such assets shall be held by the Trustees in the OPEB Trust.

(c) The Trustees, from time to time, may appoint one or more independent Investment Managers pursuant to a written investment management agreement describing the powers and duties of the Investment Manager to invest and manage all or a portion of the OPEB Trust. The Investment Manager shall have the power to direct the management, acquisition or disposition of that portion of the OPEB Trust for which the Investment Manager is responsible. The Investment Manager must acknowledge in writing to the Trustees that it is a fiduciary with respect

to the portion of the OPEB Trust for which the Investment Manager has responsibility for the management, acquisition or disposition.

(d) Except as otherwise provided by any applicable provision of any statute, regulation, ordinance, resolution or other OPEB Plan, no portion of the vested principal or the income of the OPEB Trust shall revert to the Town, or ever be used for or diverted to any purpose other than for (i) the exclusive benefit of the Participating Retirees in the OPEB Plan and persons claiming under and through them pursuant to such plans; and (ii) the payment of reasonable expenses of such plans and the OPEB Trust. Except for the payment of OPEB Plan benefits and reasonable compensation for services rendered or expenses incurred, no part of the net earnings of the OPEB Trust shall inure to the benefit of, or be distributable to, the Trustees, employees of the Town, members of the Town council or any other private persons.

Section 82-154. Contributions to OPEB Trust.

(a) Beginning fiscal year 2007, the OPEB Trust shall be credited with all amounts appropriated or otherwise made available by the Town for the purpose of meeting the current and future OPEB costs payable by the Town. The OPEB Trust shall be credited with all amounts contributed or otherwise made available by employees of the Town or Participating Retirees for the purpose of meeting future OPEB costs payable by the Town.

(b) An Actuary shall perform an actuarial evaluation of the Town's OPEB liabilities and funding schedule as of January 1, 2006 and no less frequently than every second year thereafter. All determinations shall be made in accordance with generally accepted actuarial standards and shall conform to the requirements or the GASB Statements and the Actuary shall make a report of such determinations to the Investment Advisory Committee and the Town Council. The report shall, without limitation, detail the demographic and economic actuarial assumptions used in making the determinations, and each such report after the first report shall also include an explanation of the changes, if any, and the demographic and economic actuary assumptions employed and the reasons for any changes.

Section 82-155. Distributions from OPEB Trust.

(a) Beginning in fiscal year 2007, all payments for the purpose of meeting the Town's costs of OPEB shall be paid from the OPEB Trust.

(b) The Trustees, or their designee, shall have the responsibility for making payments from the OPEB Trust. Such payments shall be made from the OPEB Trust on behalf of Participating Retirees and their

Beneficiaries to provide health benefits. Such payments shall be made in the manner, in such amounts and for such purposes, including the payment of benefits under the OPEB Plan, and the payment of expenses of administration of the OPEB Plan, as may be specified in the OPEB Plan.

(c) The Trustees are authorized to pay all reasonable expenses of the OPEB Trust from the assets of the OPEB Trust. Expenses which are allocable to a particular investment account may be allocated and charged to such investment account as determined by the Trustees. All expenses of the OPEB Trust which are not allocable to a particular investment account shall be charged to each such investment account in a manner determined by the Trustees.

Section 82-156. Amendment of OPEB Trust.

The OPEB Trust may be amended by subsequent ordinance. Provided, however, the OPEB Trust may not be amended so as to change its purpose as set forth herein or to permit the diversion or application of any funds of the OPEB Trust for any purpose other than those specified in this Division.

Section 82-157. Prohibition of Assignment of Interest.

No interest, right or claim in or to any part of the OPEB Trust, or any payment therefrom shall be assignable, transferable or subject to sale, mortgage, pledge, hypothecation, commutation, anticipation, garnishment, attachment, execution or levy of any kind and the Trustees shall not recognize any attempt to assign, transfer, sell, mortgage, pledge, hypothecate, commute or anticipate the same, except to the extent required by law.

Section 82-158. Miscellaneous.

(a) In resolving any conflict or uncertainty as to the meaning or intention of any provision of the OPEB Trust, an interpretation that (i) causes the OPEB Trust to be exempt from tax under IR Sections 115 and 501(a), and (ii) causes the OPEB Trust to comply with the GASB Statements and all other applicable requirements of law shall prevail over any different interpretation.

(b) The OPEB Trust shall be interpreted, construed and enforced, and the OPEB Trust shall be administered in accordance with the laws of the United States and the State of Florida.

(c) The situs of the OPEB Trust is the State of Florida. All questions pertaining to its validity, construction, administration shall be determined in accordance with the laws of the State of Florida. Venue for any action regarding the OPEB Trust is Palm Beach County, Florida.

(d) The OPEB Trust shall operate on a fiscal year from 12:01 a.m. on October 1st to midnight on the last day of September in the following year."

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. 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 on first reading this 19th day of September, 2017, and for a second and final reading on this 10th day of October, 2017.

_____	_____
Gail L. Coniglio, Mayor	Richard M. Kleid, Town Council President
	_____
	Danielle H. Moore, Council President Pro Tem
	_____
	Julie K. Araskog, Town Council Member
	_____
ATTEST:	Bobbie Lindsay, Town Council Member
_____	_____
Kathleen Dominguez, Town Clerk	Margaret A. Zeidman, Town Council Member

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TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2017

Section of Agenda
Ordinances - Second Reading

Agenda Title
ORDINANCE NO. 27-2017 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, 2016, Providing an Effective Date.

Presenter
Jane Struder, Director of Finance

ATTACHMENTS:

- **Ordinance No. 27-2017**
- **Exhibits**

ORDINANCE NO. 27-2017

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, 2016, PROVIDING AN EFFECTIVE DATE.

WHEREAS, it was necessary for the Town of Palm Beach to adopt budgets for the fiscal year commencing October 1, 2016; and

WHEREAS, the Town Council of the Town of Palm Beach, Florida, deems it necessary and appropriate to amend said budgets to provide appropriations adequate for the authorization of expenditures necessary for conducting Town operations for the fiscal year ending September 30, 2017; and

WHEREAS, the budget amendment is necessary to appropriate funds from the General Fund Reserves to fund the Townwide Underground Utility Project and the amount to be transferred represent the Town's remaining balance to pre-pay the Townwide assessments for Town owned properties; and

WHEREAS, the budget amendment is necessary to appropriate available funds from the General Fund to the Employees' Retirement Fund to fund the Unfunded Actuarial Accrued Liability.

WHEREAS, the Town Council must take action to put in place an ordinance to amend the budget.

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

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The General Fund, Underground Utility Fund, and Retirement Fund budgets for the fiscal year commencing October 1, 2016, are hereby amended and adopted pursuant to the attached Exhibit "A", "B" and "C", attached hereto and made a part of this ordinance.

Section 4. Effective Date. This ordinance shall take effect immediately upon passage and approval as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 19th day of September, 2017, and for second and final reading on this 10th day of October, 2017.

_____	_____
Gail L. Coniglio, Mayor	Richard M. Kleid, Town Council President
	_____
	Danielle H. Moore, Council President Pro Tem
	_____
	Julie Araskog, Town Council Member
	_____
ATTEST:	Bobbie Lindsay, Town Council Member
_____	_____
Kathleen Dominguez, Town Clerk	Margaret A. Zeidman, Town Council Member

Exhibit A

Town of Palm Beach, Florida
General Fund Revenues and Expenditures
Budget Amendment
October 1, 2016 through September 30, 2017

	Adopted Budget FY2017	Ordinance No. 27-2017 Amendment	Amended Budget FY2017
Revenues			
Ad Valorem Taxes	49,494,500		49,494,500
Non Ad Valorem Taxes	8,103,000		8,103,000
Licenses & Permits	7,303,500		7,303,500
Intergovernmental	1,178,500		1,178,500
Charges for Services	3,816,550		3,816,550
Fines and Forfeitures	1,255,000		1,255,000
Investment Earnings	704,339		704,339
Miscellaneous Revenues	345,758	150,000	495,758
Interfund Transfers	685,000		685,000
Use of Undesignated Fund Balance	3,966,230	267,041	4,233,271
Total Revenues	76,852,377	417,041	77,269,418
Expenditures			
Department			
Legislative	155,900		155,900
General Government	698,017		698,017
Town Manager	781,929	(7,083)	774,846
Advice and Litigation	561,000		561,000
Human Resources	888,575	(5,307)	883,268
Information Systems	2,460,413	(7,880)	2,452,533
Finance	2,109,302	(13,527)	2,095,775
Planning/Building/Zoning	4,316,599	(22,380)	4,294,219
Library	325,250		325,250
Fire-Rescue	12,161,865	(6,095)	12,155,770
Police	14,742,293	(23,242)	14,719,051
Emergency Disaster Response	46,300		46,300
Public Works	15,323,669	(64,486)	15,259,183
Transfer to Other Funds	21,320,965	567,041	21,888,006
Contingent Appropriations	960,300		960,300
Total Expenditures	76,852,377	417,041	77,269,418
Revenue over/(under) Expenditures	$0	$0	$0

Exhibit B

Town of Palm Beach, Florida
Underground Utility Project Fund
Budget Amendment
October 1, 2016 through September 30, 2017

	Adopted Budget FY2017	Ordinance No. 18-2017 Amendment	Ordinance No. 27-2017 Amendment	Amended Budget FY2017
Revenues				
Investment Earnings	6,000			6,000
Transfer from CIP Fund	760,200			760,200
Transfer from General Fund	-		267,041	267,041
Proceeds from LOC		12,750,000		12,750,000
Transfer from Reserves of ERF	-	12,750,000		12,750,000
Total Revenues	766,200	25,500,000	267,041	26,533,241
Expenditures				
Project Costs	1,065,852	12,750,000		13,815,852
Transfer to Reserves of ERF	-	12,750,000		12,750,000
Total Expenditures	1,065,852	25,500,000		26,565,852
Revenues Over/(Under) Expenditures	(299,652)			(32,611)
Beginning Fund Balance	305,652			305,652
Ending Fund Balance	6,000			273,041

Exhibit C

Town of Palm Beach, Florida
Employee's Retirement Fund
Budget Amendment
October 1, 2016 - September 30, 2017

	Adopted Budget FY2017	Ordinance No. 27-2017	Amended Budget FY2017
Revenues			
Employer Contributions	8,179,695	-	8,179,695
Employee Contributions	750,000	-	750,000
Gain/Loss on Investments	14,837,114	-	14,837,114
Miscellaneous	2,500	-	2,500
Interest on Investments	2,000,000	-	2,000,000
Extraordinary Transfer from General Fun	2,500,000	300,000	2,800,000
Total Revenues	28,269,309	300,000	28,569,309
Expenditures			
Salary and Wages	52,247	-	52,247
Employee Benefits	28,009	-	28,009
Contractual	19,501,658	-	19,501,658
Total Expenditures	19,501,658	-	19,501,658
Total Revenues Over/(Under) Expenses	8,767,651	300,000	9,067,651

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2017

Section of Agenda
Ordinances - First Reading

Agenda Title
ORDINANCE NO. 29-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations: At Section 18-201(B), By Changing The Required Plan Revision Submittal Timeframe From 15 Days To Noon, 9 Days Prior To The Architectural Commission Meeting At Which It Will Be Considered; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter
John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Memorandum Dated September 22, 2017 From John S. Page, Director of Planning, Zoning & Building**
- **Ordinance No. 29-2017**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: ARCOM Ordinance Amendment
Section 18-201(b)
Plan Revisions Submittal Deadline

Date: September 22, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council adopt attached Ordinance No. 29-2017 upon first reading, codifying the September decision to amend the ARCOM submittal deadline (from 15 days to 9 days) for project plan revisions.

GENERAL INFORMATION

At its regular monthly meeting in July, ARCOM recommended that the Town Code amend Chapter 18 of the Code of Ordinances, reverting to the former 7-day plan revisions deadline (as opposed to the 15-day plan revision deadline implemented last November). That recommendation was considered by the Council on September 19, during which a lengthy discussion occurred. It was the decision of the Town Council to amend the plan revision deadline, however the submittal deadline selected was at Noon, 9-days prior to a monthly ARCOM meeting.

Staff has prepared an Ordinance reflecting the Council's intention, and it is attached for first reading approval.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed the attached Ordinance and approved same for legal form and sufficiency.

cc: John C. Randolph, Town Attorney
Architectural Commissioners

ORDINANCE NO. __-2017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS: AT SECTION 18-201(B), BY CHANGING THE REQUIRED PLAN REVISION SUBMITTAL TIMEFRAME FROM 15 DAYS TO NOON, 9 DAYS PRIOR TO THE ARCHITECTURAL COMMISSION MEETING AT WHICH IT WILL BE CONSIDERED; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, after receiving and considering a recommendation from the Architectural Commission that a revision be made to Chapter 18 of the Palm Beach Code of Ordinances specifying a required plan submittal deadline; and

WHEREAS, the Town Council gave due consideration to said recommendation during a regular public meeting on September 19, 2017 during which public comment was expressed regarding the proposed plan revision submittal deadline; and

WHEREAS, the Town Council directed Staff to prepare an Ordinance amending the plan revision deadline from 15-days to Noon, 9-days prior to a monthly Architectural Commission meeting;

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

Section 1. Division 3. PROCEDURE AND REQUIREMENTS is hereby amended to read as follows:

Sec. 18-201. - Preliminary sketch; site plan; final plan.

(b) The applicant for a building permit, when subject to the requirements of this article, shall submit an application to, and on a standard form prescribed by, the planning, zoning and building department director or his/her designee, at least 35 days prior to the next regular meeting date for those projects classified as major projects or minor projects with notice as designated within the ARCOM Project Designation Manual. Required submittal materials also include a site plan as defined by section 18-207 and exterior elevations and such other data as will assist the architectural commission and the planning, zoning and building department director or his/her designee in evaluating the proposed building or structure or major alteration. Final plans and elevations shall be drawn to scale and submitted in a format as specified by the planning, zoning and building department and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will confirm to

the provisions of this Code. The first sheet of each set of plans shall give the street address of the work and the name and address of the owner and the person who prepared them. The final plot plan shall conform to section 18-207. Plan revisions, if made, shall be submitted to the town ~~**at least 15 days**~~ **no later than Noon, 9 days** prior to the architectural commission meeting at which they will be considered. Only minor changes from those submitted may be presented and considered at that meeting. Work not thus presented may be rejected by the planning, zoning and building department director or his/her designee.

Section 2. Severability.

If any provision of the Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other Ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 7. Effective Date.

This Ordinance shall take effect 31 days subsequent to its passage on second and final reading.

STANDARD SIGNATURE BLOCK TO BE INSERTED HERE

ORDINANCE NO. 29- 2017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS: AT SECTION 18-201(B), BY CHANGING THE REQUIRED PLAN REVISION SUBMITTAL TIMEFRAME FROM 15 DAYS TO NOON, 9 DAYS PRIOR TO THE ARCHITECTURAL COMMISSION MEETING AT WHICH IT WILL BE CONSIDERED; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, after receiving and considering a recommendation from the Architectural Commission that a revision be made to Chapter 18 of the Palm Beach Code of Ordinances specifying a required plan submittal deadline; and

WHEREAS, the Town Council gave due consideration to said recommendation during a regular public meeting on September 19, 2017 during which public comment was expressed regarding the proposed plan revision submittal deadline; and

WHEREAS, the Town Council directed Staff to prepare an Ordinance amending the plan revision deadline from 15-days to Noon, 9-days prior to a monthly Architectural Commission meeting;

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Section 1. Division 3. PROCEDURE AND REQUIREMENTS is hereby amended to read as follows:

Sec. 18-201. - Preliminary sketch; site plan; final plan.

(b) The applicant for a building permit, when subject to the requirements of this article, shall submit an application to, and on a standard form prescribed by, the planning, zoning and building department director or his/her designee, at least 35 days prior to the next regular meeting date for those projects classified as major projects or minor projects with notice as designated within the ARCOM Project Designation Manual. Required submittal materials also include a site plan as defined by section 18-207 and exterior elevations and such other data as will assist the architectural commission and the planning, zoning and building department director or his/her designee in evaluating the proposed building or structure or major alteration. Final plans and elevations shall be drawn to scale and submitted in a format as specified by the planning, zoning and building department and shall be of sufficient clarity to indicate

the nature and extent of the work proposed and show in detail that it will confirm to the provisions of this Code. The first sheet of each set of plans shall give the street address of the work and the name and address of the owner and the person who prepared them. The final plot plan shall conform to section 18-207. Plan revisions, if made, shall be submitted to the town ~~**at least 15 days**~~ **no later than Noon, 9 days** prior to the architectural commission meeting at which they will be considered. Only minor changes from those submitted may be presented and considered at that meeting. Work not thus presented may be rejected by the planning, zoning and building department director or his/her designee.

Section 2. Severability.

If any provision of the Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other Ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 7. Effective Date.

This Ordinance shall take effect 31 days subsequent to its passage on second and final reading.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 10th day of October, 2017, and for second and final reading on this 10th day of October, 2017.

_____	_____
Gail L. Coniglio, Mayor	Richard M. Kleid, Town Council President
	_____
	Danielle H. Moore, Council President Pro Tem
	_____
	Julie Araskog, Town Council Member
	_____
ATTEST:	Bobbie Lindsay, Town Council Member
_____	_____
Kathleen Dominguez, Town Clerk	Margaret A. Zeidman, Town Council Member