

REVISED

6:45pm, Oct 08, 2016

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, 2016

10:30 AM

Welcome!

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

IV. PRESENTATIONS

A. Presentations by Applicants for Planning and Zoning Commission
John S. Page, Director of Planning, Zoning and Building

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. MINUTES: SEPTEMBER 12, 2016
Approval of the Minutes of the Special Town Council Workshop Meeting
Susan A. Owens, MMC, Town Clerk
2. MINUTES: SEPTEMBER 13, 2016
Approval of the Minutes of the Regular Town Council Meeting
Susan A. Owens, MMC, Town Clerk
3. MINUTES: SEPTEMBER 13, 2016
Approval of the Minutes of the Special Town Council Meeting-Budget Hearing #1
Susan A. Owens, MMC, Town Clerk
4. Approval of Major Matters Considered by the Architectural Commission at its Meeting of September 28, 2016
John S. Page, Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 187-2016 A Resolution of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Declaring Zoning In Progress Relating To Zoning Items Under Study By The Town As Enumerated On Exhibit "A" Attached Hereto; Requiring That No Building Permits Or Business Tax Receipts Be Issued By The Department Of Planning, Zoning And Building During The Period That Zoning Is In Progress For Any Project In Contravention Of Any Proposal Under Study; Providing An Effective Date.
John S. Page, Director of Planning, Zoning & Building
2. RESOLUTION NO. 188-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Orders to Palm Beach County For Maintenance And Repair of Fire Rescue Fleet Apparatus in an Amount Not To Exceed an Established Budget of \$117,600.
Kirk W. Blouin, Director of Public Safety
3. RESOLUTION NO. 190-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Extending the Terms of the Current Support Agreement Resolution 33-2016, with Auxis, LLC. in the Amount of \$120,000 for the Provision of Information Technology Support Services for the Office of Information Technology as Outlined in RFQ No. 19-2016; and Authorizing the Town Manager to Execute Said Agreement on Behalf of the Town.
Jay Boodheshwar, Deputy Town Manager

4. RESOLUTION NO. 191-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2016-47 and Approving a Construction Contract to Murray Logan Construction, Inc., for the E-8 Wastewater Ejector Rehabilitation Improvements, in the Amount of \$228,000 and Establishing a Construction Phase Budget of \$245,000.

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

5. RESOLUTION NO. 192-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Repealing Section 105.1.1, Of The Town's Administrative Amendments to the Florida Building Code, Chapter 1, Which Requires That There Be Only One Primary Contractor Per Job Site.

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

C. OTHER

1. Police Department HVAC Retrofit Project Update.
H. Paul Brazil, P.E., Director of Public Works
2. Authorization for the Finance and Taxation Committee to Study Pension Alternatives
Thomas G. Bradford, Town Manager
3. Approval to Expend Town Funds for Removal of Derelict Vessel.
Thomas G. Bradford, Town Manager

IX. COMMITTEE REPORTS

- A. Report of the Ordinances, Rules, & Standards Committee Meeting of September 8, 2016
Bobbie Lindsay, Chair
- B. Report of the Public Works Committee Meeting of September 15, 2016
Danielle Moore, Chair

X. REGULAR AGENDA

A. Old Business

1. Update on Par 3 Golf Course Clubhouse Maintenance and Improvement Reserves Approved Projects and Request to Add Additional Project and Funding.
Beth Zickar, Director of Recreation
2. Informational Update on Jurisdictional Transfer of the Building Board of Adjustment and Appeals
John S. Page, Director of Planning, Zoning & Building

B. New Business

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

2. Town Contribution to the Society of the Four Arts Capital Fund for the King Library
Richard M. Kleid, President Pro-Tem
3. Zika Virus Response Plan
Jay Boodheshwar, Deputy Town Manager
4. Coastal Update:
H. Paul Brazil, P.E., Director of Public Works
 - a. Shore Line Protection Update
 - b. RESOLUTION NO. 193-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to D.B. Ecological Services, Inc., for Permit Required Sea Turtle Nesting Monitoring, in the Amount Of \$177,780, and Establishing a Project Budget Of \$200,000.
 - c. Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon.
5. RESOLUTION NO. 189-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc., for Consulting Services for the Town-Wide Undergrounding of Utilities Program: Master Plan Finalization in the Amount of \$40,067.
H. Paul Brazil, P.E., Director of Public Works

C. Matters Pulled From Consent Agenda: If needed

XI. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 11-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 2, Administrative; Article V, Code Enforcement; Division 3, Procedure Section 2-439, Citation Fine Schedule, so as to Add Section 14-35 Relating to Drone Usage, as a Class II Violation; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. (*Deferred from 07/12/16 TCM*)
Kirk Blouin, Director of Public Safety
2. ORDINANCE NO. 18-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 74, Offenses; Section 74-196, "Presence During Closed hours; Hours Specified"; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
Jay Boodheshwar, Deputy Town Manager

B. First Reading

1. ORDINANCE 19-2016 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, Preliminary Sketch; Site Plan; Final Plan, Subsection (B), By Clarifying That Architectural Commission Applications Shall Be Made On A Standard Town Form, That Major Projects And Minor Projects With Notice Applications Must Be Submitted At Least 35 Days In Advance Of The Architectural Commission Meeting, That Revisions To Certain Applications Must Be Submitted At Least 15 Days In Advance Of The Architectural Meeting, And Correcting Cross-Reference Section Numbers; At Subsection (C) By Clarifying That Architectural Commission Applications Shall Be Made On A Standard Town Form, That Minor Projects With No Notice Must Be Submitted At Least 15 Days In Advance Of The Architectural Commission Meeting, And Correcting Cross-Reference Section Numbers; At Section 18-202, Notice; Photographs, Subsection (1) And (2), By Requiring That A Graphic Depiction Of Each Major Project And Minor Project With Notice Be Included In The Notice And That Notices Be Mailed To Nearby Property Owners At Least 25 Days In Advance Of The Architectural Commission Meeting, And Requiring Applicants To Provide An Affidavit Verifying Compliance With Notice Provisions; And At Section 18-203, Referral Of Plans To Commission, Requiring That The Architectural Commission Shall Act On Applications Within 40 Days Of Filing Deadlines; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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

2. ORDINANCE NO. 20-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 74, Parks and Recreation; Article II, Beaches and Aquatic Activities; Division 2 Fishing, to Include a New Section 74-164 Titled Shark Fishing; Prohibiting Shark Fishing or Chumming Within Three Hundred Feet North and South of the Municipal Beach and Beach Access Points; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing for an Effective Date.

Jay Boodheshwar, Deputy Town Manager

3. ORDINANCE NO. 22-2016 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, 2015, Providing an Effective Date.

Jane Struder, Director of Finance

XII. ANY OTHER MATTERS

XIII. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1:

No written materials received after 5:00 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 5:00 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.

Town of Palm Beach
Meeting Schedule

10/5/16

Mon 10/10/2016 09:30 AM	Town Council Meeting	Council Chambers
-------------------------	----------------------	------------------

Thu 10/13/2016 09:30 AM	Local Planning Agency (LPA) Meeting	Council Chambers
-------------------------	-------------------------------------	------------------

Thu 10/13/2016 09:45 AM	Town Council Meeting-Development Review	Council Chambers
-------------------------	---	------------------

Fri 10/14/2016 09:30 AM	Planning and Zoning Commission Meeting	Council Chambers
-------------------------	--	------------------

Wed 10/19/2016 09:30 AM	Landmarks Preservation Commission (LPC) Meeting	Council Chambers
-------------------------	---	------------------

Thu 10/20/2016 02:00 PM	Code Enforcement Board Meeting	Council Chambers
-------------------------	--------------------------------	------------------

Wed 10/26/2016 09:00 AM	Architectural Commission Meeting (ARCOM)	Council Chambers
-------------------------	--	------------------

Thu 10/27/2016 09:00 AM	Shore Protection Board Meeting	Council Chambers
-------------------------	--------------------------------	------------------

Tue 11/01/2016 09:00 AM	Underground Utilities Task Force Meeting	Council Chambers
-------------------------	--	------------------

Wed 11/02/2016 09:00 AM	Recreation Advisory Commission Meeting	Council Chambers
-------------------------	--	------------------

Thu 11/03/2016 09:30 AM	ORSCommittee Meeting	Council Chambers
-------------------------	----------------------	------------------

Tue 11/08/2016 09:30 AM	Town Council Meeting	Council Chambers
-------------------------	----------------------	------------------

Wed 11/09/2016 09:30 AM	Town Council Meeting-Development Review	Council Chambers
-------------------------	---	------------------

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Minutes

Agenda Title

MINUTES: SEPTEMBER 12, 2016

Approval of the Minutes of the Special Town Council Workshop Meeting

Presenter

Susan A. Owens, MMC, Town Clerk

ATTACHMENTS:

- ▣ **Minutes of the Special Town Council Workshop Meeting Held on September 12, 2016**

**MINUTES OF THE SPECIAL TOWN COUNCIL WORKSHOP MEETING
HELD ON MONDAY, SEPTEMBER 12, 2016**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order on Monday, September 12, 2016, at 2:00 p.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. PLEDGE OF ALLEGIANCE

Council President Pucillo led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, to approve the Agenda. On roll call, the motion carried unanimously.

IV. COMMUNICATIONS FROM CITIZENS

Pat Cooper, Palm Beach Civic Association, spoke regarding the use of prior bonds issued by the Town, the need for a strategic process and a communication plan regarding the budget plan, shore protection options, the Retirement Trust Fund, replacement of the Town Docks, the level of Debt Service as a percentage of the overall budget, and other critical services that are not included in the budget.

V. FURTHER REVIEW OF THE PROPOSED FY 2017 BUDGET

A. Review of Questions Posed by Mayor Coniglio at the August 16 Town Council Meeting, including CIP PAYGO and the Coastal Management Program

Mayor Coniglio spoke regarding the Town's Debt Service, Capital Improvement, and Coastal Management Programs as the three major areas of cost increases, Retirement Fund assumptions and unfunded liabilities, the Undergrounding project, the Long-Term Financial Plan, reassessing the Town's current spending and budget increases, revenue uncertainties, and stock market volatility.

Town Manager Bradford provided an overview of the proposed increases to the Town's General Fund, Comprehensive Coastal Management Program (CCMP), and Capital Improvement Program.

Discussion ensued regarding planning for the CCMP, funding options for future recommended projects, Woods Hole Group's recommendations, and waiting for the final Environmental Impact Statement (EIS) before removing funding from the CCMP budget.

Director of Public Works Brazil spoke regarding costs and life expectancy of sand dunes, the budgeting process for the Sand Dune and Groin Replacement Projects, and the Reach 8 Project costs.

Discussion ensued regarding personnel costs increasing despite Staff reductions over the past five years, allocating funds for future CCMP projects, the EIS not being finalized, the number of Capital Improvement Projects happening concurrently, sand dune and groin rehabilitation project costs, budgeting future projects in the 5-Year Capital Improvement Program versus budgeting future CCMP projects in the Coastal Management Program, the Reach 8 Project, maintaining an adaptive CCMP, funding for committed versus future projects in the Fiscal Year 2017 Budget, funding for the Reach 8 Project, and mitigation funding for Fiscal Years 2018-2020.

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, to approve a reduction of the proposed Fiscal Year 2017 allocation for the Reach 8 Project from \$5.78 million to \$1.3 million, and to direct the Shore Protection Board, upon finalization of the EIS, to make a recommendation to the Town Council on the Reach 8 Project during the Fiscal Year 2018 budget process. On roll call, the motion passed 4-1, with Council President Pro Tem Kleid dissenting.

Mayor Coniglio spoke regarding Capital Improvement Pay-As-You-Go program expenditures, completing the big ticket projects first and doing the smaller projects simultaneously with the Undergrounding Project, and segregating the allocated funds for the Undergrounding Project from the Public Works budget.

Discussion ensued regarding the use of Undergrounding Project funds versus bond financing, options for reducing Undergrounding Project special assessments, transparency, bond restrictions, and needing permission from Bond Counsel before using any excess funds.

Director of Finance Struder spoke regarding the creation of a Town-Wide Undergrounding Fund, transferring Undergrounding Project expenditures, and how excess project funds can be used.

Town Manager Bradford spoke regarding his efforts with Bond Counsel to determine the proper way to use unbonded funds for Undergrounding matters.

Director of Public Works Brazil spoke regarding the intent of the Accelerated Capital Improvement Program (ACIP), the volume of work per phase, and slowing down and postponing projects to give residents a break.

Anita Seltzer, 44 Cocanut Row, spoke regarding the accumulation of contingency funds for Public Works projects and how they are spent, how funds are allocated for projects, projects going over budget, how excess bond funding

would be spent, funding for the Lake Trail Extension Project, and funding for future projects.

Director of Public Works Brazil spoke regarding the funding allocated from the ACIP budget to the Lake Trail Extension Project.

Lew Crampton, 2335 S. Ocean Blvd., spoke regarding communicating with the public and the need for fairness and transparency in planning future Reach 8 projects.

B. Other Budget Questions

Mayor Coniglio spoke regarding completing the larger ACIP projects now as opposed to completing only the smaller projects and the Town Council receiving updates after engineering projects are preliminarily approved in order to track project progress and determine if a project is worth the Town's time and money.

Director of Public Works Brazil provided an overview of the larger projects to be completed within the ACIP Pay-As-You-Go Program.

Discussion ensued regarding the Public Works preliminary project approval process, providing the Town Council progress reports on large projects when the project is 30% complete, transparency, keeping projects on-time and on-budget, comparing projects accurately, the D-14 Project at the Society of the Four Arts, pension plan unfunded liabilities, transferring funds from the General Fund assigned balance and how it's accounted for in the budget, Program costs, funding for the future Town Dock replacements, bondable costs and what happens if excess funds remain after the required timeframe, sustainability of lowering the millage rate, CCMP funding and the projected deficits in future years, not budgeting for CCMP projects that will not be started in the upcoming fiscal year, and allocating funds to avoid the projected CCMP deficits.

Director of Finance Struder spoke regarding ACIP funding and what happens if excess funds remain after the required timeframe, reducing Debt Service, reducing the proposed Undergrounding Project Coordinator costs, and the previous transfer of \$160,150 to the Undergrounding Project.

Town Manager Bradford spoke regarding the transfer of \$2.5 million dollars to start the Undergrounding Project, his discussions with Bond Counsel on use of funds for undergrounding assessments and what fund sources may be used for assessment reductions, and the revenue flow for the CCMP.

Coastal Program Manager Weber provided an overview of the 10-Year CCMP.

It was the consensus of the Town Council to approve the following changes to the proposed Fiscal Year 2017 Budget:

- **Reduce the allocation for the Undergrounding Project Coordinator position by \$70,000**
- **Allocate the \$185,000 in projected savings from the refinancing the 2010 Bonds to the Undergrounding Project Fund**

- Keep the \$160,150 increase from the Property Appraiser's increase in property values in the Undergrounding Project Fund
- It was the consensus of the Town Council to direct Staff to incorporate the changes approved during this meeting, and to come back before the Town Council with a new millage rate and revised budget for the first Budget Hearing on September 13, 2016.

VI. ANY OTHER MATTERS – None

VII. ADJOURNMENT

There being no further business, the September 12, 2016, Special Town Council workshop meeting was adjourned at 4:50 p.m.

APPROVED:

Michael J. Pucillo
Town Council President

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date _____

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Minutes

Agenda Title

MINUTES: SEPTEMBER 13, 2016

Approval of the Minutes of the Regular Town Council Meeting

Presenter

Susan A. Owens, MMC, Town Clerk

ATTACHMENTS:

Minutes of the Regular Town Council Meeting Held on September 13, 2016

□

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON TUESDAY, SEPTEMBER 13, 2016**

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Tuesday, September 13, 2016, at 9:33 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

Town Clerk Owens gave the invocation. Council President Pucillo led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

The following changes were made to the agenda:

Title Modification: The title of Item No. VIII.B.17., Resolution No. 164-2016, was modified to read, "...in the Amount of ~~XXXXX~~\$28,000 and Increasing the Original Construction Phase Budget of \$1,200,000 for this Project for a Revised Total Budget of ~~XXXXXX~~\$1,228,000 for this Project."

Title Modification: The title of Item No. XI.B.4., Cherry Lane Drainage Project, was modified to read, "~~Resolution No. 177-2016~~ Consideration of Right-of-Way Recovery for Cherry Lane During the North End Drainage Improvement Project."

Addition to Consent Agenda: Resolution No. 184-2016, approving the purchase and installation of Public Safety equipment, was added to the Consent Agenda as Item No. VIII.B.26.

Time Certain: Consideration of Item No. XI.B.4., Consideration of Right-of-Way Recovery for Cherry Lane, was scheduled for a 10:00 a.m. time certain.

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

IV. PRESENTATIONS

A. Status of Zika Virus Situation
Dr. David Dodson, MD

1 Dr. Dodson provided an overview of his background and an update on the status
2 of the Zika Virus situation.

3
4 Discussion ensued regarding speeding up local virus testing, how long the virus
5 stays in the body, virus immunity, seasonal impacts, and federal and state
6 actions being taken to address the situation.

7
8 B. Update on the New Flagler Bridge Project
9 *Geoffery Parker, P.E., New Millennium Engineering*

10
11 Geoffery Parker, New Millennium Engineering provided an update on the new
12 Flagler Bridge Project.

13
14 Discussion ensued regarding the new configuration, completion of the landings,
15 and demolition of the old Flagler Bridge.

16
17 C. Port of Palm Beach Proposed Charter Changes
18 *Wayne Richards, Chairman, Port of Palm Beach*

19
20 Port of Palm Beach Chairman Richards provided an overview of the Port's
21 proposed Charter changes and spoke regarding a continued spirit of cooperation
22 with the Town.

23
24 Discussion ensued regarding the last dredging project and continuing the yearly
25 partnership between the Town and the Port.

26
27 **Council President Pucillo requested that a copy of the proposed Charter changes**
28 **be provided to Deputy Town Manager Boodheshwar for review.**

29
30 D. Landmarks Preservation Commission Presentation by Applicant

31
32 *(Clerk's Note: Since there was only one position open, and there was only one*
33 *applicant, the presentation was waived and the following motion was made.)*

34
35 **Motion was made by Council Member Moore, and seconded by Council President**
36 **Pucillo, to appoint Jorge Sanchez to the Landmarks Preservation Commission.**
37 **On roll call, the motion carried unanimously.**

38
39 *(Clerk's Note: Due to its 10:00 a.m. time certain, Item No. XI.B.4., Consideration of*
40 *Right-of-Way Recovery for Cherry Lane, was heard before the below item.)*

41
42 **V. COMMENTS OF MAYOR GAIL L. CONIGLIO**

43
44 Mayor Coniglio spoke regarding the 9/11 Memorial tribute on Sunday, recognized recent
45 retirees, and introduced the new Deputy Police Chief, Jeff Trylch.

46
47 **VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER**

48
49 Council President Pro Tem Kleid spoke regarding the effect of 9/11 on residents in the
50 Town.

Town Manager Bradford introduced the new Information Technology Manager, Charles Kapachinski.

VII. COMMUNICATIONS FROM CITIZENS – None

VIII. APPROVAL OF CONSENT AGENDA

The following changes were made to the Consent Agenda:

Title Modification: The title of Item No. VIII.B.17., Resolution No. 164-2016, was modified to read, "...in the Amount of ~~XXXXX~~\$28,000 and Increasing the Original Construction Phase Budget of \$1,200,000 for this Project for a Revised Total Budget of ~~XXXXXX~~\$1,228,000 for this Project."

Addition: Resolution No. 184-2016, approving the purchase and installation of Public Safety equipment, was added to the Consent Agenda as Item No. VIII.B.26.

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

A. MINUTES

1. MINUTES: AUGUST 16, 2016

Approval of the Minutes of the Regular Town Council Meeting
Susan A. Owens, MMC, Town Clerk

2. MINUTES: AUGUST 16, 2016

Approval of the Minutes of the Special Town Council Meeting-Closed Door Session
Susan A. Owens, MMC, Town Clerk

3. Approval of Major Matters Considered by the Architectural Commission at its Meeting of August 24, 2016.

John S. Page, Planning, Zoning and Building – It was noted for the record that two of the items in these minutes are on appeal, and that their resolution is pending final action by the Town Council

B. RESOLUTIONS

1. RESOLUTION NO. 146-2016 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving Proposed Property, Liability, Workers' Compensation, Automobile And Ancillary Coverages For FY2017 In The Amount Of \$801,511; Approving A Non-Exclusive Insurance Agent Services Agreement With Employers Mutual, Inc., dba, Ascension Benefits & Solutions Of Florida "Ascension", In The Amount Of \$28,500; Approving A Non- Exclusive Insurance Agent Services Agreement With Arthur J. Gallagher Risk Management Services, Inc., "AJG," In The Amount Of \$10,000; Approving A Third Party Administration Services Agreement With Preferred Governmental Claim Solution "PGCS" In The Amount Of \$26,400; Conditioning ALL

MATTERS CONTAINED HEREIN Subject To Approval Of The Fiscal Year 2017 Budget; And Authorizing The Town Manager To Execute The Non-Exclusive Insurance Agent Services Agreements With Ascension, AJG And PGCS on Behalf of The Town.

Jay Boodheshwar, Deputy Town Manager

2. RESOLUTION NO. 147-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Agreement Between Synergy ID, LLC and SynergyNDS, LLC and the Town of Palm Beach for Acting Disaster Recovery Program Managers for the Town's Property Coverage Under the Florida Municipal Insurance Trust, FMIT's Turnkey Recovery Program.

Jay Boodheshwar, Deputy Town Manager

3. RESOLUTION NO. 148-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of Annual Software Maintenance, Support and Licensing for FY17 for Sungard Public Sector in the Amount of \$100,099.14, Tyler Technologies, Inc. in the Amount of \$83,668.01, MCCI in the Amount of \$34,709.85, ESRI, Inc. in the Amount of \$25,500, SHI in the Amount of \$21,696.90, PCMG, Inc. in the Amount of \$22,130, EDC Corporation in the Amount of \$34,500, Cartegraph Systems, Inc. in the Amount of \$40,800, CDW in the Amount of \$37,099.43 and Subject to Approval of the Fiscal Year 2017 Budget Authorizing the Town Manager To Execute the Purchases on Behalf of the Town.

Jay Boodheshwar, Deputy Town Manager

4. RESOLUTION NO. 149-2016 A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Renewing Contracts To Hy-Byrd Inspections, Inc., GFA International, Inc., and C.A.P. Government, Inc. For One Year To Provide Plan Review And Inspection Services; Establishing A Budget of \$360,000 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 2017 Budget.

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

5. RESOLUTION NO. 151-2016 A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Renewing A Contract With Murphy Stillings, LLC For One Year In An Amount Not To Exceed \$56,000, To Provide Historic Preservation Consulting Services, Establishing A Budget For Said Services, And Authorizing The Town Manager To Take Actions Necessary To Complete Said Services; Subject to Approval of the Fiscal Year 2017 Budget.

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

6. RESOLUTION NO. 152-2016 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

\$74,966.00; Establishing A Budget Of \$82,500.00 For Such Services, Subject To Approval Of The Fiscal Year 2017 Budget; And Authorizing The Town Manager To Take Further Actions Necessary To Effectuate Provisions For Said Services.

Beth Zickar, Director of Recreation

7. RESOLUTION NO. 153-2016 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing A 21 Day Contract Extension And 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 2017 Budget; And Authorizing The Town Manager To Take Actions Necessary To Complete Said Services.

Beth Zickar, Director of Recreation

8. RESOLUTION NO. 154-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to International Sweeping, Inc., dba Facilities Pro Sweep, for Street and Lake Trail Sweeping, in the Amount of \$98,820 and Establishing a Project Budget of \$108,700, Subject to Approval of the Fiscal Year 2017 Budget.

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

9. RESOLUTION NO. 155-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Enviroscapes Plus, Inc., for Landscape Fertilization and Pest Control, in the Annual Amount of \$34,800, and Establishing an Annual Project Budget of \$41,000, Subject to Approval of the Fiscal Year 2017 Budget.

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

10. RESOLUTION NO. 156-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Terra Maintenance Company, for Hedge Trimming, in the Amount of \$59,200 and Establishing a Project Budget of \$62,200, Subject to Approval of the Fiscal Year 2017 Budget.

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

11. RESOLUTION NO. 157-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Image Janitorial Services, Inc., for Annual Janitorial Services, in the Amount of \$126,210 and Establishing a Project Budget of \$132,600, Subject to Approval of the Fiscal Year 2017 Budget.

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

12. RESOLUTION NO. 158-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to John C. Cassidy Air Conditioning, Inc., for Annual Air Conditioning Maintenance and Repair Services, in the Amount of \$81,600 and Establishing a Project Budget of \$89,800, Subject to Approval of the Fiscal Year 2017 Budget.

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

13. a. RESOLUTION NO. 159-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Batallan Enterprises, Inc., dba Property Works, for Grounds Maintenance "Locations", in the Amount of \$60,678 and Establishing a Project Budget of \$66,750, Subject to Approval of the Fiscal Year 2017 Budget.

- b. RESOLUTION NO. 160-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Lopez Group, Inc., for Grounds Maintenance "Other Services" and "Plant Installation", in the Amount of \$17,050 and Establishing a Project Budget of \$19,000, Subject to Approval of the Fiscal Year 2017 Budget.

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

14. RESOLUTION NO. 161-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Orders to CivicSmart for Kiosk Service and Parts, in an Amount Not-to-Exceed an Established Budget of \$57,210, Subject to Approval of the Fiscal Year 2017 Budget.

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

15. RESOLUTION NO. 162-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$43,826 to Econolite Group, Inc., for the Replacement of Obsolete Traffic Video Detection Equipment, Subject to Approval of the Fiscal Year 2017 Budget.

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

16. RESOLUTION NO. 163-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Contract Extension to Batallan Enterprises, dba Property Works, in the Amount of \$25,604 for the Maintenance of the Bed on the Southern Boulevard Traffic Circle and the Circular Beds on Royal Poinciana Way, and Establishing a Project Budget of \$32,000, Subject to Approval of the Fiscal Year 2017 Budget.

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

17. RESOLUTION NO. 164-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorize Amending the Signalization and Mast Arm Project to Accept and Include the North County Tree Improvements, in the Amount of ~~XXXXX~~\$28,000 and Increasing the Original Construction Phase Budget of \$1,200,000 for this Project for a Revised Total Budget of ~~XXXXXX~~\$1,228,000 for this Project.

H. Paul Brazil, P.E., Director of Public Works – Title was modified under Approval of Agenda

18. RESOLUTION NO. 165-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract

Extension to Unifirst Corporation for Uniform Rental and Cleaning Services, in the Amount of \$28,000 and Establishing a Budget of \$30,000, Subject to Approval of the Fiscal Year 2017 Budget.
H. Paul Brazil, P.E., Director of Public Works

19. RESOLUTION NO. 166-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Batallan Enterprises, Inc., dba Property Works, for Landscape Maintenance Services, in the Amount of \$104,159 and Establishing a Project Budget of \$109,400, Subject to Approval of the Fiscal Year 2017 Budget.
H. Paul Brazil, P.E., Director of Public Works

20. RESOLUTION NO. 167-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing and Approving a Purchase Order to Citation Communications, Inc. for Annual System Maintenance Agreement (\$34,908); and for Miscellaneous Repairs and Parts (\$9,800), as Needed and Recommended by Staff; Establishing a Total Budget of \$46,000; Subject to Approval of Fiscal Year 2017 Budget.
Kirk W. Blouin, Director of Public Safety

21. RESOLUTION NO. 168-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Issuance of Purchase Orders to Johnson Controls, Inc. for the Annual Software Support Upgrade, and Maintenance Contract in the Amount of \$92,172; for Parts and Labor for the Continued Build-Out of the Town-Wide Camera and Security System in the Amount of \$40,000; for Service and Emergency Repairs in the Amount of \$20,000; and Establishing the Universal CCTV-ALPR & Accessory Kit Pricing List for Fiscal Year 2017 and Total Budget of \$155,000; Subject to Approval of Fiscal Year 2017 Budget.
Kirk W. Blouin, Director of Public Safety

22. RESOLUTION NO. 169-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Payment to the Municipal Public Safety Communications Consortium (MPSCC) of Palm Beach County in the Amount of \$90,712.15; Subject to Approval of Fiscal Year 2017 Budget.
Kirk W. Blouin, Director of Public Safety

23. RESOLUTION NO. 170-2016 A Resolution of the Town Council, of the Town of Palm Beach, Palm Beach County, Florida, Designating Town Depositories for Fiscal Year 2017 Pursuant to Section 2-517 of the Town Code of Ordinances, and Designating Parties to Sign Checks or Warrants on Behalf of the Town Pursuant to Section 2-36 of the Town Code of Ordinances.
Jane Struder, Director of Finance

24. RESOLUTION NO. 171-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Use of

the State of Florida, Department of Management Services Contract for Office Supplies to Office Depot, Inc. for an Amount Not to Exceed \$35,000; Subject to Approval of the Fiscal Year 2017 Budget.
Jane Struder, Director of Finance

25. RESOLUTION NO. 181-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Funding Agreement to Memorialize the Term and Conditions Associated with an Internal Loan to be Provided to the Benefitting Property Owners within the Town Hall Square Assessment Area.
Jane Struder, Director of Finance

26. RESOLUTION NO. 184-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of Five (5) Opticom Intersection Controllers, Twenty (2) Opticom GPS Vehicle Kits, Including Installation, in Accordance With GSA Contract GS-35F-521AA and FDOT Contract No. IBT-DOT-15/16-9005GH in an Amount not to Exceed \$171,000.

The Following Item was Added under Approval of Agenda:

27. RESOLUTION NO. 184-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of Five (5) Opticom Intersection Controllers, Twenty (2) Opticom GPS Vehicle Kits, Including Installation, in Accordance With GSA Contract GS-35F-521AA and FDOT Contract No. IBT-DOT-15/16-9005GH in an Amount not to Exceed \$171,000.
Kirk W. Blouin, Director of Public Safety

C. OTHER

1. Health Insurance Update and Contribution Rates for Calendar Year 2017
Danielle Olson, Director of Human Resources
2. Waiver to Town Code for Extended Construction Hours for Gas Main Improvements by Florida Public Utilities on Southern Boulevard and on South Ocean Boulevard Near the Roundabout.
H. Paul Brazil, P.E., Director of Public Works

IX. COMMITTEE REPORTS

- A. Report of the Ordinances, Rules, & Standards (ORS) Committee Meeting of August 15, 2016
Bobbie Lindsay, Chair

Chair Lindsay provided an overview of the Report.

Discussion ensued regarding the proposed Chapter 18 amendments coming back before the Town Council next month, the residents that recommended the Architectural Commission changes, the balanced result achieved on those recommendations by the ORS Committee, allowable hours for landscaping and

construction activities, and being consistent with those allowable hours.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Zeidman, to accept the Report of the Ordinances, Rules, & Standards Committee meeting of August 15, 2016, subject to the following amendment on Page 5, Line 17:

“...Staff do more research on comparable towns and cities that ~~that~~ have banned...”

On roll call, the motion carried unanimously.

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, to direct Staff to proceed with the adoption process for the Architectural Commission procedural changes recommended by the Ordinances, Rules, and Standards Committee in its report. On roll call, the motion carried unanimously.

X. PUBLIC HEARINGS

- A. RESOLUTION NO. 172-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Provisions of the Worth Avenue Improvement Project; Providing Authority and Definitions; Approving the Final Assessment Rolls; Providing for the Reimposition of the Assessments to Fund the Worth Avenue Improvement Project and Related Maintenance Services; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing for the Effect of this Resolution; Providing Severability and an Effective Date.
Jane Struder, Director of Finance

Director Struder provided an overview of the assessment.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to approve Resolution No. 172-2016. On roll call, the motion carried unanimously.

- B. RESOLUTION NO. 173-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Provision of the Peruvian Avenue Improvement Project; Providing Authority and Definitions; Approving the Final Assessment Rolls; Providing for the Reimposition of the Assessments to Fund the Peruvian Avenue Improvement Project and Related Maintenance Services; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing for the Effect of this Resolution; Providing Severability and an Effective Date.
Jane Struder, Director of Finance

Director Struder provided an overview of the assessment.

Motion was made by Council Member Lindsay, and seconded by Council Member Zeidman, to approve Resolution No. 173-2016. On roll call, the motion carried unanimously.

- C. RESOLUTION NO. 174-2016 A Resolution of the Town Council, of the Town of

Palm Beach, Palm Beach County, Florida, Relating to the Provision of the Underground Utility Improvements Within the Everglades Island Assessment Area; Approving the Updated Assessment Roll; Providing for the Reimposition of the Assessments to Fund the Underground Utility Improvements Within the Everglades Island Assessment Area; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing for the Effect of this Resolution; Providing Severability and an Effective Date.

Jane Struder, Director of Finance

Director Struder provided an overview of the assessment.

Motion was made by Council Member Moore, and seconded by Council Member Zeidman, to approve Resolution No. 174-2016. On roll call, the motion carried unanimously.

- D. RESOLUTION NO. 175-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Provision of the Underground Utility Improvements Within the Via Fontana Assessment Area; Approving the Updated Assessment Roll; Providing for the Reimposition of the Assessments to Fund the Underground Utility Improvements Within the Via Fontana Assessment Area; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing For the Effect of this Resolution; Providing Severability and an Effective Date.

Jane Struder, Director of Finance

Director Struder provided an overview of the assessment.

Motion was made by Council Member Lindsay, and seconded by Council Member Moore, to approve Resolution No. 175-2016. On roll call, the motion carried unanimously.

- E. RESOLUTION NO. 176-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Provision of the Town Hall Square Improvement Project; Providing Authority and Definitions; Amending the Initial Assessment Resolution; Approving the Final Assessment Rolls; Providing for the Imposition of the Assessments to Fund the Town Hall Square Improvement Project and Related Maintenance Services; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing for the Effect of this Resolution; Providing Severability and an Effective Date.

Jane Struder, Director of Finance

Director Struder provided an overview of the assessment.

Discussion ensued regarding the affidavit of mailing.

Motion was made by Council Member Zeidman, and seconded by Council Member Moore, to approve Resolution No. 176-2016. On roll call, the motion carried unanimously.

XI. REGULAR AGENDA

A. Old Business – *None*

B. New Business

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

a. Shoreline Condition Update

Coastal Manager Weber provided an update on shoreline conditions.

Larry Goldberg, 3360 S. Ocean Blvd., spoke regarding shoreline conditions, dunes, Reach 8, the need for more coastal protection, and the Coastal Management webpage.

Discussion ensued regarding the condition of Reach 8 and the Town's limitations on what it can do there, plans for the Coastal Management webpage updates, the Reach 7 Project, the Environmental Impact Statement (EIS), Karen Erickson's Plan, permitting considerations, the need for cost-benefit analysis of renourishment projects, and waiting for the EIS Final Record of Decision before making a final decision on the Reach 8 Project.

b. Request to Consider Ordinance No. 16-2016 Prior to 5:00 p.m. at a Public Hearing
John S. Page, Director of Planning, Zoning and Building

Director Page provided an overview of the request.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Zeidman, to approve consideration of Ordinance No. 16-2016 prior to 5:00 p.m. at a public hearing. On roll call, the motion carried unanimously.

2. Landmarks Preservation Commission Appointment
John S. Page, Planning, Zoning and Building

(Clerk's Note: This item was taken out of order and heard under Presentations. Refer to the action under Item No. IV.D., Landmarks Preservation Commission Presentation.)

(Clerk's Note: Due to its 10:00 a.m. time certain, the following item was heard before Item No. V., Comments of Mayor Coniglio; and, the title was modified under Approval of Agenda, as follows.)

3. RESOLUTION NO. 177-2016 Consideration of Right-of-Way Recovery for Cherry Lane during the North End Drainage Improvement Project.
H. Paul Brazil, P.E., Director of Public Works

Director Brazil provided an overview of the current plans for the Cherry Lane portion of the Project and the residents' proposed expansion of

1 those plans.

2
3 Discussion ensued regarding the necessary easements, the survey sent
4 to residents about the Project, project costs and funding options, effects
5 on other scheduled capital improvement projects, and project alternatives.

6
7 Barry Curtain, representing ten Cherry Lane residents in support of
8 expanding the scope of the Project, spoke regarding precedence for the
9 residents' request and the residents' safety concerns.

10
11 Discussion ensued regarding Project timing, completion, and allowing
12 work into Season.

13
14 Dr. John Grabow, 200 Cherry Ln., via letter read into the record by Eileen
15 Cornacchia, 200 Cherry Ln., spoke in support of increasing the scope of
16 the Project.

17
18 Eileen Cornacchia, 200 Cherry Ln., spoke in support of increasing the
19 scope of the Project.

20
21 Mary Viator, 262 Cherry Ln., spoke in support of increasing the scope of
22 the Project.

23
24 Jake Foy, engineer representing the Cherry Lane residents, spoke in
25 support of expanding the scope of the Project and provided additional
26 details on the residents' proposed plans.

27
28 Discussion ensued regarding removal and relocation of underground
29 drainage structures, alternative solutions, residents being willing to work
30 with Staff on those alternatives, timing constraints, easements needed,
31 safety issues on the street, the south side of the street being the front
32 yard for Cherry Lane residents and the north end being primarily back
33 yards for Windsor Court residents, Windsor Court needing a retaining
34 wall, the last time there were any drainage improvements on Cherry
35 Lane, and the need for visible sight triangles at intersections.

36
37 **It was the consensus of the Town Council to direct Staff to review the sight**
38 **triangle plans at the ends of Cherry Lane to see if they can be improved upon.**

39
40 Discussion continued regarding precedence for maintenance of
41 properties effecting sight triangles.

42
43 Harriet Golding, 222 Cherry Ln., spoke in support of increasing the scope
44 of the Project.

45
46 Discussion followed regarding the location of Windsor Court's chain link
47 fence, the original plans for Cherry Lane, Cherry Lane being one of the
48 narrowest streets in Town, identifying options to maximize the width of the
49 road, legal rights of those on the north side of the street, location of
50 Windsor Court's property lines and their hedge, why Windsor Court
51 residents are objecting to increasing the width of the road, the true

impacts to Windsor Court residents and their knowledge of same, keeping the promises to Cherry Lane residents that their street would be widened, speaking further with opponents to see if they understand that the impacts to them are only temporary, whether the Windsor Court hedges are on Town property, impacts due to the depth of excavation required, alternative methods for completing the Project that will maximize the width of the road, how increasing the scope of the Project impacts the overall Project, the additional costs to increase the scope of the Project on the south side of the road only, how many feet can be gained if the Project scope is increased, costs to increase the scope of the Project on both sides of the road, not being able to wait another month to decide whether or not to increase the scope of the Project, looking for further opportunities to increase the width of the road on the north side, and needing a resolution to increase the scope of the Project.

Eileen Cornacchia, 200 Cherry Ln., spoke in support of getting any increase in the scope of the Project and working with the Windsor Court property owners.

Mary Viator, 262 Cherry Ln., requested that Staff be directed to work towards widening the road's pavement to 16 feet to fit within the 20 foot rights-of-way, and opportunities to reduce estimated Project costs.

Haney Frakes, 262 Cherry Ln., spoke regarding the drainage on Ridgeview Drive.

Discussion ensued regarding allowing the Cherry Lane residents and their representatives to review Staff's draft resolution and to bring it back before the Town Council at tomorrow's meeting, the resolution needing to include a cost authorization, using contingency funds if the allowable scope increase is minor, and coming back to the Town Council to request additional funds if substantial improvements can be made.

It was the consensus of the Town Council to direct Staff to bring back a resolution, after the Cherry Lane residents and their representatives have had a chance to review it, increasing the scope of the Project, to include the proposed additional work on the south end of the right-of-way, and increasing the Project budget by \$94,490.

It was the consensus of the Town Council to direct Staff to use their best efforts to identify opportunities to further increase the width of the pavement to 16 feet to fit within the Cherry Lane right-of-way (20 feet); should there be an opportunity for a substantial increase in width, Staff will come back to the Town Council to request the necessary funding, if needed.

C. Matters Pulled From Consent Agenda – *None*

XII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 15-2016 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 82.67, United States Internal Revenue Code Qualifications; by Amending Section 82.72, Rollover Distributions; by Amending Section 82.94, Retirement Age and Service Conditions, for Firefighters; by Amending Section 82-99, Deferred Retirement Option Program for Firefighters; Amending Subdivision IV, Police officers, by Amending Section 82.114, Retirement Age and Service Conditions for Police Officers; By Amending Section 82-119, Deferred Retirement Option Program for Police Officers; Amending Section 82.139, Deferred Retirement Option Plan for Members of Benefit Group General and Benefit Group Lifeguard; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Jane Struder, Director of Finance

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, to adopt Ordinance No. 15-2016, on second and final reading. On roll call, the motion carried unanimously.

B. First Reading

1. EMERGENCY ORDINANCE NO. 01-2016 An Emergency 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, 2015, and Providing an Effective Date.

Jane Struder, Director of Finance

Director Struder provided an overview of the ordinance and why it has to be adopted on an emergency basis in one reading.

Motion was made by Council Member Lindsay, and seconded by Council Member Moore, to adopt Emergency Ordinance No. 01-2016, on first and final reading. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 18-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 74, Offenses; Section 74-196, "Presence During Closed hours; Hours Specified"; 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 President Pro Tem Kleid, and seconded by Council Member Zeidman, to approve Ordinance No. 18-2016, on first reading. On roll call, the motion carried unanimously.

XIII. ANY OTHER MATTERS

Council President Pucillo reminded everyone that the Town Council would be meeting at 5:01 p.m. later that evening for its first Budget Hearing.

Town Manager Bradford confirmed that the budget changes made at the September 12, 2016, Special Town Council Workshop Meeting would be incorporated into the proposed budget before the first Budget Hearing.

XIV. ADJOURNMENT

There being no further business, the September 13, 2016, regular Town Council meeting was adjourned at 12:41 p.m.

APPROVED:

Michael J. Pucillo
Town Council President

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Minutes

Agenda Title

MINUTES: SEPTEMBER 13, 2016

Approval of the Minutes of the Special Town Council Meeting-Budget Hearing #1

Presenter

Susan A. Owens, MMC, Town Clerk

ATTACHMENTS:

**Minutes of the Special Town Council Meeting-Budget Hearing #1 Held on
September 13, 2016**

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON TUESDAY, SEPTEMBER 13, 2016**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order on Tuesday, September 13, 2016, at 5:01 p.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. PLEDGE OF ALLEGIANCE

Council President Pucillo led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Council President Pro Tem Kleid requested that the Town Council add Consideration of a Town Contribution to the Society of the Four Arts King Library Capital Campaign.

Town Manager Bradford stated that such a contribution could be made using contingency funds at any time.

It was the consensus of the Town Council to add Consideration of a Town Contribution to the Society of the Four Arts King Library Capital Campaign to the October 10, 2016, Town Council meeting agenda.

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

IV. PUBLIC HEARING ON PROPOSED MILLAGE RATE, TENTATIVE FY17 BUDGETS AND NON-AD VALOREM ASSESSMENTS

A. Notice of Proposed Property Taxes

Council President Pucillo read into the record the required legal verbiage.

B. Proposed Operating Millage Rate

Council President Pucillo read into the record the required legal verbiage.

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

Town Manager Bradford read into the record the required legal verbiage and provided an overview of the reasons for the proposed operating millage rate increase.

D. Comments and Questions from Public – *None*

E. Discussion and Adoption (with changes, if any) of Proposed Operating Millage Rate for FY17.

1. RESOLUTION NO. 178-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting the Proposed Millage Rate Necessary to Fund the Tentative General (Operating) Fund Budget for the 2016 - 2017 Fiscal Year.

Discussion ensued regarding the proposed millage rate being the result of the Town Council's actions at the September 11, 2016, Town Council Workshop Meeting, funding for groins, consequences of reducing the millage rate now with all of the future projects scheduled and the known future deficits, thinking long-term, the same scenario coming before the Town Council every year, committing funding now for Coastal Management projects that will most likely not be approved or permitted in the upcoming fiscal year, and seeking federal and state funding assistance for future Coastal Management projects.

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, to approve Resolution No. 178-2016. On call for a vote, the motion carried 4-1, with Council President Pro Tem Kleid dissenting.

F. Non-Ad Valorem Assessments

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

- a. RESOLUTION NO. 179-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Provision of Commercial Solid Waste Collection Services; Providing Authority and Definitions; Approving the Updated Assessment Rolls; Providing for the Reimposition of the Assessments to Fund the Commercial Solid Waste Collection Services; Providing for Collection of the Assessment Pursuant to the Uniform Assessment Collection Act; Providing for the Effect of this Resolution; Providing Severability and an Effective Date.

Director Brazil read into the record the required legal verbiage and spoke regarding the proposed assessments.

Motion was made by Council Member Zeidman, and seconded by Council Member Moore, to approve Resolution 179-2016. On call for a vote, the motion carried unanimously.

G. Discussion and Adoption (with changes, if any) of a Tentative Operating Budget, Debt Service Budget, and Budgets for Other Funds for FY17.

1. RESOLUTION NO. 180-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting the Tentative General (Operating) Fund, Debt Service Fund and Budgets for Other Funds for the 2016-2017 Fiscal Year.

Town Manager Bradford read into the record the required legal verbiage.

Motion was made by Council Member Lindsay, and seconded by Council Member Moore, to approve Resolution 180-2016. On call for a vote, the motion carried unanimously.

Town Manager Bradford reminded the Town Council that some members of the Council may be absent for the final Budget Hearing on September 21, 2016, and requested that the Council Members coordinate their attendance with Staff to ensure that there will be a quorum for that hearing.

H. Second and Final Public Hearing to Adopt the Final Millage Rate and Budgets will be on Wednesday, September 21, 2016 at 5:01 p.m., in the Town of Palm Beach Council Chambers.

Council President Pucillo announced the date, time, and location of the second and final Budget Hearing.

V. **ANY OTHER MATTERS – None**

VI. **ADJOURNMENT**

There being no further business, the September 13, 2016, Special Town Council meeting was adjourned at 5:25 p.m.

APPROVED:

Michael J. Pucillo,
Town Council President

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda
Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Commission at its Meeting of September 28, 2016

Presenter

John S. Page, Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated September 30, 2016 from John S. Page, Director of Planning, Zoning and Building**
- ▣ **ARCOM Meeting Minutes of September 28, 2016**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2016

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 28, 2016

Date: September 30, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of September 28, 2016.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items which were considered at the regularly scheduled meeting of September 28, 2016.

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 28, 2016

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

The meeting was called to order at 9:05 a.m. by Mrs. Vanneck.

II. ROLL CALL

Richard Sammons, Chairman	PRESENT (arrived at 9:30 a.m.)
Ann L. Vanneck, Vice Chairman	PRESENT
Peter I. C. Knowles, Member	PRESENT
Martin D. Gruss, Member	PRESENT
Robert N. Garrison, Member	PRESENT
Alexander C. Ives, Member	PRESENT
Michael B. Small, Member	PRESENT (left at 3:53 p.m.)
Maisie Grace, Alternate Member	PRESENT
John David Corey, Alternate Member	PRESENT
Betsy Shiverick, Alternate Member	PRESENT

Staff Members present were:

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

John Lindgren, Planning Administrator

Kelly Churney, Secretary to the Architectural Review Commission

III. PLEDGE OF ALLEGIANCE

Mrs. Vanneck led the Pledge of Allegiance.

IV. APPROVAL OF THE MINUTES FROM THE AUGUST 24, 2016 MEETING

Motion made by Mr. Small and seconded by Mr. Garrison to approve the minutes from the August 24, 2016 meeting. Motion carried with all in favor.

V. APPROVAL OF THE AGENDA

Motion made by Mr. Knowles and seconded by Mr. Ives to approve the agenda as amended with the deferral of the discussion regarding 129 Woodbridge Rd. until the October 26, 2016 meeting; to remove A-044-2016, 331 Polmer Park Rd. and A-048-2016, 3030 S. Ocean Blvd. from the agenda; to defer B-050-2016, 2300 Ibis Isle Rd.

West to the October 26, 2016 meeting and to move A-45-2016, 219 Orange Grove Rd. to follow project B-054-2016, 221 Orange Grove Rd. 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. DISCUSSION ITEMS

1. Discussion of synthetic window/door product for window/door replacement at 433 Seaspray Ave.

Doug Warner, Contractor for 433 Seaspray Ave. stated that his client would like to use a fiberglass clad product for her home, which she has used in the past. He passed around a sample of the product. This product would be used on a sliding glass door that would replace a double swinging door on a balcony that faces the street.

The Commissioners asked questions about the product and were addressed by Mr. Warner.

Motion made by Mr. Garrison and seconded by Ms. Grace to allow staff to approve this product when presented to the staff for approval. Motion carried 6-1 with Mr. Ives opposed.

2. Discussion of removal of Schefflera and structure of adjacent wall at 129 Woodbridge Rd.

Please note: This discussion item was deferred to the October 26, 2016 meeting at the Approval of the Agenda, Item V.

VIII. PROJECT REVIEW

A. MAJOR PROJECTS-OLD BUSINESS

B-020-2016 Demolition/New Residence

Address: 1021 N. Ocean Blvd

Applicant: Maura Ziska, Attorney

Architect: MP Design & Architecture, Inc.

Landscape Architect: Keith Williams/Nievera Williams Design

Project Description: Demolition of existing residence. New two story residence with basement, pool, landscape & hardscape.

At the May meeting, a motion carried to approve the demolition. A second motion carried to defer the architecture for two months to the July 27, 2016 meeting. At the July meeting, a motion carried to defer the project for one month at the attorney's request. At the August meeting, a motion carried to defer the project to the September 28, 2016 meeting for restudy of the west elevation, including the landscaping, the approach to the home and the possibility of installing gates.

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

John Randolph, Town Attorney, asked the Commissioners to base their decisions on the evidence presented in the meeting and not to be prejudiced by the external ex parte communications. Mr. Randolph also asked if the applicants and/or objectors wanted to hear the names of the individuals who wrote letters to the Town regarding the project.

Mr. Lindgren stated that he forwarded all letters to both the applicant's and the objector's attorneys.

Mr. Randolph stated that the Commissioners need to consider prior evidence as well as evidence to be presented when making their decisions. He also stated that the whole project is still under consideration for approval. Mr. Randolph spoke about a quasi-judicial hearing and the obligations of such hearings. He then addressed the appeal process of the decision, should someone decided to do so.

Some questions were asked by the Commissioners at this time which were addressed by Mr. Randolph.

Ms. Ziska asked Mr. Sammons if he listened to the meeting last month and/or read the minutes. Mr. Sammons confirmed that he did. Ms. Ziska entered the plat of Eden properties into the record as well as a transcript from the Town Council meeting from January 13, 2016.

John Eubanks, attorney for the surrounding neighbors, stated his objections to the documents that Ms. Ziska entered into the record.

Donald Burns, 1021 N. Ocean Blvd., stated he did contact his neighbors by various methods to solicit input regarding the changes to the west façade and received no response.

Michael Perry reviewed all of the changes that were made since the last presentation in August. Most of the changes were to the west façade, which included a reduction in the second story terraces, a reduction in length of the structure, the second story set back on the west façade to add an undulation to the front, an addition of a parapet over the entry feature, the addition of limestone wall sections and a wall in the front of the property including two epya louvered gates for the north and south entry. Mr. Perry showed new proposed elevations and renderings for the project. Mr. Perry showed a rendering of the perspective that the neighbor at 1020 N. Ocean Blvd. would have with her existing landscaping conditions plus the proposed landscaping for the project. He indicated that they would like to try to duplicate the current landscaping for the project.

Keith Williams showed the Commission the new proposed landscaping changes. He indicated that most of the changes have taken place on the west façade. He indicated that they tried to mimic the canopy effect that currently exists on the property. He showed the Commission photos of the current landscaping and then the proposed elevations and renderings for the project.

Caroline Koons-Forrest stated that there has been a reduction in square footage and larger setbacks proposed since the last presentation. She also stated that there are not any wrap around balconies, walkways or any theaters or gymnasiums proposed for the home.

Commissioners comments: Many thought the landscaping plans for the west façade was much improved and enhanced the project.

Some discussion ensued regarding notice to the neighbors and which neighbors were within 200 feet of the property.

Mr. Randolph reminded the Commissioners to use the time to ask questions regarding the project rather than making decisions at this time.

Mr. Page read the section of the Ordinance that speak about structures being excessively similar and excessively dissimilar.

John Eubanks, 605 N. Olive Ave., Attorney, spoke on behalf of several surrounding neighbors. Mr. Eubanks put the sections 18-205 and 18-146 of the Town's Ordinances on the overhead and went over several points in each section applicable to his clients' objections. He also discussed the description of International Style in the 1996-1997 Architectural Guidelines and its reference to gross square footage.

Greg Kino, Attorney, spoke on behalf of several surrounding neighbors. Mr. Kino refuted that he did respond to Mr. Burns' request to meet though a letter to Maura Ziska, dated 9-23-16 and did not receive a response. Mr. Kino also stated it was the applicant's burden to prove that the project is not excessively dissimilar to any of the surrounding homes. Mr. Kino put on the overhead the definitions of "excessively" and "dissimilar" and discussed these words with the Commissioners.

Rick Gonzalez, registered architect and working for Messrs. Eubanks and Kino as an expert, stated his credentials. Mr. Gonzalez handed out a presentation that he then reviewed with the Commission that delineated the criteria that he feels that makes the proposed project excessively dissimilar.

David Lawrence, President of David Lawrence Architecture and representing many of the surrounding neighbors, stated his objections regarding the undivided fenestration, the applicant's inability to blend the project's height and gross square footage of surrounding structures, the excessively dissimilar facades and lot coverages. He concluded by stating the sections of the Ordinance he feels that this project fails to meet and that the application should be denied.

James Green, 222 Lakeview Ave., Attorney for the applicant, asked to cross examine Mr. Gonzalez. Mr. Green asked Mr. Gonzalez different questions about the existing home and the proposed project.

Some of the Commissioners expressed their frustration and did not think the questioning was necessary. Mr. Randolph asked the record to reflect that all parties had a reasonable amount of time to be heard.

Jeri Sibel, spoke on behalf of Mary Hulitar who lives at 980 N. Ocean Blvd, and stated that Ms. Hulitar feels this project is excessively different and asked the Commissioners to honor the Town's Ordinance and to reject the application.

Esther Feldberg, 1020 N. Ocean Blvd., stated she feels this house is untraditional to its surroundings, too large and dissimilar.

Hank Harbaugh from Tulsa, OK and representing John and Debby Oxley, stated that the Oxleys oppose the project.

Carter and Afsy Pottash, 1029 N. Ocean Blvd., asked the Commissioners to conclude that the proposed project is excessively different from their home.

Ms. Koons-Forrest wanted to clarify that the information that they gathered to create the models and to determine the neighboring roof types was gathered from the Records department in the Town. There was some discussion about roof heights and eve heights. She also commented on the requirements for finished floor heights and F.A.R.

Mr. Williams stated that some of the elevations that Mr. Gonzalez presented were outdated and did not reflect the currently proposed designs. He also spoke about the other facades not presented in that they have remained unchanged since their last presentation.

Commissioners Comments: Some of the Commissioners thought the west façade was much improved and was now more in concert with the east elevation. Many thought the proposed landscaping was fantastic. Some Commissioners felt while the changes made were thoughtful, this house would still not be in harmony with the surrounding homes. It was also stated that this house was monolithic, institutional, lacked charm and presence and should not rely on landscaping to mitigate the massing of the house.

Motion made by Mr. Small and seconded by Mrs. Vanneck to deny project B-020-2016 based on failure to comply with Section 18-205 of the Code, paragraphs a (4), a (6) sub c, d, e, f and a (8). Motion carried 5-2 with Messrs. Ives and Garrison opposed.

A short break was taken at 11:27 a.m. The meeting resumed at 11:39 a.m.

[B-032-2016 Demolition/New Residence](#)

Address: 237 Brazilian Ave.

Applicant: Florida Capital Management, LLC

Architect: Roger Janssen/Dailey Janssen Architects, P.A.

Landscape Architect: Chuck Yannette/Parker-Yannette Design Group, Inc.

Project Description: Demolition of existing multi-family residence and hardscape. Construction of a new two-story two family residence each with pools, hardscape and landscape.

At the June meeting, a motion carried to defer the project for one month. At the July meeting, a motion carried to approve the demolition. A second motion carried to approve the project as presented with the caveats that the eaves lines in the guest house are reduced by 30", the windows will be changed to double hung, shutters put on the windows as presented, eliminating the knees on the gables and to defer for one month the connection between the houses and the guest houses for restudy.

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

Mr. Janssen presented the previous and proposed elevations and reviewed the changes with the Commissioners. The changes include fenestration changes, addition of shutters and the location change of the chimney between the houses and the guest homes.

Commissioners comments: There was a comment made that the changes were a big improvement. Mr. Sammons thought the sashes on the proposed windows were too skinny and suggested using a wider window in the areas where there are two double windows placed with a mullion in the middle. Mr. Sammons thought the windows on the front elevation should be widened as well. Mr. Corey suggested using 2 over 2 rather than 6 over 6 in the fenestration.

Motion by Mr. Garrison and seconded by Mrs. Vanneck to approve the project with the recommendations that the windows on the front and west elevations be restudied using the suggestions made by Mr. Sammons and that the staff could approve the changes. Motion carried with all in favor.

[B-036-2016 Demolition/New Cabana and Garage](#)

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S) - Done 6/22/16

Address: 341 Brazilian Ave.

Applicant: Patrick and Molly Ryan

Architect: The Pandula Architects, Inc.

Project Description: Remove existing one story cabana, automobile garage and storage structure (approx. 760 sq. ft. ground floor) at finished floor elevation 3.03 and replace with new two story cabana, automobile garage and two guest bedrooms (approx. 875 sq. ft. ground floor) at finished floor elevation 7.50. New building will be painted stucco to match existing main residence, clay barrel tile roof, wood outlookers and aluminum clad wood windows. Remove existing swimming pool and cast stone pool deck and install new swimming pool and cast stone pool deck. Remove existing automobile drive, combination of brick and concrete. Install new site drainage system, and install new automobile drive at original location. New driveway finish to be a combination of old Chicago brick and cast stone.

VARIANCE INFORMATION: The applicant is proposing to demolish a 750 square foot one story garage/cabana in the rear of the property and construct a new 1,836 square foot two story cabana/guest house/garage addition in the same general location. The following variances are being requested: 1) rear yard setback of 8 feet in lieu of the 15-foot minimum required for a two story structure; 2) west side yard setback of 5.3 feet in lieu of the 15-foot minimum required for a two story structure; 3) lot coverage of 35.5% in lieu of the 33.4% existing and the 30% maximum allowed for two story structures; 4) a drive aisle width to the garage to be 18.2 feet in lieu of 25-foot minimum for back up space.

At the June meeting, a motion carried that the implementation of the proposed variances would not cause negative architectural impact to the subject property. A second motion carried to defer the architecture for one month for restudy. At the July meeting, the project was deferred to the August meeting. At the August meeting, the project was deferred to the September meeting.

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

Gene Pandula stated that the variance request was approved in June by the Commissioners and the Town Council. He showed the Commissioners the two changes made to the project from their suggestions, which were changes to the fenestration as well as reducing the height of the proposed building. He also showed the Commissioners the proposed site plans, floor plans and elevations.

Don Skowron presented the proposed landscape and hardscape plans for the project.

Commissioners Comments: One Commissioner thought this new structure was a little large. Another thought the addition was fitting with the neighborhood. There was a suggestion to break up the landscaping on the front of the home. Mr. Skowron addressed this issue.

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

[B-039-2016 Demolition/New Residence](#)

Address: 1610 N. Ocean Blvd.

Applicant: DBSC, LLC c/o Maura A. Ziska, Esq.

Architect: Roger Janssen/Dailey Janssen Architects, P.A.

Project Description: Demolition of existing residence, pool, landscape and hardscape. Construction of a new two story residence with pool, hardscape and landscape.

At the July meeting, a motion carried to approve the demolition. A second motion carried to defer the architecture for one month to the August meeting. At the August meeting, a motion carried to approve the architectural portion presented but to defer the landscaping for one month to allow the neighbors to the east and north to review the landscaping plans.

Call for disclosure of ex parte communication: Disclosure by Mr. Small and Mses. Vanneck and Shiverick.

Chuck Yannette presented the changes to the proposed landscape plans. He indicated that he spoke to both neighbors and believes that they have addressed all of their concerns.

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

Mr. Small indicated he spoke to the neighbor to the east of the project and that she indicated that her concerns were resolved.

Motion carried with all in favor.

[B-042-2016 New Residence](#)

Address: 561 Island Dr.

Applicant: 561 Island Drive, LLC

Architect: MP Design & Architecture Inc.

Landscape Architect: Keith Williams/Nievera Williams Design.

Project Description: New two-story Mediterranean Style residence with pool, hardscape and landscape.

At the July meeting, a motion carried to defer the project for one month for restudy. At the August meeting, a motion carried to approve the architectural portion of the project as presented, including the wrought iron railing on the rear façade and the two chimneys but to defer the landscaping for one month.

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

Mr. Williams showed the Commissioners the originally proposed elevation for the project. He then showed the current proposed elevation that opened up the landscaping for the front entrance with the changes.

Commissioners Comments: There was a question whether Podocarpus columns that are positioned against the house were necessary. Mr. Williams answered this question.

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

[B-044-2016 Demolition/New Residence](#)

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE

Address: 232 Colonial Ln.

Applicant: SKIK, LLC (Zvenka Kleinfeld, Manager)

Architect: Patrick Segraves/SKA Architect + Planner

Landscape Architect: Keith Williams/Nievera Williams Design.

Project Description: Demolition of existing one-story home. New two-story Island Style home to be approximately 2,800 square feet. Home will consist of living room, dining room, kitchen, four bedrooms, four and one half bathrooms, and a one car garage.

SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE INFORMATION: The applicant is requesting a special exception with site plan review to allow the construction of a 2,845.5 square foot two-story, single family residence on a non-conforming lot which is 75 feet in width in lieu of the 100-foot minimum required; 82 feet in depth in lieu of the 100-foot minimum required and 6,150 square feet in area in lieu of the 10,000 square foot minimum required. The applicant is requesting a variance to have a front yard setback for one story portion of the residence at 23 feet in lieu of the 25-foot minimum setback required.

At the July meeting, a motion carried to approve the demolition. A second motion carried to defer the architecture for one month to the August meeting. At the August meeting, a motion carried to defer the project for one month to restudy the front elevation and to defer the landscaping presentation.

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

Pat Segraves presented the street view, aerial view, floor plans, the previously proposed front elevation and the currently proposed front elevation. Mr. Segraves reviewed all of the changes that were made on the elevations.

Commissioners Comments: Many of the Commissioners thought that the changes made were heading in the wrong direction and the project was becoming too dissimilar to the surrounding neighbors. There were comments made that the massing on the second floor on the front façade was peculiar and the house was dark, foreboding and lacked charm. There was a suggestion to commit to a certain style.

Motion made by Mrs. Vanneck and seconded by Mr. Ives to deny project B-044-2016 based on failure to comply with Section 18-205 of the Code, paragraphs a (1), a (4) a (6) sub b, c, d, e, g and a (8). Motion carried 4-3 with Messrs. Knowles, Small and Sammons opposed.

A second motion was made by Mr. Ives and seconded by Mr. Garrison to reconsider the motion. Motion carried with all in favor.

A third motion was made by Mr. Small and seconded by Mr. Garrison to defer the project to the November 23, 2016 for restudy, based upon the comments from the Commissioners and in particular, the comments from the Chairman. Motion carried 6-1 with Mr. Ives opposed.

B-050-2016 Additions/Modifications

Address: 2300 Ibis Isle Rd. West

Applicant: Rob and Sue Bushman

Architect: Quinn Miklos/Miklos Architecture

Landscape Architect: Carol Perez/Grant Thornbrough & Associates

Project Description: 1) Re-configure existing driveway and front property line pilaster layout; 2) add two driveway gates; 3) replace existing flat cement tile roof with new flat cement tile roof; 4) bedroom, covered front entry and rear covered pavilion additions; 5) existing pool and spa shape slightly reconfigured; 6) existing landscaping adjusted and augmented.

At the August meeting, a motion carried to defer the project for one month for restudy.

Please note: This discussion item was deferred to the October 26, 2016 meeting at the Approval of the Agenda, Item V.

B. MAJOR PROJECTS-NEW BUSINESS

B-052-2016 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 414 Australian Ave.

Applicant: Christopher and Susan Cowie

Architect: MP Design and Architecture, Inc.

Project Description: 57 SF Garage Addition

VARIANCE INFORMATION: The applicant is proposing to add a 56 square foot one story addition to their existing garage located in the front of their residence in order to accommodate a vehicle. The following variances are being requested: 1) east side yard setback of 5.33 feet in lieu of the 10 foot minimum required; 2) front yard setback of 19.16 feet in lieu of the 23.62 existing and the 25 foot minimum required; 3) lot coverage of 34.6% in lieu of the 34.1% existing and the 30% maximum.

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

Maura Ziska addressed the Commission and explained the variances in which they are seeking a favorable recommendation to the Town Council.

Michael Perry presented the site plan and explained that they are requesting to expand the existing garage large enough to allow an automobile to be parked inside. He showed the Commissioners the existing roof plan and proposed roof plan and elevations.

Commissioners comments: There was a comment made that the new addition enhanced the home. Mr. Sammons suggested making the new roof a shed roof rather than a flat roof.

Motion made by Mrs. Vanneck and seconded by Mr. Small that the implementation of the proposed variances would not cause negative architectural impact to the subject property. Motion carried with all in favor.

A second motion was made by Mrs. Vanneck and seconded by Mr. Garrison to approve the project as presented with the caveat that the roof is changed to a shed roof as suggested by the Chairman. Motion carried with all in favor.

[B-055-2016 Additions/Modifications](#)

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 241 El Dorado Ln.

Applicant: Mr. & Mrs. Keogh

Architect: MP Design and Architecture

Project Description: One story addition to main house, new one story detached two car garage, all finishes to match existing with new landscape and hardscape.

VARIANCE INFORMATION: The applicant is requesting a variance to allow a 898 square foot addition one story addition to the main house and a 842 square foot one story garage addition (total of 1,740 sq. ft.) which will require the following variances: 1) an east side yard setback of 12.5 feet in lieu of the 30 foot minimum required for a lot over 20,000 square feet with a width of 246.60; 2) a west side yard setback of 12.5 feet in lieu of the 30 foot minimum required for a lot over 20,000 square feet with a width of 246.60; 3) a rear yard setback of 9.5 feet in lieu of the 10 foot minimum required; 4) lot coverage of 32.4% in lieu of the 30% maximum allowed for single story construction on lots in excess of 20,000 square feet.

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

Maura Ziska explained the variances to the Commissioners that are required for the project.

Michael Perry presented the site plan, street scape, photographs, floor plans and elevations for the proposed project. He explained the proposed additions and the changes to the proposed residence.

Maura Ziska stated that the surrounding neighbors are in favor of the project.

Andres Paradelo presented the changes to the landscape and hardscape for the project. He indicated which landscaping would remain and also stated any landscaping affected by the construction would be replaced.

Commissioners Comments: Many of the Commissioners thought the addition created an unsightly north elevation and needed some undulation in the long wall. Mrs. Vanneck stated that the current hedge is in very bad shape and needed some immediate attention. There was a suggestion to reduce the hardscape around the pool area. There was also a suggestion to reduce the curb cuts during the hardscape changes.

Motion made by Mr. Garrison and seconded by Mrs. Vanneck to defer the project for one month to restudy the north elevation and the driveway entrance. Motion carried by all in favor.

Sara Simovich, 3456 N Ocean Blvd. #505, addressed the Commission about a problem she had with concrete restoration that was done to her balcony. Mr. Page stated he would research her problem and report back to the Commission.

[B-056-2016 Modification](#)

Address: 515 N. County Rd.

Applicant: County Road Property, LLC

Architect: N/A

Project Description: Request to terminate a restrictive covenant on the above referenced property that required a previous owner to maintain a hedge along the western boundary of the property as a condition of the Town approving a new residence on the property. The residence has since been demolished and the Town has approved a subdivision of the property into three (3) lots. The termination is necessary to remove the agreement from title and allow the lots to be sold without such encumbrance.

Call for disclosure of ex parte communication: Disclosure by several members. *It should be noted that Mr. Sammons had recused himself from this project and Ms. Grace voted in his absence.*

Maura Ziska stated that the Town Council has approved the subdivision of the property and the house had been demolished. She asked to remove the deed restriction agreement from the title in order to have a clear title to sell the lots as 3 separate lots.

Commissioners Comments: One of the members asked about the timeline of the hedge removal. Ms. Ziska stated the hedge would not be removed until the lot was sodded and there was a final inspection from the town. Many of the members thought it would be a mistake to remove the hedge until the properties are sold.

Jeff Smith, 241 Sanford Ave., cautioned the Commissioners from removing the hedge and provided his reasons.

There was some discussion about removing the deed restriction but requiring each owner to maintain their hedge section until new a new redevelopment plan is presented to the Commission.

Motion made by Mr. Garrison and seconded by Mr. Small to approve the removal of the deed restriction with the caveats that the palms on the northwest corner of the property remain and that the hedge remains until each owner applies to remove their section of the hedge and to replace it with something of their choice. Motion carried with all in favor.

A lunch break was taken at 1:07 p.m. The meeting resumed at 2:02 p.m.

[B-057-2016 Additions/Modification](#)

Address: 200 Tradewind Dr.

Applicant: Mr. & Mrs. Anthony Beyer

Architect: Smith Architectural Group, Inc.

Project Description: Replace existing double mansard roof with new flat roof. New doors and windows in new locations. Modifications to facades with additions totaling 823 square feet. New one story, 250 square foot pool pavilion. Final landscape, hardscape and new pool.

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

Jeff Smith stated he did not receive the letter of objection by the Goodmans and just reviewed it over the break. The plan for the house is to remove the double mansard roof and to add some minor additions to the home. Mr. Smith spoke to the styles of architecture in the neighborhoods. Mr. Smith also spoke to the height and hardscape reductions proposed for the project. He presented an aerial map and elevations, renderings of all facades.

Mario Nievera presented the proposed landscape and hardscape plan for the property. He addressed the reduction in hardscape with the driveway changes and details for the new garden areas.

Commissioners Comments: There was a suggestion to add texture to the exterior of the home to give it more interest. There was a suggestion to replace some of the palms with shade trees. Some of the Commissioners thought the proposed home was boxy and lacked detail. There was a recommendation to put some shade trees on the corner. Some of the Commissioners liked the new changes. There was a concern that removing the roof would leave the window unshaded. The suggestion was made to add a 4-5 inch overhang when the new roof is installed.

There was some discussion about the material of the sliding doors.

Mr. Smith stated that Mrs. Goodman received notice for the project and had the opportunity to have someone represent her interests.

Mr. Smith stated that the front feature of the home is a wood texture and showed the Commissioners a picture on the overhead projector. Mrs. Vanneck suggested that the wood texture be bleached teak and that the front doors be replaced with natural wood doors. Mr. Smith was hesitant to use a natural wood varnish due to weather damage.

Motion made by Mr. Garrison and seconded by Mr. Ives to approve the project as presented with the caveat that the front doors are stained and that a sample of the stain is presented to staff for approval and to add the shade trees that Mrs. Vanneck suggested. Motion carried 4-3 with Messrs. Sammons and Small and Mrs. Vanneck opposed.

[B-054-2016 New Residence](#)

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW

Address: 221 Orange Grove Rd.

Applicant: Chris and Alice Holbrook

Architect: Design Phase Architecture, LLC

Project Description: New one-story Caribbean Style house and pool with associated landscape and hardscape.

SPECIAL EXCEPTION AND SITE PLAN REVIEW INFORMATION: The applicant is requesting a Special Exception with Site Plan Review to allow the construction of a 3,429 square foot one-story, single family

residence on portions of two platted lots which combined creates a lot that is 82 feet in width in lieu of the 100-foot minimum required and 8,917.50 square feet in area in lieu of the 10,000 square foot minimum area required.

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

Maura Ziska explained special exception and the site plan review that are being requested.

Laura Wright stated she would be presenting two projects today. One project is a new home on a vacant lot and the second project is a renovation of the existing home. Both houses are owned by the applicant. Ms. Wright explained the wishes of the applicants is to create a type of family compound for themselves and their children. She presented the site plan, streetscape, photos of surrounding neighbors, floor plan, roof plan, elevations and material details of the proposed home.

Commissioners Comments: Many thought the house was well done, charming, modest and fit into the neighborhood. There were suggestions to increase the size of all of the pilasters and pillars. There was a suggestion to use a pure white for the paint color. Ms. Wright passed out paint color samples. There was a suggestion to add more character to the west and north facades. There was a suggestion to restudy the roof over the enclosed via. There was also a suggestion to restudy the windows on the corners of the Master Bath and Bedroom.

Motion made by Mr. Garrison and seconded by Mrs. Vanneck that the implementation of the proposed special exception would not cause negative architectural impact to the proposed subject property. Motion carried with all in favor.

A second motion made by Mr. Garrison and seconded by Mrs. Vanneck to approved the project as presented with the caveat to restudy the roof with the Chairman's suggestions and that all of the columns are made to be larger. Motion carried with all in favor.

D. MINOR PROJECTS-NEW BUSINESS

[A-045-2016 Modifications/Landscape/Hardscape](#)

Address: 219 Orange Grove Rd.

Applicant: Christopher and Alice Holbrook

Architect: Design Phase Architecture, LLC

Project Description: Scope of renovation work: re-design driveway, pool and associated hardscape/landscape, modify paint colors of house, trim and shutters. Modify garage door design. Remove windows at south/west façade of garage.

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

Laura Wright stated this project consisted of cleaning up the landscaping, creating some gardens and tying the two properties together. Ms. Wright presented the streetscape,

existing photos, elevations and renderings of the proposed project. She presented all of the proposed changes to the current home and garage. She also stated the paint colors would match the new proposed home. Ms. Wright stated that although it was not included in her application, she would like to request permission to change the current roof to be replaced with wood shingles to match the new proposed house.

Commissioners Comments: Many of the Commissioners were in favor of changing the roof to the wood shingle.

Dustin Mizell presented the proposed landscape and hardscape for both projects. He presented site plans and renderings for both projects.

Commissioners Comments: There was a suggestion to change the palm trees on the western boundary for the project at 221 Orange Grove to a shade tree. There was also a suggestion to use a vine other than Bougainvillea on the trellis over the garage at 221 Orange Grove.

Motion made by Mrs. Vanneck and seconded by Mr. Ives to approve the project at 221 Orange Grove Rd. as presented with the caveat to substitute the palms in the southeast corner with a canopy shade tree and that the vine on the trellis is not Bougainvillea. Motion carried with all in favor.

A second motion made by Mrs. Vanneck and seconded by Mr. Ives to approve the landscape project at 219 Orange Grove Rd. as presented. Motion carried with all in favor.

A third motion made by Mrs. Vanneck and seconded by Mr. Ives to approve the architectural project at 219 Orange Grove Rd. as presented to include approval of a new wood shingle roof. Motion carried with all in favor.

C. MINOR PROJECTS - OLD BUSINESS

[A-038-2016 Modifications](#)

Address: 1066 N. Ocean Blvd.

Applicant: Mary Ourisman

Architect: Nievera Williams Design

Project Description: Site hardscape and landscape revisions to include driveway modifications, landscape layout revisions and overall hardscape revisions.

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

Call for disclosure of ex parte communication: Disclosure by Mrs. Vanneck.

Keith Williams presented the changes to the landscape and hardscape for the project. Mr. Williams presented a picture of the front of the house on the overhead projector. He stated the front landscaping bedding is making it hard for the owners to enter and exit the residence.

Commissioners Comments: There was a suggestion to reduce the curb cuts and to make the apron smaller. There was another suggestion to keep some smaller plantings in the apron and to put a shade tree on the corner.

Motion made by Mr. Garrison and seconded by Mrs. Vanneck to approve the project as presented with the caveat to reduce the curb cuts at least to 14 feet (preferably 12 feet) and if staff sees the site triangles and feels the need to change the direction of the project, the architect would return to the Commission with their intentions. Motion carried with all in favor.

[A-044-2016 Landscape/Hardscape](#)

Address: 331 Polmer Park Rd.

Applicant: Diane & Matthew Barrett

Architect: Mario Nievera/Nievera Williams Design

Project Description: Hardscape and landscape renovation at existing property.

At the August meeting, a motion carried to defer the project to the September meeting.

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

D. MINOR PROJECTS-NEW BUSINESS

[A-047-2016 Modifications/Landscape/Hardscape](#)

Address: 122 Peruvian Ave.

Applicant: The Peruvian Association

Architect: Fairfax Sammons and Partners

Project Description: Replacement of existing fence and gates with a single gate, flanking piers, and planting screen. Piers will have lanterns, planting bed redistribution. New planting bed enclosures at courtyard, and courtyard paver replacement.

Call for disclosure of ex parte communication: Disclosure by Mses. Vanneck, Grace and Shiverick. *It should be noted that Mr. Sammons had recused himself from this project and Ms. Grace voted in his absence.*

Jaime Torres presented the proposed changes to the landscape and hardscape to the property. He presented a site plan, current photos, renderings and material details.

Commissioners comments: One of the Commissioners wanted to make sure there was no opposition from the residents.

Mitch Brown, VP and acting President of the Peruvian Association, stated that they have alleviated the concerns of the residents.

There was some discussion whether some green space could be added in replace of one of the parking spaces. Mr. Brown stated that they are lacking in parking.

Mr. Garrison suggested that the gate should swing out as an exit rather than in as proposed.

Motion made by Mr. Small and seconded by Mr. Garrison to approve the project as presented with the caveat that the gate will swing out of the courtyard and to add plantings in the planting beds. Motion carried with all in favor.

[A-048-2016 Landscape/Hardscape](#)

Address: 3030 S. Ocean Blvd.

Applicant: The PalmBeacher Apartments Inc. c/o John Sorochuk

Architect: Lynn Bender/Edgar Duenas Bunker Engineering

Project Description: The 1960's built condo is seeking approval for landscape & hardscape improvements, mainly due to the recent new seawall construction in rear yard area. Proposed renovations include new plantings with additional landscape areas, a pool deck expansion with new security fencing, walls & pergola over existing bath building. A new awning is proposed in place of the previously removed covered overhang at main lobby entrance.

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

[A-049-2016 Modifications](#)

Address: 216 Sandpiper Dr.

Applicant: LC Homes of South Florida, LLC

Architect: Roger P. Janssen/Dailey Janssen Architects

Project Description: Request for modification to previously approved submittal B-059-2015.

Call for disclosure of ex parte communication: Disclosure by Mr. Small and Mrs. Vanneck.

Mr. Janssen stated that this project had been previously approved and that they are requesting a modification, which would include about 18 +/- inches of wall height reduction on the front elevation. He stated the reason for the request was the that the slab was poured higher than specified on the plans. He also told the Commission that the roof line would remain the same.

Commissioners Comments: It was suggested to raise the whole house 16 inches to keep the house that was previously approved.

There was some discussion on the requirements to raise the house and variances it would need to do so.

Commissioners Comments: There was a suggestion to change the windows on the front façade from 6 over 9 to 6 over 6 to help mitigate the problem. The Commissioners were split on their preference for the currently proposed plans versus the previously proposed plans. There was also a suggestion to lower the window sills to mitigate the problem.

Motion made by Mr. Garrison and seconded by Mrs. Vanneck for the applicant to either return for a variance or to change the windows to a 6 over 6 or to lower the window sills by 6 inches and return to staff and the Chairman for approval for the window changes. Motion carried 5-2 with Messrs. Ives and Sammons opposed.

[A-051-2016 Landscape/Hardscape](#)

Address: 272 Queens Ln.

Applicant: Jennifer Lazzara

Architect: Mario Nievera/Nievera Williams Design

Project Description: Hardscape, grading, and landscaping improvements.

Call for disclosure of ex parte communication: Disclosure by Mrs. Vanneck.

Keith Williams presented the proposed landscape and hardscape changes for the residence. He showed the Commissioners a site plan, current photos of the home, elevations and renderings. He stated that the column heights were proposed on the plans at 7 feet and he thinks they need to be 6 feet. He also stated that the renderings show the pickets centered between one another and that is incorrect.

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

[A-052-2016 Landscape/Hardscape](#)

Address: 742 Slope Trail

Applicant: Karen and Macelo Dorea

Architect: Mario Nievera/Nievera Williams Design

Project Description: Revised landscape plans (revised from approved May 2015 ARCOM plans) for existing residence.

Call for disclosure of ex parte communication: Disclosure by Mrs. Vanneck.

It was noted that Mr. Small had left and Ms. Grace was gone and Mr. Corey would be voting in place of Mr. Small.

Keith Williams presented the proposed landscape and hardscape changes for the residence. He showed the Commissioners a site plan, elevations and renderings of originally proposed and currently proposed.

Commissioners Comments: There was a suggestion to allow the trees flanking the driveway to grow more loosely rather than to have them finely clipped to allow them to grow together to create an archway.

Motion made by Mrs. Vanneck and seconded by Mr. Gruss to approve the project as presented with the caveat to allow the trees in the front to grow together to create an archway. Motion carried with all in favor.

A-053-2016 Driveway Gates/Posts

Address: 314 Dunbar Rd.

Applicant: Marilyn Sultan

Architect: Mario Nievera/Nievera Williams Design

Project Description: Replacement of driveway gate and posts. New gate and posts will be gray painted aluminum.

Call for disclosure of ex parte communication: None.

Mr. Nievera presented the proposed gate change to the Commissioners.

There was some discussion about the origins of the proposed gate.

Mr. Lindgren stated that the gate will need to be at least 18 feet from the edge of the street.

There was a suggestion to beef up the posts.

Motion made by Mrs. Vanneck and seconded by Mr. Gruss to approve the project as presented with the caveat that they move the gate back 18 feet from the sidewalk and that the posts are beefed up. Motion carried with all in favor with Messrs. Ives and Sammons opposed.

IX. OTHER BUSINESS

Mr. Page informed the Commissioners that their decision for the project at 1230 N. Ocean Way was being appealed. The Town Council will listen to that appeal on October 13, 2016.

Mr. Garrison stated he would not be able to make the next meeting in October. He also stated that the regulations and language, especially the excessively similar and excessively dissimilar, needed to be revisited since it has been many years since it has been revised. There was some discussion on this issue among the Commissioners.

X. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE)

None

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

None

XII. ADJOURNMENT

Motion made by Mrs. Vanneck and seconded by Mr. Ives to adjourn the meeting at 4:15 p.m. Motion carried with all in favor.

The next meeting will be held on Wednesday, October 26, 2016 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, 2016

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 187-2016 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Declaring Zoning In Progress Relating To Zoning Items Under Study By The Town As Enumerated On Exhibit "A" Attached Hereto; Requiring That No Building Permits Or Business Tax Receipts Be Issued By The Department Of Planning, Zoning And Building During The Period That Zoning Is In Progress For Any Project In Contravention Of Any Proposal Under Study; Providing An Effective Date.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum Dated September 30, 2016 From John S. Page, Director of Planning, Zoning & Building**
- ▣ **Resolution No. 187-2016**
- ▣ **Exhibit A**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Medical Marijuana Land Use
Declaring Zoning in Progress
Resolution No. 187-2016

Date: September 30, 2016

STAFF RECOMMENDATION

It is recommended that the Town Council adopt Resolution 187-2016 declaring “Zoning in Progress” commencing immediately, and extending until such future time that the Town Council formally adopts or disapproves a Zoning Ordinance change relative to adopting medical marijuana regulations.

GENERAL INFORMATION

On September 20, 2016, the Planning and Zoning Commission considered proposed medical marijuana regulations which are attached as an Exhibit in Resolution 187-2016. The Commission recommended that the Town Council adopt said regulations. The Council will consider these proposed regulations at the October 10, 2016 meeting and provide Staff with direction on drafting a proposed ordinance for its consideration.

However, it is anticipated that medical marijuana may be approved by public referendum in November. The proposed ordinance adopting medical marijuana regulations will not be adopted prior to that referendum. If the law passes, Staff wants to ensure that there is “Zoning in Progress” in place. Zoning in Progress is defined as “a period of time during the zoning procedures which begins with active and documented efforts by those authorized to do the zoning work which, in the normal course of municipal action, may culminate in the requisite zoning change.” Any attempt to cultivate marijuana, or establish a medical marijuana dispensary or treatment center which is in contravention with the proposed regulations in Resolution 187-2016, will be temporarily stayed until such time that the Town decides upon a course of action.

The proposed regulations contained in Zoning in Progress prohibits the cultivation of marijuana, medical marijuana dispensaries and treatment facilities in the Town of Palm Beach. If the new law preempts the prohibition of said uses, the regulations within the proposed zoning text

amendments strictly limit said uses. It must be noted that these proposed regulations are related to medical marijuana facilities. It is not the intent to prohibit pharmacies from filling a prescription for said drug.

TOWN ATTORNEY REVIEW

Mr. Randolph provided both the attached Resolution and regulations for review and public consideration (thus also approving same for form and sufficiency).

Attachments

cc: John C. Randolph, Town Attorney
Planning & Zoning Commissioners

RESOLUTION NO. 187-2016

A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Declaring Zoning In Progress Relating To Zoning Items Under Study By The Town As Enumerated On Exhibit "A" Attached Hereto; Requiring That No Building Permits Or Business Tax Receipts Be Issued By The Department Of Planning, Zoning And Building During The Period That Zoning Is In Progress For Any Project In Contravention Of Any Proposal Under Study; Providing An Effective Date.

WHEREAS, the Town staff, the Town's Planning and Zoning Commission and ultimately the Town Council are studying a zoning proposal as identified on Exhibit "A" attached hereto; and

WHEREAS, to avoid frustrating the intent of this zoning proposal by allowing permits or business tax receipts to be granted or issued for construction or use which is potentially in conflict with or in contravention of what is under study in said proposal it is necessary to declare Zoning in Progress during the period of the zoning study.

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 hereby declares Zoning in Progress commencing immediately for all items enumerated on Exhibit "A" attached to this Resolution, which Exhibit shall be made a part of and incorporated with this Resolution.

Section 2. During the period of Zoning in Progress the Planning, Zoning and Building Department is directed not to grant permits for construction or business tax receipts for any proposed project or use which is potentially in conflict with the zoning proposals under study.

Section 3. Zoning in Progress shall remain in effect until the completion of the study of the zoning item enumerated on Exhibit "A" has been completed and Town Council adoption of zoning amendments occurs, if any, or until July 1, 2017, whichever occurs first.

Section 4. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of October, 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Susan A. Owens, MMC,

Margaret A. Zeidman, Town Council Member

EXHIBIT A

Sec 134-2, Definitions and Rules of Construction by adding new definitions as follows:

Medical Marijuana Treatment Center means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualified registered patients or their personal caregivers and is registered by the State Department of Health and regulated under Chapter 134 of the Town Code of Ordinances.

Medical Marijuana Dispensary means a facility that is operated by an organization or business holding all necessary licenses and permits from which marijuana, cannabis, cannabis-based products, or cannabis plants are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local, federal, and state laws. Physicians authorized by State law to order low-THC cannabis, as defined in Florida Statutes, for qualified registered patients' medical use are not included in the definition of Medical Marijuana Dispensary.

Cannabis Cultivation means a use of any property, in whole or in part, including inside buildings, for the growing or cultivation of Cannabis plant(s), whether or not such growing or cultivation is lawful under federal or state law.

C-TS ZONING DISTRICT:

Sec. 134-1109. Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-TS town-serving commercial district are as follows:

...

(19) Medical marijuana treatment centers and medical marijuana dispensaries are prohibited, however, should State Law preempt said probation, said uses shall be permitted subject to the requirements in Section 134-2112 through 134-2114 of this chapter.

DIVISION 18. MEDICAL MARIJUANA TREATMENT CENTERS AND MEDICAL MARIJUANA DISPENSARIES.

Sec. 134-2119. Purpose.

The purpose of this division is to prohibit medical marijuana treatment centers and medical marijuana dispensaries in all Commercial Zoning Districts, or should State Law preempt the prohibition of said uses, to develop reasonable guidelines, standards and regulations to allow said uses in the Commercial Town-Serving (C-TS) District.

Section 134-2120. Development Standards.

In addition to applicable regulations and requirements otherwise set forth in this article, the following minimum standards and regulations shall apply to the development or use of property for a medical marijuana treatment center or medical marijuana dispensary. Such standards shall be met regardless of the existence of lesser standards that may be imposed by other agencies of government. The Town Council may impose additional conditions or safeguards as deemed necessary.

- (1) *Distance Separation.* No medical marijuana treatment center or dispensary shall be located within one thousand (1,000) feet of any school, church, child care facility, municipal park or substance abuse treatment facility licensed by the Florida Department of Children and Families pursuant to Rule 65D-30, or within two thousand five hundred (2,500) feet of another medical marijuana treatment center or dispensary, or within one hundred (100) feet of residentially zoned property within the Town limits, as further defined by these regulations. Distances shall be measured by drawing a straight line between the closest point of the medical marijuana treatment center/dispensary structure to the closest property line or tenant space (whichever is closer) of a school, church, childcare facility, public park, resource recovery/addiction treatment facility, or other medical marijuana treatment center or dispensary residentially zoned property.
- (2) *Parking.* Any off-street parking demand created by a medical marijuana treatment center /dispensary shall not exceed the parking spaces located or allocated on site, as required by Section 134-2176. An applicant shall be required to demonstrate that on-site traffic and parking attributable to the medical marijuana treatment center/dispensary will be sufficient to accommodate traffic and parking demands generated by the medical marijuana treatment center/dispensary, based upon a current traffic and parking analysis prepared by a certified professional.
- (3) *Display of Registration/Town Approval of Operational Plan.* Any medical marijuana treatment center/dispensary shall be validly registered with the State of Florida, as required, and with the Town, and shall prominently display in a public

- area near its main entrance copies of all state licenses, Town registration and local business tax receipt, and the name of the owner and designated physician responsible for compliance with State and Town regulations. A medical marijuana treatment center/dispensary shall register with the Town by completing and submitting to the Planning Zoning and Building Department a registration form and operational plan, including security measures, for review and approval by the Town prior to issuance of the Town registration and business tax receipts. The operational plan shall be reviewed annually prior to renewal of the registration and business tax receipt to ensure that it adequately addresses concerns of the Town, including security, parking, loitering, etc.
- (4) *Controlled Substances.* The on-site sale, provision or dispensing of controlled substances (other than those types of marijuana approved for sale by the Department of Health or its successor agency) at a medical marijuana treatment center / dispensary shall be prohibited except as is specifically set forth in applicable federal or state law.
- (5) *On-Site Consumption of Marijuana and/or Alcoholic Beverages.* No consumption of marijuana or alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks or rights-of-way. In addition, no consumption of marijuana or alcoholic beverage shall be allowed on neighboring parking areas, sidewalks or right-of-way. The persons responsible for the operation of the medical marijuana treatment center / dispensary shall take all necessary and immediate steps possible to ensure compliance with this paragraph.
- (6) *Loitering.* A medical marijuana treatment center/dispensary shall provide adequate seating for its qualified patients and care givers and shall not allow qualified patients or care givers, to stand, sit (including in a parked car), or gather or loiter outside of the building where the treatment center/dispensary operates, including in any parking areas, sidewalks, right-of-way, or neighboring properties for any period of time longer than that reasonably required to arrive and depart. In addition, no other visitors or business invitees shall be permitted on the premises per (15)c of this Division and said person(s) shall not be allowed to loiter in any parking areas, sidewalks, right-of-way or neighboring properties for any period of time. The medical marijuana treatment center/dispensary shall post conspicuous signs on at least three sides of the building that no loitering is allowed on the property.
- (7) *Queuing of Vehicles.* The persons responsible for the operation of the medical marijuana treatment center/dispensary shall ensure that there is no queuing of vehicles in the rights-of-way. The persons responsible for the operation of the medical marijuana treatment center / dispensary shall take all necessary and immediate steps to ensure compliance with this paragraph.

- (8) No Drive-Thru Service / No Delivery. No medical marijuana treatment center / dispensary shall have a drive-thru or drive-in service aisle. All dispensing, payment or and receipt of said marijuana shall occur from inside the medical marijuana treatment center / dispensary. No medical marijuana treatment center or dispensary shall conduct any form of off-site delivery service of medical marijuana prescriptions.
- (9) Operating Hours. A medical marijuana treatment center / dispensary may operate only Monday through Friday and only during the hours of 8:00 a.m. to 6:00 p.m.
- (10) Compliance with Other Laws. A medical marijuana treatment center / dispensary shall at all times be in compliance with all federal and state laws and regulations and the Town of Palm Beach Code.
- (11) Certification Affidavit by Applicants for Related Uses. Any application for a business tax receipt as a medical marijuana treatment center / dispensary as defined in Section 1-2, shall be accompanied by an executed affidavit certifying registration with the State of Florida and the Town of Palm Beach as a medical marijuana treatment center / dispensary. The failure of an applicant to identify the business in the application for a business tax receipt as a medical marijuana treatment center / dispensary will result in immediate expiration of the business tax receipt and immediate ceasing of all activity conducted in the medical marijuana treatment center / dispensary.
- (12) Non-medical Marijuana Sales. Non-medical marijuana sales, including the purchase, sale, transfer or delivery of marijuana, cannabis, cannabis-based products or cannabis plants when such sale, transfer or delivery is not associated with any medical purpose or use, whether or not such purchase, sale, transfer or delivery is lawful under federal or state law, shall be prohibited uses in all zoning districts of the Town.
- (13) Cannabis Cultivation. Cannabis Cultivation shall be a prohibited use in all zoning districts of the Town.
- (14) Property Standards. Medical marijuana treatment centers and dispensaries shall be situated on real property meeting the following requirements:
- a. Minimum Parcel Size. The minimum parcel size shall be 20,000 square feet.
 - b. Location. Medical marijuana treatment centers and dispensaries shall have frontage on a collector or arterial roadway.
 - c. Structure. A medical marijuana treatment center and dispensary shall only be

operated from a freestanding building that is not part of a larger commercial plaza, retail center, or multi-tenant building.

- d. Appearance. Building architecture, including building color, shall be harmonious with surrounding properties.
- e. Signage. Consistent with Article XI, SIGNS*, of this chapter.

(15) Security. Security measures shall be taken by the owner/operator, including but not limited to:

- a. A monitored alarm system and/or panic buttons shall be installed in the interior of the building.
- b. A uniformed armed security guard shall be on the premises at all times the dispensary is open for business. The security guard/officer must be insured and licensed with the State of Florida possessing the minimum of an active and valid Class “D” and a Class “G” license as per Florida State Statute 493.6301.
- c. Only qualified registered patients per Department of Health definitions and personal caregivers, employees of the business, or Town and State and any other applicable governmental staff members, shall be permitted inside the proposed business.
- d. Town staff shall be granted right of entry at all times to ensure compliance with the requirements of this Division 18.

(16) Other Activities. No medical marijuana treatment center or dispensary shall sell, market, dispense, provide, exchange, or otherwise vend any other services, product, or drug paraphernalia as defined by federal or state law. In addition, no medical marijuana dispensary or doctors, physicians, agents, employees, representatives, contractors, or the like shall provide any other medical, social, or psychological counseling, diagnosis or advice to any patient or business invitee.

Section 106-5. Use of Medical Marijuana on Public and Semi-Public Property

No person shall smoke medical marijuana while on public property, including but not limited to, rights-of-way, parks, playgrounds, recreational facilities, public buildings or other property owned or controlled by the Town.

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 188-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Orders To Palm Beach County For Maintenance And Repair of Fire Rescue Fleet Apparatus in an Amount Not To Exceed an Established Budget of \$117,600.

Presenter

Kirk W. Blouin, Director of Public Safety

ATTACHMENTS:

- ▣ **Memorandum Dated September 26, 2016, from Kirk W. Blouin, Director of Public Safety**
- ▣ **Resolution No. 188-2016**
- ▣ **Resolution No. 17-2012 and Agreement**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Kirk W. Blouin, Director of Public Safety

Re: Interlocal Agreement with Palm Beach County for Vehicle Maintenance Annual
Appropriation
Resolution No: 188-2016

Date: September 26, 2016

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 188-2016 authorizing the issuance of a purchase order in the amount of \$117,600 for the maintainance and repair of Fire Rescue fleet apparatus.

GENERAL INFORMATION

In February 2012, the Department entered into a 10-year interlocal agreement with Palm Beach County to provide vehicle maintainence and repair service for Fire Rescue apparatus. See Attachment A. The Fire Rescue Department requests Council approval of the annual budgeted amount per this agreement.

FUNDING/FISCAL IMPACT

Funding for this project will come from the Fire Rescue operations budget.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

The resolution has been approved by the Town Attorney as to form and legal sufficiency.

cc: Jane Struder, Director of Finance
Adis Pedraza, Purchasing Manager
John Randolph, Town Attorney

RESOLUTION NO. 188-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING PURCHASE ORDERS TO PALM BEACH COUNTY FOR MAINTENANCE AND REPAIR OF FIRE RESCUE FLEET APPARATUS IN AN AMOUNT NOT TO EXCEED AN ESTABLISHED BUDGET OF \$117,600.

WHEREAS, the Town of Palm Beach and Palm Beach County entered into an Interlocal Agreement on February 16, 2012, to provide vehicle maintenance and repair services for Fire Rescue vehicle apparatus; and

WHEREAS, the Agreement entered into by the Town and Palm Beach County has a term of ten (10) years with an annual appropriations clause where performance and obligation under the Agreement are contingent upon annual appropriation by the respective governing bodies; and

WHEREAS, it is the desire of the Fire Rescue Department to continue the Agreement for the fiscal year beginning October 1, 2016.

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 of the Town of Palm Beach hereby approves purchase orders for Fire Rescue vehicle apparatus maintenance and repairs to Palm Beach County, in an amount not to exceed the established budget of \$117,600.

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

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said work, including any necessary change order work as recommended by the Director of Public Safety.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of October, 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Town Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, Town Clerk

Margaret A. Zeidman, Town Council Member

RESOLUTION NO. 17-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY TO OUTSOURCE THE MAINTENANCE AND REPAIR OF FIRE RESCUE FLEET APPARATUS.

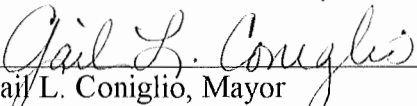
WHEREAS, staff recommends that the Town Council approve an Interlocal Agreement with Palm Beach County for the maintenance and repair of Fire Rescue fleet apparatus.

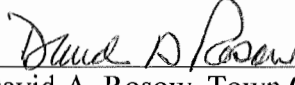
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

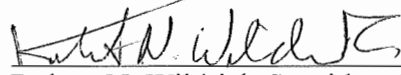
Section 1: The Town Manager is hereby authorized and directed to execute an Interlocal Agreement with Palm Beach County on behalf of the Town of Palm Beach to outsource the maintenance and repair of Fire Rescue fleet apparatus.

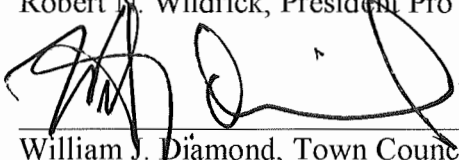
Section 2: The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the implementation of said Interlocal Agreement.

PASSED AND ADOPTED in regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 16th day of February, 2012.

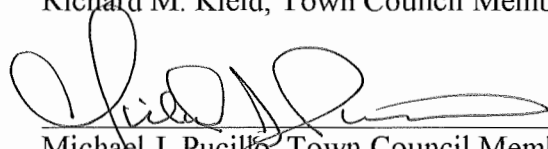

Gail L. Coniglio, Mayor


David A. Rosow, Town Council President


Robert N. Wildrick, President Pro Tem


William J. Diamond, Town Council Member


Richard M. Kleid, Town Council Member


Michael J. Pucillo, Town Council Member

ATTEST:


Susan A. Owens, MMC, Town Clerk

R2012-0457

**INTERLOCAL AGREEMENT FOR FIRE VEHICLE MAINTENANCE
BETWEEN PALM BEACH COUNTY AND THE
TOWN OF PALM BEACH**

THIS AGREEMENT is made and entered into this ____ day of MAR 20 2012, 2012, by and between PALM BEACH COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter the "County"), by and through its Board of County Commissioners and the TOWN OF PALM BEACH, a Florida municipal corporation located in Palm Beach County, Florida (hereinafter the "Town").

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969," authorizes local governments to make the most efficient use of their power by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, the parties mutually desire the County to provide maintenance and emergency repairs for the Town's fire-rescue emergency response apparatus under the terms and conditions in this Agreement; and

WHEREAS, the Town and County desire to enter into this Agreement as the County can provide vehicle maintenance services economically and efficiently, to the benefit of both the County and Town;

NOW, THEREFORE, in consideration of the terms and conditions set forth herein and the benefits following from each to the other, the County and the Town do hereby agree as follows:

ARTICLE I: APPARATUS REPAIR AND MAINTENANCE:

Section 1. Maintenance and Repairs. The intent of this Agreement is for County to extend to Town the same usual and customary maintenance and repair services that County provides for its own fire-rescue emergency response apparatus fleet through the County Fire-Rescue Department's vehicle maintenance and repair shop (hereinafter referred to as the "Shop"). County shall be the exclusive provider for all such preventative maintenance, scheduled repairs and emergency repairs for the Town's principal fire/rescue emergency response apparatus, including Engines, Ladders, Rescues, Haz-Mat, USAR and other related apparatus, including, but not limited to the following service:

-Body Damage Repair – Roll-up Doors, Cabinetry, Compartments, Body Panels,

- Fenders, etc.
- Body Damage Repair – including vehicle painting or graphics to complete repair
- Windshields/Door glass replacement when broken or cracked
- Fire Pumps, Tanks and Plumbing, apparatus-mounted and portable
- Foam/Chemical agent education and proportioning systems
- Light bulbs and fixtures replacement, including emergency warning devices
- Audible emergency warning devices
- Upholstery and interior furnishings of vehicles and apparatus

- Towing of disabled vehicles and apparatus
- Emergency Tire Repair and Replacement, including Road Service
- Tire Replacement, per manufacturer/standard schedule

- Head Set communication systems, servicing and repair
- Mobile Data Terminal, installation of hardware and wiring
- Recharge units/wiring, installation of hardware and wiring for re-chargable equipment

- Manufacturer Factory Recalls – coordination of all work
- Emergency/Unscheduled maintenance related to NFPA and/or NEVT Standards
- Preventive maintenance in accordance with NFPA and/or NEVT Standards

Computer based vehicle Maintenance Reporting System to be provided to Fire/Rescue facilities, as needed and requested by Town.

County will manage the maintenance program for Town's principal fire/rescue emergency response apparatus, and will coordinate the scheduling of preventative maintenance with the Town Fire Chief or designee. Town agrees to abide by County's daily inspection program and submit any findings of deficits immediately through the IBEM system. Additionally, those reports shall be submitted to the County on a monthly basis. Should the Town decline to proceed with any apparatus repair identified by the County, then, notwithstanding anything in this Agreement to the contrary, the Town shall be fully and solely responsible for any liability or claims, including any third party claims and County's cost of defense, arising from the use or operation of said apparatus, subject however, to the limitations set forth in Florida Statute 768.28. Should the Town disagree with the extent or cost of a repair directly relating to the safe operation of said vehicle, Town agrees to notify the County of such disagreement prior to the repair being made. Town shall take the affected unit out of service until such time as funds become available or the unit is permanently replaced. Any disagreement regarding the extent or cost of a repair arising under this provision shall be addressed in accordance with the conflict resolution provisions in Article III, Section 25, of this Agreement.

Section 2. Standards. All inspections and maintenance shall be in accordance with the following standards and specifications, as they may be amended:

NFPA 1071 – Standard on Emergency Vehicle Technician (EVT)

NFPA 1911 - Standard on Fire Apparatus Maintenance

NFPA 1915 Fire Apparatus Preventative Maintenance Program

Manufacturers' Specifications

Good principals and industry practices

Section 3. Repairs. If emergency repairs are required, Town shall immediately advise County and arrange for repair. County agrees to give priority to Town emergency repairs over preventive maintenance for County and Town vehicles. Town shall contact County in advance to schedule any non-emergency repairs.

Section 4. Preventive Maintenance. Town agrees to contact County in advance to schedule preventive maintenance of its fire-rescue apparatus in accordance with any preventive maintenance schedules identified by the County, or otherwise in accordance with any applicable maintenance schedules recommended by manufacturer specifications and NFPA standards, if any.

Section 5. Turn Around Time. County will make every reasonable effort to complete repairs and maintenance of vehicles within a reasonable period of time from delivery of vehicle to County, dependent upon availability of parts and the extent of repairs necessary.

Section 6. Warranty of Workmanship. County agrees to warranty its workmanship on services and repairs for a period of forty-five (45) days from completion of work; provided however, that the sole remedy for a defect in County's workmanship on services and repairs shall be limited, at the County's option, to either the County correcting the faulty service or repair to the extent necessary and reasonably practical, or the County reimbursing Town for the amount paid by Town to County for the faulty service or repair.

The County will process claims for manufacturers' parts warranties on parts it installs on Town vehicles, provided that the Town has taken all necessary action to register such warranties with the applicable manufacturers. Should such a claim be denied, for any reason or no reason, the County's sole obligation shall be limited to providing the Town with the appropriate claim and denial information. The Town shall be solely responsible for pursuing any further manufacturer warranty action it deems appropriate.

The Town shall inform County in writing of the details of any warranty claim for workmanship or parts. In addition, as manager of the Town's maintenance program, County will also monitor repair requests and advise the Town if such repairs or parts may be covered under warranty, provided that the Town has taken all necessary action to register such warranties with

the applicable manufacturers.

Section 7. Reporting. On a monthly basis, County shall provide to Town's Fire Chief, or designee, a report identifying each vehicle on which maintenance or repair service was performed during the course of the prior month, and containing a detailed listing of all parts installed, all services rendered, all labor hours and noting any technician observations and recommendations or warranty matters. This report is in addition to information provided on any invoice.

ARTICLE II: COMPENSATION

Section 1. Labor Rates. The County shall invoice the Town for vehicle maintenance and repair labor, inclusive of all administrative and overhead costs with no additional charge for overhead or labor (except as provided in Section 2), at the hourly labor rate listed as the Warranty Rate on the County's Rate Schedule for Warranty, Vehicle and Staff Charges in effect at the time of service. No other billing rates included on the County's Rate Schedule for Warranty Vehicle and Staff Charges shall apply. The Rate Schedule and Warranty Rate may be annually updated and amended by the County in its sole discretion (as referenced in Palm Beach County Fire Rescue Operational Procedure #VIII-1). The fiscal year 2012 hourly warranty labor rate is \$96.94, as set forth in the Rate Schedule for Fiscal Year 2012 attached hereto as **Exhibit A**.

Section 2. After Hours Call-Out Emergency Repairs. A three-hour minimum labor charge, at applicable Labor Rates established in Section 1 above, will apply to all emergency after hours call-out repairs. "After hours" shall mean any time before or after the usual and customary business hours and days of the Shop, and shall include, but not be limited to, Saturdays, Sundays, and County holidays. Upon request, the County will provide the Town with the Shop's current business hours and days, which may be revised by the County from time to time.

Section 3. Parts and supplies. The Town will be charged the County's actual cost for all parts and supplies plus 5%.

Section 4. Insurance Premium. Each month the Town shall pay to the County a proportionate share of the County's annual premiums for garage-keepers insurance and garage liability insurance relating to fire-rescue vehicle maintenance and repair services. The monthly amount due from the Town shall be equal to the County's annual premiums divided by the

number of contracted entities receiving fire rescue vehicle maintenance and repair services from the County, which may change from time to time, divided by twelve (12). This amount shall be adjusted by the County from time to time to reflect any change in the number of contracted entities receiving such services from the County and to reflect any actual increase or decrease in the County's premiums. It is anticipated that the monthly charge will be \$140.11 for fiscal year 2012. Any and all decisions regarding such insurance policies shall remain within the sole discretion of the County.

Section 5. Invoices. The County shall invoice the Town on a monthly basis for all service(s) provided during the month. Each invoice shall identify the vehicle serviced, the labor hours spent, the labor rate, charges for parts and supplies, and the monthly charge for insurance premiums. Payment by the Town shall be due forty-five (45) days after the Town's receipt of a proper invoice from the County. County shall direct invoices to the Town's Accounts Payable Division at:

Town of Palm Beach
Accounts Payable
360 South County Road, 1st Floor
Palm Beach, FL 33480

ARTICLE III: GENERAL CONTRACT TERMS

Section 1. Preambles: The facts set forth in the preambles to this Agreement are true and correct and are hereby reaffirmed by the parties.

Section 2. Representative and Contract Monitor: The County representative and contract monitor during the performance of this Agreement shall be the Deputy Fire Chief of Support Services, whose telephone number is (561) 616-7003. The Town representative and contract monitor during the performance of this Agreement shall be the Fire Chief, whose telephone number is (561) 838-5420.

Section 3. Employee Functions: No employee of either party to this Agreement shall perform any function, or service which is not within the employee's scope of duties as defined or determined by the employee's employer.

Section 4. Employee Claims, Benefits, etc.: No employee, officer, or agent of either party shall, in connection with this Agreement or the performance of services and functions hereunder, have a right to or claim any pension, workers' compensation, unemployment compensation, civil service, or other employee rights, privileges, or benefits

granted by operation of law or otherwise except through and against the entity by whom they are employed. No employee of either party shall be deemed the employee of the other, for any purpose, during the performance of services hereunder.

Section 5. No Assumption of Liability: Neither party to this Agreement nor their respective officers or employees shall be deemed to have assumed any liability for the negligent or wrongful acts or omissions of the other. Further, nothing herein shall be construed as a waiver of sovereign immunity.

Section 6. Insurance: Without waiving the right to sovereign immunity as provided by Section 768.28 Florida Statutes, the Town acknowledges to be self-insured for General Liability with coverage limits of \$200,000 per person and \$300,000 per occurrence and Automobile Liability coverage limits of \$100,000 Per Person and \$200,000 Per Occurrence under Florida sovereign immunity statutes; or such monetary waiver limits that may change and be set forth by the legislature.

In the event the Town maintains third-party Commercial General Liability and Business Auto Liability in lieu of exclusive reliance of self-insurance under Section 768.28 Florida Statutes, the Town shall agree to maintain said insurance policies at limits not less than \$500,000 combined single limit for bodily injury or property damage.

The Town agrees to maintain or to be self-insured for Worker's Compensation & Employer's Liability insurance in accordance with Chapter 440, Florida Statutes.

For the duration of this Agreement, the Town agrees to maintain automobile physical damage insurance covering those vehicles to be serviced by the County under this Agreement. The Town's coverage shall be primary for any damage that occurs to the Town's vehicles, including any damage while in the possession or custody of the County.

The Town hereby waives any and all rights of Subrogation against the County, its officers, employees and agents for each required policy, except in the event the County, its officers, employees or agents are negligent, in which case subrogation against the County shall apply. When required by the insurer, or should a policy condition not permit the Town to enter into a pre-loss agreement to waive subrogation without an endorsement, then the Town agrees to notify the insurer and request the policy be endorsed with a Waiver of Transfer of Rights of Recovery Against Others, or its equivalent. This Waiver of Subrogation requirement shall not apply to any policy which a condition to the policy specifically prohibits such an endorsement, or voids coverage should the Town enter into such an agreement on a pre-loss basis.

When requested, the Town shall agree to provide an affidavit or Certificate of Insurance

evidencing insurance, self-insurance and/or sovereign immunity status, which County agrees to recognize as acceptable for the above mentioned coverages.

Compliance with the foregoing requirements shall not relieve the Town of its liability and obligations under this Interlocal Agreement.

Section 7. Effective Date and Term: This Agreement shall take effect upon approval by all parties and continue for a term of ten (10) years, unless sooner terminated as provided herein.

Section 8. Notice of Termination: This Agreement may be terminated for any reason or for no reason by: (i) written mutual consent of both parties; or, (ii) by either party giving notice of desire to terminate no later than April 30th of any given year, to be effective on September 30th of that same year. Notwithstanding the foregoing, this Agreement shall not be terminated, except by mutual consent, prior to September 30, 2012.

Section 9. Assignment of Rights: Neither party shall assign, transfer or convey, in whole or in part, its rights, duties, or obligations without the prior written consent of the other.

Section 10. Modification and Amendment: No modification, amendment, or alteration in the terms or conditions of this Agreement shall be effective unless contained in a written document executed with the same formality and equality of dignity herewith.

Section 11. Equal Opportunity: The County and Town each warrants and represents that all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, or gender identity or expression; and that no person shall, based on any of said grounds, be excluded from the benefits of, or be subject to any form of discrimination under, any activity carried out in the performance of this Agreement.

Section 12. Annual Appropriations: Each party's performance and obligations under this Agreement are contingent upon an annual budgetary appropriation by its respective governing body for the purposes hereunder.

Section 13. Records:

a. The County shall maintain all records relating to the services performed under this Agreement in accordance with Florida's public records law and until at least three year after the expiration or termination of this Agreement; provided however that upon the expiration or termination of this Agreement, the County shall turn over to the Town all the County's technical records directly relating to the County's maintenance and repair of the Town vehicles. The Town shall become the official custodian of these records. As custodian of these

records, the Town shall maintain the records in accordance with Florida's public records law and until at least three years after expiration or termination of this Agreement or three years after the life of the vehicle, whichever is later. The County shall be entitled to keep a copy of all such records.

b. For each Town fire-rescue vehicle serviced under this Agreement, the Town shall maintain all its records relating to the operation, maintenance and repair of said vehicle in accordance with Florida's public records laws and until at least three years after expiration or termination of this Agreement or three years after the life of the vehicle, whichever is later.

c. The records to be maintained under this Agreement shall include, but not be limited to, all financial and technical records and reports directly relating to the servicing of Town vehicles under this Agreement or otherwise to the operation, maintenance and repair of said vehicles. All records maintained under this Agreement shall be made available to the other party upon request and within a reasonable period of time.

d. Notwithstanding anything herein to the contrary, records meeting the legal requirements for destruction and the records retention requirements set forth herein may be destroyed by the custodian party provided that said party (i) gives the other party 30 days written notice identifying all records to be destroyed, and (ii) makes copies of said records available upon request of the other party, which request must be received at least 15 days prior to the scheduled destruction date.

e. In the event that the parties become involved in a legal dispute arising from performance under this Agreement, the parties shall extend the period of maintenance for all records relating to the Agreement until the final disposition of the legal dispute, and all such records shall be made readily available to the parties.

Section 14. Right to Audit. Each party, at its own expense, shall have the right to examine the other party's books, data, records and invoices directly or indirectly related to this Agreement upon reasonable notice, time and place. Such examination may be made during the life of a subject vehicle or equipment. Any disagreement between the parties arising under this provision shall be addressed in accordance with the conflict resolution provisions in Article III, Section 25, of this Agreement.

Section 15. Joint Preparation: The preparation of this Agreement has been a joint effort of the parties, and the resulting document shall not, solely or as a matter of judicial constraint, be construed more severely against one of the parties than the other.

Section 16. Remedies: This Agreement shall be construed by and governed by the laws of the State of Florida. Any and all legal action necessary to enforce the Agreement shall be held in Palm Beach County. TO ENCOURAGE PROMPT AND EQUITABLE RESOLUTION OF ANY LITIGATION, EACH PARTY HEREBY WAIVES ITS RIGHTS TO A TRIAL BY JURY IN ANY LITIGATION RELATED TO THIS AGREEMENT. No remedy herein conferred upon any party is intended to be exclusive of any other remedy and each and every remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof.

Section 17. Notice of Suits: Each party agrees to notify the other of any claim, or the initiation of any legal proceeding against it, which relates in any manner to the servicing of Town vehicles under this Agreement or otherwise to the operation, maintenance and repair of said vehicles. Each party will cooperate with the other in the defense of any suit or action arising out of, or related to, the services rendered under this Agreement.

Section 18. Notices: All written notices required under this Agreement shall be sent by certified mail, return receipt requested, and if sent to the County shall be mailed to:

Palm Beach County Fire Rescue
Fire Rescue Administrator
405 Pike Road
West Palm Beach, FL 33411

and if sent to the Town shall be mailed to:

Town of Palm Beach Fire Rescue Department
Fire Chief
300 North County Road
Palm Beach, FL 33480

Each party may change its address upon notice to the other.

Section 19. Captions: The captions and section designations herein set forth are for convenience only and shall have no substantive meaning.

Section 20. Filing: A copy of this Agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County.

Section 21. Enforcement Costs: Any costs or expenses (including reasonable attorney's fees) associated with the enforcement of the terms and conditions of this Agreement shall be borne by the respective parties; provided, however, that this clause pertains only to the

parties to this Agreement.

Section 22. Delegation of Duty: Nothing contained herein shall be deemed to authorize the delegation of the constitutional or statutory duties of state, county, or Town officers.

Section 23. Severability: In the event that any section, paragraph, sentence, clause, or provision hereof is held invalid by a court of competent jurisdiction, such holding shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect.

Section 24. Survivability: Any provision of this Agreement that is of a continuing nature, or which by its language or nature imposes an obligation or right that extends beyond the term of this Agreement, shall survive the expiration or earlier termination of this Agreement.

Section 25. Conflict Resolution: Any dispute or conflict between the parties that arises from the provision of services under this Agreement shall be presented in writing to the respective Fire Chiefs or their designees. The Fire Chiefs, or designees, shall then meet to discuss the disputed issues and attempt in good faith to resolve the dispute or conflict prior to either party initiating the intergovernmental conflict resolution process provided for by Chapter 164, Florida Statutes.

Section 26. None of the provisions of this Agreement shall be construed to create any third-party beneficiary or to otherwise give any enforceable rights or benefits to anyone other than the parties to this Agreement.

Section 27. The parties agree that time is of the essence in the performance of each and every obligation under this Agreement.

Section 28. Force Majeure: County shall not be deemed in default or breach of this Agreement to the extent it is unable to perform, or to timely perform, due to an event of *Force Majeure*. For the purpose of this Agreement, *Force Majeure* shall mean and include any act of God, including severe weather conditions or impending severe weather conditions, accident, fire, lockout, strike or other labor dispute, riot or civil commotion, act of a public enemy, failure of transportation facilities, enactment, rule order or act of government or governmental instrumentality (whether domestic or international and whether federal, state or local, or the international equivalent thereof), failure of technical facilities, or any other cause of any nature whatsoever beyond the control of the County which was not avoidable in the exercise of reasonable care and foresight. Further, the Town specifically acknowledges that the County shall have no liability whatsoever for any damages or injuries due to a *Force Majeure*.

Section 29. Failure(s) to insist on strict performance of any covenant, condition, or provision of this Agreement by a party, its successors and assigns, shall not be deemed a waiver of any of its rights or remedies, nor shall it relieve the other party from performing any subsequent obligations strictly in accordance with the terms of this Agreement. No waiver shall be effective unless in writing and signed by the party against whom enforcement is sought. Such waiver shall be limited to provisions of this Agreement specifically referred to therein and shall not be deemed a waiver of any other provision. No waiver shall constitute a continuing waiver unless the writing states otherwise.

Section 30. Entirety of Agreement: This Agreement represents the entire understanding of the parties and supersedes all other negotiations, representations, or agreements, either written or oral, relating to this Agreement.

Section 31. Office of the Inspector General: Palm Beach County has established the Office of the Inspector General in Palm Beach County Code, Section 2-421 - 2-440, as may be amended. To the extent permitted by law, the Inspector General's authority includes but is not limited to the power to review past, present and proposed County contracts, transactions, accounts and records, to require the production of records, and to audit, investigate, monitor, and inspect the activities of the Town, its officers, agents, employees, and lobbyists in order to ensure compliance with contract requirements and detect corruption and fraud.

Failure to cooperate with the Inspector General or interfering with or impeding any investigation shall be in violation of Palm Beach County Code, Section 2-421 - 2-440, and punished pursuant to Section 125.69, Florida Statutes, in the same manner as a second degree misdemeanor.

[The remainder of page left blank intentionally]

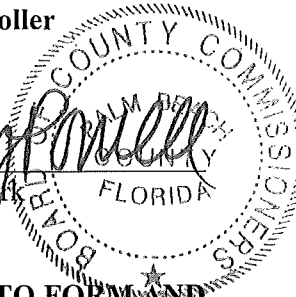
IN WITNESS WHEREOF, the undersigned parties have caused these presents to be signed by
their duly authorized officers on the day and year first written above.

R 2012 MAR 04 57 MAR 20 2012

ATTEST:
SHARON R. BOCK,
Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

By: 
Deputy Clerk

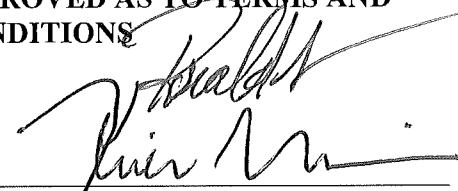


By: 
Shelley Vana, Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND
CONDITIONS

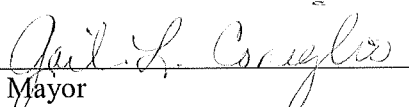
By: 
County Attorney

By: 
Fire-Rescue

ATTEST:

TOWN OF PALM BEACH

By: 
Town Clerk

By: 
Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By:  Town Attorney
Date: 1/19/12

EXHIBIT A

**Palm Beach County Fire Rescue
Rate Schedule
Warranty, Vehicle and Staff Charges
Fiscal Year 2012**

<u>Type of Charge</u>	<u>Hourly Rate</u>
Warranty Rate	\$96.94
Vehicle Charges	
Engine	\$103
Haz Mat	\$195
Quint	\$230
Brush Truck	\$151
Tender	\$159
Rescue	\$30
Rescue/Pumper	\$55
Light & Air Truck	\$170
Staff Charges	
Firefighter (FF,PM,DO)	\$46
Company Officer	\$58
Chief Officer/District Chief	\$73
Investigator	\$54
Standard Staffing	
Engine	= one (1) Company Officer and two (2) Firefighters
Haz Mat	= two (2) Firefighters
Quint	= one (1) Company Officer and two (2) Firefighters
Brush Truck	= no additional personnel
Tender	= one (1) Firefighter
Rescue	= one (1) Company Officer and one (1) or two (2) Firefighters-depends on unit
Rescue/Pumper	= one (1) Company Officer and two (2) Firefighters

Additional charges may be required based on equipment damage/loss and personnel overtime and/or injuries.

All invoices will be based on half-hour increments. For example, a seventy-five minute call will be billed for one and one-half hours.

Details of calculations are available upon request.

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda Resolutions

Agenda Title

RESOLUTION NO. 190-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Extending the Terms of the Current Support Agreement Resolution 33-2016, with Auxis, LLC. in the Amount of \$120,000 for the Provision of Information Technology Support Services for the Office of Information Technology as Outlined in RFQ No. 19-2016; and Authorizing the Town Manager to Execute Said Agreement on Behalf of the Town.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated October 1, 2016, from Charles Kapachinski, Information Technology Manager**
- ▣ **Resolution No. 190-2016**
- ▣ **Contract Extension Confirmation Letter, Dated September 26, 2016**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager
Jay Boodheshwar, Deputy Town Manager

From: Charles Kapachinski, Information Technology Manager

Re: Extension of Agreement with Auxis, LLC. for Information Technology Support Services
Resolution No. 190-2016

Date: October 1, 2016

STAFF RECOMMENDATION

Staff recommends Town Council adopt Resolution No. 190-2016, extending the agreement with Auxis, LLC and approving a purchase order for information technology (IT) support services for the Office of Information Technology in the amount of \$120,000.

GENERAL INFORMATION

As previously reported, staff is in the process of evaluating the Town's current IT organizational structure to determine what changes should be made to position it for long term success. To allow sufficient time to finalize the organizational assessment, while providing the necessary IT support services to ensure the Town's technology needs are being met, staff is recommending the extension of our agreement with Auxis, LLC.

RFQ No. 19-2016 was issued earlier this year to obtain pricing in accordance with State of Florida Contract No. 973-561-010-1, Project Area 3: Operational and Support, for the provision of IT support services to augment Town staff. This was the basis for the original agreement with Auxis, LLC. A variety of services can be provided as necessary during this transition period, including:

- | | |
|--|----------------------------------|
| 1. Network Support | 7. Desktop Support |
| 2. Windows Server Support | 8. Business Applications Support |
| 3. Virtualization Support | 9. IT Management Support |
| 4. Storage & Data Protection | 10. Monitoring |
| 5. Infrastructure Applications Support | 11. Remote Service Desk Support |
| 6. SQL Database Support | |

SPECIAL CONSIDERATIONS

In addition to the need to finalize the evaluation of the organization prior to filling 3 vacant positions, the IT Office is engaged in a significant “infrastructure improvement” project to migrate from a legacy Lotus Notes messaging platform to a current generation messaging/collaboration solution utilizing Microsoft Exchange, SharePoint, and Skype for business, with a turn-up date of October 14, 2016.

Additionally, the town is experiencing Internet latency issues that require advanced-level services and support with root cause analysis of these issues and identification of optimal architectural enhancements to eliminate latency issues while also developing a roadmap for expanded future bandwidth.

PURCHASING REVIEW

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department.

TOWN ATTORNEY REVIEW

This is a standard resolution in a form previously approved by the Town Attorney for legal form and sufficiency.

FUNDING/FISCAL IMPACT

Funding for the IT support services will be fully contained in the FY2017 Information Technology operating budget, through savings from the two previously vacant positions along with a subsequently vacated position and deferment of certain expenditures that were originally planned for FY2017. The requested \$120,000 is a not to exceed number to ensure service gaps are met through the end of FY2017. No additional appropriation is required at this time.

Attachments

Cc: Department Directors
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 190-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, EXTENDING THE TERMS OF THE CURRENT SUPPORT AGREEMENT, RESOLUTION 33-2016, WITH AUXIS, LLC.; IN THE AMOUNT OF \$120,000 FOR THE PROVISION OF INFORMATION TECHNOLOGY SUPPORT SERVICES FOR THE OFFICE OF INFORMATION TECHNOLOGY, AS OUTLINED IN RFQ NO. 19-2016; AND AUTHORIZING THE TOWN MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE TOWN.

* * * * *

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 a contract on behalf of the Town of Palm Beach for the provision of information technology support services with Auxis, LLC.

Section 2. The Town Manager, or his designee, is hereby authorized to take such further legal actions as may be necessary to effectuate the provision of information technology support services to the Town of Palm Beach.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of October, 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

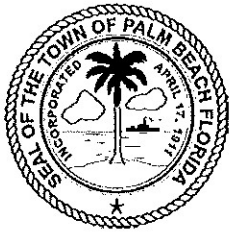
Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member



TOWN OF PALM BEACH

PURCHASING DIVISION

September 26, 2016

Ausix LLC
Attn. Jose Alvarez
8151 Peters Road, Third Floor
Plantation, FL 33324

Ref: RFQ 19-2016 – Information Technologies Support Services
Purchase Order No. 160900

Dear Mr. Alvarez:

In reference to the above captioned subject, the Town wishes to extend the engagement with your company for IT support services in the amount of \$120,000.00, under the same terms, conditions and pricing of RFQ 19-2016 and the State of Florida Contract No. 973-561-010-1.

Please, complete and return this form to the Purchasing Division by no later than 2:00 PM on September 30, 2016. Your response may be faxed to 561-835-4688 or emailed to apedraza@townofpalmbeach.com.

Respectfully,

Adis Pedraza Digitally signed by Adis Pedraza
Date: 2016.09.26 09:40:56
+0400

Adis Pedraza
Purchasing Manager

☒

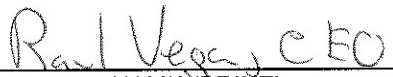
I hereby agree to a one year extension of the subject bid.

☐

I do not approve a one year extension of the subject bid for the following reasons:


SIGNATURE


DATE


NAME (PRINT)



TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 191-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2016-47 and Approving a Construction Contract to Murray Logan Construction, Inc., for the E-8 Wastewater Ejector Rehabilitation Improvements, in the Amount of \$228,000 and Establishing a Construction Phase Budget of \$245,000.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated September 29, 2016, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 191-2016**
- ▣ **Mock-Roos Recommendation of Award**
- ▣ **Bid Tab Sheet**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2016

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Award of Bid No. 2016-47 and Approve a Construction Contract for the E-8 Wastewater Ejector Rehabilitation Improvements
Resolution No. 191-2016

DATE: September 29, 2016

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 191-2016 awarding Bid No. 2016-47 and approving a Construction Contract to Murray Logan Construction, Inc., for the E-8 Wastewater Ejector Rehabilitation Improvements, in the amount of \$228,000 and establishing a construction phase budget of \$245,000, including contingency.

In addition, staff recommends that Town Council grant a waiver to Sections 42-196 through 199 of the Town of Palm Beach Code of Ordinances to allow for extended work hours and night time work, as necessary, and approved by Public Works. Staff also recommends a waiver of the Town Code of Ordinances section 42-226 through 229 - Regulation of Noise.

GENERAL INFORMATION

The E-8 Wastewater Ejector Pump Station rehabilitation scope of work was initially included in the Accelerated Capital Improvement Project (ACIP) Ejector Station Upgrades Project, Bid 2013-32, that was awarded in June 11, 2013. The rehabilitation of the E-8 Wastewater Ejector Station was postponed as the station's proximity to the Island Drive and Island Road intersection does not allow the work to be completed without significantly constraining truck traffic in the area.

The Owner/Developer at 608 Island Drive has agreed to give the Town's contractor a small construction easement which allows the maintenance of traffic and gives the contractor the flexibility to complete the E-8 Ejector rehabilitation scope of work while maintaining access for all vehicles. The property owner at 608 Island Drive has demolished the home, cleared the site, and is in the process of redeveloping. The property redevelopment provided the only possible way to perform the E-8 rehabilitation without eliminating truck traffic on the island.

The Town received one (1) bid from the Town pre-qualified pump station contractors on September 28, 2016. The bid from Murray Logan Construction, Inc., in the amount of \$228,000

was in-line with the engineer's opinion of cost \$225,000. Staff recommends awarding the bid to Murray Logan Construction Inc., and establishing a construction phase budget of \$245,000.

SPECIAL CONSIDERATIONS

Staff is requesting that Town Council grant a waiver of the Town Code of Ordinances sections 42-196 through 42-199 to allow for extended work hours and night time work hours, as necessary. Due to the complexity of this project and the relatively short schedule (November 1, 2016 to November 26, 2016) it may be necessary to occasionally allow work hours from 7:00am to 7:00pm between now and the end of the season. Staff also recommends a waiver to the Noise Ordinance for those same activities from Section 42-226 through Section 42-229 of the Town Code of Ordinances.

FUNDING/FISCAL IMPACT

Funding for the E-8 Ejector Station Rehabilitation construction phases is fully contained within the Accelerated Capital Improvement Program-Phase 2.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
Patricia Strayer, P.E., Senior Project Engineer
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 191-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING BID NO. 2016-47 AND APPROVING A CONSTRUCTION CONTRACT TO MURRAY LOGAN CONSTRUCTION, INC., FOR THE E-8 WASTEWATER EJECTOR REHABILITATION IMPROVEMENTS, IN THE AMOUNT OF \$228,000, AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF \$245,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards Bid No. 2016-47 and approves a construction contract to Murray Logan Construction, Inc., in the amount of \$228,000, for the E-8 Ejector Wastewater Ejector Rehabilitation Improvements, and establishes a construction phase budget of \$245,000, including contingency.

Section 2. The Town Manager is hereby authorized to execute this contract on behalf of the Town of Palm Beach for this improvement.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project work, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of October 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

MOCK • ROOS

ENGINEERS • SURVEYORS • PLANNERS

September 29, 2016

Mr. Michael Roach, P.E.
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480-2029

Ref. No.: B4041.00
Subject: E-8 Wastewater Ejector Rehabilitation Improvements

Dear Mr. Roach:

On September 28, 2016 the Town received one (1) bid from its pool of prequalified Contractors for the subject project. The bid was submitted by Murray Logan Construction in the amount of \$228,000.00. It is our understanding that the Town has reviewed the bid and has deemed it complete and responsive.

We have reviewed Murray Logan's Schedule of Bid Items submitted with their bid. Upon comparison with our Engineer's Opinion of Probable Construction Cost, we find Murray Logan's bid pricing to be fair and reasonable for this project. Also, in our opinion, Murray Logan is quite capable of successfully completing this project as they recently completed the Town's previous Town-wide Wastewater Ejector Rehabilitation project (completed in 2014) and is very familiar with the E-8 Ejector and site.

Based on the above, we recommend award of the project to Murray Logan in the amount of \$228,000.00. Since our recommendation to award is based on our review of the project and bidder from an engineering perspective, we recommend that you seek advice of legal council relative to other issues regarding legalities of award of this contract.

If you have any questions or comments regarding this recommendation or the project, please call me at 683-3113, extension 293. I would be happy to meet with you to discuss this bid further.

Sincerely,

MOCK, ROOS & ASSOCIATES, INC.

Garry G. Gruber, P.E.
Senior Vice President

GGG:jeh
Copies: Patricia Strayer
Paul Brazil

L:\pb_\pb_genc\B4041.00\Recommendation of Award-ggjh.docx



TOWN OF PALM BEACH
Bid No. 2016-47
E-8 WASTEWATER EJECTOR
IMPROVEMENTS
TABULATION

			Vendor:		Murray Logan Construction, Inc			
			Address:		313 65th Trail N			
			Telephone:		West Palm Beach, 33413			
			Fax:		561 686 3948			
			Contact:		561 686 7465			
					David Logan			
Line	Description	Qty	Unit	Unit Price	Extended Price	Unit Price	Extended Price	Extended Price
1	Mobilization and General Conditions	1	L.S.		\$ 24,750.00			
2	Bonds and Insurance	1	L.S.		\$ 8,000.00			
3	Maintenance of Traffic	1	L.S.		\$ 36,000.00			
4	Videotape Existing Conditions	1	L.S.		\$ 1,600.00			
5	Install E-8 Ejector and Appurtenances	1	L.S.		\$ 102,000.00			
6	Mill and Overlay Asphalt Pavement	575	S.Y.	\$ 62.00	\$ 35,650.00			
C	Contingency	1	AL	\$ 20,000.00	\$ 20,000.00			
IONS SUBTOTAL (ITEMS A-1 THRU A-6) & CONTINGENCY				\$	228,000.00			

Tabulated by Nataliee Downer-Allen on 09/28/2016
 BID due by 2pm on 09/28/2016

No Alternates offered from Vendors

Legend: L.S. = Lump Sum; S.Y. = Square Yard; AL = Allowance

Opened by: Ilyse Tristman

Witnessed by: Nataliee Downer-Allen

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 192-2016 A Resolution of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Repealing Section 105.1.1, Of The Town's Administrative Amendments To The Florida Building Code, Chapter 1, Which Requires That There Be Only One Primary Contractor Per Job Site.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum Dated September 28, 2016 From John S. Page, Director of Planning, Zoning and Building**
- ▣ **Resolution No. 192-2016**
- ▣ **Amendment to Chapter 1**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Building Code: Elimination of One Primary Contractor Per Job Site Limitation
Administrative Amendments to the Florida Building Code
Resolution No. 192-2016

Date: September 28, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the recommendation from the Ordinance, Rules and Standards Committee to repeal Section 105.1.1 of the Town's Administrative Amendments to the Florida Building Code.

GENERAL INFORMATION

Section 105.1.1 of the Town's Administrative Amendments to the Florida Building Code, entitled "Supervision" states the following:

"There shall be only one primary contractor per job site; all other contractors shall be required to become subcontractors to the primary contractor, unless otherwise approved by the building official. Electrical and plumbing work shall have full-time supervision by a certified journeyman on site where such work of any nature is in progress."

There are occurrences where this requirement becomes an issue and can actually hinder the progress of construction on a site. The issue becomes apparent especially when the work one contractor is doing is on the interior of a building and another contractor wants to do work on the exterior. The work is not related in any way, but Town Code currently requires the second contractor to become a "subcontractor" of the first. There have been instances when contractors do not wish to be a subcontractor to another because of unrelated work. At present, the primary contractor must finish his work before the second contractor can apply for and be issued a permit. This has the potential for extending the length of projects while contractors wait for each other to finish.

Staff noted to ORS that there may be unknown ramifications in eliminating this requirement. Although it makes sense to shorten the entire "construction window" by allowing contractors to

work at one site simultaneously, doing so may further aggravate service vehicle congestion on local streets, however a job site will only be allowed the number parking permits as permitted by current ordinance. Contractors and owners sometimes express criticism of the Town's "1 GC" rule. A survey of surrounding municipalities indicates Palm Beach stands alone with this restriction.

ORS members, at their September 8, 2016 meeting, were somewhat surprised to learn of this restriction. It was their consensus that the requirement was burdensome, and that multiple contractors working at a single address, if and when that occurs, should be an issue to be resolved between themselves and the owner. The Committee voted to recommend that the "1 primary contractor" restriction be eliminated.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed the proposed resolution for legal sufficiency.

Attachments

Proposed Resolution

Current Section 105.1.1, Town Administrative Amendments to the Florida Building Code

cc: John C. Randolph, Town Attorney
Bill Bucklew, Building Official

RESOLUTION NO. 192-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, REPEALING SECTION 105.1.1, OF THE TOWN'S ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE, CHAPTER 1, WHICH REQUIRES THAT THERE BE ONLY ONE PRIMARY CONTRACTOR PER JOB SITE.

WHEREAS, the Town Council of the Town of Palm Beach directed and authorized the Town's Ordinance, Rules and Standards (ORS) Committee to review Section 105.1.1 of the Town Administrative Amendments to the Florida Building Code, Chapter 1, which requires that there be only one primary contractor per job site; and

WHEREAS, the ORS Committee conducted the requested review and approved the repeal of this Section at its September 8, 2016 meeting; and

WHEREAS, the ORS Committee requested staff to forward this action to the Town Council for approval; and

WHEREAS, The Town wishes to repeal Section 105.1.1 of the Town's Administrative Amendments to the Florida Building Code; and

WHEREAS, The current Town Administrative Amendments to the Florida Building Code specifies that amendments may be made, as needed, by resolution.

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

Section 105.1.1 of the Town of Palm Beach Administrative Amendments to the Florida Building Code, Chapter 1, is hereby repealed in its entirety.

~~105.1.1 Supervision. There shall be only one primary contractor per job site; all other contractors shall be required to become subcontractors to the primary contractor, unless otherwise approved by the building official. Electrical and plumbing work shall have full-time supervision by a certified journeyman on site where such work of any nature is in progress.~~

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of October 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Town Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Susan Owens, MMC, Town Clerk

Margaret Zeidman, Town Council Member

AMENDMENTS TO CHAPTER 1 ADMINISTRATION OF THE FLORIDA BUILDING CODE

SECTION 105 PERMITS

105.1.1 Supervision. There shall be only one primary contractor per job site; all other contractors shall be required to become subcontractors to the primary contractor, unless otherwise approved by the building official. Electrical and plumbing work shall have full-time supervision by a certified journeyman on site where such work of any nature is in progress.

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Consent - Other

Agenda Title

Police Department HVAC Retrofit Project Update.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated September 27, 2016, from H. Paul Brazil, P.E.,
Director of Public Works**
- ▣ **Hi-Tech Roofing Scope of Work**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2016

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Police Department HVAC Retrofit Project Update

DATE: September 27, 2016

STAFF RECOMMENDATION

Town staff recommends that the Town Council review the project update provided and authorize the use of project funds for maintenance and repairs as noted below.

GENERAL INFORMATION

The project to accomplish the retrofit and replacement of HVAC system by Hedrick Brothers Construction at the Police Department is substantially complete. As of September 27, 2016 the work was completed and a punch list inspection was performed by the consultant and Town staff. The final inspection of work by the building department is scheduled for September 29, 2016 and pending that approval the Town will accept the work. This reflects an early finish before the October 3, 2016 contract schedule for substantial completion.

The project budget approved previously at the May 10, 2016 Town Council meeting was \$1,362,000 which included the following elements:

Description	Approved Amount	Remaining Balance
Construction Contract (GMP)	\$1,238,433	\$41,786 *
Owner Contingency	\$61,567	\$61,567
PW Operating Budget Contrib.	\$62,000	\$42,826
Total	\$1,362,000	\$146,179

*The GMP included a project contingency of \$57,767 of which \$41,786 is estimated to be remaining once the final invoices and payments are made.

The GMP project contingency was used for work that was within the project scope but not anticipated during design. Some of the typical extra work items included additional thermal insulation, duct revisions based on actual conditions, enhanced chemical feed system for cooling tower water, additional sprinkler heads required by the fire marshal, upgrade of exterior light fixtures to enhanced weather-proof LED type, and repair of existing fire alarm system wiring.

The separate owner contingency of \$61,567 was authorized but never used, and therefore the entire \$61,567 will be returned to the PAYGO capital project reserve upon project close-out.

Lastly, the \$62,000 that was authorized from Public Works operating budget funds was used for correcting deficiencies encountered that were not part of the original HVAC scope of work but were co-incident and required correction. These included low voltage wiring work, replacement of framing at exterior entrances (new wind-rated framing system for tongue & groove ceilings), installation of proper fire-rated framing above the north entrance, electrical revisions to accommodate CCTV requirements, minor interior structural repairs, and a roof condition moisture survey.

During the course of the roof work, the Town brought in its roof consultant to inspect the roof work that was included in the original scope of work. This was also a timely opportunity to conduct a full inspection of the roof by the consultant. That inspection report revealed that there were numerous maintenance and repair tasks that should be performed. The consultant's report recommendations were provided to the Construction Manager (and their roofing subcontractor) for preparation of a cost proposal. That cost proposal in the amount of \$42,596 was reviewed by Town staff and the roof consultant and was considered a fair and reasonable price to correct all roof deficiencies (and extend the flat roof life by another 10 years). Staff believes this work is within the intent of the Town Council's previous authorization, but due to the cumulative amount of the tasks and the fact that it will occur after the other project work is completed, staff is seeking Town Council concurrence.

Town staff recommends that the remaining funds in the Public Works operating budget funds be authorized for the completion of all roof repairs as identified in the cost proposal. This will allow for the quickest and most expeditious way of accomplishing these repairs, by the current Construction Manager and roofing subcontractor (who is also a pre-qualified roofing contractor for the Town). This work is a stand-alone activity and does not require any extended mobilization or project costs, other than the allowable 15% markup (which would be about \$6,400 payable from the GMP balance).

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this item, since project funding was previously approved.

TOWN ATTORNEY REVIEW

Review and approval by the Town Attorney for legal form and sufficiency is not necessary, since the contract and purchase order was already in place.

Attachments

cc. Kirk Blouin, Director of Public Safety
Jane Struder, Finance Director
Eric Brown, P.E., Assistant Public Works Director
Adis Pedraza, Purchasing Manager
Brett Madison, Facilities Maintenance Division Manger

HI – TECH ROOFING AND SHEET METAL, INC.

“Exceeding Expectations”

2266 4th Avenue North
Lake Worth, FL 33460
State Contractors License # CCC058213



(561) 586-3110
FAX (561) 586-5198
www.hi-techroofing.com

Pat A. Marshall
2200 Centrepark West Drive
West Palm Beach, Florida 33409
Jobsite – Palm Beach Police Station
561-568-4182
pmarshall@hedrickbrothers.com

09/23/2016

Scope of Work: Palm Beach Police Station Roof Restoration

1. Repair all blisters as shown in the Knopf report (Items 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 will all be handled through the course of this proposed project) and water damaged areas as shown in the Moisture Survey (5'x5' area of roofing with excessive moisture)
2. Remove all lightning protection grounding lines that will interfere with the scope of our work
3. Pressure wash using GAF Approved roof wash and low pressure washing heads to remove all debris and residues
4. Sweep/Blow/Vacuum entire roof deck to ensure there are no loose materials or particulates on the roof deck
5. Tap and Die all roof drains to allow a proper repair of clamping ring assembly/drain sump
6. Install new Stainless steel hardware to clamp rings
7. Address all penetrations, curbs, details, corners and laps using Hydrostop 3 course system (base, polyester, base)
8. Address all large cracks in walls with urethane sealant
9. Address any missing stucco by priming concrete and adding new stucco where stucco has fallen apart
10. 3-Course entire roof deck to include vertical walls. This detail will remove the top course of tile and run the Hydrostop System down 6" below the peak of the mansard. (approx. 75 squares, all modified roof decks, to include all mansard walkway decks.)
11. Apply two coats of "Top Coat" to 3 course system.
12. Replace Mansard Tiles
13. Reinstall all Lightning protection grounding lines as they were originally
14. Map out and Install Walkpads from hatch to a/c mechanical (up to 125 LF, 30" wide, Customer to choose color from Standard Color Chart)
15. Remove Copper Crickets
16. Install 5/8" sheathing and 2x lumber to support the copper cricket area.
17. Install tags/nails and TU-max as a vapor barrier
18. Reinstall copper crickets as removed
19. Seal copper crickets to wall using urethane sealant
20. Watertest to ensure a successful repair.
21. Remove failing sealants in skylight, replace with urethane sealant

Notes and Exclusions

- A. Owner to allow access to the building for the repair operation.
- B. All structural cutting is to be by others.
- C. All concealed conditions are to be dealt with via change order if necessary.
- D. All wood blocking, louvers, stucco, fascia, sub fascia, painting, fire stopping, caulking, waterproofing, curbs and penetrations to be provided by others unless otherwise noted in this proposal
- E. This proposal excludes metal soffits, trellises, awnings and all sheet metal that is not a part of our proposed roofing system.
- F. All metal and waterproofing, not associated with the roofing system, are specifically excluded from this proposal.
- G. Any item not specifically stated in the above scope of work are not included in this proposal

- H. This quote is valid for thirty (30) days, subject to renewal. Because of market fluctuations, the price and availability of roofing products, insulation products, as well as some sheet metal products are subject to sudden and significant changes, and firm pricing cannot be held by suppliers.
- I. This proposal does not include Lightning protection system recertification.

Hydrostop Roof Restoration.....	\$33,296
Drain Tap & Die for all roof drains.....	\$3800
Reseal Skylight.....	\$200
Copper Crickets Reinforcement.....	\$5300
Total Restoration Furnished and Installed.....	\$42,596

Authorized Signature

Title

Print Name

Date

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Consent - Other

Agenda Title

Authorization for the Finance and Taxation Committee to Study Pension Alternatives

Presenter

Thomas G. Bradford, Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated October 4, 2016, from Thomas G. Bradford, Town Manager**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2016

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Authorization for the Finance and Taxation Committee to Study Pension Alternatives

Date: October 4, 2016

STAFF RECOMMENDATION

Staff recommends Town Council authorize the Finance and Taxation Committee of the Town Council to study additional pension alternatives which may improve benefits and either maintain the current level of funding or reduce costs.

GENERAL INFORMATION

It may be feasible to improve the pension plan for General Employees and Lifeguards while reducing the Town's annual cost to fund the plan. Accordingly, it is recommended that the Town Council authorize the Finance and Taxation Committee to study this subject with the goal of reporting back to the Town Council relative to plan changes that may improve benefits while either maintaining current costs or reducing Town costs.

cc: Danielle Olson, Director of Human Resources
Jane Struder, Director of Finance
William Hanes, Plan Administrator

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Consent - Other

Agenda Title

Approval to Expend Town Funds for Removal of Derelict Vessel.

Presenter

Thomas G. Bradford, Town Manager

ATTACHMENTS:

Memorandum Dated October 6, 2016, from Thomas G. Bradford, Town Manager

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2016

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Approval of Town Funds for Removal of Derelict Vessel

Date: October 6, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the expenditure of Town funds (\$200,000) authorized by the Town Manager in order to provide for the timely removal of the derelict vessel Time Out, a 72' Hatteras yacht which ran around in Palm Beach approximately 100 yards south of the south jetty of the Lake Worth Inlet on September 7. This approval is requested because it may exceed the spending authority of the Town Manager and was assumed from the beginning that the approval of the removal service cost would need a retroactive approval from the Town Council.

In addition, it is requested that the Town Council grant its staff and the Town Attorney authority to secure payment of all costs associated with the boat's removal incurred by the Town by use of any reasonable, legal means available.

Approval of the Consent agenda will authorize payment to contractor Resolve Marine Group, Inc. for up to \$200,000 from the Risk Fund Uninsured Loss account. Once the contractor is paid by the Town we will seek reimbursement from the state which has already issued a purchase order to the Town in the amount of \$150,000.

GENERAL INFORMATION

The owner of the yacht Time Out ran aground in Palm Beach on September 7 and was charged with BUI by Palm Beach Police Department. After granting the owner the requisite amount of time under the law to remove the vessel the Fish & Wildlife Commission (FWC) declared the vessel derelict. Once it became apparent that the owner was not going to pay to remove the boat the Town pursued, and was awarded, a grant from the FWC under their Rapid Removal program covering 75% of the costs associated with removal of the derelict vessel. The Town Attorney placed the former boat owner on notice, via his attorney, that per state law he was liable for all costs incurred in the removal of the boat. The State will reimburse the Town up to \$150,000. Below are the grant funding calculations based upon the type of removal employed and the costs submitted by the chosen contractor Resolve Marine Group, Inc. The option of removal by sea was quickly eliminated due to the condition of the boat.

	Part A Scope (Sea Removal)	Part A&B Scope (Land Removal)
Removal Cost	\$150,000.00	\$200,000.00
75% FWC Grant	\$112,500.00	\$150,000.00
25% Town Match	\$37,500.00	\$50,000.00

As you can see, the Town's net cost of boat removal is estimated to be \$50,000. In the event that we secure funds from the owner the state is entitled to 25% of the funds received.

Staff recommends that the Town Council grant authority for staff and the Town Attorney to secure payment of all costs associated with the boat's removal incurred by the Town by use of any reasonable, legal means available.

For your information, even though time was of the essence we received three quotes in order to accomplish the removal work as follows:

- 1) Murray Logan Construction, Inc.: \$249,000 approximately.
- 2) Tow Boat USA: \$172,000, approximately, with contingency costs extra
- 3) Resolve Marine Group Inc.: \$150,000 if removed by sea; \$200,000 if removed by land.

Resolve Marine Group Inc. was the lowest cost received. Rob Weber reported to me on several occasions that this firm provided responsive quality services and that the owner was dedicated to deliver as promised to the Town. The boat was finally removed from the beach on the afternoon of October 6.

Should you have any questions or concerns relative to these actions, please feel free to contact me at your earliest convenience.

TGB

Attachment

cc: Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, P.E. Director of Public Works
Jane Struder, Finance Director
Rob Weber, Coastal Program Manager

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Committee Reports

Agenda Title

Report of the Ordinances, Rules, & Standards Committee Meeting of September 8, 2016

Presenter

Bobbie Lindsay, Chair

ATTACHMENTS:

Minutes of the Ordinances, Rules & Standards Committee Meeting Held on September 8, 2016

**REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE
MEETING HELD ON THURSDAY, SEPTEMBER 8, 2016**

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules, and Standards Committee (ORS) meeting was called to order on September 8, 2016, at 9:30 a.m., in the Town Council Chambers. On roll call, all of the Committee Members were found to be present.

II. APPROVAL OF AGENDA

Motion was made by Committee Member Moore, and seconded by Chair Lindsay, to approve the Agenda. On call for a vote, the motion carried unanimously.

III. COMMUNICATIONS FROM CITIZENS

Varick Foster, 162 Dolphin Rd., spoke in support of advocating for local bans on single-use plastic bags and recommended that people use reusable bags instead.

Deputy Town Manager Boodheshwar stated that this item will be on the November 3, 2016, ORS Committee meeting agenda and spoke regarding the Town's partnership with Palm Beach Day Academy where students will be researching the benefits of banning single-use plastic bags and presenting their findings to the ORS Committee.

Committee Member Moore requested that Staff contact the Garden Club of Palm Beach to see about incorporating this issue into their presentations.

Kristen Vila, 269 Queens Ln., spoke in support of a ban on single-use plastic bags.

Margaret Duriez, 310 Eden Rd., spoke in support of a ban on single-use plastic bags.

Committee Member Moore noted for the record that the upcoming discussion on regulating single-use plastic bags will also include consideration of regulating mylar balloons.

IV. REGULAR AGENDA

A. Old Business

1. Further Concerns Regarding Shark Fishing on Public Beaches
(Benjamin Alma, Code Enforcement and Parking Manager)

1 Deputy Town Manager Boodheshwar reiterated that the Town is
2 preempted by State law from banning shark fishing, but that it does have
3 the authority to regulate it.
4

5 Code Enforcement & Parking Manager Alma spoke regarding the recent
6 shark fishing activities in Town, discussions with the Florida Fish & Wildlife
7 Commission (FWC), groups in support of shark fishing preferring an
8 educational effort over regulation, and the City of Delray Beach's shark
9 fishing regulations.
10

11 Discussion ensued regarding the public being able to identify public beach
12 access points, enforcing regulations by issuing warnings, the need for a
13 public education campaign on Town regulations, documentation of
14 warnings issued, contacting Delray Beach to see how their regulations are
15 working for them, the fact that the problematic organization most opposed
16 to regulating shark fishing is no longer active, communicating with the FWC
17 regarding any potential action the Town is considering, not superseding the
18 FWC's jurisdiction in this matter and covering all of the Town's legal bases,
19 Staff continuing their communications with the FWC and other
20 municipalities before the ordinance goes before the Town Council, reasons
21 for recommending the 300' radius from public beach access points, and
22 amending the proposed regulation stating that "all accidental shark catches
23 must be cut loose" to state that such catches must be released unharmed.
24

25 **It was the consensus of the ORS Committee to direct Staff to prepare an ordinance**
26 **incorporating the proposed amendments, and the Committee's recommendation**
27 **that accidental catches be released unharmed instead of cut loose, for Town**
28 **Council consideration at their October 10, 2016, meeting, and to recommend that**
29 **the Town Council approve the proposed ordinance.**
30

- 31 2. Review of Drone Ordinance for Conflicts with New FAA Regulations and
32 Permitting Requirements
33 *(Benjamin Alma, Code Enforcement and Parking Manager)*
34

35 Chair Lindsay provided background information on the review of the Drone
36 Ordinance.
37

38 Deputy Town Manager Boodheshwar provided additional details and spoke
39 regarding the federal drone regulation preemptions, the need for the
40 ordinance to be general enough to remain in compliance with changing
41 FAA regulations while still meeting the needs of the Town, the Town being
42 able to regulate aircraft take offs and landings only, and using the City of
43 Miami's Drone Ordinance as a model.
44

45 Town Attorney Randolph reiterated the fluid nature of the issue and the
46 need for further discussion and research before revising the previously
47 adopted Drone Ordinance.
48

49 Discussion ensued regarding former Committee Chair Townsend's
50 concerns regarding FAA regulations, where consideration of the initial

Drone Ordinance originated, the reasons for considering same, and the need for timely adoption of the initial ordinance.

Deputy Town Manager Boodheshwar recommended that the ORS Committee allow Staff to continue working with Town Attorney Randolph and industry representatives to determine whether the adopted ordinance should be amended or rescinded and replaced.

It was the consensus of the ORS Committee to remand this item back to Staff for further review, and to direct Staff to report back at the November 3, 2016, ORS Committee meeting with their recommendations.

Deputy Town Manager Boodheshwar spoke regarding Florida Power & Light's use of drones to inspect their facilities and other inspection and emerging purposes for drones.

3. Potential Amendment of Town Code of Ordinances, Relative to Landscape Maintenance
(*Benjamin Alma, Code Enforcement and Parking Manager*)

Chair Lindsay provided an overview of the ORS Committee's previous discussions on this item and on the potential regulation of leaf blowers.

Discussion ensued regarding the approval of different landscape maintenance hours for winter and summer months, whether or not to regulate all loud landscaping equipment instead of just leaf blowers, current leaf blower regulations, and quiet work regulations.

John Corey, 226 Brazilian Ave., spoke in support of regulating leaf blowers, recommended a leaf blower regulation trial program, and spoke in support of having consistent rules throughout the year.

Discussion ensued regarding treating year round residents the same as seasonal residents, trying to make the winter and summer month regulations consistent, and landscapers' opinions regarding being limited to a half-day of loud work on Saturdays.

Kirk Carlson, Armstrong Landscape Group, spoke regarding the impacts leaf blower regulations would have to landscapers and alternative methods for clearing vegetation from properties, enforcement issues, requiring contact information on landscaping truck signage so that violators can be reported and cited, and being okay with being limited to a half-day of loud work on Saturdays, and spoke in opposition to a total ban on leaf blowers.

Discussion ensued regarding prohibiting just gas-powered leaf blowers, the efficiency, dependability, and cost of electric leaf blowers in comparison to gas-powered blowers, different leaf blower models and their costs, current regulations allowing leaf blower operation until noon yet allowing use of other loud landscaping equipment after noon, amending the Saturday regulations to only allow quiet work after noon, increased landscaping maintenance activities during summer months due to increased vegetation

growth during those months, allowing loud activities on Saturday afternoons instead of Saturday mornings, prohibiting commencement of large scale landscape installation projects on Saturdays, ensuring that the language in the proposed amendments is consistent, and amending quiet hour regulations to include all loud equipment, not just leaf blowers.

It was the consensus of the ORS Committee to direct Staff to prepare an ordinance incorporating the following landscape maintenance and installation Code amendments for Town Council consideration at their October 10, 2016, meeting, and to recommend that the Town Council approve the proposed ordinance:

- **Allowable Landscape Maintenance Work (Winter Months):**

- From Monday – Friday, the allowable work hours are 8:00 a.m. - 5:00 p.m., with only quiet work allowed prior to 9:00 a.m.
- On Saturdays, the allowable work hours are 9:00 a.m. - 5:00 p.m., with only quiet work allowed after 12:00 p.m.; and, the commencement of large scale landscape installation projects is prohibited.

- **Allowable Landscape Maintenance Work (Summer Months):**

- From Monday – Friday, the allowable work hours are 8:00 a.m. - 6:00 p.m., with only quiet work allowed prior to 9:00 a.m. and after 5:00 p.m.
- On Saturdays, the allowable work hours are 8:00 a.m. - 6:00 p.m., with only quiet work allowed after 12:00 p.m.; and, the commencement of large scale landscape installation projects is prohibited.

4. Recodification of Town Code of Ordinances
(Susan Owens, Town Clerk)

Town Clerk Owens provided an overview of the recodification process and the ORS Committee's options for reviewing the forthcoming amendments.

Discussion ensued regarding review options, how the amendments were reviewed the last time the Code was recodified, and the ORS Committee not needing to review all of the recodification amendments.

It was the consensus of the ORS Committee to direct Staff to only bring the substantive recodification amendments, when finalized, back before the Committee for its review.

B. New Business

1. Potential Amendment to Town's Administrative Amendments to the Florida Building Code Regarding the Number of General Contractors Permitted to Work at a Building Permit Site
(William C. Bucklew, Building Official)

Building Official Bucklew spoke regarding recent situations where the current limit on the number of contractors permitted to work at a building permit site has been problematic and recommended removal of the limit

from the Town's Administrative Amendments to the Florida Building Code.

Discussion ensued regarding the contractor limit being a frequent problem for the Building Official, concerns regarding traffic congestion in residential areas if the contractor limit is removed, the Building Department being able to regulate the number of contractors through the building permit process if the Building Official deems that the number of proposed contractors on a given site will cause undue congestion in the area, the number of contractors also being limited by the regulations in the Town's Right-of-Way Manual, the contractor limit being about three decades old and whether or not it may be time to remove it, changes to the building industry since the limit was established, providing homeowners with flexibility to complete construction projects more efficiently, remaining sensitive to the current construction parking issues, and bringing this item before the Town Council at its October 13, 2016, meeting.

It was the consensus of the ORS Committee to recommend that the Town Council approve the proposed amendment to the Town's Administrative Amendments to the Florida Building Code regarding the number of general contractors permitted to work at a building permit site.

V. ANY OTHER MATTERS – *None*

VI. ADJOURNMENT

There being no further business, the Ordinances, Rules, and Standards Committee meeting of Thursday, September 8, 2016, was adjourned at 10:45 a.m.

APPROVED:

Bobbie Lindsay
Chair

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda
Committee Reports

Agenda Title
Report of the Public Works Committee Meeting of September 15, 2016

Presenter
Danielle Moore, Chair

ATTACHMENTS:
**Minutes of the Public Works Committee Meeting Held on
September 13, 2016**

**REPORT OF THE PUBLIC WORKS COMMITTEE MEETING
HELD ON THURSDAY, SEPTEMBER 15, 2016**

I. CALL TO ORDER

The Public Works Committee Meeting was called to order on Thursday, September 15, 2016, at 9:30 a.m., in the Town Council Chambers. On roll call, all Committee Members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Moore led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

The following change was made to the agenda:

ADDITION: Discussion of Derelict Vessel South of the Palm Beach Inlet was added under Any Other Matters.

Motion was made by Committee Member Pucillo, and seconded by Chair Moore, to approve the agenda, as amended above.

IV. COMMUNICATIONS FROM COMMITTEE MEMBERS – *None*

V. COMMUNICATIONS FROM CITIZENS

Harris Fried, 212 Oleander Ave., requested an update on the Town Engineer's resignation and Director of Public Works Brazil's view on the Undergrounding Project.

Director of Public Works Brazil spoke regarding the Town Engineer's resignation, the promotion of Patricia Strayer as the new Town Engineer, and the Town's efforts to fill Ms. Strayer's position in the interim.

Chair Moore requested that Mr. Fried's second request, regarding the Undergrounding Project, be tabled to the October 4, 2016, Underground Utilities Task Force meeting.

VI. CITY OF WEST PALM BEACH-RETAIL WATER SERVICE AND FRANCHISE AGREEMENT

Thomas G. Bradford, Town Manager

Director of Public Works Brazil provided an overview of the Town's Retail Water Service and Franchise Agreement with the City of West Palm Beach and spoke regarding the Town's potential to provide water services independent of the City of West Palm Beach by the year 2029.

Discussion ensued regarding costs and cost savings, current condition of the Town's water infrastructure, short-term and long-term water management options, alternative water resources, what it would mean if the Town became a "bulk" customer of the City of West Palm Beach, contract extension provisions within the current agreement, and plans to replace some of the old water infrastructure during the Undergrounding Project.

It was the consensus of the Public Works Committee to direct Staff to research the costs for alternative water provision options and providers, with water utility experts, and to provide a recommendation to the Town Council.

VIII. ANY OTHER MATTERS

The Following Item was Added Under Approval of Agenda:

A. Discussion of Derelict Vessel South of the Palm Beach Inlet

Director of Public Works Brazil provided an update on the derelict vessel that ran aground south of the Palm Beach Inlet.

Discussion ensued regarding the owner's lack of response to removal requests, the amount of debris that has washed up on the beach, removal of the fuel and any other dangerous substances, how to handle citizen concerns and requests for debris removal from private property, the vessel currently being under the jurisdiction of the Florida Fish and Wildlife Commission, the Town being prohibited from taking any removal action at this time, and options for paying for the removal of the vessel.

Chair Moore requested that Staff keep residents informed on what actions the Town is taking to address the derelict vessel.

Committee Member Pucillo requested that Town Attorney Randolph look into the State's removal deadline given to the owner and when the State can consider the vessel abandoned.

1 **XI. ADJOURNMENT**

2
3 There being no further business, the Public Works Committee meeting of September 15,
4 2016, was adjourned at 10:14 a.m.
5

6
7 APPROVED:
8

9
10
11
12 _____
13 Danielle Hickox Moore
14 Chair

15 ATTEST:
16

17
18 _____
19 Susan A. Owens, MPA, MMC
20 Town Clerk

21
22 _____
23 Date

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Update on Par 3 Golf Course Clubhouse Maintenance and Improvement Reserves
Approved Projects and Request to Add Additional Project and Funding.

Presenter

Beth Zickar, Director of Recreation

ATTACHMENTS:

- **Memorandum Dated October 1, 2016 From Beth Zickar, Director of Recreation**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Beth Zickar, Director of Recreation

Re: Update on Clubhouse Maintenance Projects at the Par 3 Golf Course and Request for Additional Funding

Date: October 1, 2016

STAFF RECOMMENDATION

Staff requests Town Council approve the expenditure of funds for the purchase and installation of weather protection screening for the second floor of Par 3 Clubhouse veranda and the transfer of funds from the Recreation Contingency Account to cover the cost of this project.

GENERAL INFORMATION

The Town Council approved the expenditure of not more than \$60,500 from the Par 3 Maintenance and Improvement Funds at the April 12, 2016 meeting. Projects approved included the following: replacing the counter tops in the Men's and Women's restrooms, floor refinishing and replacement and improvements and screening for the exterior of the old clubhouse.

The status on each of these projects is as follows:

Replace counter tops in Men's and Women's restrooms

Update

An alternative to replacement of the counter tops was discovered after consulting with Haifa Limestone. The counter tops have been restored and resealed. In addition, the tops were drilled to mount the soap dispensers directly into the counters. This alternative solution resulted in a savings of \$8,840.00.

Floor refinishing and replacement

Update

The first level wood floor has been replaced with a hickory, pre-finished, engineered, hard wood product. The second floor wood surface has been replaced with a porcelain stone tile. The wood stairs have been refinished. Staff continues to work with vendors to manage punch list items on project.

Improvements and screening for the exterior of old clubhouse

Update

Design plans were submitted to the Planning, Zoning and Building Department for review and ARCOM staff approval has been given for the changes. Specifications have been developed. Due to cost of this project quotations must be solicited. Staff is working with Purchasing to develop procurement package.

The Town Council was presented with an update on the maintenance projects at the June 14, 2016 meeting. In addition, approval was granted to proceed with two additional projects: replacing the fixtures in the Men's and Women's restrooms and upgrading the electrical service. The status on these two additional projects is as follows:

Replace restroom fixtures

Update

New deck mounted soap dispensers and automatic paper towel dispensers have been installed in the restrooms. These items were purchased in cooperation with al Fresco and a vendor purchasing agreement, resulting in a substantial savings. A replacement mirror is being installed in the men's room due to discoloration around the edges.

Upgrade electrical service

Update

The permit has been issued for this work to commence. Plans are underway to ensure minimal impact to facility operation and customer experience. Work is expected to be completed within two weeks of commencement.

New Funding Request

Council is being asked to consider the expenditure of additional funds to cover the cost of the installation of weather protection screening for the second floor of the clubhouse veranda.

Weather screening

The current exterior weather screening located on the second floor veranda has not been found to provide patrons with adequate protection from the weather in an efficient, rapid and convenient manner. A motorized retractable screening would provide protection from the wind and the rain, while maintaining the incredible view patrons have come to love at the Par 3. Town and restaurant staff has been working together, in an effort to come up with a mutually agreeable solution to this challenge. The product that is being recommended is a motorized retractable screen with end retention, which would raise and lower inside a track system. The screening and motor is housed in an aluminum low profile housing unit and secured with stainless steel fasteners. Screening has a warranty of ten years. Motors are expected to last between 3 to 5 years.

Staff has consistently been seeking cost saving measures, while working to ensure the successful completion of each project.

The following chart illustrates the approved budget of each project and the actual cost as each project has been completed.

Project	Estimated Expense Approved April 12, 2016 Council Meeting	Estimated Expense Approved June 14, 2016 Council Meeting	Total Approved Expenses	Current Funds Expended	Additional Expense Request
Upgrade electric service		\$14,000.00	\$14,000	\$13,251.88	
Replace counter tops in Men's and Women's Restrooms	\$10,000.00		\$10,000	\$1,160.00 (scope changed to repair)	
Replace restroom fixtures		\$2,000.00	\$2,000	\$975.00	
Floor refinishing and replacement	\$25,000.00		\$25,000	\$25,350.00	
Improvements and screening for the exterior of old clubhouse	\$20,000.00 (Par 3 Foundation to donate)		\$20,000 (Par 3 Foundation to donate)		
Replace exterior wind screening on veranda					\$66,000.00
Sub-Total	\$55,000.00	\$16,000.00	\$71,000	\$40,736.88	\$66,000.00
Contingency (10%)	\$5,500.00	\$1,600.00	\$7,100		\$6,600.00
Total	\$60,500.00	\$17,600.00	\$78,100		\$72,600.00 (50% of cost to be reimbursed by al Fresco)

FUNDING/FISCAL IMPACT

A budget appropriation of \$72,600, estimated project cost of \$66,000 with a contingency of \$6,600, will be necessary from the Recreation Contingency Account, to establish a budget for this expenditure.

Funding for this purpose is available in the Par 3 Clubhouse M&I Fund, which had an unaudited balance of \$257,402 as of September 30, 2016. The balance of the Par 3 Clubhouse M&I reserve will be reduced by this additional expenditure, at fiscal yearend.

Funds remaining following the completion of the project will remain in the Par 3 Clubhouse M&I Fund. Expenditure of these funds, in the future, will be limited to projects approved by the Town Council.

Jose Duran, from PB Ocean View, Inc. (DBA al Fresco), has agreed to reimburse the Town for one half the cost of the project. In addition, all maintenance costs associated with the upkeep of the weather screening shall be the responsibility of al Fresco, during the entire term of their agreement. The reimbursed amount will be added back to the M&I fund, resulting in a net overall maximum expense of \$36,300 from said fund.

Cc: Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, P.E., Director of Public Works
Jane Struder, Director of Finance
Adis Pedraza, Purchasing Manager
Tony Chateauvert, Golf Manager

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Informational Update on Jurisdictional Transfer of the Building Board of Adjustment and Appeals

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum Dated September 28, 2016 From John S. Page, Director of Planning, Zoning & Building**
- ▣ **Current Section 112, Administrative Amendments to FBC**
- ▣ **FL Statutes, Section 553.775**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Informational Update on Jurisdictional Transfer of the Building Board of Adjustment and Appeals

Date: September 28, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council review this informational update regarding the Town's Building Board of Adjustment and Appeals and provide further direction to staff outlining intended change(s).

GENERAL INFORMATION

The Town, through its Administrative Amendments to the Florida Building Code, makes provision for a Building Board of Adjustment and Appeals. The purpose of this Board is to allow an aggrieved party to appeal any decision of the Building Official regarding interpretations of the Florida Building Code and to grant, when justified, variances to the provisions of the Florida Building Code for the particular situation being reviewed.

At the May 10, 2016 meeting, the Town Council gave consensus to pursue the potential jurisdictional transfer of this function to the Palm Beach County Building Code Advisory Board (BCAB). On July 20, 2016, this item was presented to the Palm Beach County Building Code Advisory Board, which is composed of Building Officials, contractors, architects and engineers. Although the Board would be willing to act in this capacity, decisions rendered by the Board are "non-binding." As such, the BCAB option would not work.

Town staff has re-visited this issue, and in consultation with the Town Attorney, has developed an alternative course of action. Florida statutes, Section 553.775, titled "Interpretations," sets forth a process whereby an aggrieved party may appeal to the Florida Building Commission to settle interpretation issues with local Building Officials, and such interpretations rendered by the Commission shall be binding on the parties (553.775 (7)).

It is the proposal of Town staff to repeal Section 112 of the Town's Administrative Amendments to the Florida Building Code in its entirety and allow aggrieved parties to follow the process outlined in the Florida Statutes.

SPECIAL CIRCUMSTANCES

As a matter of information relating to this issue, the current Building Board of Adjustment and Appeals has not met on an issue since 1996. Town staff is seeking to change the process due to the logistical trouble of maintaining an active Board that hasn't experienced the need to meet in so many years (training, financial disclosures, etc.). In addition, some members of the Board have passed away or relocated since the last meeting and new appointments would have to be made in order to convene a functioning Board.

TOWN ATTORNEY REVIEW

Town staff have consulted with Attorney Randolph as this subject matter has evolved over recent months, and he has concurred with the "State" option.

Attachments

cc: John C. Randolph, Town Attorney
Bill Bucklew, Building Official

SECTION 112
BUILDING BOARD OF
ADJUSTMENT AND APPEALS

112.1 Building Board of Adjustment and Appeals. Construction under this code shall be governed by the board created in this section of this code.

112.2 Appointment. There is hereby established a board to be called the building board of adjustment and appeals, which shall consist of seven members and two alternates. Members of the board shall be appointed by the town council. This Board shall hear, among other things, all appeals concerning interpretations and enforcement of the Florida Building Code including any amendments.

112.3 Membership and Terms.

112.3.1 Membership. The building board of adjustment and appeals shall consist of seven members. Such board members shall be composed of individuals with knowledge and experience in the technical codes to include an architect, engineer, general contractor, electrical contractor, HVAC contractor, plumbing contractor, and any other contractor licensed category. In addition to the regular members, there shall be two alternate members, one member with the qualifications referenced above and one member at large from the public. A board member shall not act in a case in which he/she has a personal or financial interest.

112.3.2 Terms. The terms of office of the members of the building board of adjustment and appeals shall be staggered so no more than one-third of the board is appointed or replaced in any twelve month period. The town council shall determine the length of a member's term. The two alternate members may serve indefinitely. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the board shall, at the discretion of the town council render any such member subject to immediate removal from office.

112.3.3 Quorum and voting. A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the building official, not less than four affirmative votes, shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

112.3.4 Secretary of board. The building official or his/her authorized representative shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

112.4 Powers. The building board of adjustments and appeals shall have the power, as further defined in 112.5 to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

112.5 Appeals.

112.5.1 Decision of the building official. The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the building official to the building board of adjustment and appeals whenever any one of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case.

4. The true intent and meaning of this code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

112.5.2 Variances. The building board of adjustments and appeals, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

112.5.2.1 Conditions of the variance. In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

112.5.3 Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the building official renders the decision. Appeals shall be in a form acceptable to the building official. A fee in accordance with the fee schedule adopted by the Town Council by resolution shall accompany such notice of appeal.

112.5.4 Unsafe or dangerous buildings or service systems. In the case of a building, structure or service system, which in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in the order, limit the time for such appeals to a shorter period.

112.6 Procedures of the board.

112.6.1 Rules and regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.

112.6.2 Decisions. The building board of adjustment and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final; subject however to such remedy as any aggrieved party might have at law or in equity.

553.775 Interpretations.—

(1) It is the intent of the Legislature that the Florida Building Code and the Florida Accessibility Code for Building Construction be interpreted by building officials, local enforcement agencies, and the commission in a manner that protects the public safety, health, and welfare at the most reasonable cost to the consumer by ensuring uniform interpretations throughout the state and by providing processes for resolving disputes regarding interpretations of the Florida Building Code and the Florida Accessibility Code for Building Construction which are just and expeditious.

(2) Local enforcement agencies, local building officials, state agencies, and the commission shall interpret provisions of the Florida Building Code and the Florida Accessibility Code for Building Construction in a manner that is consistent with declaratory statements and interpretations entered by the commission, except that conflicts between the Florida Fire Prevention Code and the Florida Building Code shall be resolved in accordance with s. 553.73(11)(c) and (d).

(3) The following procedures may be invoked regarding interpretations of the Florida Building Code or the Florida Accessibility Code for Building Construction:

(a) Upon written application by any substantially affected person or state agency or by a local enforcement agency, the commission shall issue declaratory statements pursuant to s. 120.565 relating to the enforcement or administration by local governments of the Florida Building Code or the Florida Accessibility Code for Building Construction.

(b) When requested in writing by any substantially affected person or state agency or by a local enforcement agency, the commission shall issue a declaratory statement pursuant to s. 120.565 relating to this part and ss. 515.25, 515.27, 515.29, and 515.37. Actions of the commission are subject to judicial review under s. 120.68.

(c) The commission shall review decisions of local building officials and local enforcement agencies regarding interpretations of the Florida Building Code or the Florida Accessibility Code for Building Construction after the local board of appeals has considered the decision, if such board exists, and if such appeals process is concluded within 25 business days.

1. The commission shall coordinate with the Building Officials Association of Florida, Inc., to designate a panel composed of seven members to hear requests to review decisions of local building officials. Five members must be licensed as building code administrators under part XII of chapter 468, one member must be licensed as an architect under chapter 481, and one member must be licensed as an engineer under chapter 471. Each member must have experience interpreting or enforcing provisions of the Florida Building Code and the Florida Accessibility Code for Building Construction.

2. Requests to review a decision of a local building official interpreting provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction may be initiated by any substantially affected person, including an owner or builder subject to a decision of a local building official or an association of owners or builders having members who are subject to a decision of a local building official. In order to initiate review, the substantially affected person must file a petition with the commission. The commission shall adopt a form for the petition, which shall be published on the Building Code Information System. The form shall, at a minimum, require the following:

a. The name and address of the county or municipality in which provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction are being interpreted.

- b. The name and address of the local building official who has made the interpretation being appealed.**
 - c. The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any; and an explanation of how the petitioner's substantial interests are being affected by the local interpretation of the Florida Building Code or the Florida Accessibility Code for Building Construction.**
 - d. A statement of the provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction which are being interpreted by the local building official.**
 - e. A statement of the interpretation given to provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction by the local building official and the manner in which the interpretation was rendered.**
 - f. A statement of the interpretation that the petitioner contends should be given to the provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction and a statement supporting the petitioner's interpretation.**
 - g. Space for the local building official to respond in writing. The space shall, at a minimum, require the local building official to respond by providing a statement admitting or denying the statements contained in the petition and a statement of the interpretation of the provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction which the local jurisdiction or the local building official contends is correct, including the basis for the interpretation.**
- 3. The petitioner shall submit the petition to the local building official, who shall place the date of receipt on the petition. The local building official shall respond to the petition in accordance with the form and shall return the petition along with his or her response to the petitioner within 5 days after receipt, exclusive of Saturdays, Sundays, and legal holidays. The petitioner may file the petition with the commission at any time after the local building official provides a response. If no response is provided by the local building official, the petitioner may file the petition with the commission 10 days after submission of the petition to the local building official and shall note that the local building official did not respond.**
- 4. Upon receipt of a petition that meets the requirements of subparagraph 2., the commission shall immediately provide copies of the petition to the panel, and the commission shall publish the petition, including any response submitted by the local building official, on the Building Code Information System in a manner that allows interested persons to address the issues by posting comments.**
- 5. The panel shall conduct proceedings as necessary to resolve the issues; shall give due regard to the petitions, the response, and to comments posed on the Building Code Information System; and shall issue an interpretation regarding the provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction within 21 days after the filing of the petition. The panel shall render a determination based upon the Florida Building Code or the Florida Accessibility Code for Building Construction or, if the code is ambiguous, the intent of the code. The panel's interpretation shall be provided to the commission, which shall publish the interpretation on the Building Code Information System and in the Florida Administrative Register. The interpretation shall be considered an interpretation entered by the commission, and shall be binding upon the parties and upon all jurisdictions subject to the Florida Building Code or the Florida Accessibility Code for Building Construction, unless it is superseded by a declaratory statement issued by the Florida Building Commission or by a final order entered after an appeal proceeding conducted in accordance with subparagraph 7.**

6. It is the intent of the Legislature that review proceedings be completed within 21 days after the date that a petition seeking review is filed with the commission, and the time periods set forth in this paragraph may be waived only upon consent of all parties.

7. Any substantially affected person may appeal an interpretation rendered by the panel by filing a petition with the commission. Such appeals shall be initiated in accordance with chapter 120 and the uniform rules of procedure and must be filed within 30 days after publication of the interpretation on the Building Code Information System or in the Florida Administrative Register. Hearings shall be conducted pursuant to chapter 120 and the uniform rules of procedure. Decisions of the commission are subject to judicial review pursuant to s. 120.68. The final order of the commission is binding upon the parties and upon all jurisdictions subject to the Florida Building Code or the Florida Accessibility Code for Building Construction.

8. The burden of proof in any proceeding initiated in accordance with subparagraph 7. is on the party who initiated the appeal.

9. In any review proceeding initiated in accordance with this paragraph, including any proceeding initiated in accordance with subparagraph 7., the fact that an owner or builder has proceeded with construction may not be grounds for determining an issue to be moot if the issue is one that is likely to arise in the future.

This paragraph provides the exclusive remedy for addressing requests to review local interpretations of the Florida Building Code or the Florida Accessibility Code for Building Construction and appeals from review proceedings.

(d) Upon written application by any substantially affected person, contractor, or designer, or a group representing a substantially affected person, contractor, or designer, the commission shall issue or cause to be issued a formal interpretation of the Florida Building Code or the Florida Accessibility Code for Building Construction as prescribed by paragraph (c).

(e) Local decisions declaring structures to be unsafe and subject to repair or demolition are not subject to review under this subsection and may not be appealed to the commission if the local governing body finds that there is an immediate danger to the health and safety of the public.

(f) Upon written application by any substantially affected person, the commission shall issue a declaratory statement pursuant to s. 120.565 relating to an agency's interpretation and enforcement of the specific provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction which the agency is authorized to enforce. This subsection does not provide any powers, other than advisory, to the commission with respect to any decision of the State Fire Marshal made pursuant to chapter 633.

(g) The commission may designate a commission member who has demonstrated expertise in interpreting building plans to attend each meeting of the advisory council created in s. 553.512. The commission member may vary from meeting to meeting, shall serve on the council in a nonvoting capacity, and shall receive per diem and expenses as provided in s. 553.74(3).

(h) The commission shall by rule establish an informal process of rendering nonbinding interpretations of the Florida Building Code and the Florida Accessibility Code for Building Construction. The commission is specifically authorized to refer interpretive issues to organizations that represent those engaged in the construction industry. The commission shall immediately implement the process before completing formal rulemaking. It is the intent of the

Legislature that the commission create a process to refer questions to a small, rotating group of individuals licensed under part XII of chapter 468, to which a party may pose questions regarding the interpretation of code provisions. It is the intent of the Legislature that the process provide for the expeditious resolution of the issues presented and publication of the resulting interpretation on the Building Code Information System. Such interpretations shall be advisory only and nonbinding on the parties and the commission.

(4) In order to administer this section, the commission may adopt by rule and impose a fee for filing requests for declaratory statements and binding and nonbinding interpretations to recoup the cost of the proceedings which may not exceed \$125 for each request for a nonbinding interpretation and \$250 for each request for a binding review or interpretation. For proceedings conducted by or in coordination with a third party, the rule may provide that payment be made directly to the third party, who shall remit to the department that portion of the fee necessary to cover the costs of the department.

History.—s. 9, ch. 2005-147; s. 5, ch. 2006-65; s. 8, ch. 2007-1; s. 5, ch. 2007-187; s. 14, ch. 2008-191; s. 35, ch. 2010-176; s. 49, ch. 2013-14; s. 21, ch. 2014-154; s. 18, ch. 2016-129.

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Regular Agenda - New Business

Agenda Title

Appointments to the Planning and Zoning Commission

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum Dated October 3, 2016 from John S. Page, Director of Planning, Zoning & Building**
- ▣ **Ballot for Appointment of Regular Members to the Planning & Zoning Commission**
- ▣ **Attendance & Voting Conflict Information for Planning & Zoning Commission**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2016

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 3, 2016

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 **Lewis Crampton** and **Michael Jay Scharf**, as well as the vacant seat resulting from the resignation by **Susan Markin**.
- 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. Crampton and Scharf's terms expired on 9/30/2016.
- Ms. Markin resigned on 9/15/16.
- **Lewis Crampton** and **Michael Jay Scharf** are eligible to serve second terms and both have applied to do so.
- **Alternate Members Michael Vincent John Spaziani, Susan Watts 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, **Julie Araskog, Kim Coleman, Carol LeCates, Richard Lynn and Kenneth Walker** 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: Susan A. Owens, Town Clerk
Veronica B. Close, Assistant Director of Planning, Zoning & Building
Paul Castro, Zoning Administrator

**BALLOT FOR APPOINTMENT OF REGULAR MEMBERS
TO THE PLANNING & ZONING COMMISSION**
Town Council Meeting on October 10, 2016

Positions to be filled:

3 Regular Members

(due to term expiration of Lewis Crampton and Michael Jay Scharf, and resignation of Susan Markin)

Please circle 3 from the list of names appearing below

Regular Members Applying for Reappointment

Lewis Crampton, Regular Member

Completing Term 1

Michael Jay Scharf, Regular Member

Completing Term 1

Alternate Members Applying for Promotion to Regular Member

(Listed alphabetically)

Rick Pollock, Alternate Member

Currently serving Term 1

Michael Vincent John Spaziani, Alternate Member

Currently serving Term 1

Susan Watts

Currently serving Term 1

Others Who Have Submitted Applications

(Listed alphabetically)

Julie Araskog

Kim Coleman

Carol LeCates

Richard Lynn

Kenneth Walker

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.*



Martin I. Klein, Chair**
Lewis Crampton, Vice Chair**
Susan Markin, Chair*
Michael Scharf, Vice-Chair*
Carol Mack
Michael Ainslie
Alan Golboro

Michael Spaz
Susan Watts
Rick Pollock

R= Resigned

130



Susan Markin, Chair	P	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	X	E	P	P
Carol Mack	P	P	P	P	P	P	X	X	X	X	U	P	P
Martin I. Klein	-	-	-	P	P	P	X	X	X	X	P	P	P
Lewis Crampton	P	P	P	P	P	P	X	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	X	-	-	-
Floyd Wideman	P	P	P	P	P	P	E	X	X	X	-	-	-
ALTERNATE MEMBERS													
Michael Spaziani	P	P	P	P	P	P	X	X	X	X	P	P	P
Susan Watts	P	P	P	P	P	P	X	X	X	X	P	P	P
Rick Pollock	P	P	P	E	P	P	X	X	X	X	P	E	P

Michael Spaziani	P	P	P	P	P	P	X	X	X	P	P
Susan Watts	P	P	P	P	P	P	X	X	X	P	P
Rick Pollock	P	P	P	E	P	P	X	X	X	P	E

A=ABSENT PENDING CLASSIFICATION AS "EXCUSED" OR "UNEXCUSED"
X=COMMISSION DID NOT MEET



TOWN OF PALM BEACH PLANNING & ZONING COMMISSION

ATTENDANCE RECORD 2014

MEMBERS

Susan Markin, Chair
Michael Scharf, Vice-Chair
Carol Mack
Danielle Moore
Lewis Crampton
Jeffrey Cloninger
Floyd Wideman

ALTERNATE MEMBERS

Michael Spaziani
Susan Watts
Randolph Guthrie
Rick Pollock

LEGEND P=PRESENT

E=EXCUSED

U=UNEXCUSED

A=ABSENT PENDING CLASSIFICATION AS "EXCUSED" OR "UNEXCUSED"

* Meeting cancelled

** Additional Meeting

*** Meeting rescheduled from _____ to _____

4/8/2014 Council took action to remove all seated P&ZC (and LPC members). New Commissions appointed May 13, 2014.

First meeting of newly appointed Commission was 8/19/14.

10/22/14: UR=As a result of 3 unexcused absences, Mr. Guthrie was removed from the Commission.

12/9/2014: Mr. Pollock appointed to fill Guthrie's vacancy.

	8/19/2014	9/23/2014	10/21/2014	11/18/2014	12/16/2014
Susan Markin, Chair	P	P	P	P	*
Michael Scharf, Vice-Chair	P	P	P	P	*
Carol Mack	P	P	P	P	*
Danielle Moore	P	P	P	P	*
Lewis Crampton	P	P	P	P	*
Jeffrey Cloninger	P	P	P	P	*
Floyd Wideman	P	P	P	P	*
Michael Spaziani	P	P	P	P	*
Susan Watts	P	P	U	P	*
Randolph Guthrie	U	U	UR	x	x
Rick Pollock	x	x	x	x	*



**TOWN OF PALM BEACH
PLANNING & ZONING COMMISSION
ATTENDANCE RECORD 2014**

MEMBERS

C. Tanner Rose	P	1/21/2014	*	2/18/2014	*	3/18/2014	*	4/15/2014	*	5/20/2014	*	6/17/2014	*
Floyd Wideman	P		*	*	*	*	*	*	*	*	*	*	*
Martin Klein	P		*	*	*	*	*	*	*	*	*	*	*
Lewis Crampton	P		*	*	*	*	*	*	*	*	*	*	*
Barbara Lindsay Buck	P		*	*	*	*	*	*	*	*	*	*	*
Bruce M. Langmaid	P		*	*	*	*	*	*	*	*	*	*	*
Alan S. Golboro	P		*	*	*	*	*	*	*	*	*	*	*
ALTERNATE MEMBERS													
Thomas Greenbaum	P		*	*	*	*	*	*	*	*	*	*	*
Kevin J. Kenny	P		*	*	*	*	*	*	*	*	*	*	*
Danielle H. Moore	P		*	*	*	*	*	*	*	*	*	*	*

LEGEND P=PRESENT

E=EXCUSED

U=UNEXCUSED

A=ABSENT PENDING CLASSIFICATION AS "EXCUSED" OR "UNEXCUSED"

* Meeting cancelled

** Additional Meeting

*** Meeting rescheduled from ____ to ____

4/8/2014 Council took action to remove all seated P&ZC (and LPC members). New Commissions appointed May 13, 2014.



TOWN OF PALM BEACH PLANNING & ZONING COMMISSION VOTING CONFLICTS 2015

MEMBERS

Susan Markin, Chair*
Michael Scharf, Vice Chair*
Carol Mack
Lewis Crampton, Vice Chair**
Martin Klein, Chair**
Michael Ainslie
Alan Golboro

ALTERNATE MEMBERS

Michael Spaziani
Susan Watts
Rick Pollock

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.

	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	%	x			
Michael Scharf, Vice Chair*	x	x	x	x	%	%	x	%	x			
Carol Mack	x	x	x	x	%	%	x	%	x			
Lewis Crampton, Vice Chair**	x	x	x	x	%	%	x	%	x			
Martin Klein, Chair**	x	x	x	x	%	%	x	%	x			
Michael Ainslie	x	x	x	x	%	%	x	%	x			
Alan Golboro	x	x	x	x	%	%	x	%	x			
Michael Spaziani	x	x	x	x	%	%	x	%	x			
Susan Watts	x	x	x	x	%	%	x	%	x			
Rick Pollock	x	x	x	x	%	%	x	%	x			

% Meeting cancelled
 \ Term ended
 X New Appointments
 ** Began Chair and Vice Chair 3/16
 * Chair and Vice Chair until 3/16



Susan Markin, Chair
Michael Scharf, Vice-Chair

Danielle Moore

Jeffrey Cloninger

ALTERNATE MEMBERS



**TOWN OF PALM BEACH
PLANNING & ZONING COMMISSION**

VOTING CONFLICT RECORD 2014

MEMBERS

Susan Markin, Chair
Michael Scharf, Vice-Chair
Carol Mack
Danielle Moore
Lewis Crampton
Jeffrey Cloninger
Floyd Wideman

ALTERNATE MEMBERS

Michael Spaziani
Susan Watts
Randolph Guthrie

LEGEND: - No conflict

V 1 Voting Confl

V3 3 Voting Confl

* Meeting cancelled

\ Term ended

x New Appointments

	8/19/2014	9/23/2014	10/21/2014	11/18/2014	12/16/2014
Susan Markin, Chair	-	-	-	-	*
Michael Scharf, Vice-Chair	-	-	-	-	*
Carol Mack	-	-	-	-	*
Danielle Moore	-	-	-	-	*
Lewis Crampton	-	-	-	-	*
Jeffrey Cloninger	-	-	-	-	*
Floyd Wideman	-	-	-	-	*
Michael Spaziani	-	-	-	-	*
Susan Watts	-	-	-	-	*
Randolph Guthrie	-	-	-	-	\
V2					
VPD					

Two Voting Conflicts during a meeting

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.

TOWN OF PALM BEACH
PLANNING & ZONING COMMISSION

MEMBERS

C. Tanner Rose

Floyd Wideman

Martin Klein

Lewis Crampton

Barbara Lindsay Buck

Bruce M. Langmaid

Alan S. Golboro

ALTERNATE MEMBERS

Thomas Greenbaum

Kevin J. Kenny

Danielle H. Moore

LEGEND: - No conflict

V
1 Voting ConflictV3
3 Voting Confl

* Meeting cancelled

/

Term ended

X New Appointments

[illegible]

V2 Two Voting Conflicts during a meeting

VPD	Voting Conflict Previously declared (Th
-----	---

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.

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Regular Agenda - New Business

Agenda Title

Zika Virus Response Plan

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

**Memorandum Dated October 8, 2016, from Jay Boodheshwar,
Deputy Town Manager**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Zika Virus Response Plan

Date: October 8, 2016

STAFF RECOMMENDATION

Staff recommends Town Council review the report below regarding the Town's previous actions and future plans in response to the Zika Virus outbreak and provide feedback/guidance as needed.

GENERAL INFORMATION

Through the leadership of Council Member, Maggie Zeidman, significant action has occurred over the last few months, relative to community education on the dangers of the Zika Virus. A Zika Virus Committee was formed in conjunction with the Civic and Citizens' Associations and an education and prevention response plan has been developed with feedback from representatives of said organizations. At the October 10, 2016, Town Council meeting, staff will provide an update to the Mayor and Town Council on the overall response plan, with specific details regarding the following topics:

- **Education and Communication**
 - A variety of community education efforts have been launched over the last several months to educate the community about the dangers of the Zika Virus, what can be done to prevent, mosquito breeding and how individuals should protect themselves. A community forum was held in the summer and more are planned for the fall/winter. Email and text alerts have been consistently sent throughout the summer warning residents about the virus and giving tips to prevent transmission.
 - A new section of the Town website was created specifically for Zika Virus education and communication. Residents can report excessive mosquito activity to the County or Town, including areas of concern that may be breeding locations for mosquitoes.
 - Two guest speakers provided information at Town Council meetings.

- **Training of Field Employees**
 - Planning, Zoning and Building inspectors, as well as Public Works field employees have been trained to look out for potential mosquito breeding conditions on public and private properties. Areas of concern are either communicated to the property owner (if private) or taken care of by staff (if public).
- **Code Enforcement Response**
 - Code Enforcement staff is responding to complaints about breeding conditions on private property and have the ability to compel owners to address concerns or cite them for violations per Article III. Mosquito Control, Sections 42-126 to 42-130 of the Town Code.
- **Construction Contractor Responsibilities**
 - The Planning, Zoning and Building Department has notified all contractors of their responsibilities to prevent standing water and other potential breeding conditions on project sites.
 - The Public Works Department has communicated same to contractors working on Town projects.
- **Employee Education and Protection**
 - The Human Resources Department has provided helpful education for Town Employees on matters of mosquito bite prevention and has made available a variety of repellants for field employees.
- **Vector Control**
 - Larval Control in Catch Basins: One (1) treatment of up to seven hundred and sixty-five (765) Town-owned catch basins using Natular XRT (see attached product information) for up to 180-day control. A total of \$7,374.50 has already been encumbered from the Town's budget (\$9.64 per catch basin) and application of product will be completed in late October or early November.
 - Town-wide Adulticiding: A total of \$10,400 has been encumbered for up to two (2) community-wide truck ULV treatments of up to 77 route miles at \$67.00/mile using Duet insecticide (see attached product information). No spraying sessions have been scheduled yet, but staff is prepared to authorize spraying as needed. Prior to any spraying sessions, the community will be notified and spraying would take place after 3:00am.

Attachments

cc: Department Directors
 John C. Randolph, Town Attorney
 Ned Barnes, Civic Association
 Lew Crampton, Citizens' Association

NATULAR[®] Larvicide



REVOLUTIONARY ACTIVE INGREDIENT & LONG-LASTING FORMULATIONS TO CONTROL CONTAINER BREEDING MOSQUITO LARVAE

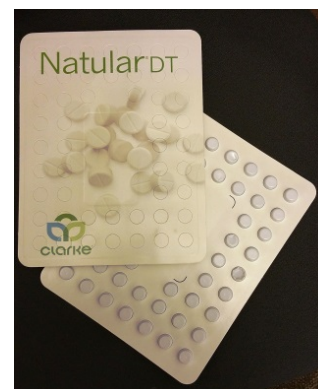
- Active ingredient, spinosad, is **derived from naturally occurring bacteria** and is one of the **CDC's recommended active ingredients for zika control**.
- **Formulated specifically to control container breeding mosquito larvae** such as Zika-carrying *Aedes aegypti* and *Aedes albopictus*.
- Patented formulations designed to provide **uniform time-released control ranging from 30 to 180 days** to save on re-treatment labor
- All have **dry down / re-activation characteristics**, making them ideal for containers or areas that only hold water periodically
- **Clean-handling**, easy to apply
- The CDC recommends to **"Treat with long-lasting larvicide any water-holding containers that cannot be dumped, covered, discarded or otherwise modified."**

Natular DT – 60-day tablet formulation

Natular[®] DT is less than ½ inch in diameter and is formulated as a **bi-layer tablet** that provides a dual-release action.

- The first layer **dissolves within 60 seconds**, rapidly delivering an effective dose that **will kill larvae within 24 hours**
- The second layer then slowly dissolves over time to **provide 60+ days of extended control** in as much as a 52 gal. container
- Exact dose tablet eliminates the risks of over and under-dosing
- Tablets may be cut in half to treat smaller containerized breeding sources.

Natular[®] DT is packaged in a waterproof, blister pack card. Cards are available in either a **50 tablet count** or a **12 tablet count**.



12-count card is labeled in English and Spanish and can be used to hand out to homeowners.

Small, compact and lightweight storage requires a minimum of space.

One case contains 50 cards:

- **2,500 tablets per case/50 tablet card**
- **600 tablets per case/12 tablet card**

Natular G30 – 30-day granule formulation

- Clean sand-based granule perfect to use in 'natural' containers, such as bromeliads, swales, etc. as well as tire piles and junk pile situations

Natular T30 & XRT – 30-day and 180-day tablet formulations

- Patented, slow release formulation for larger containers, catch basins/storm drains.

NATULAR® FORMULATION FIT for CONTAINER BREEDING MOSQUITOES

Formulation >	DT	G30	T30 & XRT	
Control Period >	60-days	30-days	T30 30-days XRT 180 days	
Package Sizes >	12-count blister cards (50/case), 50-Count blister cards (50/case)	40 lb bag	T30 - 400 tablets / case XRT - 220 tablets / case	
Application >	Hand	Hand, Shaker, Backpack blower	Hand	
Use in and around organic crops >		Yes	Yes	OMRI Listed (Organic Materials Review Institute)
Potable water use label >	Yes			WHO (World Health Organization) Review
PRIVATE PROPERTY SITES				
•Rain Barrels	✓			Inspect rain barrels carefully - few are truly sealed and are breeding havens.
•Gutters	✓	✓		Method of application may determine formulation
•Irrigation tubing / downspout		✓		Heavy rain will wash out any formulation. Key is to treat standing water in ripple type downspout extensions.
•Catch Basin/Pop-up Emitters	✓	✓		These will almost always have standing water with little or no chance of washing out product
•Bird Baths	✓			Water exchange first preference; DT best fit otherwise
•Wet Ditches/Swales		✓		G30 can dry down and then be reactivated when wet again.
•Dry Ditches/Swales		✓		G30 can dry down and then be reactivated when wet again.
•Tire piles		✓		The heavier G30 granule will bounce better into tires and provide longer term control.
•Junk piles		✓		Backpack blower application with 30-day granule recommended to get into as many water-holding areas as possible.
•Abandoned pools				Gauge number of tablets based on estimated volume of water in pool.
•Still ponds / water gardens	✓		✓	DT will last longer / fewer inspections required
•Urban Wetlands*		✓		If created by a single rain event, a single-brood formulation can be used. If holds water frequently, use G30 for longer control.
PUBLIC PROPERTY SITES				
•Catch Basins			✓	Length of season / customer preference
•Vacuum Pots	✓		✓	Length of season / customer preference
•Utility Boxes	✓		✓	Length of season / customer preference
•Tire piles		✓		The heavier G30 granule will bounce better into tires and provide longer term control.
•Wet Ditches/Swales		✓		Use G when you know water will be receding within 7-10 days AND when larvae are present. Use G30 when you know water is likely to be remain for an extended period of time and you want 30-day control. Use 2EC when you see larvae present and you know water will be drying within 5 days.
•Dry Ditches/Swales		✓		G30 can dry down and then be reactivated when wet again.
•Cemetery urns	✓	✓		
•Urban Wetlands*		✓		Treat same as Dry / Wet Ditches or Swales

Urban Wetlands consist of wetlands that are located within the limits of subdivisions and urban development. We find that these areas/wetlands act as polishing cells for storm water generated by the development. When a rain event occurs, they may fill then bleed off over the course of 1 to 7 days. During this time, there may be small pools, drainage pipe connections, litter (cups, plastic shopping bags etc.... that may remain and collect water too). These are often in close proximity to homes thus wise to include as treatment areas for container breeders and any other mosquitos that may be present.

Clarke

Making communities around the world, more livable, safe and comfortable.

GLOBAL HEADQUARTERS
675 Sidwell Ct.
St. Charles, IL 60174
1.800.323.5727

www.clarke.com

DUET[®] Adulticide



NOVEL FORMULATION WITH TWO ACTIVE INGREDIENTS CONTROLS MORE OF THE NATURAL POPULATION

The combination of two active ingredients in **Duet** causes a **unique effect** no other adulticide offers. It has a benign agitation effect that **causes resting mosquitoes to fly**. So they are flying when application droplets are still in the air, providing greater control of the natural mosquito population.

- **Proven active ingredients:** prallethrin & sumithrin (a **CDC recommended active ingredient for zika control**), (synthetic) pyrethroids
- More than a generation ago, scientists created (synthetic) pyrethroids, which emulate naturally occurring pyrethrins, found in chrysanthemum flowers.
- **Biodegrade rapidly** in the presence of sunlight and/or microorganisms
- **Inactive once dry**
- **Labeled for use over crops** and can be applied by ground or air

UNDERSTANDING HOW ADULTICIDES WORK

Using an adulticide in a mosquito control program is core to **reducing overall populations**. “Wide area” adulticiding, i.e. neighborhood or community wide adulticiding, can accomplish this quicker than using larvicides alone. Finding and treating every possible breeding site with a larvicide isn’t feasible. **Use of both larvicides and adulticides** in a planned program will **reduce mosquito populations faster** than only use one or the other.

Simple Math and Physics

When a mosquito borne virus becomes locally transmitted, controlling more of the natural population of mosquitoes in the area reduces the number of mosquitoes that could potentially spread a virus. Specifically, an adulticide can **work only when an adulticide droplet hits a flying mosquito**. There is a saying, “If they aren’t flying, they aren’t dying.”

Mosquito species have **different activity periods**. For the species that carry the zika virus, that is daytime. Controlling the female is key because they are the ones biting for a blood meal so they can lay their next batch of eggs. If they are not flying, they rest on the underneath sides of leaves, up in the eaves or protected areas. That’s where the benign agitation of **Duet[®]** offers a **unique advantage over any other adulticide**.

Clarke *Making communities around the world, more livable, safe and comfortable.*

675 Sidwell Ct.
St. Charles, IL 60174
1.800.323.5727

www.clarke.com

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Regular Agenda - New Business

Agenda Title

Coastal Update:

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

a. Shore Line Protection Update

b. RESOLUTION NO. 193-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to D.B. Ecological Services, Inc., for Permit Required Sea Turtle Nesting Monitoring, in the Amount Of \$177,780, and Establishing a Project Budget Of \$200,000.

c. Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon.

Presenter

ATTACHMENTS:

- ▣ **b. Memorandum dated September 26, 2016, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 193-2016**
- ▣ **c. Memorandum dated September 26, 2016, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Lake Worth Lagoon Staging Area**
- ▣ **City of Boca Raton Letter**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2016

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Authorization to Waive Procurement Requirements and Extend Sea Turtle Nesting
Monitoring Contract
Resolution No. 193-2016

DATE: September 26, 2016

STAFF RECOMMENDATION

Town staff recommends that Town Council provide direction regarding the Florida Fish and Wildlife Conservation Commission request to temporarily waive the expiration of the current 5-year contract for sea turtle nesting monitoring.

If Town Council waives the contract expiration, staff also recommends that Town Council approve Resolution No. 193-2016, authorizing a contract extension for sea turtle nesting monitoring to D.B. Ecological Services, Inc. (D.B Ecological), in the amount of \$177,780, and establishing a project budget of \$200,000 for the 2017 sea turtle nesting monitoring period, as required by the Florida Department of Environmental Protection (FDEP) and U.S. Army Corps of Engineers (USACE).

GENERAL INFORMATION

The Town of Palm Beach is required by both FDEP and USACE to monitor sea turtle nesting because of our sand placement projects as well as to meet our Beach Management Agreement (BMA) requirements.

Robbin Trindell, Ph.D., Biological Administrator for Imperiled Species Management, Florida Fish and Wildlife Conservation Commission (FWC), has requested that the Town utilize the same monitoring protocol with the same monitoring firm for the first five (5) years of data collection for the BMA because the BMA is re-evaluated every five (5) years. The first year of BMA implementation was 2014. Accommodating FWC's request would require Town Council to waive the current expiration of the contract with D.B. Ecological, Inc. (2016) and add two (2) additional years to the existing contract (2016 until 2018). Therefore, Bid Number 2012-10 would need to be extended from five (5) years to seven (7) years.

D.B. Ecological, Inc. has informed the Town that they would honor the current fixed annual costs for the two (2) additional years.

Should Town Council not accept FWC's request, Town staff would need to prepare a new bid solicitation.

The following is a summary of the required monitoring:

PROJECT-RELATED SEA TURTLE MONITORING

Due to sand placement projects, the Town has monitored the following locations for sea turtle nesting activity:

- Reach 1, due to USACE inlet channel maintenance sand placement on dry beach.
- Mid-Town (Reaches 3 & 4), approximately between El Mirasol and Banyan Road.
- Phipps Ocean Park (Reach 7) and Reach 8, between Sloan's curve and the south Town limits, excluding Lake Worth Municipal Beach.

The above locations total a shoreline distance of 6.5 miles.

D.B. Ecological has successfully performed permit required sea turtle monitoring services for the Town over the ten (10) years. This firm provided these services for five (5) years following award of the lowest qualified bidder for Sealed Bid No. 2007-21 and is currently providing services for the fifth year following award of the lowest qualified bidder for Sealed Bid No. 2012-10. The current contract with D.B. Ecological allows for annual extensions up to five (5) years, through the 2016 sea turtle nesting season, at a fixed annual cost of \$126,280.

Four (4) line items for sea turtle monitoring were included in the Town Council adopted 10-year Coastal Management Program Budget. These line items (19, 27, 34, and 42) total \$129,000. The budgeted amount of \$129,000 has been sufficient to cover the \$126,280 cost of the project-related sea turtle nesting monitoring services.

BMA-RELATED SEA TURTLE MONITORING

In September 2013, both FDEP and the Florida Fish & Wildlife Conservation Commission signed the Palm Beach Island Beach Management Agreement (BMA) Pilot Project with both the Town of Palm Beach and Palm Beach County. The BMA allows for quicker individual project approvals by FDEP for several coastal projects on Palm Beach Island. As a BMA participant, one of the Town's obligations is to perform sea turtle monitoring along the entire shoreline.

In order to create a continuous data set for the shoreline, the portions outside of our beach nourishment project areas were required to be included. The additional monitoring effort within the Town's limit has included closing data gaps in Reaches 2, 5, and 6. This additional 5.5 miles of beach has required the use of additional personnel in order to have the beaches surveyed before 9:00 a.m. Due to cost efficiencies with the work being done in the Town already, the total cost is not linear with the shoreline distances set to be monitored. On January 24, 2014, D.B. Ecological provided a cost proposal of \$51,500 for the additional services needed in Reaches 2, 5, and 6 for the 2014 sea turtle nesting monitoring period. D.B. Ecological has confirmed, as done in 2016, that the cost for the BMA required services in 2017 will remain consistent with 2014.

FUNDING/FISCAL IMPACT

With the BMA requirements put in place in the months following adoption of the 10-year plan, an additional cost of \$51,500, plus contingency, has increased the cost beyond the planned figure. For FY 2014 and FY 2015, sufficient funds existed in the Coastal Protection Fund to cover the additional annual costs.

The Town Council approved FY 2016 budget included \$200,000 for sea turtle monitoring. This approval was \$71,000 over the 2013 adopted budget for sea turtle monitoring. The FY 2017 budget, like FY 2016, is sufficient to fund the project-related sea turtle nesting monitoring activities, as well as the additional BMA requirements plus a small contingency.

PURCHASING REVIEW

The Purchasing Division has reviewed the information provided and has approved the content.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed this resolution and approved for legal form and sufficiency.

Attachments

cc: John C. Randolph, Town Attorney
Jane Struder, Director of Finance
Robert Weber, Coastal Program Manager
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 193-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A CONTRACT EXTENSION TO D. B. ECOLOGICAL SERVICES, INC., FOR PERMIT REQUIRED SEA TURTLE NESTING MONITORING, IN THE AMOUNT OF \$177,780, AND ESTABLISHING A PROJECT BUDGET OF \$200,000.

* * * * *

WHEREAS, a contract was awarded on February 16, 2012, to D.B. Ecological Services, Inc., to provide sea permit required turtle nesting monitoring services related to the annual sea turtle monitoring; and

WHEREAS, D.B. Ecological Services, Inc. has provided acceptable service under that contract;

WHEREAS, that contract allows for four (4) twelve-month extensions (2013, 2014, 2015, and 2016);

WHEREAS, the Florida Fish and Wild Life Conservation Commission has requested that the Town Temporarily waive the expiration of the current five (5) year contract for sea turtle nesting monitoring so as to assure the same monitoring protocol with the same monitoring firm for the first five (5) years of data collection; and

WHEREAS, the Town Council has chosen to honor that request by waiving the contract expiration; and

WHEREAS, the contract now includes two (2) additional twelve-month extensions for 2017 and FY 2018, as requested by the Florida Fish and Wildlife Conservation Commission.

NOW, BE IT RESOLVED BY THE TOWN OF 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 fourth contract extension for Sea Turtle Nesting Monitoring is hereby approved for D.B. Ecological Services, Inc., for the amount of \$177,780 and establishing a project budget of \$200,000.

Section 3. Pursuant to a request of the Florida Fish and Wildlife Conservation Commission, the Town's contract with D.B. Ecological Services is hereby extended for two (2) additional twelve-month extensions in 2017 and 2018.

Section 4. The Town Manager is hereby authorized to execute this contract extension on behalf of the Town of Palm Beach.

Section 5. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the implementation of these permit required services, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of October 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2016

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in Lake Worth Lagoon

DATE: September 26, 2016

STAFF RECOMMENDATION

Town staff recommends that the Town Council approve the City of Boca Raton's contractor, Weeks Marine, Inc., and any subcontractor, to perform construction related services outside of the Town Code of Ordinances restrictions for construction dates, hours, and noise levels if staging dates, hours, and locations are limited as identified in the City's request.

GENERAL INFORMATION

The City of Boca Raton's Central Boca Raton Beach Renourishment Project was only partially completed between March and April 2016. The project is scheduled to remobilize in November 2016. The contractor, Weeks Marine, Inc., has been provided the entire construction window to complete the project (from November 1, 2016 until April 30, 2017).

Since the Lake Worth Lagoon east of the Intracoastal Waterway's centerline is within the jurisdictional limits of the Town of Palm Beach, work performed in this area must either conform to the Town Code of Ordinances or be waived by Town Council. The attached request from the City of Boca Raton, dated September 12, 2016, is similar to requests previously approved by Town Council. The location of the proposed staging area is not the same location used by the City of Boca Raton last year which was located only a couple hundred feet from the Town's lagoon front shoreline. The proposed staging area location is the same location used by the Town of Palm Beach last year which is located closer to the Port of Palm Beach and nearly 1/3-mile from the Town's lagoon front shoreline.

This City of Boca Raton request includes waivers of the following sections of the Town Code of Ordinances:

Section 42-198 – prohibits operation of equipment or machinery during winter, Sundays, and legal holidays (commencing on December 1 and ending May 1).

Section 42-199 – prohibits work between 5:00 p.m. and 8:00 a.m.

Sections 42-226 through 229 – regulates noise, equipment operation, work hours and the standard Town requirement to “stand down for the season”.

The City of Boca Raton recognizes that staging in the lagoon last year negatively impacted many Town residents along the lagoon front shoreline. For this reason, the City is proposing to utilize the staging area furthest from the Town. In addition, the City and its contractor have pledged that no construction activities will take place within the lagoon on Thanksgiving Day, Christmas Eve and Christmas Day, New Year’s Day, first day of Passover, and Easter.

Should the U.S. Army Corps of Engineers (USACE) decide to dredge the Palm Beach Harbor Channel this winter, and the City of Boca Raton project still has equipment in the designated staging area, the staging of USACE equipment would need to occur away from the Town’s lagoon front shoreline and near Peanut Island.

FUNDING/FISCAL IMPACT

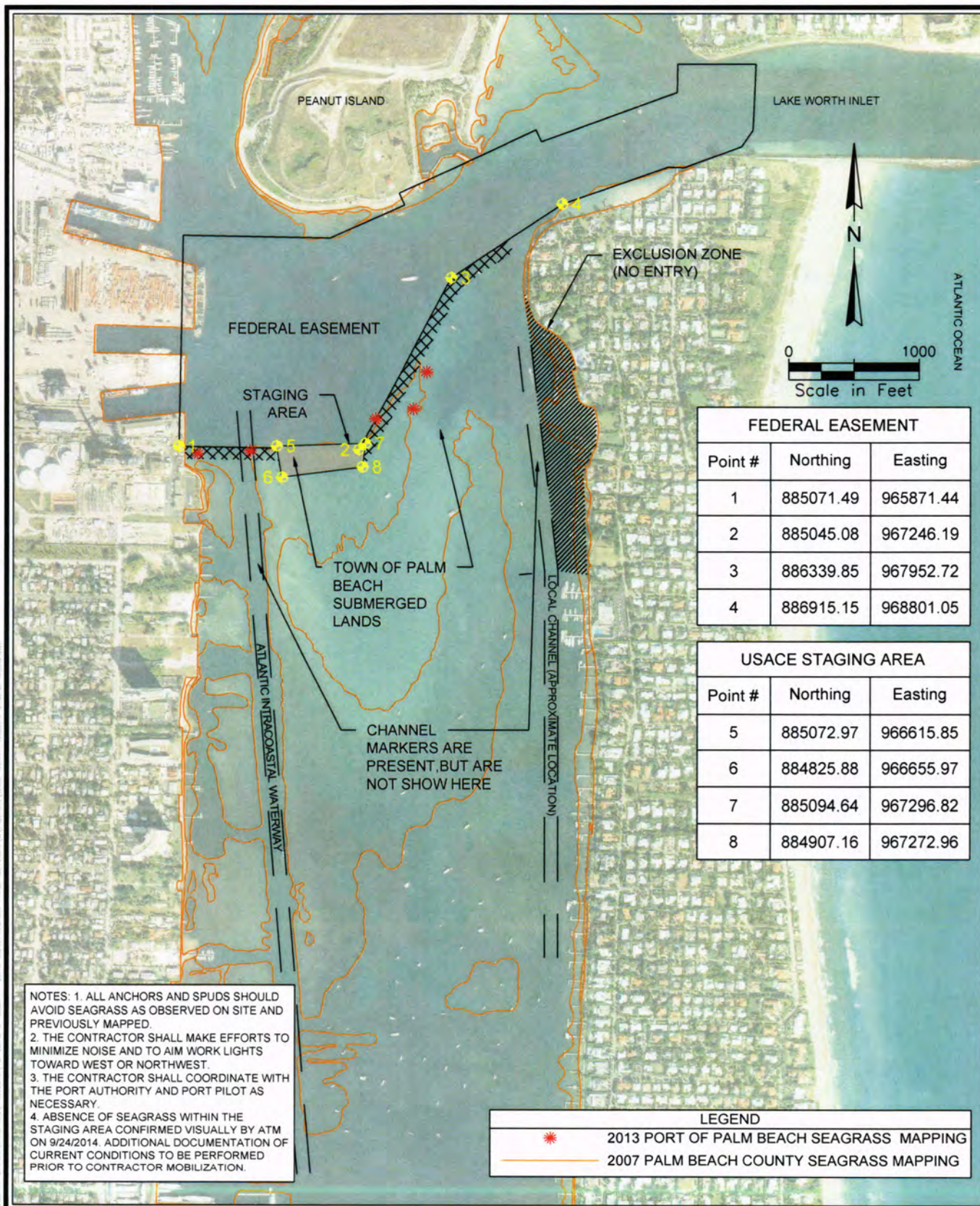
There is no funding/fiscal impact related to this item.

TOWN ATTORNEY REVIEW

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

Attachments

cc. Kirk Blouin, Director of Public Safety
Robert Weber, Coastal Program Manager
Jennifer Bistyga, City of Boca Raton



Lake Worth Lagoon Staging Area





September 12, 2016

Mr. Robert Weber
Coastal Program Manager
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480

Dear Mr. Weber:

This letter is in regards to the City of Boca Raton's completion of the Central Boca Raton Beach Renourishment Project. As you are aware, the City of Boca Raton commenced construction on the Central Boca Raton Beach Renourishment Project in March 2016. The contractor, Weeks Marine Inc., was unable to complete the project prior to sea turtle nesting season and was required to demobilize from the project site before April 30, 2016 as required by FDEP and USACE permits. The contractor plans to re-mobilize back to the project area in early November 2016 and will be completed within the 2016/17 FDEP and USACE permit allotted construction window. The contractor will be working on a 24 hours a day/ 7 days a week basis on the beach site within the City of Boca Raton project limits to complete as expeditiously as possible.

The City of Boca Raton is requesting the approval from the Town Council for the contractor to have the ability to stage within the jurisdictional limits of the Town of Palm Beach within the western portion of the Lake Worth Lagoon (see attached delineation). This is the same area that has been previously approved by the Town for numerous projects. Additionally, the City is requesting variances on the below Town Code of Ordinances for the upcoming Central Boca Raton Beach Renourishment Project:

- Section 42-198 – prohibits operation of equipment or machinery during winter, Sundays, and legal holidays
- Section 42-199 – prohibits work between 5:00pm and 8:00am
- Sections 42-226 through 229 – regulates noise, equipment operations, and work hours and the standard Town requirement to "stand down for the season".

The City of Boca Raton is aware that this project will be constructed in the winter during a number of holidays and will work with the contractor to ensure that no construction activities will take place within the lagoon on Thanksgiving Day (November 24th), Christmas Eve and Christmas Day (December 24th and December 25th), New Years Day (January 1st), first day of Passover (evening of April 10th through April 11th) and Easter (April 16th).

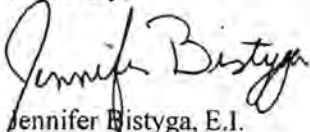
Additionally, the City will work with the contractor to limit the hours of active construction time to occur during the hours of 8am and 6pm. Please note that the contractor may have to move the tugs or dredge outside of these hours, but the contractor will keep noise levels to a minimum.

The City discussed the limitations outlined above with Weeks Marine and Weeks Marine agrees to adhere to these limitations. Please see Mr. Mike Peacock's signature below acknowledging these limitations and agreeing to abide by them.

The City of Boca Raton appreciates the Town's past approval to utilize the staging area within the Lagoon during the City's recent (2010, 2013 and 2014) beach renourishment projects and during the first portion of construction of the Central Boca Raton Beach Renourishment Project in March and April 2016. We appreciate your consideration for the completion of the Central Beach Renourishment Project.

Please do not hesitate to call or email me with any questions or concerns you may have regarding this request.

Sincerely,



Jennifer Bistyga, E.I.
Coastal Program Manager
City of Boca Raton



Mike Peacock
Operations Manager
Weeks Marine

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Regular Agenda - New Business

Agenda Title

RESOLUTION NO. 189-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc., for Consulting Services for the Town-Wide Undergrounding of Utilities Program: Master Plan Finalization in the Amount of \$40,067.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated September 27, 2016, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 189-2016**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2016

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Approve a Purchase Order for Consulting Services for the Town-Wide
Undergrounding of Utilities Program: Master Plan Finalization
Resolution No. 189-2016

DATE: September 27, 2016

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 189-2016, approving a Purchase Order to Kimley-Horn and Associates, Inc. (KHA) for consulting services for the Town-Wide Undergrounding of Utilities Program: Master Plan Finalization in the amount of \$40,067.

GENERAL INFORMATION

The Town Council approved the master contract and Purchase Order for Task Order 1 of the Town-Wide Undergrounding Utility Program at the May 10, 2016 meeting. The first task order includes the master planning for the first phase of bonding and the design for undergrounding utilities from Sloan's Curve to the southern limits of the Town and from Onondaga Avenue north. At the August Undergrounding Utility Task Force meeting, the Task Force recommended that the Town Council request a proposal from KHA for completing the Master Plan for both phases of bonding. The Task Force indicated that a master plan for the entire undergrounding program will provide a more accurate estimate of the total project cost.

KHA provided a proposal for the Master Plan Finalization on August 23, 2016. KHA acknowledges that there are inherent efficiencies in completing the master plan document at one time. Many of the activities and elements to be contained in the first half of the master plan need only be expanded to contain information related to the phases that make up the second half of the program. For this reason, the anticipated additional effort to complete the second half of the master plan is in the following areas only:

- Conceptual Plans for Significant FP&L, AT&T, and Comcast Infrastructure
- Engineer's Opinion of Probable Construction Cost
- Master Schedule and Sequencing Plan
- Assessment of Traffic Impacts

- Project Delivery Method Recommendations

This task order will be completed as a change order to Task Order 1 of the Master Agreement. We have negotiated a scope of work with KHA in the amount of \$40,067.

FUNDING/FISCAL IMPACT

Funds are available within the Underground Utility Project Fund from the original transfer of \$2,530,250 for these services.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jane Struder, Director of Finance
Patricia Strayer, P.E., Senior Project Engineer
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 189-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO KIMLEY-HORN AND ASSOCIATES, INC., FOR CONSULTING SERVICES FOR THE TOWN-WIDE UNDERGROUNDING OF UTILITIES PROGRAM: MASTER PLAN FINALIZATION IN THE AMOUNT OF \$40,067.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order for Kimley Horn and Associates, Inc., in an amount of \$40,067 for the Town-Wide Undergrounding of Utilities Program: Master Plan Finalization.

Section 2. The Town Manager is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for these services, and is authorized to approve additional tasks, as necessary, within the budget.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this October 10, 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 11-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 2, Administrative; Article V, Code Enforcement; Division 3, Procedure Section 2-439, Citation Fine Schedule, so as to Add Section 14-35 Relating to Drone Usage, as a Class II Violation; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. *(Deferred from 07/12/16 TCM)*

Presenter

Kirk Blouin, Director of Public Safety

ATTACHMENTS:

- ▣ **Ordinance No. 11-2016**

ORDINANCE NO. 11-2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 2, ADMINISTRATIVE; ARTICLE V, CODE ENFORCEMENT; DIVISION 3, PROCEDURE SECTION 2-439, CITATION FINE SCHEDULE, SO AS TO ADD SECTION 14-35 RELATING TO DRONE USAGE, AS A CLASS II VIOLATION; 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 2, Administration; Article V, Code Enforcement; Division 3, Procedure; Section 2-439, Citation Fine Schedule, to include Section 14-35 as a Class II violation as follows:

Sec. 2-439. Citation fine schedule

CODE SECTION	CHAPTER 14 AVIATION	CLASS
Sec. 14-31	Minimum Altitude	III
Sec. 14-32	Operation on Lake Worth	III
Sec. 14-33	Running Engines at Night	III
Sec. 14-34	Taking Off, Landing	III
Sec. 14-35	Drones; Model Aircraft	II

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 of the Town Council of the Town of Palm Beach on first reading this 14th day of June, 2016, and for second and final reading on this 12th day of July, 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 18-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 74, Offenses; Section 74-196, "Presence During Closed hours; Hours Specified"; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Ordinance No. 18-2016**

ORDINANCE NO. 18-2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 74, OFFENSES; SECTION 74-196, "PRESENCE DURING CLOSED HOURS; HOURS SPECIFIED; 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 74, amending Section 74-196, to read as follows:

"Sec. 74-196. – Presence during closed hours; hours specified."

No person shall use or be upon any public beach in the town during the hours when any such beach is declared to be closed to the public as hereinafter set forth:

- (1) Phipps Park is declared to be closed to the public each day from sunset to sunrise. the following day.
- (2) The public beach from Royal Palm Way south to Gulfstream Road is declared to be closed to the public each day from sunset to sunrise.
- (3) The Clarke Avenue beach area is hereby declared to be closed to the public each day from sunset to sunrise.
- (4) The public beach owned by the county lying north of the City of Lake Worth casino property extending approximately 500 feet northerly therefrom is hereby declared to be closed to the public each day from sunset to sunrise.

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 of the Town Council of the Town of Palm Beach on first reading this 13th day of September, 2016, and for second and final reading on this 10th day of October, 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE 19-2016 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, Preliminary Sketch; Site Plan; Final Plan, Subsection (B), By Clarifying That Architectural Commission Applications Shall Be Made On A Standard Town Form, That Major Projects And Minor Projects With Notice Applications Must Be Submitted At Least 35 Days In Advance Of The Architectural Commission Meeting, That Revisions To Certain Applications Must Be Submitted At Least 15 Days In Advance Of The Architectural Meeting, And Correcting Cross-Reference Section Numbers; At Subsection (C) By Clarifying That Architectural Commission Applications Shall Be Made On A Standard Town Form, That Minor Projects With No Notice Must Be Submitted At Least 15 Days In Advance Of The Architectural Commission Meeting, And Correcting Cross-Reference Section Numbers; At Section 18-202, Notice; Photographs, Subsection (1) And (2), By Requiring That A Graphic Depiction Of Each Major Project And Minor Project With Notice Be Included In The Notice And That Notices Be Mailed To Nearby Property Owners At Least 25 Days In Advance Of The Architectural Commission Meeting, And Requiring Applicants To Provide An Affidavit Verifying Compliance With Notice Provisions; And At Section 18-203, Referral Of Plans To Commission, Requiring That The Architectural Commission Shall Act On Applications Within 40 Days Of Filing Deadlines; 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 29, 2016 From John S. Page, Director of Planning, Zoning & Building**
- **Ordinance 19-2016**
- **Aerial Photograph**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Proposed Amendments to Chapter 18 (Buildings and Building Regulations)
ARCOM Processing Requirements
Ordinance No. 19-2016

Date: September 29, 2016

STAFF RECOMMENDATION

Staff recommends that attached Ordinance No. 19-2016 be adopted, therein incorporating amended ARCOM application processing changes as recommended by the Ordinance, Rules & Standards (ORS) Committee, and considered as part of the ORS Report provided to the Town Council on September 13, 2016.

GENERAL INFORMATION

Residents Julie Araskog and John Dotterer, concerned about the changing character of the Island's "north end" caused by demolition of modest sized homes being replaced with new, larger homes, began a public awareness process earlier this year drawing attention to this issue. Much of the ensuing community discussion has focused on the Town's Architectural Commission. The result of this evolving conversation, after months of conversation involving North End residents, ARCOM members, ORS Committee members, Town Staff, and Town Council, has been to devise improved methods to keep residents informed of pending ARCOM applications. With input from all these sources, staff has summarized all of the related Ordinance and/or policy changes that are proposed (See Exhibit A). Also attached is an aerial photograph depicting "notice alternatives" and the related ordinance.

Attachments

cc: John C. Randolph, Town Attorney
Planning & Zoning Commissioners
ARCOM Members
Julie Araskog
John Dotterer

EXHIBIT A

Amendments/clarifications to Chapter 18 (attached) are summarized as:

- Major ARCOM applications must be submitted at least **35 days** in advance of meeting (*30 days now required*).
- Revisions to pending/deferred ARCOM projects must be submitted at least **15 days** in advance of meeting (*7 days now required*).
- Project “notices” must be mailed at least **25 days** in advance of meeting (15 days now required). *Note: Each applicant will be responsible for complying with mailout notice requirements, and thereafter documenting compliance. Staff will check the accuracy of each application and notice in advance of mailout to ensure “correctness” (thus requiring some degree of coordination between each applicant and PZB staff). Although major application submittal materials, including notices to be mailed, will be due 35 days in advance of meeting, and it is expected that all notices will be mailed within a few days thereafter, it should be noted that the amount of staff time spent collecting, reviewing, posting, and otherwise organizing each monthly batch of new applications (sometimes reaching 30 or higher) can be daunting. Competing time demands, holidays, and/or staff shortages sometimes occur. Although staff fully expects that notices will be mailed at least 30 days in advance of meetings, codifying the absolute requirement at 25 days (rather than 30) would provide a much-needed buffer to staff, thus helping to ensure that no unintentional Code violations occur.*
- It is intended that each application contain photographs, at least 3.5”x 5” of adjacent facades within 200 feet from the proposed construction. *The Code presently requires that applicants must provide “digitized color photographs” of adjacent structures within 200’, yet no minimum size is specified because digital photos can be enlarged or minimized when shown in electronic format. Staff sees no purpose in amending the Code, yet the ARCOM application will be amended to require these photos to be at least 3.5”x 5” for ease of viewing by the public. Photos are typically reduced to “thumbnail” size on project “mini-plan sets” prepared as a hard-copy aid for ARCOM members. That practice has led to some confusion about Town requirements.*

ARCOM processing changes (not required by Code) are summarized as follows:

- It will be standard policy for Town Staff to post all pending ARCOM projects on the Town’s digital website, thereby allowing interested citizens to access digital plans from any remote location. *This policy is now operational.*
- “Notices” mailed to nearby owners will contain directions for accessing digital plans on the Town’s website. *Notices for the upcoming October ARCOM meeting have already*

been prepared and/or mailed. This change will become operational for the November Agenda items.

- *“Notices” mailed to nearby owners will contain instructions on “signing up” for email alerts informing them of newly submitted ARCOM applications. Notices for the upcoming October ARCOM meeting have already been prepared and/or mailed. This change will become operational for the November Agenda items. Some Town residents have already “signed up.”*
- *“Notices” will be enhanced to also include a single page graphic depiction of the intended project (architectural and/or landscaping). Applicants will be required to do so following Ordinance amendment approval.*
- *Project revisions, as they occur, will be posted online. Note: Staff does not believe that applications that are deferred for changes (sometimes minor), should be subject to new mailout notices. Some projects are deferred repeatedly. Requiring new mailouts with each deferral would be cumbersome.*

Potential changes not recommended by Staff:

- *ORS asked Staff to investigate the possibility of increasing the required “notice” from 250’ (existing Code) to an indefinite, larger number. Follow-up Staff research included obtaining emailed responses from other communities in Palm Beach County; making personal contact with Lake Forest, IL, Southampton, NY, and Nantucket, MA, and estimating how successive 50’ radius increases would alter the number of required notices. Our results proved that the vast majority of other communities in Palm Beach County, when an architectural review process even exists, have no notice requirements. Notices, when required, often pertain to “zoning applications” rather than architectural reviews (thus producing a skewed apples to oranges comparison). Lake Forest, a community with a predominance of large lots, does have an architectural notice reaching out 1,320’, but no more than three lots deep (very comparable to the results obtained by our 250’ requirement). Nantucket notices apply only to immediately abutting owners. Lastly, the attached “typical” north end neighborhood aerial photo (Exhibit C) with expanding concentric circles extending from 250’, 300’, 350’, 400’, 450’, and 500’ speaks volumes. In this example, the existing 250’ radius captures approximately 32 lots/owners (a healthy number). The 350’ radius captures approximately 45 homes, while the 500’ radius captures approximately 79 homes up to three streets away. Our local standard meets or exceeds any of the other surveyed communities. Increasing the notice radius to any higher number appears unnecessary (and could inadvertently create a more cumbersome “legal standing” challenge for the Town).*
- *Each applicant will have the responsibility for preparing a project/meeting “Notice” for mailout to owners within 250’ using a form supplied by the Town, and thereafter submit an Affidavit verifying compliance with this requirement. Residents sometimes claim not to have received such notices (those immediately abutting receive certified letters that sometimes go unsigned and thus non-delivered), and the seasonal nature of local*

residents sometimes creates mail receipt complications. It was suggested that the notice procedure being used in Westport, CT is superior to our local methodology, and staff was directed to investigate its possible use. *Staff personally contacted Westport and also visited with personnel in the local Post Office about the Westport procedure. It is this Department's determination that the Westport procedure is actually more complex, requires more intense staff processing time, and is no better than our existing system. Their practice involves the printing and manual taping of address labels on multiple sheets of paper, thereafter stamped by the local Post Office serving as "proof of delivery." Our required Affidavit accomplishes the same end in more efficient fashion.*

ORDINANCE NO. 19- 2016

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, PRELIMINARY SKETCH; SITE PLAN; FINAL PLAN, SUBSECTION (b), BY CLARIFYING THAT ARCHITECTURAL COMMISSION APPLICATIONS SHALL BE MADE ON A STANDARD TOWN FORM, THAT MAJOR PROJECTS AND MINOR PROJECTS WITH NOTICE APPLICATIONS MUST BE SUBMITTED AT LEAST 35 DAYS IN ADVANCE OF THE ARCHITECTURAL COMMISSION MEETING, THAT REVISIONS TO CERTAIN APPLICATIONS MUST BE SUBMITTED AT LEAST 15 DAYS IN ADVANCE OF THE ARCHITECTURAL MEETING, AND CORRECTING CROSS-REFERENCE SECTION NUMBERS; AT SUBSECTION (c) BY CLARIFYING THAT ARCHITECTURAL COMMISSION APPLICATIONS SHALL BE MADE ON A STANDARD TOWN FORM, THAT MINOR PROJECTS WITH NO NOTICE MUST BE SUBMITTED AT LEAST 15 DAYS IN ADVANCE OF THE ARCHITECTURAL COMMISSION MEETING, AND CORRECTING CROSS-REFERENCE SECTION NUMBERS; AT SECTION 18-202, NOTICE; PHOTOGRAPHS, SUBSECTION (1) AND (2), BY REQUIRING THAT A GRAPHIC DEPICTION OF EACH MAJOR PROJECT AND MINOR PROJECT WITH NOTICE BE INCLUDED IN THE NOTICE AND THAT NOTICES BE MAILED TO NEARBY PROPERTY OWNERS AT LEAST 25 DAYS IN ADVANCE OF THE ARCHITECTURAL COMMISSION MEETING, AND REQUIRING APPLICANTS TO PROVIDE AN AFFIDAVIT VERIFYING COMPLIANCE WITH NOTICE PROVISIONS; AND AT SECTION 18-203, REFERRAL OF PLANS TO COMMIMSSION, REQUIRING THAT THE ARCHITECTURAL COMMISSION SHALL ACT ON APPLICATIONS WITHIN 40 DAYS OF FILING DEADLINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, after public hearing pursuant to notice required by law, the Ordinance, Rules & Standards Committee voted to support proposed Architectural Commission procedural changes; and,

WHEREAS, after recommendation from the Ordinance, Rules & Standards Committee, The Town Council directed staff to proceed forward with the adoption of revised Architectural Commission procedural changes; and,

WHEREAS, after a public hearing pursuant to notice required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach require that the aforesaid Chapter 18, Buildings and Building Regulations, of the Code of Ordinances, be amended as hereinafter set forth,

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.**
 - (a) Preliminary sketches of the design of a proposed structure or major alteration may be submitted to the planning, zoning and building department director or his/her designee for informal review so that an applicant may be informed of architectural commission policies prior to preparing working drawings.
 - (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 30** 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 ~~18-208~~ **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 confirm to section ~~18-208~~ **18-207**. **Plan revisions, if made, shall be submitted to the Town at least 15 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.
 - (c) 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 ~~14~~**15** days prior to the next regular meeting date in the case of improvements classified as minor projects-no notice within the ARCOM Project Designation Manual. **Required submitted materials also include** a site plan as defined by section ~~18-208-18-207~~, and exterior elevations and such other data as will assist the architectural commission and the planning, zoning and building department director or his/her designed in evaluating the proposed building or structure or ~~major~~ **minor** 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 shown 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 confirm to section ~~18-208-18-207~~. Work not thus presented may be rejected by the planning, zoning and building department director or his/her designee.
(Ord. No. 11-2015, § 1 (Att.), 4-15-15)

Section 2. PROCEDURE AND REQUIREMENTS is hereby amended to read as follows:

Sec. 18-202. – Notice; photographs.

An applicant for a building permit shall comply with the following:

- (1) The applicant whose project is classified as a major project shall provide notice **on a standard form prescribed by the Town, together with a copy of the application and graphic depiction of the intended project, including landscaping if applicable**, by mail to ~~nearby~~ property owners within a 250 foot radius of the subject property, the cost of which shall be borne solely by the applicant. Such notice shall be sent to the nearby property owners at least ~~15~~ **25** days prior to the scheduled meeting. **Applicant shall sign and submit a Notice Affidavit to the Town verifying compliance with this Section.**
- (2) The applicant whose project is classified as a minor project-with notice shall provide notice to owners of the adjacent properties which share, or would share but for an intervening right of way, a contiguous border with the subject property, the cost of which shall be borne solely by the applicant. Such notice shall be sent at least ~~15~~**25** days prior to the scheduled meeting.
- (3) The applicant shall provide digitized color photographs of the facades facing public or private way (alleys not included) of the adjacent buildings or structures 200 feet in either direction from the proposed construction on both sides of the public or private way (alleys not included).

(Ord. No. 11-2015, § 1(Att.), 4-15-15)

Section 3. PROCEDURE AND REQUIREMENTS is hereby amended to read as follows:

Sec. 18-203. – Referral of plans to commission.

- (a) The planning, zoning and building department director shall refer the plans required by section 18-201 to the architectural commission at its next regular meeting **provided plans have been submitted in accordance with application submittal deadlines**. If such meeting is not scheduled within the period set for commission action, a special meeting shall be called. The commission shall act on the application within ~~31~~ **40** days of the filing deadline first occurring after the filing of full and complete data unless an extension of time is consented to by the applicant. The applicant's approval will expire 12 months from the date of the meeting at which the decision was rendered, unless a building permit has been obtained. If the building permit expires or is voided, or if a building permit has not been issued within 12 months from the date of approval the commission approval becomes void also. In the event such approval becomes void, an application for approval shall be required in the same form and manner as if submitted as a new project.
- (b) A time extension from any of the requirements in subsection (a) may be granted or denied by the architectural commission for just cause. Said time extension request shall be submitted in writing to the planning, zoning and building department at least two weeks prior to an architectural commission meeting occurring prior to the expiration date, or said approval shall expire.
- (c) If the application is denied, an application in substantially the same form may not be submitted until 12 months has elapsed from the date of denial.
- (d) Determinations of the architectural commission shall be rendered in writing.
(Ord. No. 11-2015, § 1(Att.), 4-15-15)

Section 4. 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 5. 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 6. 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, 2016, and for second and final reading on this _____ day of _____ 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

NOTICE REQUIREMENTS: 250 - 500 FEET



TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 20-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 74, Parks and Recreation; Article II, Beaches and Aquatic Activities; Division 2 Fishing, to Include a New Section 74-164 Titled Shark Fishing; Prohibiting Shark Fishing or Chumming Within Three Hundred Feet North and South of the Municipal Beach and Beach Access Points; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing for an Effective Date.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated October 1, 2016, From Jay Boodheshwar, Deputy Town Manager**
- ▣ **Ordinance No. 20-2016**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Amendment of Town Code of Ordinances, Prohibiting Shark Fishing or Chumming Within Three Hundred Feet North and South of the Municipal Beach and Beach Access Points.
Ordinance No. 20-2016

Date: October 1, 2016

STAFF RECOMMENDATION

Staff recommends Town Council approve Ordinance No. 20-2016, amending the Town Code of Ordinances to Prohibit Shark Fishing or Chumming Within Three Hundred (300) Feet North and South of the Municipal Beach and Beach Access Points, as recommended by the Ordinances, Rules and Standards Committee.

GENERAL INFORMATION

In response to concerns expressed by public, relative to public safety of swimmers utilizing the nearshore waters adjacent to increasing shark fishing activities, the ORS Committee discussed potential solutions to recommend that would balance the safety of swimmers and the rights of anglers.

Staff engaged with shark fishing advocates and representatives from the Fish and Wildlife Commission (FWC) to discuss our concerns and potential solutions. Since FWC rules preempt local regulations the Town's options were limited. An outright ban of shark fishing and/or chumming is not permitted, but regulation for the benefit of public safety could be considered.

Since there is currently no provision in the Town's Code of Ordinances regulating shark fishing and/or chumming, staff researched potential language used by other municipalities to address this issue. The City of Delray Beach's code section pertaining to shark fishing was presented to ORS and subsequently adopted as the recommended language, after minor modifications. Below is the proposed language to be included in Chapter 74, Article II, Division 2, Section 74-164 of the Code:

- (a) No shark fishing shall be permitted within three hundred feet (300') north and south of municipal beaches and within three hundred feet (300') north and south of public beach access points.
- (b) No baiting or chumming shall be allowed on or within three hundred feet (300') north and south of municipal beaches and within three hundred feet (300') north and south of public beach access points. Baiting or chumming is defined as using cut up or ground up bait to put an attracting scent line on or below the surface of the water or to visually attract other fish; this shall not prohibit someone from using a piece of cut bait on an individual line that is used for general fishing.
- (c) The use of shark lures and rigs shall be strictly prohibited within three hundred feet (300') north and south of municipal beaches and within three hundred feet (300') north and south of public beach access points.
- (d) All sharks accidentally caught must be released and unharmed.

TOWN ATTORNEY REVIEW

The Town Attorney prepared and approved Ordinance No. 20-2016.

Attachment

cc: John C. Randolph, Town Attorney
Kirk Blouin, Director of Public Safety
Nicholas Caristo, Police Lieutenant
Benjamin Alma, Code Enforcement Manager

ORDINANCE NO. 20-2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 74, PARKS AND RECREATION; ARTICLE II, BEACHES AND AQUATIC ACTIVITIES; DIVISION 2, FISHING, TO INCLUDE A NEW SECTION 74-164 TITLED SHARK FISHING; PROHIBITING SHARK FISHING OR CHUMMING WITHIN THREE HUNDRED FEET NORTH AND SOUTH OF THE MUNICIPAL BEACH AND BEACH ACCESS POINTS; 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 74, Parks and Recreation; Article II, Beaches and Aquatic Activities; Division 2, Fishing, to include a new Section 74-164 to read as follows:

“Sec. 74-164. Shark Fishing

(a) No shark fishing shall be permitted within three hundred feet (300') north and south of municipal beaches and within three hundred feet (300') north and south of public beach access points.

(b) No baiting or chumming shall be allowed on or within three hundred feet (300') north and south of municipal beaches and within three hundred feet (300') north and south of public beach access points. Baiting or chumming is defined as using cut up or ground up bait to put an attracting scent line on or below the surface of the water or to visually attract other fish; this shall not prohibit someone from using a piece of cut bait on an individual line that is used for general fishing.

(c) The use of shark lures and rigs shall be strictly prohibited within three hundred feet (300') north and south of municipal beaches and within three hundred feet (300') north and south of public beach access points.

(d) All sharks accidentally caught must be released and unharmed.

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 of the Town Council of the Town of Palm Beach on first reading this ____ day of October, 2016, and for second and final reading on this ____ day of _____, 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret Z. Zeidman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 10, 2016

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 22-2016 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, 2015, Providing an Effective Date.

Presenter

Jane Struder, Director of Finance

ATTACHMENTS:

- ▣ **Memorandum Dated October 3, 2016, from Jane Struder, Director of Finance**
- ▣ **Ordinance No. 22-2016**
- ▣ **Exhibit A**
- ▣ **Exhibit B**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jane Struder, Director of Finance

Re: Ordinance to Amend the Debt Service Fund Budgets
Ordinance No. 22-2016

Date: October 3, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance No. 22-2016, amending the Debt Service Fund budgets for the refunding of the bonds and associated costs relating to the refunded the 2010A and B bonds.

GENERAL INFORMATION

On August 25, 2016, the Town issued bonds to refund the 2010A & 2010B bonds. This transaction produced gross savings of \$8,900,539 over 23 years. The net present value savings is \$6,895,965 or 13.35%. The Town Council set a net present value savings floor of 9.5%. The refinancing was well in excess of the floor set by the Town Council.

We have had discussions with the Town auditors and they recommend that we amend the FY16 debt service budgets for the sale of the bonds, the escrow deposits, the gain on the sale and associated costs of issuance for both the 2016A and 2016B bonds. Final numbers were not available until we had the closing documents. The bonds closed on September 28, 2016.

The State of Florida allows local governments two months after the end of the fiscal year to amend the budget. The budget amendment, if adopted will be effective after the November 8, 2016, Town Council meeting.

The transactions associated with the budget amendment are shown on Exhibit A and B attached to the budget amendment. Exhibit A shows the amendment to the Debt Service budget for the 2010A and 2013 Bonds, and Exhibit B shows the amendment to the Debt Service budget for the 2010B Bonds.

FUNDING/FISCAL IMPACT

The budget amendment exhibits show the sources and uses of the proceeds of the bonds. All funding is fully contained in the bond issue.

TOWN ATTORNEY REVIEW

Ordinance No. 22-2017 has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

jls

cc: John C. Randolph, Town Attorney

ORDINANCE NO. 22-2016

**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, 2015,
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on September 28, 2015, the Town of Palm Beach adopted final budgets for the fiscal year commencing October 1, 2015; and

WHEREAS, on August 16, 2016, the Town Council of the Town of Palm Beach approved Resolution No. 140-2016, authorizing the issuance of Public Improvement Revenue and Refunding Bonds for the Purpose of Refunding the Town's Public Improvement Revenue and Refunding Bonds, Series 2010A (Capital Improvement Program) and Public Improvement Revenue Bonds, Series 2010B (Worth Avenue Commercial District Project), due to the recent record low market interest rates; and

WHEREAS, Resolution No. 140-2016 requires that the Town appropriate in its budget, by amendment if necessary, non-ad valorem revenues in amounts sufficient to pay the principal of, redemption premium, if any, and interest on the Bonds, as same become due; and

WHEREAS, the Town Council of the Town of Palm Beach, Florida, deems it necessary and appropriate to amend said budgets to provide the necessary funds in the Debt Service Fund for the refunding of the bonds and associated costs due to the refinancing of the Public Improvement Revenue and Refunding Bonds, Series 2010A and 2010B; and

WHEREAS, the Town Council of the Town of Palm Beach, 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, 2016; and

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 Debt Service Fund budgets for the fiscal year commencing October 1, 2015, are hereby amended and adopted pursuant to the attached Exhibit “A” and Exhibit “B”, 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 10th day of October, 2016 and second reading on the 8th of November, 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

Town of Palm Beach, Florida
 2010A/2016 and 2013 Debt Service Fund Revenues and Expenditures (205)
 Budget Amendment
 October 1, 2015 through September 30, 2016

	Adopted Budget FY2016	Emergency Ordinance No. 01-2016 Amendment	Ordinance No. 22-2016 Amendment	Amended Budget FY2016
Revenues				
Investment Earnings	1,000	-	-	1,000
Transfer from General Fund	6,265,462	-	-	6,265,462
Transfer from Recreation Enterprise Fund	204,100	-	-	204,100
Transfer from Coastal Protection Fund	731,163	-	-	731,163
Use of Fund Balance	14,000	622,861	-	636,861
Total Revenues	<u>7,215,725</u>	<u>622,861</u>	<u>-</u>	<u>7,838,586</u>
Other Financing Sources				
Revenue Bond Issued	-	-	39,320,000	39,320,000
Revenue Bond Premium	-	-	7,639,129	7,639,129
Total Other Financing Sources	<u>-</u>	<u>-</u>	<u>46,959,129</u>	<u>46,959,129</u>
Expenditures				
Debt Service Interest	5,155,725	622,861	-	5,778,586
Debt Service Principal	2,045,000	-	-	2,045,000
Bond Closing Costs	15,000	-	327,378	342,378
Total Expenditures	<u>7,215,725</u>	<u>622,861</u>	<u>327,378</u>	<u>8,165,964</u>
Other Financing Uses				
Deposit to Escrow	-	-	46,631,751	46,631,751
Total Other Financing Uses	<u>-</u>	<u>-</u>	<u>46,631,751</u>	<u>46,631,751</u>
Revenues Over/(Under) Expenditures	-	-	-	-
Beginning Fund Equity	<u>1,566,675</u>	<u>1,552,675</u>	<u>-</u>	<u>929,814</u>
Ending Fund Equity	<u>1,552,675</u>	<u>929,814</u>	<u>-</u>	<u>929,814</u>

Town of Palm Beach, Florida
2010B/2016 Debt Service Fund Revenues and Expenditures (206)
Budget Amendment
October 1, 2015 through September 30, 2016

	Adopted Budget FY2016	Ordinance No. 22-2016 Amendment	Amended Budget FY2016
Revenues			
Special Assessment Revenue	777,000	-	777,000
Investment Earnings	500	-	500
Total Revenues	<u>777,500</u>	<u>-</u>	<u>777,500</u>
			-
Other Financing Sources			-
Revenue Bond Issued	-	10,255,000	10,255,000
Revenue Bond Premium	-	1,217,937	1,217,937
Total Other Financing Sources	<u>-</u>	<u>11,472,937</u>	<u>11,472,937</u>
			-
Expenditures			-
Debt Service Interest	481,000	-	481,000
Debt Service Principal	295,000	-	295,000
Bond Closing Costs	1,500	97,058	98,558
Total Expenditures	<u>777,500</u>	<u>97,058</u>	<u>874,558</u>
			-
Other Financing Uses			-
Deposit to Escrow	-	11,375,879	11,375,879
Total Other Financing Uses	<u>-</u>	<u>11,375,879</u>	<u>11,375,879</u>
			-
Revenues Over/(Under) Expenditures	-	-	-
			-
Beginning Fund Equity	<u>47,966</u>	<u>-</u>	<u>47,966</u>
			-
Ending Fund Equity	<u>47,966</u>	<u>-</u>	<u>47,966</u>