



TOWN OF PALM BEACH

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

AUGUST 9, 2022

9:30 AM

Welcome

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

I. CALL TO ORDER AND ROLL CALL

Danielle H. Moore, Mayor
Margaret A. Zeidman, President
Bobbie Lindsay, President Pro Tem
Julie Araskog
Ted Cooney
Lew Crampton

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. MODIFICATIONS TO THE AGENDA

IV. APPROVAL OF AGENDA

V. RECOGNITIONS

- A. Recognition of Harry Wolin for his Service on the Underground Utilities Task Force from May 2015 to June 2022 Pg. 7
Danielle H. Moore, Mayor
- B. Recognition of Lewis Katz for his Service on the Underground Utilities Task Force from February 2021 to June 2022 Pg. 8
Danielle H. Moore, Mayor

VI. PRESENTATIONS

- A. Presentation of the State of Education Report by Erica Whitfield, District 4 School Board Member Pg. 9
Erica Whitfield, District 4 School Board Member

VII. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

- A. Presentations By the Applicants and Appointments to the Code Enforcement Board Pg 10
Pat Gayle-Gordon, Acting Town Clerk

VIII. COMMENTS OF MAYOR DANIELLE H. MOORE

IX. COMMENTS OF TOWN COUNCIL MEMBERS

X. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

XI. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

1. Town Council Meeting Minutes Pg. 55
Pat Gayle-Gordon, Acting Town Clerk
- a. July 12, 2022 Town Council Meeting Minutes
- b. July 13, 2022 Town Council Development Review Meeting Minutes
- c. July 13, 2022 Special Town Council Meeting - Closed Door Session
- d. July 14, 2022 Special Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of July 27, 2022. Pg. 106
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 088-2022 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Award Of RFI No. 2022-HCS, On-Site Occupational Health Clinic To Concentra In The Amount Of \$344,635 For The Initial Year, \$315,348 For Year Two, \$331,115 For Year Three And Pg. 138

\$347,671 For Year Four For A Potential Four-Year Award In The Amount Of \$1,338,769 Based On Satisfactory Performance And Budget Authorization

Dean Mealy, Procurement and Contract Manager

2. RESOLUTION NO. 098-2022 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Award Of Purchase Orders To ZoneCo, LLC In The Amount Of \$250,000 And The Corradino Group, Inc In The Amount Of \$100,000 For Planning Services For Code Reform And Approval Of An Allocation Of \$350,000 From The General Fund Contingency

Pg. 145

Dean Mealy, Procurement and Contract Manager

XII. COMMITTEE REPORTS

- A. Report of the Business and Administrative Committee Meeting Held on July 15, 2022

Pg. 149

Lew Crampton, Chair

XIII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

B. Old Business

1. Town-Wide Undergrounding Project
H. Paul Brazil, P.E., Director of Public Works

Pg. 150

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

b. Suggested Modifications for Application for Abandonment of Dedicated Public Property Within the Town of Palm Beach.

2. Update on Florida Department of Transportation Projects within the Town of Palm Beach

Pg. 173

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

3. Request Approval of Proposed Site Plan for Mid-Town Seawall Replacement

Pg. 177

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

C. New Business

1. Request Approval of Proposed Modification to Parking Area Within East Parking Lot of Par 3 Facilities

Pg. 186

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

2. Mechanical Equipment on the Beach During Sea Turtle Nesting Season

Pg. 190

TIME CERTAIN: 2:00PM

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

3. Lake Drive Park Donations Acceptance and Donor Signage Overview

Pg. 218

Carolyn Stone, Assistant Town Manager

a. Review of Donations Received to Date for Lake Drive Park

b. RESOLUTION NO. 099-2022: A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an agreement between national philanthropic Trust and Town of Palm Beach for a Donor Gift to Lake Drive Park

c. Proposed Donor Signage

Carolyn Stone, Assistant Town Manager

XIV. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Amend Chapter 74, Parks and Recreation, to Modify Use of the Public Beaches

Pg. 237

ORDINANCE NO. 012-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 74, Parks and Recreation, Article II, Division 3., Regulation of Use of Public Beaches, Section 74-193, Drinking to Retitle Said Section to Read Drinking and Smoking So As To Prohibit Drinking of Intoxicating Beverages and Smoking of Cigarettes or any Tobacco Product With The Exception of Unfiltered Cigars Upon The Public Beaches In The Town; Further, Creating A New Article VII Titled Smoking In Public Parks, Creating A New Section 74-284 Titled Prohibition Of Smoking, So As To Prohibit The Smoking Of Cigarettes Or Any Tobacco Product Excepting Unfiltered Cigars In The Public Parks In The Town; Providing A Penalty; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification And Providing An Effective Date.

Nicholas Caristo, Chief of Police

2. Proposed Ordinance to Amend Chapter 74, Parks and Recreation, to Modify Closures of Recreational Areas

Pg. 240

ORDINANCE NO. 014-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 74, Parks and Recreation, by Creating New Article VI – Recreational Area Closures, and by Adding Sec. 74-282 and 74-283; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Nicholas Caristo, Chief of Police

XV. ANY OTHER MATTERS

XVI. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** Please submit written comments/materials to council@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials received after 3:30 p.m. on the Wednesday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 3:30 p.m. on Wednesday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- Note 2:** The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Technology (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.
- Note 3:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Note 4:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Note 5:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- Note 6:** All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

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

PUBLIC HEARINGS: Any citizen is entitled to be heard on an official agenda item

under the section entitled "Public Hearings," subject to the three minute limitation.

**COMMUNICATIONS
FROM CITIZENS:**

Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

**OTHER AGENDA
ITEMS:**

Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

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

TOWN OF PALM BEACH

Town Council Meeting on: August 9, 2022

Section of Agenda

Recognitions

Agenda Title

Recognition of Harry Wolin for his Service on the Underground Utilities Task Force from May 2015 to June 2022

Presenter

Danielle H. Moore, Mayor

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting on: August 9, 2022

Section of Agenda

Recognitions

Agenda Title

Recognition of Lewis Katz for his Service on the Underground Utilities Task Force from February 2021 to June 2022

Presenter

Danielle H. Moore, Mayor

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting on: August 9, 2022

Section of Agenda

Presentations

Agenda Title

Presentation of the State of Education Report by Erica Whitfield, District 4 School Board Member

Presenter

Erica Whitfield, District 4 School Board Member

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting on: August 9, 2022

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Presentations By the Applicants and Appointments to the Code Enforcement Board

Presenter

Pat Gayle-Gordon, Acting Town Clerk

ATTACHMENTS:

- ▣ **Memorandum Dated August 1, 2022 from Pat Gayle-Gordon, Acting Town Clerk**
- ▣ **Attendance Record**
- ▣ **Status Sheet**
- ▣ **Member Roster**
- ▣ **Sample Ballot - Regular Member**
- ▣ **Sample Ballot - Alternate Member**
- ▣ **Application - Katherine "KT" Catlin**
- ▣ **Application - Pamela T. Davies**
- ▣ **Application - Gary Feldman**
- ▣ **Application - Harris Fried**
- ▣ **Application - John B. McGowan, Jr.**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 09, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Pat Gayle-Gordon, Acting Town Clerk

RE: Code Enforcement Board Appointment of One (1) Regular Member and One (1) Alternate Member

DATE: August 1, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint one (1) regular member and one (1) alternate member to the Code Enforcement Board. This member will fill the vacancy created due to the resignations of Daniel McDonnell and Victoria Piroso.

GENERAL INFORMATION

The Town Clerk's office has received one (1) application seeking **PROMOTION** from:

1. John B. McGowan Jr. – 210 Esplanade Way, Palm Beach, FL

The Town Clerk's office has received four (4) applications seeking **NEW APPOINTMENT** from the following:

1. Katherine "KT" Catlin – 266 Fairview Road, Palm Beach, FL;
2. Pamela T. Davies – 2275 S. Ocean Blvd., #107n, Palm Beach, FL;
3. Gary Feldman – 264 Everglade Ave., Palm Beach, FL;
4. Harris Fried – 250 Seminole Ave., Apt. 7, Palm Beach, FL

Attachments

cc: Nicholas Caristo, Chief of Police
Carla Marcote, Board Clerk

Code Enforcement Board Attendance Record 2022

Member	1/20	2/17	3/18	4/21	5/19	6/16	7/21	8/18	9/15	10/20	11/17	12/15
Bram Majtlis	<i>(Regular Member 4/2019 - Alternate Member as of 6/2018 - Chairman 5/2021)</i>											
	P	P	P	P	P	P	P					
Daniel McDonnell	<i>(Regular Member as of 04/2017, Alternate 11/2016 - 04/2017)</i> RESIGNED IN MAY											
	P	P	P	P	P							
Linda K. Wartow	<i>(Regular Member as of 04/2018, Alternate 02/2018 - 04/2018)</i>											
	P	P	P	P	P	P	P					
Martin Klein	<i>(Regular Member as of 1/2021)</i>											
	P	P	P	P	P	P	P					
Scotch Peloso	<i>(Regular Member as of 4/2021 - elected Vice Chairman 3/2022))</i>											
	P	P	P	P	P	P	P					
Chris Larmoyeux	<i>((Regular Member as of 4/2021)</i>											
	P	P	P	P	P	P	P					
Pamela Saba	<i>(Regular Member as of 4/ 2022 Alternate Member as of 4/2020)</i>											
	P	P	P	P	P	P	P					
John B. McGowan Jr.	<i>(Alternate Member as of 3/2022)</i>											
	-	-	P	P	P	P	P					
Victoria Piroso	<i>(Alternate Member as of 5/19/2022)</i> RESIGNED ON 7/26/2											
	-	-	-	-	P	P	P					
Steven Meltzer	<i>(Regular Member as of 4/2015, Alternate 12/2013 - 04/2015)</i> Term Exp. 4/2021											
	P	P										
Julie Herzig Desnick	<i>(alternate Member as of 4/2021, resigned March 1, 2022)</i>											

LEGEND: P= Present
 E- Excused
 U= Unexcused Absence
 A= Absence pending classification as excused or unexcused
 X= No meeting date
 - = Not a member at time of meeting
 * = special session, attendance not mandatory
 Q = would have attended, but no meeting due to lack of a quorum
 C= Meeting cancelled due to Town Emergency
 V= Audio/Visual problems from Zoom meeting

CODE ENFORCEMENT BOARD

Next appointment: **August 9, 2022, Town Council meeting**

Openings advertised via news release: **June 8, 2022**

Deadline to submit applications: **Friday, July 29, 2022, by 5:00 p.m.**

Number of openings: **1 Regular Member and 1 Alternate Member**

Applicants

<u>NAME</u>	<u>SEEKING</u>
John B. McGowan, Jr.	Promotion to Regular Member
Katherine "KT" Catlin	New Appointment
Pamela T. Davies	New Appointment
Gary Feldman	New Appointment
Harris Fried	New Appointment

Current members and open seats

<u>NAME</u>	<u>TERM EXPIRES</u>
<u>Regular Members</u>	
Bram Majtlis, Chair	April 1, 2025
Scotch Peloso, Vice Chair	April 1, 2024
Daniel McDonnell	Resigned
Linda K. Wartow	April 1, 2024
Martin I. Klein	April 1, 2023
Pamela Saba	April 1, 2025
Chris Larmoyeux	April 1, 2024
<u>Alternate Members</u>	
John B. McGowan, Jr**	March 1, 2025
Victoria Piroso	Resigned

Highlighted in yellow=term currently expiring/vacant

*=Applied for reappointment

**=Applied for promotion to regular member

***=Termed out

CODE ENFORCEMENT BOARD ROSTER

<u>Name & Address</u>	<u>Email Address</u>	<u>Appointment</u>	<u>Term Expires</u>
Bram Majtlis – Chairman 2275 S. Ocean Blvd. #207A Palm Beach, FL 33480 – Business Person	BMajtlis723@me.com 404-274-8113	4/2022 4/2019 6/2018	4/2025 (Term 2)*** 4/2022 (Term 1) 4/2019 (0 Less than 1.5 yrs. Alternate
Scotch Peloso – Vice Chair 244 Sunset Ave. Unit 5 Palm Beach, FL 33480 Tutor	palmbeach@gmail.com 561-247-1072	4/2021	4/2024 (Term 1)
Regular Member Vacancy			
Linda Wartow 2295 S. Ocean Blvd. # 814 Palm Beach, FL 33480 – Business Person	LWartow@aol.com 561-547-3311 617-968-5400 (c)	4/2021 4/2018 2/2018	4/2024 (Term 2)**** 4/2021 (Term 1) 4/2018 (0 less than 1.5 yrs)
Pamela Saba 2760 S Ocean Blvd #412 Palm Beach, FL 33480 – Business Person	adsabenterprise@icloud.com 561-385-3051	4/2022 4/2020	4/2025 (Term 1) 4/2022 (0 less than 1.5 yrs. Filling Mr. Cohens alternate position)
Martin Klein 1060 N Ocean Blvd. Palm Beach, FL 33480 Lawyer	Martinklein@gmail.com 561-881-8000	1/2021	1/2023 (Term1 – Filling Mr. Cohens unexpired regular member position)
Chris Larmoyeux 217 Tangier Ave. Palm Beach, FL 33480 Lawyer	cmi@lb-law.com 561-685-4206	4/2021	4/2024 (Term 1)
ALTERNATES			
John B. McGowan Jr. 210 Esplanade Way Palm Beach, FL 33480 Private Investor	john@mcgowangrp.com 561-444-2375 (h) 610-585-2701 (w)	3/2022	3/2025 (Term 1)
Alternate Member Vacancy			

BALLOT FOR APPOINTMENT OF **REGULAR** MEMBER(S)
TO THE **CODE ENFORCEMENT BOARD**
Town Council Meeting on **August 9, 2022**

Positions to be filled: 1 Regular Members

Please circle 1 from the list of names appearing below

Alternate Member Applying for Promotion

John B. McGowan Jr.

Others Who Have Submitted Applications

(Listed Alphabetically)

Katherine “KT” Catlin

Pamela T. Davies

Gary Feldman

Harris Fried

Signature of Town Council Member: _____
Town Council Member

**BALLOT FOR APPOINTMENT OF ALTERNATE MEMBER
TO THE **CODE ENFORCEMENT BOARD**
Town Council Meeting on **August 9, 2022****

Positions to be filled: 1 Alternate Member

Please circle 1 from the list of names appearing below

Others Who Have Submitted Applications
(Listed Alphabetically)

Katherine “KT” Catlin

Pamela T. Davies

Gary Feldman

Harris Fried

Signature of Town Council Member: _____
Town Council Member

Application for Service

Profile

Katherine

First Name

"KT"

Middle Initial

Catlin

Last Name

266 Fairview Road

Home Address

Suite or Apt

Palm Beach

City

FL

State

33481

Postal Code

kcatlin@hotmail.com

Email Address

Home: (561) 842-7084

Primary Phone

Home: (908) 229-9151

Alternate Phone

Question applies to multiple boards

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

KTC

Question applies to multiple boards

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

Question applies to multiple boards

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

yes

Question applies to multiple boards

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

Question applies to multiple boards

KMC - verified

Please upload proof of residency

Question applies to multiple boards

Upload a Voter Registration Card (Front)

Upload a Voter Registration Card (Back)

Which Boards would you like to apply for?

Planning and Zoning Commission: Submitted

In what area of town do you live?

☒ North

Interests/Experience

Question applies to Planning and Zoning Commission

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

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

Question applies to Architectural Review Commission (ARCOM)

Why are you interested in serving on the Architectural Commission?

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

Question applies to Planning and Zoning Commission

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

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

Question applies to Code Enforcement Board

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

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

Question applies to Architectural Review Commission (ARCOM)

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

11

Question applies to Code Enforcement Board

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

0

Question applies to Planning and Zoning Commission

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

0

Question applies to Planning and Zoning Commission

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

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

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

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

Question applies to multiple boards

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

ARCOM 5 years - termed out as an Alt

Question applies to Code Enforcement Board

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

no

Question applies to Architectural Review Commission (ARCOM)

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

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

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

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

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

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

Present Occupation

EO Gold Coast Builders Assoc.

No. of years

3.5

Past occupation(s)

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

No. of years

37+

Please provide details regarding your educational background:

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

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

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

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

Question applies to Landmarks Preservation Commission,Code Enforcement Board

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

- ☒ Architecture
- ☒ Law
- ☒ Building Construction

Question applies to Planning and Zoning Commission

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

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

Question applies to Architectural Review Commission (ARCOM)

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

☐ Yes ☒ No

Question applies to Architectural Review Commission (ARCOM)

Are you currently a Registered Architect in another state?

☐ Yes ☒ No

Question applies to Architectural Review Commission (ARCOM)

If So, in which state are you currently registered?

Upload a Resume

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

☐ Yes ☒ No

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

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

☒ I Agree

Question applies to Architectural Review Commission (ARCOM)

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

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

Question applies to Code Enforcement Board

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

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

Question applies to Planning and Zoning Commission

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

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

Question applies to multiple boards

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

☒ Yes ☐ No

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

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

Demographics

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

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Female

Physically Disabled

☐ Yes ☒ No

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

☒ I Agree

Question applies to Architectural Review Commission (ARCOM)

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

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

ARCHITECTURAL COMMISSION (ARCOM)

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

Question applies to Code Enforcement Board

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

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

CODE ENFORCEMENT BOARD

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

Question applies to Planning and Zoning Commission

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

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

PLANNING AND ZONING COMMISSION

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

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

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

SALES & MARKETING EXECUTIVE

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

AREAS OF EXPERTISE • QUALIFICATIONS • ACHIEVEMENTS

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

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

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

PROFESSIONAL EXPERIENCE

EO at Gold Coast Builders Association of FL

2019 - Present

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

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

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

Professional Experience Continued....

Broker Associate

2017 – Present

Paragano Real Estate Management Inc, Short Hills NJ

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

Director Sales & Marketing

Sales Manager, Licensed Real Estate Broker

1989 – 2002

Weichert Realtors; Chester, NJ (1996-2002)

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

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

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

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

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

Retail Operations & Merchandising**1972 – 1999****Additional Work Experience**

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

LOCAL / CIVIC / INDUSTRY ACHIEVEMENTS

Alternate Member Town of Palm Beach Architectural Review Commission 2017 - Present**NAHB Remodelers Council Board of Trustees 2021 - Present****NAHB Custom Home Committee Board 2019 - 2020**

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

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

EDUCATION & CERTIFICATIONS

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

Licensed NJ Real Estate Broker

Institute of Residential Marketing (MIRM Candidate)

Certified New Homes Sales Professional

Certified New Homes Marketing Professional

Certified Luxury Home Marketing Specialist (CLHMS)

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

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

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

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

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

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

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

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

KATHERINE (K.T.) CATLIN

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

EDUCATION & CERTIFICATIONS

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

Continuing Education Over 300 hours

LOCAL, STATE & NATIONAL TRADE AFFILIATIONS

Local Associations:

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

State Associations:

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

National Associations:

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

Committees:

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

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

Visionary & Strategic Planning

AWARDS

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

Application for Service

Profile

Pamela

First Name

T

Middle Initial

Davies

Last Name

2275 s ocean Blvd

Home Address

#107n

Suite or Apt

Palm Beach

City

FL

State

33480

Postal Code

pdavies1224@gmail.com

Email Address

Home: (703) 981-0411

Primary Phone

Home: (561) 268-7444

Alternate Phone

Question applies to multiple boards

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

PTD

Question applies to multiple boards

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

Question applies to multiple boards

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

PTD

Question applies to multiple boards

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

Question applies to multiple boards

Residency confirmed

Please upload proof of residency

Question applies to multiple boards

Upload a Voter Registration Card (Front)

Question applies to multiple boards

Upload a Voter Registration Card (Back)

Which Boards would you like to apply for?

Code Enforcement Board: Submitted

In what area of town do you live?

☒ South

Interests/Experience

Question applies to Code Enforcement Board

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

I have been a full time resident for the past four years. I have seen the importance of maintaining cohesive standards to keep the town running like a well oiled machine. All entities that affect quality of life, health and well-being must be maintained to the highest of standards.

Question applies to Code Enforcement Board

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

0

Question applies to Landmarks Preservation Commission

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

0

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

August

Question applies to multiple boards

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

Palm Beach-2019-2021 Architectural Review Board, Reef Condominiums Miami Beach - 2014-2016 South of Fifth Neighborhood Board Miami 2014-2016 Propeller Club of Miami Attendance record was all meetings

Question applies to Code Enforcement Board

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

In Miami Beach the neighborhood board was very involved with the local police , fire department, schools etc. to make recommendations to enforce and maintain quality of life.

Question applies to Landmarks Preservation Commission

Have you ever lived in or owned a landmarked home or property?

☒ Yes ☐ No

Question applies to Landmarks Preservation Commission

If So, where?

Reef Condominiums Palm Beach

Question applies to Landmarks Preservation Commission

If you have not lived in or owned a landmarked property, do you have any experience in dealing with landmarked properties? Please explain.

I currently live in a landmarked property.

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

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

Present Occupation

Retired

No. of years

10

Past occupation(s)

Hyatt Hotels/Convention Sales May Dept Stores/Retail Buyer Walt Disney Company/Operations Manager

No. of years

13

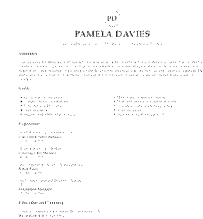
Please provide details regarding your educational background:

Virginia Commonwealth University-BA Marketing I have extensive corporate training with both Disney and Hyatt.

Question applies to Landmarks Preservation Commission,Code Enforcement Board

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

☒ None



Upload a Resume

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

☐ Yes ☒ No

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

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

☒ I Agree

Question applies to Code Enforcement Board

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

I have a very solid understanding of what the town is doing to regulate and maintain a superior environment to live and visit. I recognize the challenges that are tasked with .

Question applies to multiple boards

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

☒ Yes ☐ No

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

None

Demographics

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

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Female

Physically Disabled

☐ Yes ☒ No

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

☒ I Agree

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

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

CODE ENFORCEMENT BOARD

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

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

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

LANDMARKS PRESERVATION COMMISSION

(LPC) - The LPC safeguards the Town's historic and cultural resources through its landmarked structures and historic districts. This State of Florida Certified Commission reviews and approves structural and landscape modifications to Designated structures and properties. The LPC is comprised of seven regular and three alternate members, who are registered voters of the Town of Palm Beach and appointed by the Town Council, and who have, to the highest extent practicable, a special knowledge of and a known interest in landmarks preservation. One commissioner may be anon-resident of the Town who possesses specific knowledge or skills directly related to the preservation of historic structures or property. At least two members, but not more than three members, shall be registered architects in the State of Florida. In the event that there are, in the discretion of the Town Council, no bona fide applicants who are registered architects in the State of Florida, the Town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats. Members are appointed for three-year terms and no member may serve more than two consecutive terms, although a member may be eligible for reappointment upon the lapse of nine months after the expiration of the member's second consecutive three-year term. Although an alternate member may not serve more than two three-year terms as an alternate, an alternate member may be appointed to serve as a regular member of the commission and, in the event of such appointment, shall be entitled to serve two full three-years terms thereafter.



PAMELA DAVIES

pdavies1224@gmail.com | 703-981-0411 | Palm Beach, FL 33480

Summary

I am a seasoned professional with excelled communications skills. In addition to my professional career I have worked in countless volunteer capacities on every type of committee from environmental presentation to the architectural review board of my condo building. I have lived in Palm Beach for the past four years and have gained a superior understanding and a great deal of respect for the highly coordinated efforts in takes to maintain a uniform standard and quality of excellence.

Skills

- Key account development
- Complex project negotiations
- Promotional sales events
- Lead generation
- Rapport and relationship building
- Market and competitive analysis
- Profit and revenue-generating strategies
- Consultative and relationship selling
- Social media savvy
- National account management

Experience

Hyatt Hotels Corp | Savannah, GA
Convention Sales Manager
12/2010 - 06/2013

Hyatt Hotels Corp | Reston, VA
Catering Sales Manager
06/2007 - 12/2010

May Department Stores | Washington, DC
Retail Buyer
06/2000 - 06/2007

Walt Disney Parks and Resorts | Orlando,
FL
Operations Manager
01/1996 - 06/2000

Education and Training

Virginia Commonwealth University | Richmond, VA
Bachelor of Arts in Marketing
06/1996

June 29, 2022

Town Clerk
Town of Palm Beach
Palm Beach FL 33480

Re: Code Enforcement Board Vacancy

It's been said that the third time is the charm. This is my third attempt to be selected for this voluntary board opening.

Palm Beach is a special place. If selected, I will do my best to carry out the duties of the Code Enforcement Board of the Town of Palm Beach.

If you have any questions, please ask.

Thank-you.

Gary

Gary Feldman
970-948-3737
gary@garyfeldman.com

264 Everglade Avenue
Palm Beach FL 33480

Application for Service

Profile

Gary

First Name

M

Middle Initial

Feldman

Last Name

264 Everglade Avenue

Home Address

Suite or Apt

Palm Beach

City

FL

State

33480

Postal Code

gary@garyfeldman.com

Email Address

Mobile: (970) 948-3737

Primary Phone

Mobile: (970) 948-1046

Alternate Phone

Question applies to multiple boards

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

GMF

Question applies to multiple boards

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

Question applies to multiple boards

Verified - KMC

Please upload proof of residency

Which Boards would you like to apply for?

Code Enforcement Board: Submitted

In what area of town do you live?☒ Midtown

Interests/Experience

Question applies to Code Enforcement Board

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

To assist in keeping Palm Beach a wonderful place to live.

Question applies to Code Enforcement Board

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

0

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

Question applies to multiple boards

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

Aspen Board of Realtors - Past President; 15 years of service ASE Vision - Served on Aspen Airport Experience Committee which evaluated and provided input on how the overall airport experience integrates with the regional community. (2018-2019)

Question applies to Code Enforcement Board

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

No.

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

None Selected

Present Occupation

Real Estate Broker

No. of years

40+

Past occupation(s)

Real estate has been my entire adult career

No. of years

40+

Please provide details regarding your educational background:

Economics degree from the University of Utah. On-going continuing education requirements established by the Florida Department of Business and Professional Regulation

Question applies to Landmarks Preservation Commission, Code Enforcement Board

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

☒ None

Upload a Resume

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

☐ Yes ☒ No

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

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

☒ I Agree

Question applies to Code Enforcement Board

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

40+ years in residential real estate in Aspen, Houston, Chicago and Salt Lake City in addition to commercial real estate in Chicago and Houston.

Question applies to multiple boards

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

☒ Yes ☐ No

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

Amy H Feldman - Spouse

Demographics

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

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Physically Disabled

☐ Yes ☒ No

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

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CODE ENFORCEMENT BOARD

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

EXPERIENCE

2014-	Aspen Snowmass Sotheby's	Aspen
2013-2014	BJ Adams & Company	Aspen
2007-2013	Joshua & Co. Managing Partner	Aspen
2002-2007	Coates Reid & Waldron	Aspen
2001-2002	Joshua & Co.	Aspen
1998-2001	Aspen Real Estate Company	Aspen
1997-1998	Maroon Creek Marketing Group	Aspen
1996-1997	Aspen Club Properties	Aspen
1985-1996	Showcase Properties <i>Owner/Managing Broker</i>	Aspen
1983-1985	Showcase Properties <i>Owner/Managing Broker</i>	Houston

EDUCATION

1970-1975	University of Utah <i>B.S. Economics</i>	Salt Lake City
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PROFESSIONAL LICENSES & CREDENTIALS

Licensed as a broker in Colorado since 1985

Granted Realtor Emeritus designation by National Association of Realtors

Licensed as a broker in Florida since 2010

Previously licensed as a broker in Texas, Illinois, Utah

Certified expert real estate witness in Pitkin County, Garfield County, Eagle County, Colorado

Former Property Manager for R.T.C. (Resolution Trust Corporation)

Faculty Instructor – The Real Estate School, Boulder Colorado

ASPEN BOARD OF REALTORS

Served as President, Appointed Past President, Director, MLS Director, Professional Standards Committee Chairman and instructor for the Aspen Fair Housing/Ethics course for ten years.

Realtor of the Year - 1998

Application for Service

Profile

HarrisS

First Name

S

Middle Initial

Fried

Last Name

250 Seminole Ave

Home Address

Aot 7

Suite or Apt

Palm Beach

City

FL

State

33480

Postal Code

harris.fried@gmail.com

Email Address

Mobile: (561) 596-4559

Primary Phone

Alternate Phone

Question applies to multiple boards

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

Yes

Question applies to multiple boards

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

Question applies to multiple boards

KMC - Verified

Please upload proof of residency

Which Boards would you like to apply for?

Code Enforcement Board: Submitted

In what area of town do you live?☒ Midtown

Interests/Experience

Question applies to Code Enforcement Board

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

I feel that we benefit so much from living in such a wonderful place that we should all in our own way give back. I found much satisfaction serving before.

Question applies to Code Enforcement Board

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

1

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

N/A

Question applies to multiple boards

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

Code Enforcement Board, Town of Palm Beach, Florida From:2008-2018 Very Regular Attendance
Chairman: 2016-2018

Question applies to Code Enforcement Board

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

Yes. Have previously served on the CEB for 10 years.

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

☒ Other

Present Occupation

Corporate Executive

No. of years

6

Past occupation(s)

Attorney at Law

No. of years

30

Please provide details regarding your educational background:

University of Florida-BSBA Emory University, School of Law, JD Columbia University, Master's Degree in International Affairs Harvard University, Special Student

Question applies to Landmarks Preservation Commission, Code Enforcement Board

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

- ☒ Law
- ☒ Building Construction
- ☒ Law Enforcement/Code Enforcement

Upload a Resume

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

☐ Yes ☒ No

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

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

☒ I Agree

Question applies to Code Enforcement Board

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

Given my prior experience on the CEB, my year round residency and my legal background I feel that I am qualified to serve.

Question applies to multiple boards

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

☒ Yes ☐ No

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

N/A

Demographics

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

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Physically Disabled

☐ Yes ☒ No

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

☒ I Agree

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

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

CODE ENFORCEMENT BOARD

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



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

CODE ENFORCEMENT BOARD

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

Name: JOHN B. MCGOWAN, JR.Residence Address: 210 ESPLANADE WY, PB 33480Mailing Address: 210 ESPLANADE WY, PB 33480Home Telephone: 561.444.2375E-mail Address: john@mcgowanrp.comWork Telephone: 610.585.2701I am a resident of the Town of Palm Beach gmc (please initial) KMC verified 7/28/22

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

1. Why are you interested in serving on the Code Enforcement Board? (Please explain and attach additional pages if necessary)

Please see Exhibit A; 7

2. How many meetings of the Code Enforcement Board have you attended in the last year? 5

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

Underground Utility Task Force - 5/2020 to 3/2022 - 100% attendance record.

Alternate Member - Code Enforcement Board - 3/2022 - 100% attendance record.

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

I will make myself available whenever necessary

5. Do you have any personal experience with the Code Enforcement Board in the Town of Palm Beach or other jurisdictions? (Please explain and attach additional pages if necessary)

Please see Exhibit A; 5

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

- ☐ Palm Beach Chamber of Commerce
☒ Palm Beach Civic Association
☐ Neighborhood Alliance of Palm Beach
☐ Citizens' Association of Palm Beach

- ☒ Preservation Foundation of Palm Beach
☐ North End Property Owners Association
☐ Other _____

7. Present occupation. Private Investor No. of years. 7

Employer. Retired
U.S. House of Representatives - Congressional Staff Assistant 5 years

8. Past occupation(s). Manufacturing business owner - CEO No. of years. 37

U.S. House of Representatives - Congressman Richard T. Schulze (PA)
Employer(s). Gas Breaker, Inc. & JAELO Fluid Systems, Inc.
The Tristite Group, Inc.

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

- ☐ Architecture ☐ Building Construction
☐ Landscape Architecture/Design ☐ Municipal Planning
☒ Law ☐ Law Enforcement/Code Enforcement
Course in Constitutional Law

10. Please provide details regarding your educational background:

Graduate, The George Washington University, 1978

Bachelors Degree, Public Administration

11. Why do you feel that you are qualified to serve on the Town's Code Enforcement Board? (Attach additional page if necessary)

As a current Alternate Member, I have become familiar with

The Board's mission and operating style and have had the opportunity

to be a voting member for the June and July meetings. Please see Exhibits A & B

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

Family Member Name	Relationship	Address	Occupation	Employer
Stephanie McGowan	Wife	210 Esplanade Way Palm Beach, FL 33480	Retired	Gas Breaker, Inc.

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

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

15. In the event you are applying to be a Regular Member of the Code Enforcement Board and you are not successful, will you accept appointment as an Alternate Member of the Board should the Town Council wish to appoint you as an Alternate Member?
☒ Yes ☐ No

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

RACE

- ☐ African American ☐ Native American
☐ Asian American ☒ Caucasian
☐ Hispanic American ☐ Not known

GENDER

☒ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: _____

John B. T. [Signature]

DATE: July 27, 2022

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

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

CODE ENFORCEMENT BOARD

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

EXHIBIT A1

Application of **John B. McGowan, Jr.** for service as a Voting Member on The Code Enforcement Board of The Town of Palm Beach Florida

July 27, 2022

- 1.) The Town of Palm Beach enjoys a nationwide reputation for being one of the most beautiful, well-organized, and orderly communities in the United States. The Town's reputation has been achieved through the adoption of a well thought out municipal code of rules and regulations that provide for the quiet enjoyment of all the residents. It is essential that these rules and regulations be followed by all the residents to ensure a peaceful, orderly, and tranquil environment. The Code Enforcement Board (CEB) provides the citizens with a forum to seek a fair hearing to adjudicate any conflicts related to the enforcement of these codes and regulations. During my brief tenure as an Alternate Member of the CEB, I have been dedicated to maintaining this environment in the Town of Palm Beach. I share the mission of the CEB which is to promote, and require, code compliance and ensure a mutually beneficial resolution for the Town and its citizens. It would be my honor to continue supporting this mission as a voting member of the Board.
- 5.) In the 1980's I was the first Chairman of the **Dispute Resolution Board** of our 168-unit condominium community, Mountain View, in suburban Philadelphia. My commitment to the strict enforcement of the condominium documents rules and regulations led to my being elected as the first President of the condominium Board of Directors.
- 11.) Early in my career, I worked as a Staff Assistant to a United States Congressman, in Washington, D.C. and, in this position, was a Case Worker resolving constituent disputes with a variety of Departments and Agencies within the Federal government including the IRS, the Social Security Administration, The Veterans Administration and the Defense Department.

As the Chief Executive Officer of a mid-sized company, for more than 37 years, it was often my responsibility to be the ultimate arbiter in resolving employee conflicts and to enforce all corporate policies, rules, and regulations.

EXHIBIT B

BIOGRAPHY OF JOHN B. MCGOWAN, JR.

Former Chairman & CEO, The Thistle Group, Inc.

John Black McGowan, Jr. was born in Bryn Mawr, Pennsylvania, USA on November 3, 1956. He was graduated from the Great Valley High School, Malvern, Pennsylvania in 1974 and the George Washington University, Washington, D.C. in 1978. He holds a Bachelor of Public Administration (BPA) degree from the Elliott School of International Affairs.

He was associated with the natural gas and fluid process industries for more than 37 years. Mr. McGowan holds several US patents related to safety shut-off gas valve technology known as Excess Flow Valves (EFVs).

Mr. McGowan is the former Chairman and Chief Executive Officer of The Thistle Group, Inc. which was the holding company for Gas Breaker, Incorporated, a family-owned manufacturing concern. The Thistle Group also owned JAECO Fluid Systems, Inc. a manufacturer of pumps and valves used in the fluid process and agricultural irrigation industries.

In 1975, Gas Breaker developed the first commercially successful excess flow valve for use in the natural gas distribution utility industry. Gas Breaker is the dominate manufacturer of excess flow valves in North America with a market penetration of more than 70%.

Mr. McGowan served on several industry Technical Standards Committees for the American National Standards Institute (ANSI), The American Society for Testing Materials (ASTM), The American Gas Association (AGA) and the American Society of Mechanical Engineers (ASME).

Mr. McGowan was the Chairman of the Natural Gas Valve and Fittings Committee (501), of the Manufacturers Standardization Society of the Valve and Fittings Industry (MSS) for 22 years. In 1995, under his leadership, MSS created the first Standard (MSS SP-115) for Natural Gas Excess Flow Valves in the United States, setting the benchmark which has been followed by several other United States standards organizations and was ultimately adopted as the model for a US government regulation that took effect in 2006.

He is the past President of The Society of Gas Lighting in New York City – a group founded in 1875 and composed of gas industry CEO's and Senior Executives involved in the production, pipeline transportation and utility distribution segments of the natural gas industry.

He has received two Distinguished Service Awards from the American Gas Association (AGA) in Washington, D.C. for his contributions to the technical operating committees of the AGA.

In 2015, Mr. McGowan orchestrated the sale of Gas Breaker to the Hubbell Corporation a publicly traded multinational Fortune 500 company.

From 1974 until 1978, Mr. McGowan was employed by the United States House of Representatives in Washington, D.C. as a Staff Assistant and Caseworker to Congressman Richard T. Schulze (retired) of Pennsylvania. In this position he served as the liaison on numerous Department of Defense projects which were being executed in the Congressional District. Mr. McGowan also handled constituent casework which required resolving disputes between government agencies and the public. These issues involved the IRS, Social Security and the Departments of Labor and Justice among others.

In 1985, Mr. McGowan was the first Chairman of the Dispute Resolution Board for the Mountainview Condominium Association in Wayne, Pennsylvania. This Board enforced the rules and regulations related to the operation of the 168-unit condominium complex. He was elected as the first President of the Association in 1986 and served in this capacity until 1987 when he sold the residence and was obligated to resign his position.

In 2005 Mr. McGowan was part of an investor group that raised \$30 million to create Penn Liberty Bank, now part of WSFS Bank, headquartered in Wilmington, Delaware. At the time, this was the largest capitalization raise for any start-up bank in the history of Pennsylvania. The group raised an additional \$14 million the following year. Penn Liberty was sold to WSFS bank in August 2016 for \$101 million realizing a 1.97 times book value ROI for its investors.

Biography of John B. McGowan, Jr.
Page two

Mr. McGowan was an elected Committeeman in Chester County Pennsylvania where he served for 6 years from 2008 through 2014.

Mr. McGowan served from 2004 to 2014 on the Government Affairs Committee of the Chester County Pennsylvania Chamber of Business and Industry and has also served on the Board of Directors of the organization.

Mr. McGowan is a past President (2007-2009) of the St. Andrews Society of Philadelphia, a Scottish philanthropic society founded in 1747 which provides academic scholarships to US college students to study in Scotland and the United States.

Mr. McGowan served on the Board of Directors of the Community Volunteers in Medicine (CVIM) located in West Chester, Pennsylvania. CVIM is a private health clinic which annually provides more than 7 million dollars of medical and dental services to the working poor in Chester County Pennsylvania.

Mr. McGowan was also active in fundraising for the Chester County Council, Boy Scouts of America, and the Upper Main Line YMCA.

Mr. McGowan served as a member of the Underground Utility Task Force of The Town of Palm Beach from 2020 to 2022.

Mr. McGowan was appointed to serve as an Alternate Member of the Code Enforcement Board of the Town of Palm Beach in March 2022.

Mr. McGowan is a member of numerous social clubs and organizations in Palm Beach County, Suburban Philadelphia Pennsylvania, Easton, Maryland, and New York City. He enjoys sailing, boating, target shooting, and golf.

Mr. McGowan retired in 2017 and is now a private investor. He, and his wife, Stephanie, reside in the North End of the Town of Palm Beach, Florida.

TOWN OF PALM BEACH

Town Council Meeting on: August 9, 2022

Section of Agenda Minutes

Agenda Title
Town Council Meeting Minutes
Pat Gayle-Gordon, Acting Town Clerk

- a. July 12, 2022 Town Council Meeting Minutes
- b. July 13, 2022 Town Council Development Review Meeting Minutes
- c. July 13, 2022 Special Town Council Meeting - Closed Door Session
- d. July 14, 2022 Special Town Council Meeting Minutes

Presenter

ATTACHMENTS:

- ▣ **July 12, 2022 Town Council Meeting Minutes**
- ▣ **July 13, 2022 Town Council Development Review Meeting Minutes**
- ▣ **July 13, 2022, Special Town Council Closed Door Meeting Minutes**
- ▣ **July 14, 2022, Special Town Council Meeting Minutes**



MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, JULY 12, 2022

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of July 12, 2022, was called to order at 9:30 a.m. On roll call, all council members were found to be present except Council Member Araskog.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. MODIFICATIONS TO THE AGENDA

The following modifications were made to the agenda:

- 1) Item No. XII.B.3. Evaluation of Alternatives to Relocate Garbage and Recycling Pickup at Lake Drive Park **TIME CERTAIN: 3:00 PM**
- 2) Addition of the following Closed Door Session after the Approval of Agenda:

Consideration of scheduling a closed-door attorney client session pursuant to Section 286.011(8) to discuss the following matter: In Re: South Atlantic Regional Center, LLC, Debtor, Scott N. Brown, as Chapter 7 Trustee of The Bankruptcy Estate of South Atlantic Regional Center, LLC, Plaintiff, vs. Palm Beach County, Florida; Town of Palm Beach, Florida; Children's Services Council of Palm Beach County; Health Care District of Palm Beach County; Palm Beach County School District; Florida Department of Education, Defendants; United States Bankruptcy Court Southern District of Florida West Palm Beach Division; Case No.: 19-25762-EPK, Chapter 7, Complaint to Avoid and Recover Fraudulent Transfers, pursuant to the request for advice by the Town Attorney. The session shall commence on Wednesday, July 13, immediately following the Council meeting in the conference room behind Town Council Chambers, second floor, 360 South County Road with the following persons

in attendance; Daniel H. Moore, Mayor, Margaret A. Zeidman, President, Bobbie Lindsay, President Pro Tem, Julie Araskog, Ted Cooney, Lew Crampton, Kirk Blouin, Town Manager, Town Attorneys John C. Randolph and Robert W. Wilkins; And Court Reporter From Pleasanton & Marsaa Court Reporting.

IV. APPROVAL OF AGENDA

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

Consideration of scheduling a closed-door attorney client session pursuant to Section 286.011(8) to discuss the following matter: In Re: South Atlantic Regional Center, LLC, Debtor, Scott N. Brown, as Chapter 7 Trustee of The Bankruptcy Estate of South Atlantic Regional Center, LLC, Plaintiff, vs. Palm Beach County, Florida; Town of Palm Beach, Florida; Children's Services Council of Palm Beach County; Health Care District of Palm Beach County; Palm Beach County School District; Florida Department of Education, Defendants; United States Bankruptcy Court Southern District of Florida West Palm Beach Division; Case No.: 19-25762-EPK, Chapter 7, Complaint to Avoid and Recover Fraudulent Transfers, pursuant to the request for advice by the Town Attorney. The session shall commence on Wednesday, July 13, immediately following the Council meeting in the conference room behind Town Council Chambers, second floor, 360 South County Road with the following persons in attendance; Danielle H. Moore, Mayor, Margaret A. Zeidman, President, Bobbie Lindsay, President Pro Tem, Julie Araskog, Ted Cooney, Lew Crampton, Kirk Blouin, Town Manager, Town Attorneys John C. Randolph and Robert W. Wilkins; And Court Reporter From Pleasanton & Marsaa Court Reporting.

Motion was made by Council President Zeidman and seconded by Council Member Cooney to approve the approve the scheduling of a closed-door session immediately after the Town Council Meeting on Wednesday, July 13, 2022. On roll call, the Motion passed 4-0 with Council Member Araskog absent.

V. RECOGNITIONS

- A. Recognition of Thomas Parker for his Service on the Underground Utilities Task Force from October 2015 to June 2022
Danielle H. Moore, Mayor

Mayor Moore recognized Thomas Parker for his seven (7) years of service on the Underground Utilities Task Force.

VI. PRESENTATIONS

- A. Scholarship Awards provided by the Palm Beach Country Club
Danielle H. Moore, Mayor

Mayor Moore presented scholarships from the Palm Beach County Club to the following students: Michael Caristo, Christina Caristo, Joseph Barber, Christopher Barber, Bianca Badolati, Luke Stone, Clay Miller, Kalia Martin, Kevin LeBrun, Maxwell Guelli, Joseph Guelli and Scott Gordon.

- B. Scholarship Awards provided by Rotary Club of Palm Beaches Foundation Flags for Heroes

Riccardo Boehm, President-Elect, Rotary Club of Palm Beach Foundation

Riccardo Boehm of the Rotary Club of Palm Beach Foundation presented scholarships to the following students: Nicholas Pataca, Reagan Pierre, Annabel Roach, Luke Stone, Christopher Wilson and Samantha Tedesco.

- C. Scholarship Awards provided by the Palm Beach Civic Association and Citizens Association of Palm Beach

Palm Beach Civic Association and Dena Seigel, Citizens Association of Palm Beach

Palm Beach Civic Association and Dena Seigel, Citizens Association of Palm Beach presented a scholarship to Reagan Pierre, daughter of Dionne Lightbourn, Accounting Technician in the Finance Department.

VII. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

- A. Presentations by the Applicants and Appointments to the Recreation Advisory Commission

Pat Gayle-Gordon, Acting Town Clerk

The following applicants made presentations: Tim Cohan (via Zoom), David Missner, Devon Roush.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to appoint David Missner as a member of the Recreation Advisory Commission. On roll call, the Motion passed 4-0 with Council Member Araskog absent.

- B. Presentations by the Applicants and Appointments to the Shore Protection Board.
Pat Gayle-Gordon, Acting Town Clerk

The following applicants made presentations: Rob Allan, Tim Cohan (via Zoom),

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to appoint Rob Allan as a member of the Shore Protection Board. On roll call, the Motion passed 4-0 with Council Member Araskog absent.

VIII. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore announced the following employee milestones: Todd McLaughlin, Police Department, 20 years of service; Elvis Martin, Town Manager's Office, 5 years of service; Jason Debrincat, Public Works, 5 years of service for July. In August, Kathleen Ruderman, Police Department, 20 years of service; Kelsey Rizolo, Austin Bradshaw, Fire Department, 5 years of service; and Craig Lake, Town Manager's Office, 5 years of service.

Mayor Moore spoke regarding the items regarding Riviera Beach Mooring and the painting of the bridge and expressed concern over the lack of transparency in other jurisdictions.

IX. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Zeidman spoke regarding emails that have been received regarding sea turtles and the equipment being used for cleaning the beaches impeding with the sea turtles. She explained the process for ordinances being written and adopted. She explained that contrary to what had been indicated in emails from one resident that today's agenda does not include a discussion or an ordinance on hand raking of the beaches. Council President Zeidman asked that proper decorum be maintained in emails written to staff and Council. She said that accusations and disrespect of staff and Council will not be tolerated.

Council Member Cooney expressed concern over the tone and demeanor of those who are writing many of the emails to Town staff and requested those who are writing to treat Town staff with respect.

Council President Pro Tem Lindsay spoke regarding Town staff and residents having extreme concern for sea turtles and expressed concern for the tone of emails that have been received.

Council Member Crampton spoke regarding individuals being frustrated with not knowing what the process is for getting an item heard before the Town Council. He spoke regarding perhaps this issue is large enough to be addressed and possibly referred to ORS.

Council President Zeidman stated that she and Town Manager Blouin have responded to individuals to explain the process. She addressed the complexity of the issue and stated that perhaps this issue does need to be addressed again.

X. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Gina Levesque, Palm Beach County Commission on Ethics, introduced herself and spoke regarding the Commission's work.

Judy Shraft, 325 Crescent Drive, spoke regarding dust from the North end Fire Station blowing into her home. She requested that the Town notify her of the procedures of what is happening during the project. Council President Zeidman requested that project information be posted to the website, to which Director Brazil responded.

XI. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

Council President Pro Tem Lindsay requested that item no. XI.B.9. RESOLUTION NO. 089-2022 be pulled and heard as Item No. XII.A.1.

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

A. MINUTES

1. Town Council Meeting Minutes
Pat Gayle-Gordon, Acting Town Clerk
 - a. June 14, 2022 Town Council Meeting Minutes
 - b. June 15, 2022 Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of June 29, 2022.
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 080-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Fiscal Year 2023-2024 Annual Funding Application to the Florida Department of Environmental Protection Beach Erosion Control Program.
H. Paul Brazil, P.E., Director of Public Works
2. RESOLUTION NO. 081-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Collection and Disposal of Commercial Solid Waste; Establishing the Estimated Assessed Cost Against the Properties that will be Benefitted Thereby; Directing the Town Manager to Prepare an Updated Solid Waste Assessment Roll; Establishing a Public Hearing to Consider Approval of the Assessment Roll and Reimposition of the Service Assessments and Their Collection Pursuant to the Uniform Assessment Collection Act; Directing the Provision of Notice; and Providing for an Effective Date.
H. Paul Brazil, P.E., Director of Public Works
3. RESOLUTION NO. 082-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating To The Peruvian Avenue Improvement Project; Establishing The Estimated Assessed Cost Against The Properties That Will Be Benefitted Thereby; Directing The Town Manager To Prepare Updated Assessment Rolls; Establishing A Public Hearing To Consider Approval Of The Assessment Rolls And Reimposition Of The Maintenance Assessments And Their

Collection Pursuant To The Uniform Assessment Collection Act; Directing The Provision Of Notice; And Providing For An Effective Date.
Jane Le Clainche, Director of Finance

4. RESOLUTION NO. 083-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating To The Worth Avenue Improvement Project; Establishing The Estimated Assessed Cost Against The Properties That Will Be Benefitted Thereby; Directing The Town Manager To Prepare Updated Assessment Rolls; Establishing A Public Hearing To Consider Approval Of The Assessment Rolls And Reimposition Of The Maintenance Assessments And Their Collection Pursuant To The Uniform Assessment Collection Act; Directing The Provision Of Notice; And Providing For An Effective Date.
Jane Le Clainche, Director of Finance
5. RESOLUTION NO. 084-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2022-17, Architectural Services to Bridges, Marsh & Associates, Inc., CPZ Architects, Inc., and PGAL Inc. for a five-year contract based on Satisfactory Performance.
Dean Mealy, Procurement and Contract Manager
6. RESOLUTION NO. 085-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2022-14, Purchase of Uniforms and Accessories for Fire Rescue to Seacoast Embroidery in the Annual Amount of \$65,000 and a Five-Year Contract in the Amount of \$325,000 Contingent Upon Satisfactory Performance and Budget Authorization.
Dean Mealy, Procurement and Contract Manager
7. RESOLUTION NO. 086-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2022-13, Emergency Medical Services for Third Party Billing to EMS Management & Consultants, Inc. in the Annual Amount of \$20,000 and Establishing a Five-Year Contract in the Amount of \$100,000 Contingent Upon Satisfactory Performance and Budget Authorization.
Dean Mealy, Procurement and Contract Manager
8. RESOLUTION NO. 087-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Proposal for the Public Works Building Renovation Design Services to Chen Moore and Associates in the Amount of \$64,145 and Establishing a Project Budget of \$73,766.
Dean Mealy, Procurement and Contract Manager

9. RESOLUTION NO. 089-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Contract for a Café at the Mandel Recreation Center to Seaview Café for an Initial Period of Three Years with the Option to Renew for Two Additional One Year Periods Contingent Upon Satisfactory Performance.
*Dean Mealy, Procurement and Contract Manager – **Pulled and Heard as Item No. XII.A.1.***
9. RESOLUTION NO. 096-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Proposal for Professional Engineering Services Related to Wastewater Pump Station A-39 Mechanical, Structural and Electrical Improvements to Kimley-Horn and Associates in the Amount of \$119,400 and Establishing a Project Budget of \$137,310.
Dean Mealy, Procurement and Contract Manager

C. OTHER

1. Request to Hold Preservation Foundation of Palm Beach Event in Bradley Park
Carolyn Stone, Assistant Town Manager
2. Request by the Rotary Club of Palm Beach Foundation on Behalf of the Main Street Palm Beach Business Association for a Special Event Permit for Flags for Heroes During the Veterans' Day Holiday.
Pat Gayle-Gordon, Acting Town Clerk

XII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

1. RESOLUTION NO. 089-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Contract for a Café at the Mandel Recreation Center to Seaview Café for an Initial Period of Three Years with the Option to Renew for Two Additional One Year Periods Contingent Upon Satisfactory Performance.
*Dean Mealy, Procurement and Contract Manager – **Pulled from Consent Agenda***

Council President Pro Tem Lindsay expressed concern over some of language in the backup regarding the café. Her specific concerns were related to the potential mass marketing to consumers located across the bridge. She urged the use of a bicycle delivery service rather than other types of vehicular delivery services due to traffic and parking concerns. Assistant Town Manager, Carolyn Stone, provided an explanation of the

marketing language. The Council agreed that vehicular delivery services should not be used.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to approve Resolution No. 089-2022. On roll call, the Motion passed 4-0 with Council Member Araskog absent.

B. Old Business

1. Town-Wide Undergrounding Project
H. Paul Brazil, P.E., Director of Public Works

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

Patricia Strayer, Town Engineer, gave an update on the status of the project. In response to Council Member Crampton, she explained the finances of the project. Council Member Crampton spoke regarding ensuring that Council is informed on any exceptional changes to the budget for the project.

b. RESOLUTION NO. 090-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Proposal for Paving Oversight - Undergrounding Phase 2 South to Chen Moore and Associates in the Amount of \$98,350 and Establishing a Project Budget of \$113,102.

Town Engineer Strayer provided background information on the item. In response to Council Member Cooney, Director Brazil explained the scope and expectations for the agreement. Discussion

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 090-2022. On roll call, the Motion passed 4-0 with Council Member Araskog absent.

The City Council took a brief recess at 10:55 a.m. and reconvened at 11:08 a.m.

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

C. New Business

1. City of Riviera Beach Mooring Field Plan TIME CERTAIN: 11:00 AM
John Sprague, Consultant

John Sprague, Consultant, presented an in-depth presentation on the City of Riviera Beach's Mooring Field Plan.

Town Manager Blouin expressed concern over the monitoring of the activities and complaints that may be generated from the proposed mooring field. He expressed concern over there being enough resources in order to provide effective enforcement. He expressed overall concern over Palm Beach residents not being supportive of this project and stated that this project has no benefit to the Town of Palm Beach and would require that more officers would need to be hired.

Mayor Moore expressed concern over the proposed mooring field and was especially concerned that the City of Riviera Beach did not bring forward this proposal on its own. She stated that she has received input from Town residents in objection to this mooring field.

Council Member Crampton spoke in opposition to the proposed project and expressed concern over the lack of notice from the City of Riviera Beach.

Council President Pro Tem Lindsay spoke in opposition to the proposed project and expressed concern that the proposed mooring field will not solve the issue of problem boats because she doesn't believe that they will pay the mooring field fees and be monitored. She especially expressed concern over the project being in such close proximity to the Town of Palm Beach.

Council Member Cooney spoke in opposition to the proposed project.

Council President Zeidman spoke in opposition to the project, especially due to the proximity to the Town. She requested what staffing impact this will be to the Town in order to ensure appropriate enforcement of this area, to which Town Manager Blouin responded.

Director Brazil spoke regarding the status of the permitting process that the City of Riviera Beach is currently in and stated that the Town has provided comments during this process.

Jim Cisana, 3400 S. Ocean Blvd., spoke in opposition to the proposed mooring field project.

Rob Allen, 150 Bradley Place, spoke regarding moorings being safer than anchors, but stated that many boats will not take up moorings and will most likely move further south and cause more congestion in that area.

Susan Gary, 229 Onondaga, spoke in opposition to the proposed mooring field project and expressed appreciation to the Town Council for their comments.

Director Brazil provided information on options for challenging the project. Town Attorney Randolph spoke regarding the Town sending a letter to the City of Riviera Beach formally objecting to the project.

Council President Pro Tem Lindsay spoke in support of sending a letter to the Town's Congresswoman to alert her of the negative impacts on the residents in her jurisdiction, as well as to Governor DeSantis and Florida Inland Navigation District. Council Member Crampton spoke regarding also including the agencies for the grants that are being requested.

Council Member Cooney spoke regarding Town residents also being able to provide comments. Council President Pro Tem Lindsay spoke regarding also including the local civic and environmental groups.

Mayor Moore expressed concern over a private resident putting out a mooring field to which Lt. Paul Alber, Police Department, responded. Mayor Moore requested that the Police Department follow up on the issue.

Director Brazil provided further information on the status of the permitting process and the timeliness for sending letters on behalf of the Town.

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

3. Request for Delayed Start Date Regarding SR 704/Royal Park Bridge Painting Project
Kirk W. Blouin, Town Manager

Town Manager Blouin provided background information on the item. He requested that the Town Council provide consensus for the Mayor to send a letter to Florida Department of Transportation to delay the painting project due to the negative traffic impacts during season.

Council Member Crampton spoke in support of the Town doing whatever it can to voice opposition to this project.

Council Member Cooney spoke regarding the need for the bridge to be painted but expressed concern over the project occurring during the busiest season for the Town and spoke regarding the high volume of traffic even during the summer.

Mayor Moore spoke regarding the middle bridge being a major evacuation route for the Town and spoke in opposition to the timing. She expressed concern that FDOT owns the bridge and doesn't need the Town's approval for the timing.

The Town Council provided consensus for the Mayor to send a letter to Florida Department of Transportation to request the bridge painting project to commence in May 2023.

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

2. Expansion of Paid Parking Program
Nicholas Caristo, Chief of Police

Lt. Paul Alber provided background information on the item and explained the proposed expansion of paid parking. He answered Council Members' questions and explained potential options for the program.

Mayor Moore raised a concern over older residents who are not technologically savvy, to which Lt. Alber responded with options.

Council Member Crampton expressed concern over older residents who may not be able to use the app, but stated that having a discount for residents might help to encourage them to use the mobile app.

Lt. Alber answered questions from Council President Pro Tem Lindsay regarding the kiosks and spoke in support of using the app rather than the kiosk. She spoke regarding the potential of reducing the amount of signage throughout Town. She spoke in support of the sign design being presented to the Landmarks Preservation Commission prior to Town Council approval.

Council Member Cooney spoke regarding paid parking helping to ameliorate the issue of parking turnover and that it is becoming the norm. He spoke in support of ParkMobile and spoke regarding the ability to have different fees in different areas. He inquired on any fees associated with the app, to which Lt. Alber responded.

Gregg Beletsky, President of the Worth Avenue Association, spoke regarding a need for consistency with parking in the different business districts and spoke in support of zone parking. He spoke regarding how businesses could possibly pay for parking for customers. He expressed concern that many of the clients of businesses on Worth Avenue are older and the paid parking poses a problem for them, although the mobile app is suitable for beach goers.

Council President Zeidman spoke in support of consistency in the paid parking program and spoke in support of phasing out the kiosks. She addressed the idea of zone parking and addressed the signage issue. She spoke in support of moving forward with expanding the paid parking program.

Gregg Beletsky spoke in support including input from the local merchants.

Council President Zeidman spoke regarding this item being considered by the BAC on Friday, July 15 and invited the businesses to participate.

Council President Pro Tem Lindsay spoke regarding the importance of also looking at potential locations for valet parking and spoke in support of moving toward paid parking.

Gregg Beletsky posed a question regarding restricting businesses from allowing their employees to park on Worth Avenue, to which Town Manager Blouin responded.

Council Member Crampton spoke regarding the progress that has been made by the Town on parking. He spoke regarding the goals for paid parking and stated that increasing revenue is not the primary reason for paid parking.

The Town Council recessed at 1:11 p.m. and reconvened at 2:10 p.m.

2. Water Feasibility Study Update TIME CERTAIN: 2:00 PM
H. Paul Brazil, P.E., Director of Public Works

Director Brazil introduced Jason Lee, Kimley-Horn, who presented the status update on the water supply feasibility study. He answered Council Members' questions regarding potential costs.

Council Member Crampton expressed concern over the considerable cost of a membrane technology treatment plant.

Council President Pro Lindsay spoke regarding including only costs that would be included for water sent through reverse osmosis technology only.

Director Brazil provided an update on a meeting with the Lake Worth Beach utility on the Town being sent reverse osmosis.

John Potts provided additional information in response to questions from Council President Zeidman regarding the permitting process and water sources.

Mr. Lee further explained the costs for specific options and the levels of program permitting complexity. In response to a question from Council Member Crampton, Mr. Potts explained that the EPA has not identified proper levels for PFOS and spoke regarding the contaminants of concern in the water supply system. He spoke regarding the effectiveness of membrane technology versus other treatment options.

Mayor Moore inquired about the City of Lake Worth Beach having the capacity to provide water to the Town, to which Director Brazil and Town Manager Blouin responded.

Council President Zeidman spoke regarding this study only looking at options that could accommodate the capacity that is needed by the Town. Mr. Lee provided an update to costs regarding the Lake Worth Beach option in response to questions from Ms. Zeidman.

Council President Pro Tem Lindsay spoke regarding the possibility of using two different reverse osmosis systems. Mr. Brazil and Mr. Lee provided further information on this option.

Mr. Lee presented items that were requested to be further researched at the last Public Works Committee meeting and the feasibility of several options. Director Brazil and Mr. Potts provided further information on several of the options. Discussion ensued regarding including further study by the Public Works Committee on desalinization.

Council Member Crampton spoke in support of further exploring the transmission pipe and although he is not supportive of a new utility in Palm Beach, but he would support further exploring the option.

Council President Pro Tem Lindsay spoke in support of looking into every possible membrane technology available rather than desalinization. She stated that she would primarily want to look at the transmission pipe and the horizontal saltwater wells. She spoke regarding the other options and that they could be reviewed depending on the location of the property.

In response to a question by Council Member Cooney, Director Brazil spoke regarding the expense that has been made so far in this study.

Council President Zeidman spoke regarding the timeline for this potential project and the Town's agreement with the City of West Palm Beach. She spoke regarding looking at potential properties for building a plant. She spoke regarding ensuring that the residents of the Town have the cleanest possible water. In response to a question by Ms. Zeidman, Mr. Potts explained the various types of filtration technologies.

Council Member Crampton spoke regarding striking a balance and finding the best possible option. He spoke regarding challenges that the Town would be facing in working with the City of West Palm Beach.

Mayor Moore expressed concern over costs of purchasing property with several of the options.

The City Council provided consensus to move forward with the list from staff with the addition of looking into the feasibility of the horizontal saltwater wells and a desalinization plant; and looking into the feasibility of a transmission pipeline in the intracoastal.

The Town Council recessed at 3:32 p.m. and reconvened at 3:45 p.m.

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

Director Brazil provided background information on the item and explained the alternatives. He requested whether the Town Council wants to pursue any of the alternatives.

Council President Pro Tem Lindsay spoke in support of the third alternative. Mr. Brazil responded to questions. Ms. Lindsay spoke regarding making the changes in the trucks using that area without doing improvements first to see if it's feasible.

Mr. Brazil elaborated on what can be done without too much disruption.

Council Member Araskog joined the meeting via Zoom at 4:00 p.m.

Mayor Moore spoke in support of the second alternative due to the shorter time that it would take to accomplish.

Council Member Cooney spoke regarding ensuring obtaining support from residents prior to approving a permanent option. He spoke regarding trying something temporarily.

Assistant Town Manager, Carolyn Stone, and Director Brazil further clarified the impact to the Marina. Mr. Brazil expressed concern over bringing back noise issues to residents on the east side of the property. He expressed concern over the precedent that would be set if these changes are made.

Council President Zeidman inquired about the loss of storage space, but the potential expansion of green space, to which Mr. Brazil responded.

Mayor Moore expressed concern over the precedent that could be set. She inquired about the storage space that would be lost, to which Mr. Brazil responded.

Council President Pro Tem Lindsay spoke regarding carving out more of the hedge on the south side of the former Public Works parking area in order

to accommodate more space for storage. Mr. Brazil provided additional options to this alternative and discussion ensued regarding these options.

In response to a question from Council Member Cooney, Ms. Stone spoke regarding the impact to staff at the Town Marina for the alternative being discussed.

Council Member Araskog expressed concern over this alternative due to the noise from the beeping from the trucks and requested to wait until there is more information from the neighboring building. She expressed concern over even trying out the alternative until all of the impacted residents are present and when all of the costs are understood. She spoke in support of beautifying the current area instead.

Council President Zeidman provided background on the issue. She spoke regarding the possibility of trying the smaller truck and the expense involved. She stated that she would be willing to attempt this situation if there is additional green space.

Council President Pro Tem Lindsay requested an accounting of the green space from the Marina project as well as what green space would be increased. Mr. Brazil stated that he would return to Town Council with costs and another alternative that includes the requests from Town Council.

Council Member Araskog spoke in support of testing the noise level of the one truck before making changes and spoke regarding the issue of the precedent being sent.

Mr. Brazil requested input from Town Council pertaining to the replacement of the shade sail, to which Council Members responded.

The Town Council recessed at 4:40 p.m. and reconvened at 4:47 p.m.

4. Implementation Plan for Coastal Resiliency - Part Two
Wayne Bergman, Director of Planning, Zoning and Building

Director Bergman provided the background information on the item.

Mayor Moore inquired if there were items that were included in the backup that have already been started, to which Mr. Brazil responded.

Mr. Brazil spoke regarding the items that will be studied as well as next steps in the process and upcoming decision-making that will need to be done by the Town Council.

Council President Pro Tem Lindsay spoke regarding the potential impacts on private property values with the Town requiring certain parameters for seawalls and doing studies on private property using taxpayer money.

Discussion ensued regarding who would be required to pay for replacing the seawalls.

Director Brazil spoke regarding the issues, concerns, and considerations that staff will be bringing forward to Council at a future meeting.

C. New Business

1. City of Riviera Beach Mooring Field Plan TIME CERTAIN: 11:00 AM
John Sprague, Consultant

This item was heard out of order of the agenda.

2. Expansion of Paid Parking Program
Nicholas Caristo, Chief of Police

This item was heard out of order of the agenda.

3. Request for Delayed Start Date Regarding SR 704/Royal Park Bridge Painting Project
Kirk W. Blouin, Town Manager

This item was heard out of order of the agenda.

XIII. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Amend Chapter 46 Article III, Sections 46-67 and 46-68 to Modify the Fire Prevention Permit and Fire Prevention Fees

ORDINANCE NO. 011-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 46, Fire Prevention and Protection, at Article III, Fire Prevention Code, Sections 46-67, Permits, and 46-68, Annual Fire and Life Safety Inspections; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Darrel Donatto, Fire Rescue Chief

Town Attorney Randolph read the title of the ordinance.

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

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to adopt Ordinance No. 011-2022 on Second Reading. On roll call, the Motion passed unanimously.

B. First Reading

1. Proposed Ordinance to Amend Chapter 74, Parks and Recreation, to Modify Use of the Public Beaches

ORDINANCE NO. 012-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending The Town Code of Ordinances at Chapter 74, Parks and Recreation, Article II, Division 3., Regulation of Use of Public Beaches, Section 74-193, Drinking to Retitle Said Section to Read Drinking and Smoking so as to Prohibit Drinking of Intoxicating Beverages and Smoking of Cigarettes ~~and~~ or any Tobacco Product with the exception of unfiltered cigars upon the Public Beaches in the Town; Further, Creating a New Article VII Titled Smoking in Public Parks, Creating a New Section 74-284 Titled Prohibition of Smoking, so as to Prohibit the Smoking of Cigarettes ~~and~~ or any Tobacco Product excepting unfiltered cigars in the Public Parks in the Town; Providing a Penalty; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification and Providing an Effective Date.

Kirk W. Blouin, Town Manager

Town Attorney Randolph spoke regarding a few small changes to reflect language from the Governor. He read the title of the ordinance.

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

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Ordinance No. 012-2022 as amended on First Reading. On roll call, the Motion passed unanimously.

2. Proposed Ordinance to Amend Chapter 74, Parks and Recreation, to Modify Closures of Recreational Areas

ORDINANCE NO. 014-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 74, Parks and Recreation, by Creating New Article VI – Recreational Area Closures, and by Adding Sec. 74-282 and 74-283; Providing for

Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Nicholas Caristo, Chief of Police

Town Attorney Randolph read the title of the ordinance.

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

Motion was made by Council President Pro Lindsay and seconded by Council Member Crampton to approve Ordinance No. 014-2022 on First Reading. On roll call, the Motion passed unanimously.

XIV. ANY OTHER MATTERS

None.

XV. ADJOURNMENT

Motion was made by Council Member Cooney and seconded by Council Member Araskog to adjourn the Town Council Meeting of July 12, 2022, at 5:23 PM. On roll call, the Motion passed unanimously.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

Date



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on July 13, 2022

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order July 13, 2022 at 9:34 a.m. On roll call, all elected officials were found to be present, with Council Member Araskog participating on Zoom.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore requested the public to hold any text or email communications before 7:00 a.m. and after 9:00 p.m.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog expressed her concern for the Seaview Café using food delivery services. She also expressed concern that the company was a LLC. She stated that Carolyn Stone has addressed both issues.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Anne Pepper, 333 Seaspray Avenue, spoke in opposition of the proposed parking lot at the Palm Beach Day School.

VI. APPROVAL OF AGENDA

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

Deferral of ZON-22-017, 1237 N. Lake Way to the August 10, 2022 meeting

Withdrawal of ZON-22-033, 108 El Mirasol

Deferral of ZON-22-065, 360 El Brillo Way to the August 10, 2022 meeting

Deferral of ZON-22-071, 124 Cocoanut Row to the August 10, 2022 meeting

Deferral of ZON-22-083, 965 N. Ocean Blvd. to the August 10, 2022 meeting

Deferral of ZON-22-021, 160 Seaview Avenue to the September 14, 2022 meeting

Withdrawal of ZON-22-077, 304 Garden Road

Deferral of ZON-22-079, 284 Monterey Road

Deferral of ZON-22-089, 515 N. Lake Way to the August 10, 2022 Meeting

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

VII. PRESENTATIONS

A. Preservation Foundation History of Landscaping in Palm Beach

Aimee Sunny, Preservation Foundation of Palm Beach, introduced the three interns at the Foundation and provided an overview of their summer project.

Interns: Anthony Mendez, Isabel Marcella Lewis and Joanna Luchese

Mayor Moore expressed appreciation for the presentation and the work of the interns.

Council Member Crampton recommended making this presentation into a book.

Council President Pro Tem expressed appreciation for the presentation and for recognizing the Town's Green Initiative.

Council Member Araskog expressed appreciation for the presentation.

Jorge Sanchez, 239 Southland Road, expressed appreciation for the report and spoke regarding some historical facts that had been omitted. He spoke regarding the importance of native plants and spoke regarding some of the exotics that had been brought into the Town through the years.

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

Mr. Suder provided an update of plans for the code review update, based on his recent visit to the Town and his one-on-one sessions with the Council Members. Mr. Suder pointed out issues of concerns with residential development, commercial development, and with the current zoning code. He also pointed out what he viewed as successes in the community. He spoke regarding the calculation of CCR and FAR. He spoke regarding including building height, setbacks, and location in addition to FAR to control development patterns and provided graphics for the possible approach to residential scale. He presented the project plan and explained the engagement efforts.

Mayor Moore thanked Mr. Suder for the graphics presented and indicated how helpful they were to visualize the issues.

Council President Pro Tem Lindsay discussed the issues about which she receives complaints. She stated that she was appreciative that the R-B zoning districts was the first focus.

Council Member Crampton expressed appreciation for the approach that the consultants are taking and the work that they have done on the code.

Council Member Araskog spoke regarding addressing the issue of corrugated sheet piles. Mr. Bergman stated that he could speak to the Public Works engineer to recommend that these materials should not be approved. Ms. Araskog inquired about the property rights, to which Mr. Suder pointed out he was referring to both Bert Harris law as well as neighbor property rights. She spoke in support of trying to move to a FAR calculation from CCR in the interim, to which Mr. Suder responded. Mr. Suder addressed off-street parking in response to a question from Council Member Araskog.

Council President Lindsay spoke regarding the importance of not moving too quickly and addressing items separately.

Council Member Cooney cautioned about not moving too quickly in this process and spoke in opposition to looking at quick fixes. He addressed the issue of corrugated sheet piles and asked Mr. Bergman what would be considered as an alternative, to which Mr. Bergman responded.

1. Discussion on FAR versus CCR
There was no discussion on this item.

The Town Council recessed at 10:57 a.m. and reconvened at 11:06 a.m.

VIII. DISCUSSION ITEMS

A. Project Designation Manual Matrix

Assistant Director of Planning, Zoning and Building, James Murphy, presented the changes to the matrix and discussed the logic and thought process behind the changes.

Jeff Smith, Chairman of ARCOM, offered his support for the changes and thought it would streamline the process for the residents.

Council Member Cooney inquired about the notice for minor projects, to which Mr. Murphy responded. Council Member Cooney spoke in support of the matrix and stated that he thought the manual is well thought-out and that the changes were sensible.

Council Member Araskog asked Chairman Smith about his review of certain projects. Chairman Smith discussed the new process with regards to staff approvals. Mr. Murphy explained the new approval process and clarified some questions from Ms. Araskog. He spoke regarding the new minor project noticing requirements.

Council Member Crampton spoke in support of the changes.

Council President Pro Tem Lindsay inquired about the approval of artificial turf as she receives regular complaints about the material. Mr. Murphy spoke regarding the reasons staff removed the material as a separate line item.

Council President Zeidman inquired about what would happen if the Chair is not an architect, to which Mr. Smith replied that if the Chair is not an architect, the designee should be an architect.

Council Member Cooney spoke regarding relying on the judgment of the Commission to determine who will be making the reviews.

Council Member Araskog and Council President Pro Tem spoke in ensuring that the reviewer is an architect.

Mayor Moore spoke in support of moving the manual forward.

Council President Zeidman called for public comment.

Jorge Sanchez, 239 Southland Road, complimented Messrs. Bergman, and Murphy, and spoke in opposition to requiring landscaping changes to be reviewed. He requested that the word "landscape" be removed from the requirements.

Council Member Cooney stated that he believes that Mr. Sanchez raised an interesting point on minor landscape changes.

Discussion ensued regarding the permit requirements for landscape changes, specifically hedges.

Town Attorney Randolph provided background information on the Code language on perimeter hedges.

Jordan Hodges, Preservation and Design Planner, spoke regarding the currently adopted matrix, which shows a line item for landscape. He clarified the requirements for review in the proposed matrix.

Mr. Sanchez expressed concern over requiring minor landscape changes to go through a review being onerous.

Council President Pro Tem Lindsay spoke in support of neighbors working with each other on minor landscape changes. She spoke in support of removing minor landscape changes from the matrix.

Mayor Moore spoke in support of being logical and removing minor landscape changes from the requirement for review.

Director Bergman suggested changes to the matrix to address the concern of Mr. Sanchez and Council.

Dan Kahan, Smith and Moore Architects, spoke in support of the proposed changes.

John Eubanks, Attorney, spoke regarding retaining the neighbor consent for perimeter landscaping.

No motion was necessary as the item would be approved through a resolution later in the meeting.

B. Discussion Regarding Changes to the ARCOM Ordinance

Council Member Araskog provided information on issues with changes to the ARCOM Ordinance: noticing requirements, digitalized color photographs, including elevation in the notice.

Town Attorney Randolph spoke regarding including anything other than standard notice language in public hearing notices.

Director Bergman spoke regarding the work that staff has done on reviewing the Town Code for conflicts in noticing requirements and in making the noticing requirements consistent across the board. He explained the reasoning behind the changes discussed by Ms. Araskog. Mr. Murphy provided additional information on the changes that have been made and discussed many inconsistencies with the Code. He presented the uniform development checklist and explained the requirement for color photographs. He spoke regarding the uniform development review instructions and the public hearing notices. He spoke regarding the requirement for plan revisions.

Council Member Cooney spoke in support of the proposed changes and commended the amount of transparency in the new process.

Council Member Araskog stated that she did not have all the information at the time the changes went into effect.

Council President Pro Tem Lindsay spoke in support of the changes that have been made.

C. Problems With Site Walls Built on Property Lines

Director Bergman provided background information on the item and explained the problem with property owners building site walls on property lines. He spoke in support of working with the consultants to review these items.

Council Member Araskog spoke regarding some of the complaints she's heard regarding these walls and spoke in support of the staff and consultants reviewing the issue.

The Town Council provided consensus to refer this issue to Planning staff and the consultants to review.

IX. RESOLUTIONS

A. RESOLUTION NO. 077-2022 264 South County Road

A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For The Property Hereinafter Described And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."

Emily Stillings provided background information on the item. Ms. Stillings confirmed that the work has been completed in accordance with the standards.

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

Motion made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 077-2022. Motion carried unanimously, 5-0.

B. RESOLUTION NO 078-2022 270 South County Road

A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For The Property Hereinafter Described And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."

Emily Stillings provided background information on the item. Ms. Stillings confirmed that the work has been completed in accordance with the standards for rehabilitation.

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

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Resolution No. 078-2022, authorizing an ad valorem tax exemption. Motion carried unanimously, 5-0.

- C. RESOLUTION NO. 079-2021 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting The ARCOM Project Designation Manual As Referenced In Chapter 18 Of The Town Code Of Ordinances; Providing An Effective Date.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Resolution No. 079-2022, incorporating changes made at the meeting. Motion carried, 4-1. Council Member Araskog voted NO.

X. DEVELOPMENT REVIEWS

A. **Variances, Special Exceptions, and Site Plan Reviews**

1. Old Business

- a. **ZON-22-017 (ARC-22-032) 1237 N LAKE WAY (COMBO) - VARIANCES & SITE PLAN REVIEW** The applicant, Frank H. Pearl and Geryl T. Pearl, has filed an application requesting Town Council review of and approval of Site Plan Review for the construction of a new two-story residence on a lot with less width than required in the RB district, and including variances (1) to allow a two-story accessory structure on a lot less than 20,000SF in lot area, and (2) to exceed the point of measurement. ARCOM will perform design review of the application. [Architectural Review Commission Recommendation: Implementation for the proposed variance for the second story will cause negative architectural impact to the subject property. Carried 4-3. Implementation for the proposed variance, which addressed the point of measurement, will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission deferred the project to the July 27, 2022 meeting. Carried 7-0.] Item Deferred to the August 10, 2022 Meeting pending ARCOM decision.

This item was deferred to the August 10, 2022 meeting at the approval of the agenda.

- b. **ZON-22-033 (ARC-22-001) 108 EL MIRASOL (COMBO) - VARIANCES** The applicant, ANK Palm Beach LLC (Anand "Andy" Khubani, Managing Member), has filed an application requesting Town Council review and approval for a variance to allow a basement in a North side-yard setback for basement vehicular access in relation to the construction of a new single-family residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the June 29, 2022 meeting. Carried 7-0.] This item was withdrawn by the applicant.

This item was withdrawn at the approval of the agenda.

- c. **ZON-22-037 (ARC-22-040) 60-70 BLOSSOM WAY (COMBO) - SITE PLAN REVIEW** The applicant, Blossom Way Holdings LLC and Providencia Partners LLC (Maura Ziska, Authorized Representative), has filed an application requesting Town Council Site Plan Review as required for the installation of a generator with an output capacity over 100kW, in conjunction with the construction of a new single-family residence. ARCOM will perform design review of the application. [The Architectural Review Commission approved the project as presented. Carried 5-2.]

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

Council Members Cooney and Araskog declared ex parte communications.

Maura Ziska, attorney for the applicant, provided an overview of the site plan review requested.

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

Mr. Falco provided staff comments.

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

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton that Site Plan ZON-22-037 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certified that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. Motion carried unanimously, 5-0.

- d. **ZON-22-059 (ARC-22-086) 2219 IBIS ISLE RD (COMBO) - SITE PLAN REVIEW** The applicant, GLOBAL ONE INVESTMENT GROUP LLC (Alfredo Borges), has filed an application requesting Town Council review and approval for Site Plan Review to allow the construction of a residence on a non- conforming platted lot which is 90 feet in width in lieu of the 100-foot minimum width required in the R-B Zoning District. The Architectural Commission will perform design review of the application. [The Architectural Review Commission approved the project with conditions related to the architecture. Carried 7-0.]

Council Members Cooney and Araskog declared ex parte communications.

Maura Ziska, attorney for the applicant, provided an overview of the site plan review requested.

Daniel Clavijo, SKA Architect + Planner, presented the architectural plans proposed for the new residence.

Mr. Murphy provided staff comments.

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

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that Site Plan ZON-22-059 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certified that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. Motion carried unanimously, 5-0.

- e. **ZON-22-046 (ARC-22-063) 1160 N OCEAN BLVD (COMBO) – SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicant, Paul & Cythlen Maddock, has filed an application requesting Town Council review and approval for Special Exception w/ Site Plan Review for the construction of a 500 SF beach cabana in the BA zoning district. The Architectural Commission will perform design review of the application. [The Architectural Review Commission approved the project with conditions related to the architecture. Carried 7-0.]

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

Conner Peede, Shorebreak Designs Architecture + Planning, presented the architectural plans proposed for the new beach cabana.

Mr. Murphy provided staff comments.

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

Motion made by Council Member Cooney and seconded by Council Member Araskog that Special Exception ZON-22-046 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. Motion carried unanimously, 5-0.

Motion made by Council Member Cooney and seconded by Council Member Araskog that Site Plan ZON-22-046 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certified that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. Motion carried unanimously, 5-0.

At this time, the Town Council heard the project at 1676 S. Ocean Blvd., out of order of the agenda:

- a. **ZON-22-053 1676 S OCEAN BLVD - VARIANCES** The applicant, John Scarpa, has filed an application requesting Town Council review and approval for a Variance (1) to reduce by approximately 13' the required side (north) setback of 35' in order to install a 35' high flagpole in the required side setback along the north property line.

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

M. Timothy Hanlon, attorney for the applicant, presented the request for the flagpole to be placed on the property and the requested variance for said flagpole.

Mr. Murphy provided staff comments and stated the applicant agreed to lower the pole by 10 inches.

Council Member Cooney discussed the property line and the limitations on other flags that could be flown.

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

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay that Variance ZON-22-053 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. Motion carried unanimously, 5-0.

- f. **ZON-22-065 (ARC-22-099) 360 EL BRILLO WAY (COMBO) - VARIANCES** The applicant, El Brillo Way Trust uad September 24, 2021 (David Klein trustee), has filed an application requesting Town Council review for Variance (1) to exceed the building height plane for a new two-story residence, (2) to reduce the required front setback for a new pool, (3) to exceed the angle of vision in order to construct a detached cabana in the required yard area, and (4) for swimming pool equipment to exceed the maximum distance from water's edge.. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the July 27, 2022 meeting. Carried 7-0.] Item Deferred to the August 10, 2022 Meeting pending ARCOM decision.

This item was deferred to the August 10, 2022 meeting at the approval of the agenda.

The Town Council recessed at 12:57 p.m. and reconvened at 1:50 p.m.

- g. **ZON-22-070 (COA-22-026) 241 SEAVIEW AVE (COMBO)- SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Palm Beach

Day Academy Inc., has filed an application requesting Town Council review and approval for a modification to a previously approved Special Exception with Site Plan Review for the installation of a surface parking lot for 34 cars, new parking gates and lighting plan, and to replace a portion of the west lawn. The applicant is also seeking to modify the existing Declaration of Use related to the number of times parking can be used. The Landmarks Preservation Commission will perform design review of the application. [The Landmarks Preservation Commission approved the project at their June 22, 2022 meeting. Carried 5-0.]

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

Maura Ziska, attorney for the applicant, provided an overview of the project, provided the relevant details, and explained the zoning requests for the proposed project.

Jedidiah Hall, Nievera Williams Design, presented the landscape and hardscape plans proposed for the proposed parking lot.

Chad Gruber, Gruber Consulting Engineers, provided an overview of the drainage plan.

Ms. Ziska confirmed with Mr. Gruber that the proposed drainage plan will protect the properties on Seaspray Avenue.

James Green, attorney representing 10 residents living on Seaspray Avenue, asked Mr. Gruber about the soil on the property where the site wall is to be placed. Mr. Gruber responded and showed the plan that depicted the type of soil. Ms. Ziska spoke regarding the proposed site wall.

Caroline Forrest, architect for the project, a current member of the board and head of facilities for the Palm Beach Day Academy, spoke regarding the undergrounding being done on Seaview Avenue currently. She provided background of the school and spoke regarding the proposed project.

Mr. Green inquired about the number of students on the upper campus. Ms. Forrest responded.

Mr. Murphy provided staff comments.

Ms. Ziska spoke regarding amending the declaration of use agreement at a later date if this item is approved.

Council President Pro Tem Lindsay inquired about the concrete turf block that was presented at the Landmarks Preservation Commission Meeting. Mr. Hall indicated that the LPC supported the tabby concrete. Ms. Lindsay inquired about using a more permeable material for the parking lot. Ms. Ziska advocated for the proposed material, discussed the greenspace calculations, the new drainage proposed, and the new CBS wall proposed. Ms. Lindsay inquired about the

school being open in the evening hours to allow for parking for the Recreation Center, to which Ms. Ziska responded.

Mr. Crampton expressed surprise that the proposed material was not permeable. Mr. Gruber stated that the drainage proposed was more effective than the permeable pavers. Mr. Crampton inquired about staff's opinion for the proposed project, to which Mr. Bergman responded. Mr. Crampton inquired about the usage, to which Ms. Ziska discussed and explained the intent of the proposed parking.

Mr. Cooney asked Mr. Gruber about the amount of retention of water on site and asked if it was designed as a residential or commercial property. Mr. Gruber responded.

Ms. Araskog expressed concern over the runoff on to Seaview Avenue and asked about a heavy rainfall. Mr. Gruber responded. Ms. Araskog inquired about the lighting for the parking lot and asked if the neighbors to the north would see any lights, to which Mr. Hall responded. Ms. Ziska provided additional clarification on the need for the additional parking.

Mayor Moore inquired about the field and its current use, to which Ms. Ziska responded. Ms. Moore spoke regarding ensuring there is still enough green space for the students at the school.

Council President Zeidman spoke regarding concerns that have been raised by the neighbors. She asked Mr. Bergman if the proposed lot would cause a drainage issue for the neighbors to the north, to which Mr. Bergman responded. Mr. Gruber provided further information. Ms. Zeidman inquired about the lighting that would spill over to the north property. Mr. Hall responded. Ms. Ziska responded to questions from Ms. Zeidman regarding the grades of the neighboring properties.

Mr. Cooney inquired if the lot would be raised or constructed at grade. Mr. Hall stated it would be constructed at grade.

Discussion ensued regarding the neighbors' homes and which homes would be affected by lighting spill over.

Ms. Araskog inquired about Ms. Ziska having discussions with the Recreation Center, to which Ms. Ziska responded.

Council President Pro Tem Lindsay inquired if the ground to the wall could be sloped differently. Mr. Gruber stated that it was possible. Ms. Lindsay spoke in support of looking at sloping it slightly down.

Council President Zeidman inquired about the length and depth of the retaining wall, to which Ms. Ziska responded.

Council President Zeidman called for public comment.

Mr. Green provided corrections regarding some of the neighboring homes. He spoke regarding the applicant attempting to intensify its use and explained why the neighboring residents were not in attendance at the June LPC meeting. He spoke regarding there not being a traffic engineer's opinion and spoke regarding options for teacher parking. He addressed the declaration of use agreement. He provided further concerns over the application. He provided alternative plans and spoke regarding the need to have a traffic engineer review the issue.

Ms. Araskog inquired about the traffic study provided to the Council. Mr. Green stated he would email it to Ms. Araskog and provided further information.

Wes Blackman, Professional Urban Planner, discussed the future land use element in the comprehensive plan and argued the lot coverage for the proposed plan. Mr. Bergman responded to Mr. Blackman's comments.

Council President Zeidman spoke regarding the Town Council receiving the alternative information at a late hour and recommended deferring the item so Council would have adequate time to review.

Ms. Ziska spoke in opposition to a deferral.

Council Member Crampton spoke in support of moving forward with deciding the item and not deferring.

Council Member Cooney agreed that he believes that they have competent substantial evidence to be heard today.

Council Member Araskog spoke in support of deferring the item in order to review the additional information provided by Mr. Green.

Mayor Moore inquired if there would be a crane be placed in the parking lot, to which Ms. Ziska and Ms. Forrest responded. Mayor Moore spoke in support of the Town Council making a decision today.

Council President Pro Tem Lindsay inquired if this item would be in compliance with the comprehensive plan, to which Mr. Randolph responded. Mr. Bergman provided further confirmation.

Ms. Araskog inquired about the use of the study, to which Mr. Randolph and Mr. Green responded. She provided further explanation of the reason for deferral.

Motion made by Council Member Crampton and seconded by Council Member Cooney that Special Exception ZON-22-070 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, and conditioned upon the consideration of the declaration of use. Motion failed, 2-3. Council Member Araskog, Council President Pro Tem Lindsay, and Council President Zeidman voted NO.

Motion made by Council Member Araskog and seconded by Council Member Cooney to defer ZON-22-070, 241 Seaview Ave - Special Exception With Site Plan Review, to the August 10, 2022 Town Council Development Review Meeting. Motion carried unanimously, 5-0.

- h. **ZON-22-071 (ARC-22-105) 124 COCOANUT ROW (COMBO) - VARIANCES** The applicant, Nedim Soylemez and Rebecca Ann Soylemez, has filed an application requesting Town Council review for a variance (1) to exceed maximum cubic content ratio (CCR), (2) to exceed maximum building height, and (3) to exceed maximum overall building height, in conjunction with the construction of a new two-story residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the July 27, 2022 meeting. Carried 7-0.] Item Deferred to the August 10, 2022 Meeting pending ARCOM decision.

This item was deferred to the August 10, 2022 meeting at the approval of the agenda.

- i. **ZON-22-073 (ARC-22-043) 143 REEF RD (COMBO) - VARIANCES** The applicant, John K. Criddle, has filed an application requesting Town Council review and approval for variances (1) to exceed the maximum amount of fill and (2) to exceed the maximum Cubic Content Ratio (CCR) in conjunction with the construction of a new two-story single-family house. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variance will cause negative architectural impacts to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented with the condition that the design must meet all zoning codes. Carried 6-1.]

This item was withdrawn at the approval of the agenda.

- j. **ZON-22-083 (ARC-22-072) 965 N OCEAN BLVD (COMBO) - SITE PLAN REVIEW** The applicant, 965 North Ocean Boulevard, LLC (Matthew Sellick), has filed an application requesting Town Council review and approval for Site Plan Review for the installation of a 150 kW generator in conjunction with the construction of a new residence. ARCOM will perform design review of the application. [The Architectural Review Commission deferred the project to the July 27, 2022 meeting. Carried 7-0.] Item Deferred to the August 10, 2022 Meeting pending ARCOM decision.

This item was deferred to the August 10, 2022 meeting at the approval of the agenda.

2. New Business

- b. **ZON-22-021 (ARC-22-022) 160 SEAVIEW AVE (COMBO) - VARIANCES**

The applicant, Coral Beach Corporation (Angela Feldman, President) and Seaview Holdings, Inc. (David Feldman, Director), has filed an application requesting Town Council review for variances to exceed the point of measurement elevation higher than allowed to be measured from and to reduce the required street side yard setback for a new guest house on combined parcels at 160 and 170 Seaview Avenue. ARCOM will perform design review of the application. (The Architectural Review Commission deferred the project to their August 24, 2022 meeting. Carried 7-0.) Item Deferred to the September 14, 2022 Meeting pending ARCOM decision.

This item was deferred to the September 14, 2022 meeting at the approval of the agenda.

- c. **ZON-22-053 1676 S OCEAN BLVD - VARIANCES** The applicant, John Scarpa, has filed an application requesting Town Council review and approval for a Variance (1) to reduce by approximately 13' the required side (north) setback of 35' in order to install a 35' high flagpole in the required side setback along the north property line.

The item was heard out of order of the agenda.

The Town Council recessed at 4:09 p.m. and reconvened at 4:15 p.m.

- d. **ZON-22-074 (ARC-22-113) 133 GULFSTREAM RD (COMBO) - VARIANCES** The applicant, Elena Arredondo, has filed an application requesting Town Council review and approval for Variances from the backup/cueing distance requirement for the installation of new driveway gate. Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 4-3.] [The Architectural Review Commission approved the project with conditions related to the architecture. Carried 4-3.]

Council Member Cooney declared ex parte communications.

Elena Arredondo, owner, discussed the variance requested and plans for the proposed vehicular gate.

Mr. Murphy provided staff comments.

Mr. Cooney inquired about the calculations of the stacking of the vehicle. Mr. Murphy responded.

Ms. Arredondo discussed the security concerns and the need for the gate.

Mr. Cooney spoke in support of the request.

Ms. Lindsay inquired about the individuals trespassing on her property. Ms. Arredondo responded.

Ms. Araskog asked staff if the gate would impede pedestrian traffic. Mr. Murphy responded.

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

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that Variance ZON-22-074 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. Motion carried unanimously, 5-0.

e. **ZON-22-075 (ARC-22-117) 102 FLAGLER DR (COMBO) - VARIANCES**

The applicant, FDPB Holding Company LLC (Adam Seligman), has filed an application requesting Town Council review and approval for Variances for (1) a second story walkway encroachment into the required setback, (2) to reduce the street side setback to construct a free standing folly structure, (3) to reduce the side yard setback for the same folly structure, (4) to install second story skylights in the required setback, and (5) to exceed the maximum allowable Cubic Content Ratio (CCR) for a folly structure, in association with a new accessory structure. Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

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

Maura Ziska, attorney for the applicant, presented an overview of the project and discussed the requested variance.

Tom Kirchhoff, Kirchhoff & Associates, presented the architectural plans proposed for the modifications to the existing residence.

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

Ms. Ziska discussed the hardscape for the variance request.

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

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton that Variance ZON-22-075 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building

permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. Motion carried unanimously, 5-0.

- f. **ZON-22-076 331 S COUNTY RD - SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Cafe L'Europe (Mark Marcello), has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan Review for outdoor cafe seating on public right-of-way (34 seats) in conjunction with an existing restaurant.

Council Member Cooney declared ex parte communications.

Maura Ziska, attorney for the applicant, presented an overview of the project and discussed the requested zoning request.

Mr. Murphy provided staff comments.

Council President Zeidman called for public comment.

John Eubanks, representing Thomas McCarthy, stated that his client did not object to the proposal.

Mr. Cooney reminded Ms. Ziska that the decorative serving cart would not be all

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay that Special Exception ZON-22-076 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. Motion carried unanimously, 5-0.

- f. **ZON-22-077 (ARC-22-121) 304 GARDEN RD (COMBO) - VARIANCES** The applicant, 304 GARDEN RD LCC, has filed an application requesting Town Council review and approval for Variance (1) to exceed the maximum allowable lot coverage by .5% for an exterior loggia addition to an existing two-story residence. Architectural Commission will perform design review of the application. This item has been withdrawn by the applicant.

This item was withdrawn at the approval of the agenda.

- g. **ZON-22-079 (COA-22-028) 284 MONTEREY RD (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, DHC MONTEREY LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to allow additions to an existing Landmarked structure which results in demolition of more than 50% of the cubic volume on portions of platted non-conforming lots in the R-B Zoning District, including variances from the (1) side (east) and (2) street side (west) setback requirements, and (3) a variance from the angle of vision requirements. Landmarks Preservation Commission will perform the design review. Item Deferred to the August 10, 2022 Meeting

pending LPC decision.

This item was deferred to the August 10, 2022 meeting at the approval of the agenda.

- h. **ZON-22-080 (COA-22-029) 250 ALGOMA RD (COMBO) - VARIANCES**
The applicant, Cortright & Janice Wetherill, has filed an application requesting Town Council review and approval for variances (1) from Chapter 50, Floods for the required floor elevation and (2) to exceed the maximum allowable lot coverage by 1% for a new 424 SF addition to a Landmarked structure. Landmarks Preservation Commission will perform the design review. [The Landmarks Preservation Commission approved the project at their June 22, 2022 meeting. Carried 6-0.]

There was no ex parte communications declared at this time.

Maura Ziska, attorney for the applicant, presented an overview of the project and discussed the requested variance.

Travis Radak, Radakovich Architecture, presented the architectural plans proposed for the addition to the existing residence.

Mr. Murphy provided staff comments.

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

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that Variance ZON-22-080 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Chapter 50, Sections 116 and 117 have been met. Motion carried unanimously, 5-0.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that Variance ZON-22-080 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 and Chapter 50 have been met. Motion carried unanimously, 5-0.

- i. **ZON-22-082 (ARC-22-116) 1338 N LAKE WAY (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicant, Sailfish Club of Florida, Inc. (Ryan Barry, General Manager), has filed an application requesting Town Council for special exception and site plan review for modifications to an existing special exception use private club including new awning system, new windows, and parking lot lighting. The Architectural Commission will perform design review of the application. [The Architectural Review Commission approved the project with conditions relating to the architecture. Carried 6-1.]

Council Members Araskog, Cooney, Council President Pro Tem Lindsay and

Mayor Moore declared ex parte communications.

Maura Ziska, attorney for the applicant, presented an overview of the project and discussed the zoning requests.

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

Mr. Murphy provided staff comments.

Council President Zeidman called for public comment.

Timothy Hanlon, on behalf of Durst Family at 250 Angler Avenue, addressed a letter sent from MG Engineering raising an objection regarding the proposed parking lot lighting.

Council President Pro Tem Lindsay spoke regarding the lighting fixtures. She spoke regarding the amber colored lights on FPL poles in the north end of Town.

Council Member Cooney requested clarification of the fixtures being proposed and expressed over concern over the number of fixtures being proposed.

Council President Pro Tem Lindsay expressed concern over possible light pollution in the surrounding neighborhood.

Mr. Freijomel responded to Mr. Cooney's and Ms. Lindsay's concerns.

Mayor Moore requested if five fixtures would be amenable.

Council Member Araskog expressed concern over the proposed fixtures due to potential light pollution impacting the neighbors.

Discussion ensued regarding deferring the lighting issues in order for them to be resolved.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that Special Exception ZON-22-082 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met; and that this applies to the pergola addition on the west side of the property. Motion carried unanimously, 5-0.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that Site Plan ZON-22-082 as it applies to the pergola on the west side of the property be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certified that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. Motion carried unanimously, 5-

0.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to defer to the August 10, 2022 Town Council Meeting the lighting plan for the parking lot to minimize impact. Motion carried unanimously, 5-0.

- j. **ZON-22-085 211-215 PERUVIAN AVE – SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Club Collette (Daniel Ponton, President), has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan Review for outdoor cafe seating (40 seats) on private property in conjunction to an existing private club.

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

Peter Broberg, attorney for the applicant, presented an overview of the project and discussed the zoning requests.

Mr. Murphy provided staff comments.

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

Motion made by Council Member Crampton and seconded by Council Member Cooney that Variance ZON-22-085 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met; and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried unanimously, 5-0.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay that Site Plan ZON-22-085 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certified that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11, and that the establishment will be allowed to retain the furniture outside behind the hedge and that during limited hours to allow for ambient music. Motion carried unanimously, 5-0.

- k. **ZON-22-089 (ARC-22-129) 515 N LAKE WAY (COMBO) - VARIANCES** The applicant, Roberto and Joanne DeGuardiola (Contract Purchaser), has filed an application requesting Town Council review and

approval for variances for (1) to exceed the first story east rear yard setback encroachment, (2) to exceed second story east rear yard setback encroachment, (3) to permit a swimming pool in west front yard setback where swimming pools are prohibited, (4) second story west front yard setback encroachment, (5) second story south street side yard setback encroachment, (6) to exceed the maximum Cubic Content Ratio (CCR), (7) to exceed maximum angle of vision on N Lake Way, and (8) to exceed site wall height in front and street side yards; in conjunction with the conversion of a 1-story residence to a 2-story residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to their July 27, 2022 meeting. Carried 5-2] Item Deferred to the August 10, 2022 Meeting pending ARCOM decision.

This item was deferred to the August 10, 2022 meeting at the approval of the agenda.

1. ZON-22-090 (ARC-22-131) 225 INDIAN RD (COMBO) - VARIANCE

The applicant, White Oak, LLC, a Wyoming LLC, as Trustee for 225 Trust u/a/d 12/13/2019 (Dennis Walsh, Trust Officer), has filed an application requesting side yard setback variance for a new stair addition to an existing loggia. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 6-1.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

Council Member Cooney and Council President Pro Tem Lindsay declared ex parte communications.

Maura Ziska, attorney for the applicant, presented an overview of the project and discussed the zoning requests.

Lauren Urquhart, Dailey Janssen Architects, presented the architectural plans proposed for the modifications to the existing residence.
Mr. Murphy provided staff comments.

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

Motion made by Council Member Cooney and seconded by Council Member Crampton that Variance ZON-22-090 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. Motion carried unanimously, 5-0.

- m. **ZON-22-099 340 ROYAL PALM WAY SUITE 200 - SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, CIBC (Jon Bredemeier, Managing Director), has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan

Review for 6,837 SF of Gross Leasable Area (GLA) for a financial institution tenant within an existing multi-story office building zoned C-OPI with an attached parking structure.

No one declared ex parte communications.

Maura Ziska, attorney for the applicant, presented an overview of the project and discussed the zoning requests.

Mr. Murphy provided staff comments.

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

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Araskog that Special Exception ZON-22-099 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Chapter 50, Sections 116 and 117 of the Town Code have been met. Motion carried unanimously, 5-0.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Araskog that Site Plan ZON-22-099 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certified that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. Motion carried unanimously, 5-0.

XI. ORDINANCES

A. First Reading

1. ORDINANCE NO. 013-2022 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Amending Chapter 18 Of The Town Code Ordinances Titled Buildings And Building Regulations At Article III, Architectural Review, Amending Section 18-175, Issuance Of Permits, By Amending Subsection (A) Relating To Requests For Demolition So As To Remove ARCOM's Authority To Consider Demolition Requests; Amending Section 18- 206 And Moving This Section To Chapter 18, Article II, Administration Of Planning, Zoning And Building, Division 5, Prohibition On Demolition, As Section 18-113; Changing The Title Of Article II, Administration Of Planning, Zoning And Building, Division 5, From "Prohibition On Demolition" To "Demolition"; And Amending Section 18-240 And Moving This Section To Chapter 18, Article II, Administration Of Planning, Zoning And Building, Division 5, Demolition As Section 18-114; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For Effective Date.

Town Attorney Randolph explained the background of the ordinance. He read the Ordinance by title only.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Ordinance No. 013-2022 on first reading. Motion carried, 4-1. Council Member Cooney voted NO.

XII. ANY OTHER MATTERS

None

XIII. ADJOURNMENT

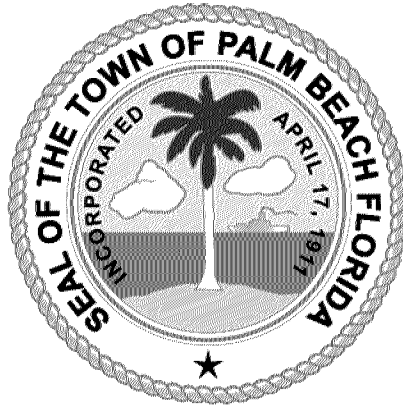
The meeting adjourned at 5:35 p.m. on July 13, 2022 without the benefit of a roll call.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Kelly Churney, Deputy Town Clerk
Date: _____



TOWN OF PALM BEACH

Minutes of the Special Town Council Meeting Held on July 13, 2022

I. CALL TO ORDER AND ROLL CALL

The Special Closed Door Town Council Meeting was called to order July 13, 2022 at 5:38 p.m. On roll call, all elected officials were found to be present, except for Council Members Araskog and Crampton. Council Member Crampton arrived at 5:39 p.m.

II. APPROVAL OF THE AGENDA

Council President Zeidman called for an approval of the agenda.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve the agenda as presented. Motion carried unanimously, 4-0.

III. TOWN COUNCIL PRESIDENT ANNOUNCES:

Council President Zeidman announced the following:

A closed-door attorney client session pursuant to Section 286.011(8) to discuss the following matter: in Re: South Atlantic Regional Center, LLC, Debtor, Scott N. Brown, as Chapter 7 Trustee of the Bankruptcy Estate of South Atlantic Regional Center, LLC, Plaintiff, vs. Palm Beach County, Florida; Town of Palm Beach, Florida; Children's Services Council of Palm Beach County; Health Care District of Palm Beach County; Palm Beach County School District; Florida Department of Education, Defendants; United States Bankruptcy Court Southern District of Florida West Palm Beach Division; Case No.: 19-25762-EPK, Chapter 7, complaint to void and recover fraudulent transfers, pursuant to the

request for advice by the town attorney. The meeting will take place in the conference room behind Town Council Chambers, Second Floor, 360 South County Road with the following persons in attendance; Danielle H. Moore, Mayor, Margaret A. Zeidman, President, Bobbie Lindsay, President Pro Tem, Julie Araskog, Ted Cooney, Lew Crampton, Kirk Blouin, Town Manager, Town Attorneys John C. Randolph and Robert W. Wilkins; and court reporter from Pleasanton & Marsaa Court Reporting. The estimated length of the session is approximately forty-five minutes. Those persons attending the session are: Danielle H. Moore, Mayor, Margaret A. Zeidman, President, Bobbie Lindsay, President Pro Tem, Julie Araskog, Ted Cooney, Lew Crampton, Kirk Blouin, Town Manager, Town Attorneys John C. Randolph and Robert W. Wilkins; and Court Reporter from Pleasanton & Marsaa Court Reporting.

IV. ATTENDEES RETIRE TO CONFERENCE ROOM

The Town Council Members retired to the conference room at 5:41 p.m.

V. RECONVENE SPECIAL TOWN COUNCIL MEETING

The Town Council reconvened in the Town Council Chambers at 5:55 p.m.

Please note: Council Member Araskog participated in the closed-door session telephonically. She continued to participate telephonically until the end of the meeting.

Council President Zeidman announced that a consensus was achieved during the closed-door session.

Town Attorney Randolph indicated that the direction of the Council should be announced.

Council President Zeidman announced the Council directed Town Attorney Randolph to continue to contest the action.

VI. ANY OTHER MATTERS

There were no other matters for discussion.

VII. ADJOURNMENT

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to adjourn the meeting at 5:56 p.m. on July 13, 2022, without the benefit of a roll call.

APPROVED:

Margaret Zeidman, Town Council President

ATTEST:

Kelly Churney, Deputy Town Clerk
Date:



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON THURSDAY, JULY 14, 2022

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order on Thursday, July 14, 2022, at 9:30 a.m. On roll call, all elected officials were found to be present.

II. PLEDGE OF ALLEGIANCE

Council President Zeidman led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

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

IV. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT

There were no comments from citizens.

V. TOWN MANAGER'S OVERVIEW OF THE PROPOSED FY23 BUDGET

A. Fiscal Year 2023 Proposed Budget

1. Executive Summary of the Fiscal Year 2023 Proposed Budget

Kirk Blouin, Town Manager

Town Manager Kirk Blouin provided brief introductory comments including a historic overview of last year's budget process. He stated that in order to meet the increased service needs of the community there was a slight increase in staffing levels in the Police and IT departments. The increase in staffing is offset by revenues either through enterprise funds or enforcement. He mentioned that each department did an excellent job of developing their budget with reasonable increases in expenditures. Mr. Blouin stated that even after the Budget is finalized in September staff will continue to look for efficiencies and will return any unused funds to the budget. He mentioned that last year a little over \$2M was returned to the fund.

There was a large increase of 18.07% in the taxable value of the properties in Town. This will allow the millage to be lowered and provide for better financial planning for the future. The proposed budget, if adopted, will provide no property tax increase for homestead properties for the fifth consecutive year.

2. Fiscal Year 2023 Proposed Budget

Jane Le Clainche, Director of Finance

Jane Le Clainche, Director of Finance thanked Amy Wood, Assistant Director of Finance and Melissa Ladd, Budget Analyst for their hard work in producing the budget presentation. She stated that revenues were higher than expected in many areas and the current fiscal year will end well above the estimates. The expenditures are at budget estimates through the month of June. The transfer of \$5.4 million from the fund balance to cover the North Fire Station and contingency allocation will be significantly less which will result in either a small surplus or a very small amount of that transfer due to the budget. Ms. Le Clainche provided the breakdown of the tax bill per \$1M of taxable value as follows: PBC School District - 42.37%, Palm Beach County - 29.68%, Palm Beach - 17.85% and the other taxing districts represent the balance of the total, which is about 10%.

B. General Fund

1. Review of General Fund Revenues for FY2023.

Jane Le Clainche, Director of Finance

Jane Le Clainche, Director of Finance stated that due to property values increasing by 18.7% to over \$25 Billion, many revenue categories are increasing over FY22 levels, especially licenses, permits and service charges for recreation, parking, police special assignment overtime and fire prevention fees. She stated that the proposed parking fee increases are included in the budget but they will be heard by the Business and Administrative Committee at their next meeting. The summary of the General Fund revenues for FY23 show an increase of 6.25%.

2. General Fund Expenditures – Department Review

- a) Legislative
- b) General Government
- c) Town Manager
- d) Advice and Litigation
- e) Town Clerk
- f) Information Technology
- g) Human Resources
- h) Finance
- i) Planning, Zoning and Building
- j) Recreation and Tennis
- k) Fire Rescue
- l) Police
- m) Public Works
- n) Transfer and Other

The General Fund expenditures show an increase of 6.25% with operating expenditures increasing by 10.84%. Ms. Le Clainche stated that much of the

increase in operating expenditures was due to salary and contractual increases. She explained that the COLA was based on a formula adopted last year to use the last three reporting periods (6 months of data) for the Miami/Fort Lauderdale/West Palm Beach consumer price index for an average increase of 8.9% which would amount to \$2.3 million and merit/step increases totaling \$579,000. She stated that there were market adjustments for Police and Fire to ensure that they were at the 75th percentile and a 3% increase in the ranges for general employees to maintain competitiveness. She gave an overview of the changes in the pension benefits, health insurance and contractual costs.

Council Member Araskog left the dias at 9:45 a.m.

Ms. Le Clainche provided an overview of the various fund transfers.

There was lengthy discussion regarding the various fund transfers and projects to be undertaken/completed.

Town Manager Blouin suggested installing smart traffic signals and crosswalks as traffic concerns are a high priority for the residents. He stated that some security concerns have been addressed with the addition of police officers, construction site monitors and parking patrol officers. The installation of the smart traffic signals is estimated to cost about \$2M. Responding to Council President Zeidman, H. Paul Brazil, Director of Public Works stated that at this time there is no estimate for the cost of the crosswalks but as for allocation he would estimate \$1-1.5M for crosswalks which would be just for major intersections.

Council Member Araskog rejoined the meeting via Zoom at 10:28 a.m.

Ms. Araskog stated her agreement with the Council regarding the traffic safety measures to be undertaken.

Council President Zeidman spoke regarding the additional tax revenue and stated that she was in agreement with the installation of crosswalks for traffic safety.

After discussion, the Town Council unanimously decided to award the 8.9% COLA as to 2% increase to salary and 6.9% paid as a lump sum to the employee.

Regarding the property tax rate, Ms. Le Clainche stated that \$2.5 million increase to the budget would result in \$113 decrease for homesteaded and \$66 increase for non-homesteaded properties; \$3.5 million increase to the budget would result in \$72 decrease for homesteaded and \$111 increase for non-homesteaded properties.

Public Comment

Mark Zeidman, 229 Barton Avenue, spoke as a resident and not on behalf of the Palm Beach Civic Association, stated that the budget was a good balance between increased expenditures and increased taxable value. He made comments regarding

the Palm Beach County budget, coastal resiliency and the capital improvement projects.

Responding to Council Member Lindsay regarding carryover projects in the budget, H. Paul Brazil, Director of Public Works explained the reasons for the carryovers in the budget was to spread costs and prevent significant spikes in a future budget. As an example, he referred to the North Fire Station which will be funded through about three fiscal years instead of one.

The Town Council agreed to set the millage rate at 2.6932 and add back to the budget \$2.5M for the traffic signalization to improve the traffic flow and enhance safety for town residents and visitors. The 2.6932 millage rate would result in a \$130 per million decrease of homesteaded property tax and increase of \$66 per million for non-homesteaded property tax.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to set the millage rate of 2.6932 which would result in a decrease in homesteaded tax of \$113 per million and increase in non-homesteaded tax of \$66 per million. On roll call, the Motion passed unanimously.

C. Special Revenue Fund

1. Town-wide Underground Utility Fund
H. Paul Brazil, Director of Public Works

D. Debt Service Funds

Jane Le Clainche, Director of Finance

E. Capital Improvement Funds

1. Pay As You Go Capital Improvement Program
2. Accelerated Capital Improvement Program
3. Coastal Protection Program
 - a. Review of 10-year plan
4. Worth Avenue Maintenance Program
H. Paul Brazil, Director of Public Works

F. Enterprise Fund Budgets

1. Marina Enterprise Fund
2. Par 3 Golf Course Enterprise Fund
3. Building Enterprise Fund
Carolyn Stone, Assistant Town Manager/Mark Bresnahan, Division Director of Recreation/Wayne Bergman, Director of Planning Zoning and Building

G. Internal Service Funds

1. Health Insurance

2. Risk Management
 3. Equipment Replacement Fund
- Jane Le Clainche, Director of Finance*

H. Trust and Agency Funds

1. Pension Funds
 2. OPEB Trust
- Jane Le Clainche, Director of Finance*

VI. RESOLUTIONS

- A. RESOLUTION NO. 091-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Approving a Proposed Operating Millage Rate of 2.8966 for the Tentative Fiscal Year 2023 Budget; Approving the Computed Rolled Back Millage Rate of 2.4843 to be Provided to the Property Appraiser in Accordance with F.S. 200.065; Establishing the Date, Time and Place of the First and the Final Budget Hearings to Consider the Proposed Millage Rates and Tentative Fiscal Year 2023 Budget and Directing the Town Manager to Transmit this Information to the Property Appraiser of Palm Beach County in Accordance with the Requirements of F.S. 200.065.
- Jane Le Clainche, Director of Finance*

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 091-2022. On roll call, the motion passed unanimously.

- B. RESOLUTION NO. 092-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Recreation Department Fees for Fiscal Year 2023.
- Mark Besnahan, Division Director of Recreation*

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Resolution No. 092-2022. On roll call, the motion passed unanimously.

- C. RESOLUTION NO. 093-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Golf Fees for Fiscal Year 2023.
- Mark Besnahan, Division Director of Recreation*

Motion was made by Council Member Crampton and seconded by Council Member Cooney to approve Resolution No. 093-2022. On roll call, the motion passed unanimously.

- D. RESOLUTION NO. 094-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing Marina Annual and

Transient Dockage Rates for Fiscal Year 2023.
Carolyn Stone, Assistant Town Manager

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to approve Resolution No. 094-2022. On roll call, the motion passed unanimously.

- E. RESOLUTION NO. 095-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Adopting the Revised Fees Related to Fire Prevention and Special Assignment Overtime for Police Officer and Fire-Fighter Deployments beginning for Fiscal Year 2023.
Jane Le Clainche, Director of Finance

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 095-2022. On roll call, the motion passed unanimously.

VII. ANY OTHER MATTERS

Director Le Clainche announced the following dates for the upcoming budget hearings:

Wednesday, September 14, 2022, 5:01 PM
Thursday, September 22, 2022, 5:01 PM

VIII. ADJOURNMENT

There being no further business to discuss, the Special Town Council Meeting of July 15, 2021 was adjourned at 11:44 a.m. without the benefit of a Motion.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: August 9, 2022

Section of Agenda

Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of July 27, 2022.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated July 28, 2022 from Wayne Bergman, Director of Planning, Zoning and Building**
- **Minutes of the Architectural Review Commission Meeting of July 27, 2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 9, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Approval of the Architectural Commission Meeting Minutes of July 27, 2022

Date: July 28, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of July 27, 2022.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items that were considered at the regularly scheduled meeting of July 27, 2022.

GENERAL INFORMATION

These minutes are submitted to the Town Council for approval pursuant to Chapter 18-177 of the Town of Palm Beach Code of Ordinances.

Attachment

kmc



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, JULY 27, 2022

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com.

I. CALL TO ORDER

Chair Smith called the meeting to order at 9:01 a.m.

II. ROLL CALL

Jeffrey W. Smith, Chairman	PRESENT
Richard F. Sammons, Vice Chairman	PRESENT (left 5:09 p.m.)
John David Corey, Member	PRESENT
Maisie Grace, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Thomas Kirchhoff, Member	PRESENT
Kenn Karakul, Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT
Elizabeth Connaughton, Alternate Member	PRESENT
Joshua L. Martin, Alternate Member	PRESENT

Staff Members present were:

Sarah Pardue, Design & Preservation Planner
Jordan Hodges, Design & Preservation Planner
Kelly Churney, Deputy Town Clerk

III. PLEDGE OF ALLEGIANCE

Chairman Smith led the Pledge of Allegiance.

IV. APPROVAL OF THE MINUTES FROM THE JUNE 29, 2022 MEETING

Motion made by Mr. Karakul and seconded by Mr. Corey to approve the minutes from the June 29, 2022 meeting as amended. Motion carried unanimously, 7-0.

V. APPROVAL OF THE AGENDA

Ms. Pardue asked for a motion to approve the agenda with the following changes listed on the agenda modification sheet:

Pull ARC-22-119, 150 Worth Avenue from the consent agenda

Deferral of ARC-22-029, 411 Brazilian Avenue to the August 24, 2022 Meeting
Deferral of ARC-22-099 (ZON-22-065), 360 El Brillo Way to the August 24, 2022 Meeting
Deferral of ARC-22-022 (ZON-22-021), 160 Seaview Ave. to the August 24, 2022 Meeting
Deferral of ARC-22-148 (ZON-22-105), 150 Seminole Ave. to the August 24, 2022 Meeting
Deferral of ARC-22-126 (ZON-22-088), 240 Oleander Ave. to the August 24, 2022 Meeting
Withdrawal of ARC-22-133, 482 Island Drive

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

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

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

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

Mr. Corey pointed out the digital plans online were helpful and a wonderful resource.

Mr. Bergman discussed the updated notice sent to the neighbors. He stated that the architectural firms were no longer included in the notice and the agenda to pare down the length. He reminded the Commission that this information was included in the staff memos provided to them.

Mr. Bergman also provided an update on the ARCOM Project Designation Manual. He indicated the changes to this manual were adopted at the July Town Council Meeting.

Mr. Floersheimer inquired about the neighbor consent process. Mr. Bergman responded.

Ms. Grace still believed that the architectural firms' information would be helpful on the agenda. Mr. Bergman responded. Ms. Grace also objected to the neighbor's consent of a project for approval.

Mr. Sammons thought that listing the architectural firms on the agenda could illicit prejudice.

VIII. **PROJECT REVIEW**

A. **CONSENT AGENDA OF MINOR PROJECTS**

1. **ARC-22-077 2276 IBIS ISLE RD.** The applicants, Sue and Sheldon Gering, have filed an application requesting Architectural Commission review and approval for roof replacement with an alternate material.

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

2. **ARC-22-119 150 WORTHAVE.** The applicants, Wilson 150 Worth LLC, have filed an application requesting Architectural Commission review and approval for the installation of new second floor window openings along the south elevation and the installation of new service gates.

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

3. **ARC-22-134 325 SEASPRAY AVE.** The applicant, Jeffrey Cohen, has filed an application requesting Architectural Commission review and approval for modifications to existing landscape and hardscape.
4. **ARC-22-138 353 PERUVIAN AVE.** The applicant, Lifestyle Holdings, LLC, has filed an application requesting Architectural Commission review and approval for a modification to the existing interior hardscape and landscape, that will include new paving and water features within the interior courtyard and increasing the open space and landscaping on site.

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

5. **ARC-22-139 525 N COUNTY RD.** The applicant, Mr. & Mrs. Flowers, has filed an application requesting Architectural Commission review and approval for modifications to a previously approved design of entry wall and gate as well as interior fountains.

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

6. **ARC-22-145 241 JUNGLE RD.** The applicant, RH Real Estate Organization (Marc Schmidt), has filed an application requesting Architectural Commission review and approval for the installation of two (2) new vehicular gates and for fenestration alterations to the existing one-story residence.

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

7. **ARC-22-150 150 BRAZILIAN AVE.** The applicant, Patrick Ryan, has filed an application requesting Architectural Commission review and approval for landscape and hardscape alterations at the single-family residence and the installation of new driveway gates.

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

Motion made by Mr. Corey and seconded by Mr. Karakul to approve the consent agenda as amended, which only included ARC-22-134, 325 Seaspray Avenue. Motion carried unanimously, 7-0.

Please note: This approval did not include the following projects: ARC-22-077, 2276 Ibis Isle Road, ARC-22-119, 150 Worth Avenue, ARC-22-138, 353 Peruvian Avenue, ARC-22-139, 525 N. County Road, ARC-22-145, 241 Jungle Road and ARC-22-150, 150 Brazilian Avenue.

B. ITEMS PULLED FROM CONSENT

1. **ARC-22-077 2276 IBIS ISLE RD.** The applicants, Sue and Sheldon Gering, have filed an application requesting Architectural Commission review and approval for roof replacement with an alternate material.

Call for disclosure of ex parte communication: There were no communications disclosed at this time.

Ms. Grace requested the Commission review the item due to the S-tile proposed.

Penny Paine, representing the homeowner, presented the proposed material for the roof replacement.

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

Ms. Shiverick inquired if the s-tile was the original roofing material. Ms. Paine responded and stated that the homeowner would like to replace the tile and return to what they believed was the original material.

Mr. Corey thought the material was high quality.

A roofing representative from Diversified Roofing stated that the material presented had been designed to replicate a true clay barrel tile.

Mr. Kirchhoff wondered why the professional was not using a clay tile. The roofing professional responded.

A short discussion ensued about the quality of the tile.

Motion made by Mr. Corey and seconded by Mr. Karakul to approve the project as presented. Motion carried 4-3, with Mses. Grace, Shiverick and Mr. Kirchhoff dissenting.

2. **ARC-22-119 150 WORTH AVE.** The applicants, Wilson 150 Worth LLC, have filed an application requesting Architectural Commission review and approval for the installation of new second floor window openings along the south elevation and the installation of new service gates.

Call for disclosure of ex parte communication: Disclosure by several Commissioners. *Please note: Mr. Sammons declared a conflict of interest for this project and left the dais during the discussion.*

Ms. Pardue indicated that staff removed the project from the consent agenda due to the neighbor's concerns.

Yvonne Jones, on behalf of the owners at 150 Worth Avenue, presented the reasons for the newly proposed second floor window openings.

Mr. Smith called for public comment.

Bruce Siegel, The Colony Hotel, indicated his concerns for the proposed plans and indicated that the two groups have been in conversations trying to come to an amicable solution.

Ms. Jones discussed her hardship for the proposed windows. She also indicated that they would like to continue discussions with the neighbor regarding the window treatments and coverings.

Ms. Shiverick inquired further about the objections by Mr. Siegel. Mr. Siegel responded. Ms. Shiverick asked if Mr. Siegel objected to the proposed gate, to which Mr. Siegel responded no.

Mr. Floersheimer inquired about the shutters for the windows. Ms. Jones stated that her architectural firm did have another presentation and requested to show the plans to the Commission. Mr. Floersheimer objected to seeing new plans since neither staff nor the Commission had reviewed them.

Mr. Corey inquired about the site plan and whether a variance was needed. Ms. Jones responded. Mr. Corey recommended the use of landscaping next to the windows.

Ms. Grace was concerned that there were no other views of the building shown in the presentation. Ms. Jones responded and stated that there were no other changes proposed to the remainder of the building.

Mr. Floersheimer suggested painting the location of the windows on the building so that the Commission can understand the placement of the windows.

Motion made by Mr. Floersheimer and seconded by Mr. Karakul to defer the project to the August 24, 2022 meeting. Motion carried unanimously, 7-0.

3. **ARC-22-138 353 PERUVIAN AVE.** The applicant, Lifestyle Holdings, LLC, has filed an application requesting Architectural Commission review and approval for a modification to the existing interior hardscape and landscape, that will include new paving and water features within the interior courtyard and increasing the open space and landscaping on site.

Ms. Pardue provided staff comments.

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

Mr. Corey indicated his concerns for the project.

Dustin Mizell, Environment Design Group, presented the reasons for the removal of the Alexander palms.

Mr. Corey requested that the palms be replaced with Coconut palms.

Ms. Shiverick inquired about the proposed fireplace. Mr. Mizell discussed the overview of the space and how it would be used. Ms. Shiverick questioned the functionality of the fireplace.

Mr. Floersheimer inquired if the vehicular entrance would be removed, and therefore, the curb cut. Mr. Mizell responded. Mr. Floersheimer inquired if the property would be commercial or residential. Mr. Mizell responded.

Ms. Grace inquired about the newly proposed paving. Mr. Mizell responded. Ms. Grace asked about the water feature, to which Mr. Mizell responded.

Ms. Shiverick thought the use of the property should be determined before the proposal was brought to the Commission. Mr. Mizell responded.

Mr. Sammons inquired if the grade would be raised. He also inquired about the parking for this site, to which Ms. Pardue responded. Mr. Mizell indicated that the grade was not going to be changed.

Ms. Grace agreed with Ms. Shiverick and thought a determination of the property should be made prior to the presentation to the Commission.

Mr. Martin inquired if there was a possibility to clean up the existing site while the owner was seeking approval for the proposed changes.

Mr. Kirchhoff agreed with Ms. Shiverick but thought the design was nice. He recommended an approval without the fireplace.

Ms. Connaughton agreed with Mr. Kirchhoff.

Ms. Grace requested to see more details in the plans.

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

Motion made by Mr. Corey and seconded by Ms. Shiverick to defer the project to the August 24, 2022 meeting. Motion carried unanimously, 7-0.

4. **ARC-22-139 525 N COUNTY RD.** The applicant, Mr. & Mrs. Flowers, has filed an application requesting Architectural Commission review and approval for modifications to a previously approved design of entry wall and gate as well as interior fountains.

Mr. Hodges provided staff comments.

Call for disclosure of ex parte communication: Disclosure by several Commissioners. *Please note: Mr. Smith declared a conflict of interest for the project and left the dais during the construction.*

Leslie Peirce, Smith Architectural Group, presented the architectural modifications to the residence.

Claudia Visconti, SMI Landscape Architecture, presented the landscape and hardscape modifications proposed for the site.

Mr. Karakul wondered if the landscape would be increased with the removal of the gatehouse. Ms. Visconti responded.

Mr. Floersheimer inquired about the walls in front of the home. Ms. Peirce responded.

Ms. Shiverick inquired about the Live Oaks proposed. Ms. Visconti responded.

Mr. Sammons offered his objections to the crest proposed atop the gate.

Motion made by Ms. Shiverick and seconded by Mr. Karakul to approve the project as presented. Motion carried unanimously, 7-0.

5. **ARC-22-145 241 JUNGLE RD.** The applicant, RH Real Estate Organization (Marc Schmidt), has filed an application requesting Architectural Commission review and approval for the installation of two (2) new vehicular gates and for fenestration alterations to the existing one-story residence.

Ms. Pardue provided staff comments.

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

Daniel Kahan, Smith and Moore Architects, presented the architectural modifications to the residence.

Ms. Grace inquired if the professional would consider a softer color for the gate. Mr. Kahan responded.

Ms. Shiverick stated she did not believe a gate was appropriate on this street.

Mr. Corey agreed with Ms. Shiverick and thought the proposed gate was urban and cold.

Mr. Karakul agreed and stated he design the home without the gate as he did not feel it was necessary.

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

Motion made by Ms. Shiverick and seconded by Mr. Corey to approve the project, except for the Jungle Road vehicular gate, which was not approved. Motion carried unanimously, 7-0.

6. **ARC-22-150 150 BRAZILIAN AVE.** The applicant, Patrick Ryan, has filed an application requesting Architectural Commission review and approval for landscape and hardscape alterations at the single-family residence and the installation of new driveway gates.

Ms. Pardue provided staff comments.

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

Dustin Mizell, Environment Design Group, presented the landscape and hardscape alterations to the site.

Mr. Floersheimer thought the gate was too big and could be scaled down. He did not believe there were many gates in the surrounding area. He also thought the gate was too similar to the gate adjacent to the property.

Mr. Mizell stated that the gate was 13 feet wide, not 17 feet.

Ms. Grace thought the gates were heavy and dark. She was not in favor of the gate. However, she added that if there were to be a gate, it should be lighter.

Mr. Corey thought the gates were too foreboding and did not belong on the street. He also thought the gate would appear very large in its location on the street.

Mr. Kirchhoff agreed that the gate was too large and dark.

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

Motion made by Mr. Corey and seconded by Mr. Karakul to defer the project to the August 24, 2022 meeting. Motion carried unanimously, 7-0.

C. MAJOR PROJECTS – OLD BUSINESS

1. **ARC-22-029 411 BRAZILIAN AVE.** The applicant, Holy Union PB Limited (Sean Sheridan), has filed an application requesting Architectural Commission review and approval for the construction of a new approximately 3700 SF two story residence designed in a mix of modern and classical style architecture.

Please note: This item was deferred to the August 24, 2022 meeting at Item V., Approval of the Agenda.

2. **ARC-22-032 (ZON-22-017) 1237 N LAKE WAY (COMBO)** The applicant, Frank H. Pearl and Geryl T. Pearl, has filed an application requesting Architectural Commission review and approval for construction of a new 5800 SF two story residence and two-story accessory structure in the modern/classical style of architecture including variances for a two-story accessory structure to replace an existing two-story residence to be demolished. The variance portion of the application will be reviewed by Town Council.

Mr. Hodges provided staff comments on the project.

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

Daniel Clavijo, SKA Architect + Planner, presented the architectural modifications for the newly proposed residence.

Corey Meyer, Nievera Williams Design, indicated that there were no changes to the landscape and hardscape plans.

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

Mr. Floersheimer inquired about the pictures of the rooflines of the proposed and neighboring properties. Mr. Clavijo responded.

Mr. Corey stated he struggled with the home and found the garage too close to the street. He thought the main home lacked charm. Mr. Clavijo responded about the setbacks. Mr. Corey questioned the hip roof and proportions of the main body of the home.

Mr. Sammons questioned the moldings on the proposed home and the proportions of the windows.

Mr. Kirchhoff agreed with Mr. Sammons. He questioned the scale of the windows on the west elevation. He suggested using the inspiration photographs shown as reference.

Mr. Karakul thought the professional made strides to make the changes that the Commission requested.

Motion made by Mr. Karakul to approve the project as presented with further detailing to be made to the residence. Motion failed for lack of a second.

Motion made by Mr. Kirchhoff and seconded by Mr. Corey to defer the project to the August 24, 2022 meeting. Motion carried 6-1, with Mr. Karakul dissenting.

Please note: A short break was taken at 10:45 a.m. The meeting resumed at 11:01 a.m.

3. **ARC-21-038 (ZON-21-002) 218 ROYAL PALM WAY (COMBO)** The applicant, 218 Holdings LLC (Susan Hudson, Manager) has filed an application requesting Architectural Commission review and approval for the expansion of a third floor to an existing three-story building including variances from the parking, generator and wall height, and setback requirements. Town Council shall review the variance portion of the application. The application will require special exception and site plan reviewed by Town Council.

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

Nelo Freijomel, Spina O'Rourke + Partners, presented the architectural modifications proposed for the commercial building.

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

Mr. Sammons inquired about the dimensions to the second-floor columns. Mr. Freijomel responded.

Motion made by Mr. Corey and seconded by Ms. Grace to approve the project as presented with a slight adjustment to the second-floor columns. Motion carried unanimously, 7-0.

4. **ARC-22-072 (ZON-22-083) 965 N OCEAN BLVD. (COMBO)** The applicant, 965 North Ocean Boulevard, LLC (Matthew Sellick), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence with a basement exceeding 10,000 sq ft with associated landscape and hardscape improvements. Site Plan Review for 150 kW generator will be performed by Town Council.

Mr. Hodges provided staff comments on the project.

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

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

Mr. Smith called for public comment.

John Dyson, 970 N. Ocean Blvd., expressed his objections to the proposed project.

Derek Limbocker, 977 N Ocean Blvd., expressed his objections to the proposed project.

John C. Dotterrer, 1470 N. Ocean Blvd., expressed his objections to the proposed project.

Bill Metzger, 277 Esplanade Way, expressed his objections to the proposed project.

Ms. Shiverick thought the aerial shots were telling and did not believe there had been enough reduction in the mass or bulk. She stated she would entertain a denial.

Mr. Sammons thought the scale of the guesthouse was appropriate; however, the main house's scale was out of proportion.

Ms. Grace leaned toward a denial as she did not believe enough reductions had been made.

Ms. Connaughton questioned whether the proposed was too dissimilar to the other homes in the neighborhood.

Ms. Grace reminded the professional that the Commission suggested removing the guesthouse at the prior meeting.

Mr. Karakul thought the home's scale was too large for the narrow lot. He also was not in favor of the towers on the main home.

Mr. Corey agreed with his fellow Commissioners. He also supported a motion to deny the project.

Mr. Floersheimer thought the house was too large for the lot, particularly the buildable lot.

Mr. Smith stated he could not see any reductions made to the design.

Mr. Janssen showed the Commissioners alternate drawings and advocate for the proposed home. Mr. Janssen showed photographs of the home on the street, which he believed had similar lot coverage to the proposed home.

Mr. Kirchhoff responded and suggested to Mr. Janssen that the other properties shown had a relief in their design, which he believed Mr. Janssen's design did not.

Motion made by Mr. Corey and seconded by Ms. Grace to deny the project based on Section 18-205a (1), (6e), and (6f). Motion carried unanimously, 7-0.

5. **ARC-22-099 (ZON-22-065) 360 EL BRILLO WAY (COMBO)** The applicant, El Brillo Way Trust uad September 24, 2021 (David Klein, trustee), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence over 10,000 sq ft including variances from the angle of vision, front setback for a pool, and building height plane, with related sitework, landscape and hardscape improvements. Town Council will review Variance portion of the application.

Please note: This item was deferred to the August 24, 2022 meeting at Item V., Approval of the Agenda.

6. **ARC-22-105 (ZON-22-071) 124 COCOANUT ROW (COMBO)** The applicant, Nedim Soylemez and Rebecca Ann Soylemez, has filed an application requesting Architectural Commission review and approval for the demolition of an existing two-story residence and the construction of a new two-story residence including variances from the cubic content ratio (CCR), height and overall height, with related landscape and hardscape improvements. Town Council will review the variance portion of the applications.

Mr. Hodges provided staff comments on the project.

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

Andrew Kochen, Workshop APD, presented the architectural modifications for the proposed new residence.

John Lang, Lang Design Group, presented the landscape and hardscape plans for the site.

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

Mr. Karakul thought the professional had addressed the requests of the Commission and expressed his support.

Ms. Grace thought the changes were good and was in favor of the front entrance.

Mr. Sammons thought the proportions still needed some work.

Ms. Shiverick thought the proposed home was dark and foreboding. She suggested changing the color of the trim to white.

Mr. Kirchhoff expressed concern for the second-floor terrace on the rear of the home as he believed it could affect the neighbor's privacy.

Mr. Corey agreed that the home had a cold feeling and wondered if the home fit into the area. He wondered if a change in the color of the windows, as well as the type of window, would help the design.

Mr. Smith questioned the detailing on the home and the windows proposed. Mr. Kochen responded.

Mr. Karakul disagreed with the Commissioners. He thought the windows were fine and the landscape plan was good.

Ms. Grace supported the window trim color change to white.

Mr. Martin thought double hung windows with white trim would be more appropriate.

Motion made by Mr. Corey and seconded by Ms. Shiverick to defer the project to the August 24, 2022 meeting. Motion carried 6-1, with Mr. Karakul dissenting.

7. **ARC-22-129 (ZON-22-089) 515 N LAKE WAY (COMBO)** The applicant, Roberto and Joanne DeGuardiola (Contract Purchaser) has filed an application requesting Architectural Commission review and approval for the partial demolition, enlargement and second floor addition to an existing one-story residence, including (1-5) to reduce setback requirements, (6) to exceed the angle of vision, (7) to exceed site wall height, and (8) to exceed the maximum Cubic Content Ratio (CCR) allowance. Town Council will review the variance portion of the application.

Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members.
Please note: Ms. Churney indicated that Mr. Sammons declared a conflict of interest for the project and left the dais during the discussion.

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

Jamie Torres-Cruz, Fairfax & Sammons, presented the architectural modifications for the newly proposed residence.

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

Mr. Smith called for public comment.

James Green, representing the Margolis Family at 528 N. Lake Way, stated that his client did not object to the project but requested that a 14-foot hedge be installed between the two properties. Mr. Green submitted a letter, which outlined the request.

Mr. Corey asked about the two variances requested. Mr. Torres-Cruz responded and provided explanation. Mr. Corey inquired if the existing house was being retained. Mr. Torres-Cruz responded. Mr. Corey found the home too large for the lot and expressed a concern for the increase of CCR. He added that he could not support the current project.

Ms. Grace inquired about the hedging material proposed and wondered if breaks in the hedging could be offered. Mr. Meyer responded.

Joanne DeGuardiola, owner, understood Ms. Grace's concern but stated that they spoke to most of the neighbors and the landscape plan addressed all of the requests, which included tall hedging material.

Mr. Karakul thought the house was very tasteful and well balanced. He supported the project.

Mr. Floersheimer agreed with Mr. Corey on the CCR variance. He wondered if a reduction in the floor heights would help. He also agreed with Mr. Karakul that the home was well designed. He wondered if additional greenspace could be retained by reducing some hardscape. Mr. Meyer responded.

Mr. Kirchhoff thought the home was nicely designed. He also thought this was a brand-new home rather than a rebuilt home. He provided a suggestion for the awning on the south elevation.

Ms. Connaughton also supported the home. She expressed a slight concern for the awning over the garage.

Ms. Shiverick wondered if the property had been expanded to the north. Mr. Torres-Cruz responded. Ms. Shiverick expressed concern about a possible traffic concern with the hedge along Tangier. She also agreed with Mr. Floersheimer in his suggestion for a reduction in the hardscape.

Mr. Smith was in favor of the changes. He was supportive of the location of the garage and the dark trim.

Mr. Corey expressed a concern about the increase in CCR for this lot.

Mr. Martin cautioned against reducing the ceiling heights to obtain the correct CCR.

Mr. Karakul agreed with Mr. Martin and thought the proportions were correct in this design.

Ms. Shiverick agreed with Mr. Karakul and thought good design should supersede calculations. She inquired about the colors of the awning. Mr. Torres-Cruz responded. Ms. Shiverick suggested changing the window trim to white and using black/white awnings.

Motion made by Mr. Karakul and seconded by Ms. Shiverick that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried 5-2, with Messrs. Corey and Floersheimer dissenting.

Motion made by Mr. Karakul and seconded by Ms. Shiverick to approve the project as presented with the following conditions: the window trim shall be changed to a white color, the hardscape around the pool shall be reduced and a 14-foot hedge shall be installed adjacent to 528 N. Lake Way

at the request of the neighbor. Motion carried 6-1, with Mr. Corey dissenting.

8. **ARC-22-022 (ZON-22-021) 160 SEAVIEW AVE. (COMBO)** The applicant, Coral Beach Corporation (Angela Feldman, President) (160 Seaview Ave) and Seaview Holdings, Inc. (David Feldman, Director) (170 Seaview Ave), has filed an application requesting Architectural Commission review and approval of the construction of a new two-story guest house including variances from setback and point of measurement requirements on a unified site of 160 and 170 Seaview Avenue. Town Council will review the variance portion of the application.

Please note: This item was deferred to the August 24, 2022 meeting at Item V., Approval of the Agenda.

Please note: Mr. Sammons returned to the meeting at 12:44 p.m.

9. **ARC-22-122 239 EMERALD LN.** The applicant, Buck House Limited, has filed an application requesting Architectural Commission review and approval to construct a new two-story addition to the west and rear of the existing two-story residence, and for alterations including new windows and doors, hardscape, and landscape modifications.

Mr. Hodges provided staff comments on the project.

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

Taylor Smith, Smith Kellogg Architecture, Inc., presented the architectural modifications for the newly proposed residence.

Claudia Visconti, SMI Landscape Architecture, presented the landscape and hardscape modifications for the site.

Mr. Smith called for public comment.

Dr. Jerome Klein, 225 Emerald Lane, expressed his concerns for the proposed changes.

Mr. Kirchhoff thought the changes were good and was in full support of the project.

Ms. Grace was supportive of the project.

Mr. Karakul agreed with Mr. Kirchhoff and was in full support of the project.

Ms. Connaughton inquired about the pitch break in the roof. She also wondered if the professional would consider using the same motif as the louvers. She also suggested increasing the shutter size adjacent to the French doors.

Mr. Corey inquired about 3-D renderings. Mr. Smith showed the renderings on the overhead projector.

Mr. Floersheimer inquired about the number of mechanical units proposed. Mr. Smith responded.

Mr. Sammons expressed concern for the removal of the screen porch.

Motion made by Mr. Karakul and seconded by Ms. Grace to approve the project as presented. Motion carried unanimously, 7-0.

Please note: A lunch break was taken at 12:59 p.m. The meeting resumed at 2:03 p.m. Mr. Floersheimer and Ms. Grace returned at 2:05 p.m.

10. **ARC-22-127 234 LIST RD.** The applicant, Valley Property Management, LLC. (Phil Cambo), has filed an application requesting Architectural Commission review and approval for the demolition of the existing one-story residence and the construction of a new one-story residence with related landscape and hardscape improvements.

Mr. Hodges provided staff comments on the project.

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

Gregory Bonner, B1 Architect, presented the architectural modifications for the newly proposed residence.

Grace Walton, Environment Design Group, presented the landscape and hardscape modifications for the site.

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

Ms. Grace inquired about the neighbor's concerns for the mechanical equipment. Mr. Bonner responded. Ms. Grace inquired if the equipment could be placed in the rear setback. Mr. Bonner responded and indicated that adequate screening had been provided.

Mr. Corey asked if the equipment would be covered. Ms. Walton responded.

Ms. Grace suggested moving the equipment north by 10 feet. Mr. Bonner agreed to the suggestion.

Mr. Kirchhoff thought the home exceeded the allowable cubic content. Mr. Kirchhoff asked about the height of the windows. Mr. Bonner responded.

Ms. Shiverick thought the brackets had been brought down too much. She also questioned the choice of color for the window trim. She suggested using a different front door as well. She inquired about whether the water table would be painted white, to which Mr. Bonner replied yes.

Ms. Connaughton thought that inspiration images could be helpful.

Motion made by Ms. Shiverick and seconded by Ms. Grace to defer the project to the August 24, 2022 meeting in accordance with the comments from the Commissioners, including the direction to meet with the neighbor to resolve any issues with the location of the mechanical equipment. Motion carried unanimously, 7-0.

D. MAJOR PROJECTS – NEW BUSINESS

1. **ARC-22-094 249 MONTEREY RD.** The applicant, Michael Peacock, has filed an application requesting Architectural Commission review and approval for the demolition of an existing single-family residence and the construction of a new single-family residence with related hardscape and landscape improvements.

Ms. Pardue provided staff comments on the project.

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

Rick Gonzalez, REG Architects, presented the architectural plans for the newly, proposed residence.

Adam Mills, Environment Design Group, presented the landscape and hardscape plans for the site.

Mr. Smith called for public comment.

Dragana Connaughton, 267 Merrain Road, expressed her objections to the proposed project.

Ms. Grace was disappointed to see the demolition of the existing home. She wondered if the professional considered the historic building designation. She questioned the design style proposed for the new home and wondered if the new home would appear boxy on the site. She questioned the bay window on the front façade as well as the fenestration.

Ms. Shiverick thought it was a fantastic opportunity to save the home. She advocated for the existing home to be saved.

Mr. Sammons was not in favor of the proposed garage. He thought the house was too wide and questioned the design style.

Mr. Kirchhoff questioned the cubic content calculations. He also agreed with the other comments on the proposed design style. He also questioned the bay window proposed.

Ms. Connaughton was not in favor of the removal of the large trees in the front yard. She also was not in support of the demolition of the existing Fatio home. She questioned the ratios and proportions of the design.

Please note: Mr. Martin returned at 2:46 p.m.

Mr. Karakul thought the design was unsuccessful in the material choices as well as in the scale and design.

Mr. Corey agreed with his fellow Commissioners. He thought the Monterey style was the best choice but was not in favor of the front facing garage as well as the chimney. He also questioned some of the proportions in the design. He suggested if the large trees were to be removed, to replace them with large shade trees.

Mr. Smith suggested eliminating the Mission style. He recommended restudying the proportions and returning with a Monterey design.

Motion made by Ms. Shiverick and seconded by Mr. Sammons to deny the project based on Section 18-205a (1). Motion failed 3-4, with Messrs. Corey, Kirchhoff, Karakul and Smith dissenting.

Motion made by Mr. Karakul and seconded by Mr. Kirchhoff to defer the project to the September 28, 2022 meeting. Motion carried 4-3, with Mr. Sammons and Ms. Grace and Shiverick dissenting.

2. **ARC-22-098 (ZON-22-064) 742 SLOPE TRL (COMBO)** The applicant, John R. Tozzi, Trustee of the Tozzi Family Trust u/a/d December 29, 1980, has filed an application requesting Architectural Commission review and approval for two (2) one (1)-story 273 square foot additions to create two (2) new front-loading single car garages to an existing one-story residence, including a variance to exceed the maximum Cubic Content Ratio (CCR) to permit 5.99 in lieu of the existing 5.7 and the 3.91 maximum allowed in the R-B Zoning District. Town Council will review the variances portion of the application.

Ms. Pardue provided staff comments on the project.

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

Rich Leja, ACI Architecture, presented the architectural modifications to the existing residence.

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

Ms. Grace inquired about the reason for the request. Mr. Leja responded.

Mr. Sammons wondered if the issues could be resolved with a driveway realignment. He thought the solution was acceptable but wished the garage door could be nicer.

Mr. Floersheimer thought there were other ways to resolve the issue. He thought the addition of the garages unbalanced the home and would be unsightly.

Mr. Corey thought the garage design could work and could even add to the façade. He thought the proposed columns were too boxy. He recommended moving the driveway to the middle of the property.

Ms. Shiverick saw the opportunity to make the front façade more pleasant looking. She recommended adding some plants on the upper balcony. She understood the request and did not believe it would disturb many neighbors.

Mr. Karakul agreed with Ms. Shiverick and thought the design could be very successful. He liked Mr. Corey's idea of the center driveway. He suggested adding some vertical landscaping around the garage doors.

Mr. Kirchhoff also liked the idea of the center driveway. However, he added that he could support the project. He recommended moving the garages so that they centered under the windows above.

A discussion ensued about a possible motion with the requirement of a center drive aisle.

Motion made by Mr. Sammons and seconded by Ms. Shiverick to approve the project with the following conditions: the columns will be proportional to the entablature and the two center columns will be round. Motion carried unanimously, 7-0.

3. **ARC-22-123 (ZON-22-078) 231 BRADLEY PL (COMBO)** The applicant, Bradley Palm LLC, has filed an application requesting Architectural Commission review and approval for exterior design modifications and additions to the existing two-story office building including façade alterations and the construction of a new second floor balcony and new exterior stair, including variances from the parking requirements, setback requirements and lot coverage requirements. The variance and Special exception with site plan review portion of the application shall be reviewed by Town Council.

Ms. Pardue provided staff comments on the project.

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

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

Pablo Garcia, Gensler, presented the architectural modifications proposed for the existing commercial building.

Jonathan Hague, Kimley Horn, presented the landscape and hardscape plans for the site.

Mr. Hanlon discussed the change to the stairwells. He discussed his contact with the neighbors.

Mr. Smith called for public comment.

Bill and Anne Metzger, 277 Esplanade Way, expressed their concerns for the proposed project.

Mr. Garcia addressed the concerns made by the Metzgers.

Ms. Shiverick thought the changes were an improvement and was in favor of the proposed materials. She recommended changing the window trim to a white color.

Ms. Grace thought the existing design felt more like Palm Beach than the proposed. She thought the new entrance lacked charm.

Mr. Sammons was in favor of the changes. He requested that the professional enclose the first-floor parking structure. He also recommended reducing the scale of the front entrance.

Mr. Smith discussed the balustrades. He was not in favor of removing the trees on the street.

Mr. Martin thought the mechanical equipment on the rooftop was the worst part of the building. Mr. Garcia responded. Mr. Martin agreed with Mr. Sammons on the first-floor parking. Mr. Martin also agreed with the comments about the front entrance and recommended restudying this design feature. He also recommended revisiting the proportion of the lights as well.

Mr. Corey was not in favor of the enclosed, two-story entrance. He provided some design suggestions for this feature. He also agreed with Mr. Smith and was not in favor of the removal of the front trees. He provided further design suggestions.

Ms. Connaughton agreed with many of the Commissioners and thought the front entrance design needed some restudy.

There was a short discussion regarding the front entrance design.

Mr. Floersheimer inquired about the design of the interior space in the front entrance. Mr. Garcia responded.

Mr. Karakul was not in favor of the hip roof over the front entrance. He also recommended adding taller landscaping around the building.

Motion made by Mr. Sammons and seconded by Ms. Grace to defer the project to the August 24, 2022 meeting for a restudy in accordance with the comments of the Commissioners. Motion carried unanimously, 7-0.

4. **ARC-22-137 (ZON-22-092) 321 BARTON AVE (COMBO)** The applicant, Timothy Hanlon, has filed an application requesting Architectural Commission review and approval for site improvements to the hardscape and landscape plans, including a new motor court, garage parking removal, and relocating a freestanding landscape wall, including variances to reduce the open space requirements and to eliminate the garage requirement. The variance review portion of the application shall be reviewed by Town Council.

Ms. Pardue provided staff comments on the project.

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

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

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

Diane Ramirez, owner, discussed the issues of the existing driveway.

Samuel Ramirez, owner, also discussed the issues of their current driveway.

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

Mr. Corey thought the project was very nice. He confirmed the motor court was sufficient for a turning radius, to which Mr. Mizell responded yes. Mr. Corey also suggested removing the sidelights from the newly proposed French doors.

Mr. Floersheimer inquired about the proposed stepping-stones. He suggested removing the stepping-stones to gain more greenspace. Mr. Mizell responded.

Ms. Grace recommended trying to grow sod in the joints in the motor court.

Ms. Shiverick had experienced the tightness of the driveway and empathized with the homeowner. She agreed with Ms. Grace and wondered if sod could be added to the motor court.

Motion made by Mr. Sammons and seconded by Ms. Shiverick to approve the project as presented with the following conditions: sod joints shall be added to the motor court and the sidelights shall be eliminated from the French doors. Motion carried unanimously, 7-0.

Motion made by Mr. Corey and seconded by Ms. Shiverick that implementation of the proposed variances will not cause negative

architectural impact to the subject property. Motion carried unanimously, 7-0.

5. **ARC-22-140 248 VIA MARILA** The applicant, 248 Via Marila Trust dated September 13, 2021 (Guy Rabideau), has filed an application requesting Architectural Commission review and approval for the demolition of an existing two-story single-family residence, one-story guesthouse, pool and hardscape, and the construction of a new two-story single-family residence with related hardscape and landscape improvements.

Ms. Pardue provided staff comments on the project.

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

Stephen Roy, Roy & Posey, presented the architectural plans for the proposed new residence.

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

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

Ms. Grace thought the house was sited nicely. She stated she preferred a more traditional window and requested more uniformity in the fenestration.

Mr. Sammons questioned the proposed shutters with the casement windows. He suggested reducing the front door size as well as the size of the home.

Ms. Shiverick thought the project was very nice and would fit nicely on the street. She was in favor of the landscaping plans. She recommended changing the windows to double hung windows. She was in favor of the lighting choices.

Mr. Karakul thought the design was very nice and innovative. He thought the house was attractive.

Mr. Kirchhoff thought the plan was well conceived. He also preferred double hung windows.

Mr. Smith provided a suggestion for the columns on the street side.

Motion made by Mr. Corey and seconded by Ms. Grace to defer the project to the August 24, 2022 meeting. Motion carried unanimously, 7-0.

6. **ARC-22-141 218 MERRAIN RD.** The applicant, Robert and Kate Keith, has filed an application requesting Architectural Commission review and approval for demolition of an existing 4,287 square foot residence and construction of a new contemporary two-story residence with associated landscape and hardscape.

Ms. Pardue provided staff comments on the project.

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

Benjamin Schreier, Affiniti Architects, presented the architectural plans for the proposed new residence.

Cory Meter, Nievera Williams Design, presented the landscape and hardscape plans for the site.

Mr. Smith called for public comment.

Cindy Anderson, 226 Merrain Road, expressed her concerns for the proposed project.

Peter McKelvy, 1295 N. Lake Way, expressed his concerns for the proposed project.

Andrew Stewart, 210 Merrain Road, expressed his concerns for the proposed project.

Ms. Shiverick was not in favor of the style of the home and thought it was too dissimilar for the area. She also questioned the amount of fill proposed for the home.

Mr. Sammons thought the style of the home was too dissimilar to the surrounding homes. He did not find the home charming and thought it lacked quality materials.

Mr. Corey agreed with Ms. Shiverick and Mr. Sammons and thought the home clashed with the surrounding homes.

Ms. Grace agreed with her fellow Commissioners.

Mr. Kirchhoff did not believe the home was appropriate for the area.

Mr. Karakul agreed and did not believe the materials were appropriate for the site.

Motion made by Ms. Shiverick and seconded by Mr. Corey to deny the project based on Section 18-205a (5), (6c). Motion carried unanimously, 7-0.

Please note: The Commission took a short break at 4:59 p.m. The meeting resumed at 5:09 p.m. Mr. Karakul returned at 5:13 p.m. Mr. Sammons did not return to the meeting.

7. **ARC-22-143 (ZON-22-093) 1356 N OCEAN BLVD. (COMBO)** The applicant, Pippasbeachclub LLC (Gary and Kelly Pohrer), has filed an application requesting Architectural Commission review and approval for a new

beach cabana structure, requiring special exception and site plan review, and variances for (1) height, (2 + 3) setbacks, and (4) pool equipment location. Town Council will review the special exception with site plan review and variances portion of the application.

Mr. Hodges provided staff comments on the project.

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

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

Peter Papadopoulos, Smith and Moore Architects, presented the architectural plans for the newly proposed beach cabana.

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

Mr. Smith objected to the beach cabana, particularly the parapet roof and the siting of the cabana. He thought the cabana was over the top in its design. He thought it should be moved out of the view of Seagate Road.

Mr. Smith called for public comment.

James McKelvy, 1295 N. Lake Way, expressed his objections to the proposed project.

Mr. Karakul questioned the hip roof and thought the parapet should be reduced in scale.

Ms. Shiverick inquired about the variance for the height. Mr. Papadopoulos responded. She also inquired about the remaining variances requested. Mr. Papadopoulos responded.

Ms. Connaughton thought the cabana was overdesigned. She thought the most successful cabanas were more simplified.

Gary Pohrer, owner, discussed the design of the beach cabana.

Mr. Corey agreed with Mr. Smith's assessment of the cabana. He also expressed concerns for items proposed for the dune. He thought the project should return with a very sensitive design.

Ms. Grace agreed with Mr. Corey regarding the hardscape proposed and the number of items around the cabana. She supported the actual cabana.

Mr. Kirchhoff thought the design of the proposed cabana was too heavy.

Motion made by Mr. Corey and seconded by Ms. Shiverick to defer the project to the September 28, 2022 meeting. Motion carried unanimously, 7-0.

8. **ARC-22-142 232 MOCKINGBIRD TRAIL** The applicant, The Beach House Trust, has filed an application requesting Architectural Commission review and approval for the demolition of an existing 3,371 square foot residence. Construction of a new two-story 4,629 square foot residence with associated landscape and hardscape.

Ms. Pardue provided staff comments on the project.

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

Benjamin Schreier, Affiniti Architects, presented the architectural plans for the proposed new residence.

Selene Basile, Fernando Wong Outdoor Living Design, presented the landscape and hardscape plans for the site.

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

Ms. Grace questioned the design style for the north end of the island. She thought the style was too formal and rigid. She was in favor of the native plantings.

Ms. Connaughton thought the front façade was interesting; however, she agreed with Ms. Grace and wondered if the design fit into the north end. She thought the design might be better in another location.

Mr. Corey thought the design was nice but agreed with Ms. Connaughton. He did not believe it fit into the north end of the island. He was in favor of the landscaping plan. He thought the home was well proportioned and well scaled.

Mr. Kirchhoff agreed with Mr. Corey. He was in favor of the house but did not believe it would fit into the proposed location.

Mr. Schreier touched on the possibility of bringing conceptual drawings to the Architectural Review Commission to save both time and money for the residents.

Motion made by Ms. Grace and seconded by Mr. Corey to defer the project to the September 28, 2022 meeting with the direction to consider different architectural styles appropriate for the area. Motion carried unanimously, 7-0.

9. **ARC-22-148 (ZON-22-105) 150 SEMINOLE AVE. (COMBO)** The applicant, James Lansing and Haviva D. Langenauer, as Trustee of the Haviva

D. Langenauer Trust u/a/d/8/10/92, has filed an application requesting Architectural Commission review and approval for a demolition and redesign of the southern portion of the existing two-story residence, a redesign of all facades, the construction of an approximately 680 SF addition to the second story, and new pool, and new hardscape and landscape, requiring variances to maintain existing nonconforming setbacks with more than 50% demolition of a nonconforming structure as part of a renovation. Town Council will review the variance portion of the application.

Please note: This item was deferred to the August 24, 2022 meeting at Item V, Approval of the Agenda.

10. **ARC-22-153 243 SEASPRAY AVE.** The applicant, 243 Seaspray LLC, has filed an application requesting Architectural Commission review and approval for the demolition of an existing two-story residence and the construction of a new single-family residence in the Island Transitional Style.

Ms. Pardue provided staff comments on the project.

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

Ms. Grace raised the issue of the notice to the neighbors. Ms. Pardue responded.

Gregory Bonner, B1 Architect, presented the architectural plans for the proposed new residence.

Grace Walton, Environment Design Group, presented the landscape and hardscape plans for the site.

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

Ms. Shiverick thought the proposed home did not pay homage to the existing home. She could not support the home and stated she would support a denial.

Ms. Grace was sad to see the existing home demolished. She agreed with Ms. Shiverick.

Mr. Corey thought the home was too large for the site. He provided some suggestions for the design moving forward.

Ms. Connaughton thought there was too much going on with the front façade design. She also thought the home was too large for the street. Ms. Connaughton thought the home was too dissimilar to the surrounding homes in the area.

Mr. Martin thought the house was not appropriate for the area. He thought a denial was appropriate.

Mr. Kirchhoff questioned the proposed cubic content for this house. He thought the number exceeded the allowable CCR.

Motion made by Mr. Corey and seconded by Mr. Floersheimer to defer the project to the September 28, 2022 meeting for a complete restudy of the project. Motion carried 5-2, with Mses. Grace and Shiverick dissenting.

11. **ARC-22-126 (ZON-22-088) 240 OLEANDER AVE. (COMBO)** The applicant, PTMJM Florida Investment Properties, LLC (Patricia Lambrecht), has filed an application requesting Architectural Commission review and approval for the demolition of an existing two-story apartment building and the construction of a new two-story single-family residence with final hardscape, landscape and pool, requiring variances due to deficient lot area and to exceed maximum lot coverage. Town Council will review the variance portion of the application.

Please note: This item was deferred to the August 24, 2022 meeting at Item V., Approval of the Agenda.

E. MINOR PROJECTS – OLD BUSINESS

1. **ARC-22-097 142 PERUVIAN AVE.** The applicant, Susan & Robert Taylor, has filed an application requesting Architectural Commission review and approval for the replacement of two pedestrian courtyard gates on a two-story condominium building.

Mr. Hodges provided staff comments on the project.

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

Steve Mittman, board president for the condominium at 142 Peruvian Avenue, presented the architectural plans proposed for the new pedestrian gates.

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

Ms. Shiverick inquired if a wood material door would be considered. Mr. Mittman responded. Ms. Shiverick thought that a wood door would be much more appealing.

Ms. Grace asked how often the doors have been replaced. Mr. Mittman responded.

Mr. Martin wondered if it possible to replicate the existing doors. Mr. Karakul agreed.

Mr. Karakul thought the cross rail spoiled the design in the proposed door.

Mr. Corey agreed and thought a wood door would be most appropriate.

Ms. Grace agreed.

Ms. Connaughton strongly encouraged the replication of the existing door in a wood material.

There was a discussion about a possible motion.

Mr. Smith passed the gavel.

Motion made by Mr. Smith to approve the PVC door with the detailing of option number two, shown in plan. Motion failed for lack of a second.

Motion made by Mr. Corey and seconded by Mr. Grace to defer the project to the August 24, 2022 meeting. Motion carried 6-1, with Mr. Smith opposed.

2. **ARC-22-101 249 WORTH AVE.** The applicant, Holbrook Real Estate, LLC. (Jane Holzer), has filed an application requesting Architectural Commission review and approval for storefront alterations to an existing commercial space.

Mr. Hodges provided staff comments on the project.

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

Mary Langan, Architect for David Yurman, presented the proposed material for the modifications to the existing commercial space.

Mr. Floersheimer and Ms. Shiverick preferred the travertine material.

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

Motion made by Mr. Corey and seconded by Mr. Karakul to approve the project with the limestone-finished material. Motion carried 5-2, with Mr. Floersheimer and Ms. Grace dissenting.

F. MINOR PROJECTS – NEW BUSINESS

1. **ARC-22-133 482 ISLAND DR.** The applicant, 482 Island Drive Trust (William W. Atterbury III), has filed an application requesting Architectural Commission review and approval for exterior modifications to an existing seawall and dock.

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

2. **ARC-22-152 375 S COUNTY RD.** The applicant, Three Seventy Five South County Assoc/ Gedney Station, have filed an application requesting Architectural Commission review and approval for the installation of two (2) wall mounted pieces of artwork in the courtyard of an existing one-story building.

Mr. Hodges provided staff comments on the project.

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

Nelo Freijomel, Spina O'Rourke, presented the proposed artwork for the commercial space.

Ms. Grace thought the artwork was acceptable if the lighting were changed.

Mr. Floersheimer was not in favor of the proposed artwork.

Mr. Corey inquired about the material of the artwork. Mr. Freijomel responded. Mr. Corey thought there were many details were missing and could not support the request.

Mr. Karakul wondered if other architectural features were considered, rather than the artwork proposed. Mr. Freijomel responded.

Ms. Connaughton was not in favor of the art in front of the windows.

Mr. Smith thought that artwork on canvas, installed outdoors, would be odd. He suggested placing art on tiles.

Motion made by Ms. Shiverick and seconded by Mr. Corey to defer the project to the August 24, 2022 meeting with the consideration of different architectural features in the space or art placed on tiles. Motion carried unanimously, 7-0.

IX. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

1. Public

There were no comments heard at this time.

2. Staff

Ms. Churney stated that Joshua Martin declared a continuing conflict for a project at 143 Reef Road at the June 29, 2022 meeting and had correctly completed the 8B form in accordance with State Law.

Ms. Churney stated that Richard Sammons declared a continuing conflict for a project at 249 Worth Avenue at the June 29, 2022 meeting and had correctly completed the 8B form in accordance with State Law.

3. Commission

Mr. Floersheimer discussed a previous project on Oleander Avenue, which had a glass railing. He recalled that the Commission directed the professional to remove the glass railing and indicated that it had not been removed.

Ms. Grace recommended reducing the time for presentations to less than 15 minutes. A consensus of the Commission was to reduce the presentation time unless the square

footage of the proposed home was greater than 10,000 square feet.

Mr. Kirchhoff raised the issue of the three projects that had incorrect CCR calculations.
Mr. Hodges responded.

X. **NEXT MEETING DATE:** Wednesday, August 24, 2022

XI. **ADJOURNMENT**

Motion made by Mr. Corey and seconded by Ms. Shiverick to adjourn the meeting at 6:48 p.m. The meeting was adjourned without the benefit of a roll call.

The next meeting will be held on Wednesday, August 24, 2022 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully Submitted,

Jeffrey W. Smith, Chairman
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: August 9, 2022

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 088-2022 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Award Of RFI No. 2022-HCS, On-Site Occupational Health Clinic To Concentra In The Amount Of \$344,635 For The Initial Year, \$315,348 For Year Two, \$331,115 For Year Three And \$347,671 For Year Four For A Potential Four-Year Award In The Amount Of \$1,338,769 Based On Satisfactory Performance And Budget Authorization

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum Dated August 1, 2022 from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 088-2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 9, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy II, NIGP-CPP, CPPO Procurement and Contract Manager

RE: Resolution Approving the Award of RFI No. 2022-HCS, On-Site Occupational Health Clinic to Concentra in the Amount of \$344,635 for the initial year which includes implementation costs and then \$315,348 for year two, \$331,115 for year three and \$347,671 for year 4 for a year for a potential four-year award in the amount of \$1,338,769 based on satisfactory performance and budget authorization-
Resolution No. 088-2022

DATE: August 1, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council Approve the Award of RFI No. 2022-HCS, On-Site Occupational Health Clinic to Concentra in the Amount of \$344,635 for the initial year which includes implementation costs and then \$315,348 for year two, \$331,115 for year three and \$347,671 for year 4 for a year for a potential four-year award in the amount of \$1,338,769 based on satisfactory performance and budget authorization.

BACKGROUND

The Town's Clinic was first established in 1973 and was located at the Town's facility on Old Dixie Highway. Later, the Town Clinic moved to the Public Works building in West Palm Beach. The Clinic was staffed by a Town contracted full-time Registered Occupational Health Nurse and part-time administrative assistant with a part-time contract physician making visits twice per week. The clinic handled a full range of occupational health and workers' compensation needs, including, but not limited to

- Pre-employment physical and drug screens
- Annual physicals for Police & Fire
- Voluntary physicals for employees 50 years of age or older
- DOT physicals
- Random Quarterly DOT drug screens
- Random Monthly Police & Fire drug screens
- Vaccines – Hepatitis, Tetanus, Flu
- Return to work
- FMLA
- Training for Occupational Exposure, Drug & Alcohol reasonable suspicion
- Managed contracts with 3rd party vendors, including, but not limited to LabCorp, MRO, diagnostic testing

These services provided the Town and its employees a value-added service and benefits for many years and reduced absenteeism through immediate and convenient access to a medical facility.

In 2014, the longstanding Registered Occupational Health Nurse retired, and was replaced a year later by another Registered Occupational Health nurse who separated from the Town in 2017. The administrative assistant separated with the Town in 2016 and was not replaced. Throughout the years, the roles and responsibilities formerly borne by the clinic were redistributed between the Assistant HR Director, the Risk Manager, the HR Coordinator, the Police and Fire Rescue Departments and several outsourced medical service providers.

Experience & Lessons Learned

Since the time the Town Clinic closed its doors, the Town has experienced a significant number of challenges which included:

- Difficulty coordinating and executing the vast range of services required between so many Town employees and external service providers
- HIPAA-related risks associated with pre-employment screenings records for police & fire candidates circulating throughout the Town via unencrypted emails.
- Outsourced service providers no longer providing required testing.
- Difficulty in arranging appointments with outsourced service providers.
- Lack of knowledge of outsourced service providers in occupational health needs specific to the Town.
- Disadvantage of external services geographically located in multiple locations (some of which are difficult for staff to reach)
- Reduction in workforce availability due to inaccessibility of external services (e.g., minor injury/ailments or workers compensation cases)
- Lack of on-site services during the COVID 19 pandemic which placed extra strain on Fire Rescue, Police, Human Resources, and Risk Management staff to track COVID cases, assist with scheduling testing, obtaining vaccines, approving COVID related payroll, return to work per CDC guidelines, and updating procedures
- Overtime expense for Police & Fire employees to obtain annual physicals off-site

Many of these challenges were soon identified in the period following the close of the Clinic. The HR Senior Staff at the time then explored the possibility of partnering with clinics of other municipalities (e.g., City of West Palm and Palm Beach County). These inquiries, however, were unsuccessful due to unwillingness of the other parties to share their facilities. HR staff also conducted preliminary inquiries to outsource the entire clinic but did not pursue them as it was not considered cost effective (it is believed that invisible cost factors and risks were not included in the assessment). In the period following, those invisible cost factors and risks have become increasingly concerning which has led to the current proposal.

GENERAL INFORMATION

During Spring of 2022, People & Culture began to examine the possibility of re-establishing a clinic using a single external provider. Discussions with the Gehring Group, the Town's Group Health broker, revealed a trend of several municipalities contracting with a single sourced provider able to provide the majority of occupational health services required onsite.

On March 17, 2022, the People & Culture Department received approval from the Town Manager's Office to proceed with an RFI (Request for Information) process to solicit submissions

from several potential suppliers for the establishment of an on-site occupational health clinic. Immediately following, together with the Procurement & Contract Management Division, an RFI process was undertaken.

On April 22, 2022, in tandem with the 2023 budgeting schedule, a preliminary proposal was put forth to the Town Manager's office for the clinic and, once approved, a placeholder of \$500,000 was entered into the preliminary draft of the People & Culture health budget. By early May, following a pre-bid meeting with four potential suppliers, a single submission was received from the leading candidate, Concentra.

Established in 1979 and as the largest company in the country specializing in occupational health, their initial submission was well received and was, pleasingly, considerably lower than the amount provisioned for the 2023 budget (\$500K) based on market recommendations. Two subsequent meetings were held with Concentra representatives and other Town user Department Heads to iron out further details, ensure there were no gaps in the services required by the Town and to establish an optimal model for final submission.

While the initial six to nine months would focus on occupational health services, the provider clearly has the capacity to assume an increased patient load that could soon include family members and provisions for group health and prescription services, all of which have the potential of reducing the Town's contribution to healthcare premiums. It would also be an excellent recruitment and retention benefit to the Town as many other municipalities offer and house their own Clinics.

It is difficult to do a cost comparison between the model in use by the Town now and the new outsourced clinic model because of the large number of invisible costs and risks embedded in the current practice:

- Lost/paid work time due to waiting for and attending off-site appointments
- Lost/paid work time due to lack of preventive care and immediate follow up options
- Insurance claims due to personal physician visits and prescriptions costs
- Insurance claims due to delayed visits to personal physicians and exacerbation of illness (also partially attributed to COVID)
- Investment of staff time in multiple departments required to secure, coordinate, administer multiple suppliers throughout the region and country.
- Overtime costs for public safety to attend annual physicals outside of normal shifts
- Lack of HIPAA compliance with multiple departments exchanging confidential employee health information via email

Comparing the 2022/23 Town Clinic Model against the 2016 Model would be equally difficult due to the number of value-add features provided by Concentra that were not in place in previous years.

Notwithstanding the difficulty of illustrating hidden and former costs, the following table attempts to provide a summary of the different services, models and costs associated with the current and potential model.

Service	Current Model	Town Clinic Model
Phase I (Year 1)		
Post-offer Physical Exams ¹	Jupiter Medical & Corporate Health Resources (CHR)/Town staff coordination	Full service
DOT/CDL Physical Examinations	Jupiter Medical/Town staff coordination	Full service
Annual Physical Examinations	LifeScan/Town staff coordination	Full service
Occupational injury and illness treatment	Jupiter Medical/MD Now/Concentra	Full service
Drug Screenings (pre-employment and random-public safety & DOT)	Jupiter Medical/NMS/CHR/ Town staff coordination	Full service
Fit for Duty exams	Concentra or Physician of Choice	Full service
Vaccinations (Hepatitis, tetanus, flu, COVID 19)	Jupiter Medical/Employee Physician/town staff coordination (flu and COVID)	Full service
COVID 19 Testing	Employee responsibility	Full service
Medical Subject Matter Expert	Individual physicians	Full service
Return to work exams and management	Individual physicians	Full service
Open Enrollment Services	Town staff coordination with Quest for biometrics	Full service
Record keeping – HIPAA compliant	Town staff (multiple departments exchange of private health information via email which is currently <i>not</i> HIPAA compliance)	Full service
Critical crisis management	EAP/CISM/Command Counselling	Full service plus some existing
Preventive services	Employee responsibility/ health insurance carrier	Full service
Urgent Care services	Employee responsibility/ health insurance carrier	Full service
Online appointment scheduling	Town staff coordination or individual responsibility with personal physician	Full service
Aggregate Reporting and ROI estimates.	Insurance company provided.	As pertaining to clinic services
Specialized Case and Disease Management	Town staff coordination	Full service

¹ Provision of full requirements for public safety

Prescription management for workers compensation	Urgent Care or Employee Physicians	Full service
Medical leave verification (FMLA)	Prudential	Coordination of return to work and medical filing
Tele-med solutions (workers compensation and health insurance)	Cigna & Concentra	Full service
Budget Dollar Figures	\$107,516*	\$344,635 (including \$44,304 first year startup costs)

- Not including hidden costs of current model.

PROCUREMENT AND CONTRACT

Procurement and Contracts issued RFI No. 2022-HCS, On-Site Occupational Health Clinic on the Town's e-procurement platform. Procurement and Contracts received the names of four known firms from the Gehring Group.

A site visit was scheduled on April 13th and then again on April 19th for interested firms to view the old clinic site located at the Public Works Building. Our goal of holding two site visits was to engage as many firms as possible that would show interest. Site visits always provide the opportunity to share ideas and as well as gather information.

The Town only received one proposal from the four firms that had initially been contacted. Concentra has worked with the Town on initial startup costs in addition to services to be provided with People and Culture Department.

There has been considerable engagement with Concentra as to the Town's requirements and expectations. In all exchanges, the supplier presented themselves as extremely well equipped and professionally sound with an advantageous focus on total employee health and return on investment to the Town. References were checked with other contracting municipalities, and all came back as highly positive. Concentra's final proposal and costing were received on August 1, 2022, with a proposal for \$344,635 in the first year of operation, with \$44,304 representing first year startup costs.

FUNDING/FISCAL IMPACT

The funding for this program will be from the FY23 Health Insurance Fund budget.

USER DEPARTMENT CONCURRENCE

This item has been reviewed by the People and Culture Department and is approved as recommended.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 088-2022

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE AWARD OF RFI NO. 2022-HCS, ON-SITE
OCCUPATIONAL HEALTH CLINIC TO CONCENTRA IN THE
AMOUNT OF \$344,635 FOR THE INITIAL YEAR, \$315,348 FOR
YEAR TWO, \$331,115 FOR YEAR THREE AND \$347,671 FOR
YEAR FOUR FOR A POTENTIAL FOUR-YEAR AWARD IN
THE AMOUNT OF \$1,338,769 BASED ON SATISFACTORY
PERFORMANCE AND BUDGET AUTHORIZATION**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 088-2022, Approving the Award of RFI No. 2022-HCS, On-Site Occupational Health Clinic to Concentra in the Amount of \$344,635 for the initial year, \$315,348 for year two, \$331,115 for year three and \$347,671 for year 4 for a year for a potential four-year award in the amount of \$1,338,769 based on satisfactory performance and budget authorization.

Section 2. Funding will be from the FY23 Health Insurance Fund Budget.

Section 3. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9TH day of *August* 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: August 9, 2022

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 098-2022 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Award Of Purchase Orders To ZoneCo, LLC In The Amount Of \$250,000 And The Corradino Group, Inc In The Amount Of \$100,000 For Planning Services For Code Reform And Approval Of An Allocation Of \$350,000 From The General Fund Contingency

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum Dated July 28, 2022 from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 098-2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 9, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy II, NIGP-CPP, CPPO Procurement and Contract Manager

RE: Resolution Approving Purchase Orders to ZoneCo, LLC in the Amount of \$250,000 and The Corradino Group, Inc. in the Amount of \$100,000 for Planning Services for Code Reform and an Approval of an allocation of \$350,000 from the General Fund Contingency- **Resolution No. 098-2022**

DATE: July 28, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council Approve Resolution No. 098-2022, Approving Purchase Orders to ZoneCo, LLC in the Amount of \$250,000 and The Corradino Group, Inc. in the Amount of \$100,000 for Planning Services for Code Reform. Staff also requests approval of an allocation of \$350,000 from the General Fund Contingency.

GENERAL INFORMATION

Town Council approved Resolution No. 036-2022 on March 8, 2022 which awarded RFQ No. 2022-10, Planning Services for Code Reform to ZoneCo, LLC and The Corradino Group, Inc.

Funding allocations were not approved at the time of award as the solicitation was a RFQ which is based solely on qualifications. Price is not part of a RFQ evaluation factor.

Both firms have met with PZB and have developed an approach to the delivery requirements of the RFQ. Funding is required to support the issuance of purchase orders. ZoneCo, LLC was the primary awardee of the solicitation and The Corradino Group, Inc. was the secondary awardee.

The two firms are working in conjunction with each other to deliver recommendations to the Town.

FUNDING/FISCAL IMPACT

Funding for the purchase orders will be from an allocation from the General Fund Contingency.

USER DEPARTMENT CONCURRENCE

This item has been reviewed by the Planning, Zoning and Building Department and is approved as recommended.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 098-2022

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE AWARD OF PURCHASE ORDERS TO
ZONECO, LLC IN THE AMOUNT OF \$250,000 AND THE
CORRADINO GROUP, INC IN THE AMOUNT OF \$100,000 FOR
PLANNING SERVICES FOR CODE REFORM AND APPROVAL
OF AN ALLOCATION OF \$350,000 FROM THE GENERAL
FUND CONTINGENCY**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 098-2022, Approving Purchase Orders to ZoneCo, LLC in the Amount of \$250,000 and The Corradino Group, Inc. in the Amount of \$100,000 for Planning Services for Code Reform.

Section 2. Resolution No. 098-2022 requests approval of an allocation of \$350,000 from the General Fund Contingency.

Section 3. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9TH day of *August* 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: August 9, 2022

Section of Agenda

Committee Reports

Agenda Title

Report of the Business and Administrative Committee Meeting Held on July 15, 2022

Presenter

Low Crampton, Chair

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting on: August 9, 2022

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town-Wide Undergrounding Project

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

- a. Review of Project and Dashboard, Summary of Project Status
- b. Suggested Modifications for Application for Abandonment of Dedicated Public Property Within the Town of Palm Beach.

Presenter

ATTACHMENTS:

- ▣ **a. Utility Undergrounding Project Status Report**
- ▣ **b. Memorandum dated July 21, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **b. Application**
- ▣ **b. Checklist**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 9, 2022

TO: Mayor & Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Paul Brazil, Public Works Director

FROM: Patricia Strayer, Town Engineer

RE: Utility Undergrounding Project Status Report

DATE: July 25, 2022

I. COMMUNICATIONS:

A. Community Meetings:

None to report

B. Significant Postal Mail or E-mail

Staff meetings in Phase 6 North and South are focused on a few remaining easements to finalize. Staff's meetings for Phase 7 North and South are ongoing. Demonstration chicanes are being installed in Phase 7. Phase 8 easement request letters have been mailed. Phase 8 easement meetings have been initiated.

II. PROGRESS SUMMARY:

Overall, Town-wide Construction Progress, ten (10) of fifteen (15) construction zones are either complete or in progress/funded for construction, inclusive of Phases 1N, 1S, 2N, 2S, 3N, 3S, 4N, 4S, 5N and 5S. Phase 6 North and South are awaiting delivery of materials.

A. Construction Progress:

Phase 1 North:

From the Inlet south to Onondaga Ave.

- Completed March 30, 2019

Phase 1 South:

From southern Town limits north to Sloan's Curve

- Completed April 3, 2020

Phase 2 North Construction:

From Esplanade Way to Ocean Terrace

- Completed October 29, 2020

Phase 2 South Construction:

From Sloan's Curve to the intersection of S. Ocean Blvd & S. County Road

- Phase 2 South, the project is 93% complete. Presently working with FPL to complete conversions. All conversions for all utilities should be complete by August 1. FPL should begin removing poles.

Phase 3 North Construction:

From Osceola Way to the north-side of La Puerta Way

- Completed September 17, 2021

Phase 3 South:

From S. Ocean Blvd & S. County Road to the alleyway south of Worth Ave.

- Phase 3 South construction is 67% complete. Staff has reached a new arrangement with FPL to initiate energizing feeders before construction is complete. This should improve construction schedule. The southern part of Phase 3 South is being energized now.

Phase 4 North:

From south-side of La Puerta Way to north-side of List Road

- Construction for Phase 4 North is 87% complete. All equipment has been installed. Switching is being initiated by FPL. Comcast and ATT are working on equipment installation.

Phase 4 South:

From Peruvian to Royal Palm Way

- Construction is 16% complete.

Phase 5 North:

From Country Club Road to Southland Road

- Design is 100% complete.
- 87 out of 87 (100%) easements are recorded or verbally approved.
- Notice to Proceed was issued September 27, 2021.
- Construction phase is 27% complete.

Phase 5 South:

From South Lake Drive/Hibiscus Ave. & Peruvian Ave./Royal Palm Way, properties between the intracoastal waterway and the Atlantic Ocean and from Royal Palm Way to Seaspray Ave.

- Design is 100% complete.
- 83 of 83 (100%) easements are recorded or verbally approved.
- Construction phase is 8% complete.

Phase 6 North:

From Chateaux Drive & Kawama Lane to the south-side of Plantation Road

- Design is 95% complete and on schedule.
- 47 of 47 (100%) easements approved.

Phase 6 South:

Seaspray Ave. to the south of Royal Poinciana Way

- Design is 97% complete and on schedule.
- 72 of 73 (99%) easements approved.

Phase 7 North:

Palm Beach Country Club north to the south side of List Road

- Design is 58% complete and on schedule.
- 33 of 78 (42%) easements approved.

Phase 7 South:

Atlantic Ave. north to Via Los Incas & Sanford Ave.

- Design is 59% complete and on schedule.
- 25 of 58 (43%) easements approved.

Phase 8:

Royal Poinciana Way north to Everglade Ave.

- Design is 27% complete and on schedule.
- 3 of 87 (3%) easements approved.

III. FINANCIAL SUMMARY:

A. FEMA Grant Update:

- Quarterly submittals are in for approval.
- First reimbursement payment was received.

B. Project Budget Summary:

There are no significant changes since the last report. Updates include processing of vendor pay applications for design and work performed in active phases. The full Underground Utility Project Financial Report is provided within your backup package with the summary page attached. The table below shows the latest construction cost summary.

Phase Area	Construction Cost Proposal	Master Plan OPC	Difference	% Difference
3S	\$8,029,384.83	\$7,710,000.00	\$319,384.83	+4.1%
4N	\$4,843,009.99	\$5,360,000.00	(\$516,990.01)	-9.6%
4S	\$8,803,506.00	\$6,400,000.00	\$2,403,506.00	+37.6%
5N	\$7,347,435.31	\$6,960,000.00	\$387,435.31	+5.6%
5S	\$8,102,327.89	\$8,940,000.00	(\$837,672.11)	-9.4%
6N	\$7,867,296.00	\$5,620,000.00	\$2,247,296.00	+40.0%
6S	\$8,149,565.00	\$10,040,000.00	(\$1,890,435.00)	-18.8%
Totals	\$53,142,525.02	\$51,030,000.00	\$2,112,525.02	+4.1%

cc: Jane LeClainche, Finance Director
Kevin Schanen, Kimley-Horn & Associates

**Underground Utility Project Budget
Project Financial Summary
July 31, 2022**

Expenditures	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 1	\$ 12,620,000	\$ 12,910,000	\$ 12,856,262	\$ 12,734,604	99.1%
Phase 2	\$ 9,170,000	\$ 13,470,000	\$ 12,924,578	\$ 12,852,648	99.4%
Phase 3	\$ 10,910,000	\$ 15,400,000	\$ 16,399,544	\$ 11,543,945	70.4%
Phase 4	\$ 10,370,000	\$ 15,220,000	\$ 17,695,472	\$ 8,134,971	46.0%
Phase 5 (Includes \$8.5 Million FEMA Grant Offset)	\$ 14,090,000	\$ 11,694,645	\$ 17,935,288	\$ 4,025,680	22.4%
Phase 6	\$ 16,820,000	\$ 20,800,000	\$ 20,313,477	\$ 2,915,459	14.4%
Phase 7	\$ 11,730,000	\$ 15,910,000	\$ 1,619,090	\$ 928,281	57.3%
Phase 8	\$ 12,300,000	\$ 14,500,000	\$ 1,441,577	\$ 458,737	31.8%
Total Project Costs To Date	\$ 98,010,000	\$ 119,904,645	\$ 101,185,288	\$ 53,594,325	53.0%
Other Costs Associated Directly with the Project (Page 8)	\$ 570,000	\$ 2,513,512	\$ 2,513,512	\$ 2,463,866	98.0%
Grand Total of Costs Related to Project	\$ 98,580,000	\$ 122,418,157	\$ 103,698,801	\$ 56,058,191	54.1%
Debt Service and Related Debt Issuance Costs (Page 8)			\$ 14,543,157	\$ 14,359,826	98.7%
Total Other Costs Outside Underground Budget (Page 8)			\$ 664,169	\$ 1,656,526	249.4%
Grand Total of All Costs Related to the Project	\$ 98,580,000	\$ 122,418,157	\$ 104,362,970	\$ 72,074,542	69.1%

Total Project Budget - Opinion of cost for construction	\$ 122,418,157
% Budgeted/Encumbered To Date Project Costs	84.71%
% Spent to Date - Project Costs	45.79%

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments	\$ -	\$ 18,329,914	0.0%
Assessment Revenue	\$ 21,430,000	\$ 21,906,095	102.2%
Commercial Paper	\$ -	\$ -	0.0%
Town Owned Property Prepaid Assessments	\$ 2,797,291	\$ 2,797,291	100.0%
Interest on Assessment Escrow	\$ -	\$ -	0.0%
Interest	\$ 1,567,009	\$ 3,243,025	207.0%
GO Bond Proceeds 2018	\$ 60,500,000	\$ 60,499,897	100.0%
GO Bond Proceeds 2021	\$ 9,198,896	\$ 9,198,896	100.0%
1 Cent Sales Tax	\$ 5,000,000	\$ 2,916,667	58.3%
FPL		\$ 450,246	0.0%
FEMA Grant	\$ 8,500,000	\$ 311,959	3.7%
Other			
Kevin McGann - CO #9	\$ -	\$ 34,900	0.0%
Donations - Civic Association	\$ 49,250	\$ 49,250	100.0%
Transfer from (307) Fund CIP	\$ 760,200	\$ 760,200	100.0%
Transfer from (401) Fund Marina	\$ 2,600,000	\$ 2,166,667	83.3%
Transfer from (001) General Fund - PM Salary	\$ 751,000	\$ 988,616	131.6%
Total Project Revenues	\$ 113,153,646	\$ 123,653,623	109.3%

Underground Utility Project Budget
Phase 1 Project Costs
July 31, 2022

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Project Engineering					
Task 2.1 - Detailed Design North End	590,000		472,063	472,063	100.0%
Task 2.2 - Detailed Design South End	740,000		619,411	619,411	100.0%
Task 2.3 - Permitting Assistance			17,790	17,790	100.0%
Task 2.4 - Bid Phase Assistance			42,166	42,166	100.0%
Task 2.5 - Meetings - Design Phase			125,399	125,383	100.0%
Subtotal Design Phase	\$ 1,330,000	\$ 1,280,000	\$ 1,276,829	\$ 1,276,813	100.0%
Construction Costs					
Phase 1 North Construction					
Preconstruction			\$ 19,720	19,720	100.0%
Burkhardt Construction			\$ 3,598,144	3,598,144	100.0%
Street Light Conversion			\$ 26,273	40,934	155.8%
Change Order for AT&T and Comcast Conduit			\$ 500,655	491,883	98.2%
Utility Design Costs			\$ 15,595	16,945	108.7%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 476,776	392,932	82.4%
Construction Engineering (KH)			\$ 207,771	205,818	99.1%
	\$ 4,210,000	\$ 4,930,000	\$ 4,844,935	\$ 4,766,377	98.4%
Phase 1 South Construction					
Preconstruction			\$ 22,200	22,200	100.0%
Whiting Turner Construction			\$ 4,450,977	4,450,977	100.0%
Change Order for AT&T and Comcast Conduit			\$ 125,147	125,147	100.0%
Street Light Conversion			\$ 68,115	68,115	100.0%
Utility Design Costs			\$ 33,013	44,958	136.2%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 1,374,193	1,317,824	95.9%
Construction Engineering (KH)			\$ 316,498	316,396	100.0%
	\$ 6,800,000	\$ 6,350,000	\$ 6,390,143	\$ 6,345,618	99.3%
Easement Recording Fees			\$ 740	740	100.0%
Legal Costs/Easement Acquisition - Jones Foster	\$ 280,000	\$ 350,000	\$ 301,359	\$ 306,723	101.8%
Legal Sketch and Description - Easements			34,000	33,215	97.7%
Easement Abandonment			\$ 8,256	5,120	62.0%
Legal Advertising				1,861	
Total Phase 1 Costs	\$ 12,620,000	\$ 12,910,000	\$ 12,856,262	\$ 12,734,604	99.1%

Underground Utility Project Budget
Phase 2 Project Costs
July 31, 2022

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 2 Design					
Kimley Horn					
Task 1.1 Phase 2 North Design	335,000		\$ 281,304	\$ 281,304	100.0%
Task 1.2 Phase 2 South Design	400,000		\$ 335,353	\$ 335,353	100.0%
Task 1.3 Permitting Assistance North and South			\$ 12,674	\$ 12,674	100.0%
Task 1.4 Bid Phase Assistance North and South			\$ 40,565	\$ 40,565	100.0%
Task 1.6 Meetings North and South			\$ 136,617	\$ 131,510	96.3%
Total Phase 2 Design	\$ 735,000	\$ 807,000	\$ 806,513	\$ 801,406	99.4%
Construction Costs					
Phase 2 North Construction					
Preconstruction			\$ 35,000	31,970	91.3%
Burkhardt Construction			\$ 3,932,792	3,905,978	99.3%
Owner Purchased Supplies			\$ 83,073	205,809	247.7%
FPL Design Cost			\$ 11,759	65,822	559.8%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost				\$ 4,582	
Utility Costs (FPL, Comcast, AT&T)			\$ 496,307	\$ 423,898	85.4%
FPL - Additional Vista Switches				\$ 54,938	
Street Light Conversion			\$ 19,186	\$ 19,186	100.0%
Construction Engineering (KH)			\$ 248,121	\$ 246,227	99.2%
Total Phase 2 North Construction	3,800,000	5,020,000	\$ 4,831,238	\$ 4,963,409	102.7%
Phase 2 South Construction					
Preconstruction			\$ 35,000	88,167	251.9%
Burkhardt Construction			\$ 6,322,275	6,125,191	96.9%
Owner Supplied Materials			\$ 172,321	175,898	102.1%
FPL Design Cost			\$ 13,330	16,900	126.8%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 5,000	\$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			\$ 200,000	\$ 123,948	62.0%
Street Light Conversion			\$ 20,000	\$ 19,268	96.3%
Reimburse John Moran				\$ 39,240	
Construction Engineering (KH)			\$ 325,280	\$ 302,075	92.9%
Total Phase 2 South Construction	4,435,000	7,424,000	\$ 7,098,206	\$ 6,900,269	97.2%
Easement Acquisition/Abandonment	200,000	219,000			
Kimley Horn Easement Assistance					
Task 1.5 Easement Assistance North			\$ 64,936	\$ 64,935	100.0%
Task 1.5 Easement Assistance South			\$ 77,466	\$ 77,467	100.0%
Surveys					
Task 1.7 Legal Sketch North			\$ 14,020	\$ 14,020	100.0%
Task 1.7 Legal Sketch South			\$ 21,725	\$ 20,689	95.2%
Advertising				\$ 1,101	
Recording Costs			\$ 3,605	\$ 3,359	93.2%
Easement Abandonment			\$ 6,870	\$ 5,994	87.2%
Total Easement Acquisition Costs	200,000	219,000	\$ 188,622	\$ 187,564	99.4%
Total Phase 2 Costs	\$9,170,000	\$13,470,000	\$ 12,924,578	\$ 12,852,648	99.4%

Underground Utility Project Budget
Phase 3 Project Costs
July 31, 2022

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 3 Design					
Kimley Horn					
Task 1.1 Phase 3 North Design	\$ 325,000		\$ 280,189	\$ 280,189	100.0%
Task 1.2 Phase 3 South Design	\$ 535,000		\$ 486,333	\$ 486,323	100.0%
Task 1.3 Permitting Assistance			\$ 13,739	\$ 13,739	100.0%
Task 1.4 Bid Phase Assistance			\$ 36,834	\$ 36,834	100.0%
Task 1.5 Meetings			\$ 77,411	\$ 76,626	99.0%
Total Phase 3 Design	\$ 860,000	\$ 895,000	\$ 894,505	\$ 893,710	99.9%
Construction Costs					
Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000			
Preconstruction			\$ 24,580	\$ 24,580	100.0%
Construction - Burkhardt			\$ 4,100,697	\$ 4,100,697	100.0%
Owner supplied materials			\$ 2,797	\$ 2,797	100.0%
FPL Design Cost			\$ 12,850	\$ 1,350	10.5%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 3,128	\$ 3,128	100.0%
FPL Construction			\$ 87,101	\$ 87,101	100.0%
Street Light Conversion			\$ 4,249	\$ 7,012	165.0%
Utility Costs (Comcast & ATT)			\$ 409,387	\$ 409,387	100.0%
Construction Engineering (KH)			\$ 236,976	\$ 224,829	94.9%
Daniella Construction - Nightingale/LaPuerta - Townwide portion			\$ 457,222	\$ 457,222	100.0%
FPL Nightingale/LaPuerta - Townwide Portion			\$ 85,796	\$ 85,796	100.0%
Comcast Nightingale/LaPuerta - Townwide Portion			\$ 8,885	\$ 8,885	100.0%
AT&T Nightingale/LaPuerta Townwide Portion			\$ 30,555	\$ 30,555	100.0%
Billing for Arnold Fisher relocate transformer Deanna Davis and Cohlan			\$ (17,647)	\$ (17,647)	100.0%
Total Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000	\$ 5,451,576	\$ 5,430,692	99.6%
Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000			
Preconstruction			\$ 33,400	\$ 33,400	100.0%
Construction			\$ 8,029,385	\$ 3,913,100	48.7%
Owner supplied Pipe			\$ 118,315	\$ 118,315	100.0%
FPL Construction			\$ 562,000	\$ 562,905	100.2%
FPL Design Cost			\$ 11,359	\$ 15,808	139.2%
FPL - 101 El Brillo			\$ 10,875	\$ 10,875	100.0%
J Box Installation			\$ 14,636	\$ 14,636	100.0%
ATT Design and Construction Cost			\$ 425,000	\$ 5,000	1.2%
Comcast Design and Construction Cost			\$ 195,128	\$ 3,128	1.6%
Construction Engineering (KH)			\$ 322,540	\$ 208,766	64.7%
Total Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000	\$ 9,722,638	\$ 4,885,933	50.3%
Easement Acquisition/Abandonment	\$ 260,000	\$ 330,000			
Kimley Horn Easement Assistance					
Task 1 Easement Assistance North and South			\$ 273,390	\$ 271,663	99.4%
Easement Amendment			\$ 49,285	\$ 49,198	99.8%
Surveys					
Recording Costs				\$ 5,102	
Easement Abandonment			\$ 8,150	\$ 7,645	
Total Easement Acquisition Costs	\$ 260,000	\$ 330,000	\$ 330,825	\$ 333,609	100.8%
Total Phase 3 Costs	\$ 10,910,000	\$ 15,400,000	\$ 16,399,544	\$ 11,543,945	70.4%

Underground Utility Project Budget
Phase 4 Project Costs
July 31, 2022

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 4 Design					
Kimley Horn					
Task 1.1 Phase 4 North Design	\$ 402,000		\$ 312,317	312,317	100.0%
Task 1.2 Phase 4 South Design	\$ 413,000		\$ 451,284	451,284	100.0%
Task 1.3 Permitting Assistance			\$ 14,468	14,468	100.0%
Task 1.4 Bid Phase Assistance			\$ 37,899	37,899	100.0%
Task 1.6 Meetings			\$ 77,911	77,383	99.3%
Total Phase 4 Design	\$ 815,000	\$ 894,000	\$ 893,879	893,351	99.9%
Construction Costs					
Phase 4 North Construction	4,605,000	6,275,000			
Preconstruction			\$ 22,270	22,270	100.0%
Construction Costs			\$ 5,061,056	4,195,189	82.9%
Owner Supplied Pipe and Vaults				148,998	
FPL BCE			\$ 91,543	91,543	100.0%
FPL Design Cost			\$ 12,757	12,850	100.7%
ATT Design Cost				5,000	
Comcast Design Cost			\$ 173,151	173,151	
Utility Costs (FPL, Comcast, AT&T)					
Street Light Conversion FPL				4,222	
Construction Engineering (KH)			\$ 324,309	252,245	77.8%
Total Phase 4 North Construction	\$ 4,605,000	\$ 6,275,000	\$ 5,685,086	4,905,467	86.3%
Phase 4 South Construction	4,710,000	7,640,000			
Preconstruction			\$ 34,800	34,800	100.0%
Construction			\$ 8,803,506	286,821	3.3%
Construction with Lake Drive Park			\$ 320,311	363,499	113.5%
Owner Supplied Pipes				2,170	
FPL Design Cost			\$ 13,160	1,350	10.3%
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Kimley Horn - Design services Hibiscus Ave			\$ 12,047	9,890	82.1%
Utility Costs (FPL, Comcast, AT&T)			\$ 1,148,441	1,148,441	100.0%
Construction Engineering (KH)			\$ 333,659	48,635	14.6%
Total Phase 4 South Construction	\$ 4,710,000	\$ 7,640,000	\$ 10,665,924	1,903,734	17.8%
Easement Acquisition/Abandonment	\$ 240,000	\$ 411,000			
Kimley Horn Easement Assistance					
Easement Assistance (KH)			\$ 280,270	280,254	100.0%
Easement Assistance (KH) -- Switches			\$ 67,747	67,231	99.2%
Easement Assistance (KH)			\$ 59,369	40,858	68.8%
Surveys					
Legal Sketch			\$ 38,230	38,092	99.6%
Legal Sketch - Switches			\$ 4,967		
Jones Foster - Legal					
Recording Costs				5,983	
Easement Abandonment					
Total Easement Acquisition Costs	\$ 240,000	\$ 411,000	\$ 450,583	432,418	96.0%
Total Phase 4 Costs	\$ 10,370,000	\$ 15,220,000	\$ 17,695,472	8,134,971	46.0%

Underground Utility Project Budget
Phase 5 Project Costs
July 31, 2022

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	\$ 520,000		\$ 454,210	\$ 454,210	100.0%
Task 1.2 Phase 5 South Design	\$ 600,000		\$ 606,951	\$ 606,951	100.0%
Task 1.3 Permitting Assistance North/South			\$ 17,100	\$ 17,100	100.0%
Task 1.4 Bid Phase Assistance North/South			\$ 37,899	\$ 37,899	100.0%
Task 1.6 Meetings North/South			\$ 77,911	\$ 77,905	100.0%
Total Phase 5 Design	\$ 1,120,000	\$ 1,195,000	\$ 1,194,071	\$ 1,194,065	100.0%
Construction Costs					
Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000			
Preconstruction			\$ 59,100	59,100	100.0%
Construction			\$ 6,416,942	1,168,906	18.2%
Construction Manager			\$ 940,702	255,768	27.2%
Utility Costs (FPL, Comcast, AT&T)			\$ 67,157	67,157	100.0%
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 16,223	30,330	187.0%
Reimburse Caren and Gary Marder work performed			\$ 6,100	6,100	100.0%
Construction Engineering (KH)			\$ 334,157	69,081	20.7%
Total Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000	\$ 7,845,381	\$ 1,661,442	21.2%
Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000			
Preconstruction			\$ 59,100	59,100	100.0%
Construction			\$ 6,629,361	146,250	2.2%
Infrastructure from Phase 4 south bid			\$ 163,350		0.0%
Construction Manager			\$ 979,098	195,820	20.0%
Utility Costs (FPL, Comcast, AT&T)			\$ 365,720	365,720	100.0%
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 19,283	20,633	107.0%
Construction Engineering (KH)			\$ 334,159	43,190	12.9%
Total Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000	\$ 8,555,071	\$ 835,712	9.8%
Easement Acquisition/Abandonment	\$ 330,000	\$ 365,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 218,600	\$ 218,536	100.0%
Easement Assistance			\$ 81,086	\$ 77,963	96.1%
<i>Surveys</i>					
Legal Sketch			\$ 41,080	\$ 32,130	78.2%
Jones Foster - Legal					
Legal Ads				\$ 327	
Recording Costs				\$ 5,505	
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 330,000	\$ 365,000	\$ 340,766	\$ 334,461	98.1%
FEMA Grant		\$ (8,465,355)			
Total Phase 5 Costs	\$ 14,090,000	\$ 11,694,645	\$ 17,935,288	\$ 4,025,680	22.4%

Underground Utility Project Budget
Phase 6 Project Costs
July 31, 2022

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 6 Design					
Kimley Horn					
Task 1.1 Phase 6 North Design	\$ 420,000		\$ 475,019	\$ 475,019	100.0%
Task 1.2 Phase 6 South Design	\$ 940,000		\$ 826,551	\$ 826,551	100.0%
Task 1.3 Permitting Assistance North/South			\$ 17,694	\$ 13,271	75.0%
Task 1.4 Bid Phase Assistance North/South			\$ 35,938	\$ 35,938	100.0%
Task 1.6 Meetings North			\$ 84,791	\$ 84,765	100.0%
Total Phase 6 Design	\$ 1,360,000	\$ 1,440,000	\$ 1,439,993	\$ 1,435,544	99.7%
Utility and Construction Costs					
Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000	\$ 8,117,296		
Preconstruction			\$ 24,270		
Construction					
Approved Change Orders					
FPL Design Cost			\$ 15,868	29,198	184.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)			\$ 295,632	295,632	100.0%
Construction Engineering (KH)			\$ 395,800		
Total Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000	\$ 8,848,866	\$ 324,830	3.7%
Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000	\$ 8,400,000		
Preconstruction			\$ 24,270	24,270	100.0%
Construction					
Approved Change Orders					
FPL Design Cost			\$ 29,924	29,924	100.0%
ATT Design Cost			\$ 10,000	10,000	100.0%
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)			\$ 754,815	754,815	100.0%
Construction Engineering (KH)			\$ 395,600		
Total Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000	\$ 9,614,609	\$ 819,009	8.5%
Easement Acquisition/Abandonment	\$ 400,000	\$ 447,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 351,594	\$ 305,927	87.0%
<i>Surveys</i>					
Legal Sketch			\$ 58,415	\$ 27,073	46.3%
Legal Ads				\$ 113	
Recording Costs				\$ 2,964	
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 400,000	\$ 447,000	\$ 410,009	\$ 336,076	82.0%
Total Phase 6 Costs	\$ 16,820,000	\$20,800,000	\$ 20,313,477	\$2,915,459	14.4%

Underground Utility Project Budget
Phase 7 Project Costs
July 31, 2022

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 7 Design					
Kimley Horn					
Task 1.1 Phase 7 North Design	\$ 450,000		\$ 492,488	\$ 270,868	55.0%
Task 1.2 Phase 7 South Design	\$ 480,000		\$ 630,830	\$ 346,957	55.0%
Task 1.3 Bid Phase Assistance North and South			\$ 35,938		0.0%
Task 1.4 Meetings North and South			\$ 77,616	\$ 40,974	52.8%
Total Phase 7 Design	\$ 930,000	\$ 1,237,000	\$ 1,236,872	\$ 658,799	53.3%
Utility and Construction Costs					
Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 15,806	27,165	171.9%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000	\$ 15,806	\$ 27,165	171.9%
Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 19,953	19,953	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000	\$ 19,953	\$ 19,953	100.0%
Easement Acquisition/Abandonment	\$ 280,000	\$ 348,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 346,459	\$ 220,723	63.7%
Surveys					
Legal Sketch					
Legal Ads				\$ 113	
American Acquisition Group					
Temp Services					
Legal Advertising					
Recording Costs				\$ 1,528	
Total Easement Acquisition Costs	\$ 280,000	\$ 348,000	\$ 346,459	\$ 222,364	64.2%
Total Phase 7 Costs	\$ 11,730,000	\$ 15,910,000	\$ 1,619,090	\$ 928,281	57.3%

Underground Utility Project Budget
Phase 8 Project Costs
July 31, 2022

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 8 Design					
Kimley Horn					
Task 1.1 Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,029,017	\$ 308,705	30.0%
Task 1.2 Permitting Assistance			\$ 17,694		0.0%
Task 1.3 Bid Phase Assistance			\$ 14,430		0.0%
Task 1.4 Meetings			\$ 89,778	\$ 346	0.4%
Total Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,150,919	\$ 309,051	26.9%
Utility and Construction Costs					
Phase 8 Construction	\$ 10,990,000	\$ 13,107,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 13,160	13,160	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 8 North Construction	\$ 10,990,000	\$ 13,107,000	\$ 13,160	\$ 13,160	100.0%
Easement Acquisition/Abandonment	\$ 300,000	\$ 242,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 227,724	\$ 136,348	59.9%
<i>Surveys</i>					
Legal Sketch					
Legal Ads				\$ 56	
American Acquisition Group					
Kimley Horn Grant Assistance BRIC Grant			\$ 49,774		
Temp Services					
Recording Costs				\$ 122	
Total Easement Acquisition Costs	\$ 300,000	\$ 242,000	\$ 277,498	\$ 136,526	49.2%
Total Phase 8 Costs	\$ 12,300,000	\$ 14,500,000	\$ 1,441,577	\$ 458,737	31.8%

**Underground Utility Project Budget
Other Project Costs
July 31, 2022**

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	\$ 88,021	\$ 88,021	100.0%
Task 1.1a Data Collection for Future Communications	\$ 23,511	\$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	\$ 161,756	\$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	\$ 31,244	\$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	\$ 77,660	\$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	\$ 17,448	\$ 17,448	100.0%
Task 1.6 - Master Plan Document	\$ 45,053	\$ 45,053	100.0%
Task 1.7 - Meetings Master Planning Phase	\$ 113,135	\$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	\$ 40,067	\$ 40,067	100.0%
Subtotal Master Planning	\$ 597,895	\$ 597,883	100.0%
Comcast Preplanning - Master Plan	\$ 12,015	\$ 12,015	100.0%
Assessment Costs, Fees and Discounts	\$ 786,560	\$ 786,560	100.0%
Project Manager - Pay and benefits	\$ 559,547	\$ 598,053	106.9%
Temp Services - Easement Acquisition	\$ 150,000	\$ 97,734	65.2%
Other Miscellaneous Expenses		\$ 23,107	
General Easement Assistance	\$ 24,976	\$ 24,838	99.4%
Community Outreach	\$ 282,519	\$ 223,677	79.2%
Peer Review Study - Patterson & Dewar (\$50,000 Offsetting Revenue)	\$ 100,000	\$ 100,000	100.0%
Total Other Project Costs	\$ 2,513,512	\$ 2,463,866	98.0%

Debt Service and Related Debt Issuance Costs

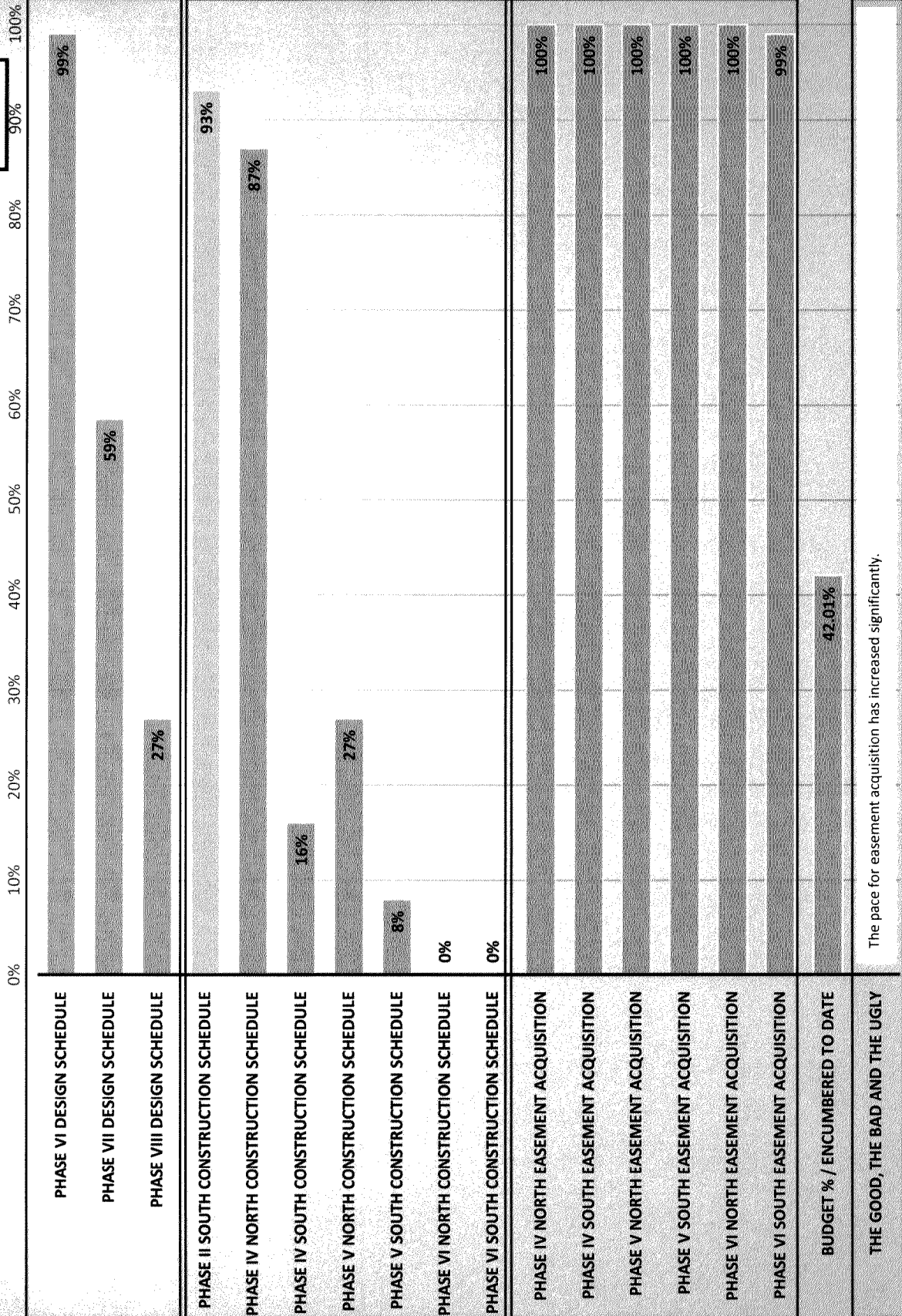
	Budget	Actual	% Expended
Commercial Paper Issuance Cost	\$ 260,116	\$ 260,116	100.0%
Commercial Paper Interest	\$ 243,096	\$ 243,096	100.0%
Arbitrage Rebate Calculation	\$ 2,500	\$ 1,400	56.0%
Debt Service Fees	\$ 2,000	\$ -	0.0%
GO Bond Closing Costs 2018	\$ 488,271	\$ 487,471	99.8%
GO Bond Closing Costs 2021	\$ 202,169	\$ 202,380	100.1%
GO Bond Debt Service	\$ 13,345,005	\$ 13,165,364	98.7%
Total Debt Service and Related Debt Issuance Costs	\$ 14,543,157	\$ 14,359,826	98.7%

Related Costs Outside of the Underground Project Budget

	Budget	Actual	% Expended
Costs paid from (307) Fund CIP			
Underground City of Lake Worth Section			
Project Design	\$ 25,231	\$ 24,430	96.8%
Project Construction	\$ 351,081	\$ 346,124	98.6%
Project Construction Engineering	\$ 11,607	\$ 12,849	110.7%
Utility Cost (FPL, Comcast, AT&T)	\$ 134,333	\$ 127,531	94.9%
Project Meeting Attendance	\$ 3,334	\$ 2,914	87.4%
Total Lake Worth Section	\$ 525,586	\$ 513,847	97.8%
Ibis Way PGD Improvements	\$ 14,583	\$ 14,583	100.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		\$ 183,701	
Kosberg v TPB Legal and Other Costs		\$ 615,602	
PBT Real Estate v TPB		\$ 197,048	
Gardner, Bist Bowden, Bush (Shef Wright)		\$ 24,799	
Telecommunications Consultant	\$ 89,000	\$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	\$ 35,000	\$ 23,735	67.8%
Total Related Costs Outside of the Budget	\$ 664,169	\$ 1,656,526	249.4%

Town of Palm Beach - Underground Utility Project Dashboard - July 2022

Status Legend
 Green - On Task
 Yellow - At Risk
 Red - Not On Task
 Complete - Not Shown



TOWN OF PALM BEACH

Information for Town Council Meeting on: August 9, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Suggested Modifications for Application for Abandonment of Dedicated Public Property Within the Town of Palm Beach

DATE: July 21, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council consider modifications to the easement abandonment process, specifically in the rear of lots once the undergrounding of utilities in a phase has been completed.

GENERAL INFORMATION

Staff was requested to look at the easement abandonment process to determine if there was a way within the existing ordinance to simplify the process for residents. The following recommendations are for easements that no longer have utilities located within them. Rear easements would not be available for abandonment when used for sanitary sewer, stormwater pipes, historical overland stormwater flows, undergrounding equipment, and underground utilities. In these cases, an "Easement Installation and Removal Agreement" could be applied for with the Town for a consented use.

The recommendations are listed below:

1. Seek letters of approval from AT&T, Comcast and FPL for all easements within the Town-wide Undergrounding Program that no longer have these utilities located in the easements.
2. Have Kimley-Horn and Associates identify the properties that have FPL, Comcast or AT&T utilities remaining in easements. This will be utilized to notify residents that these specific addresses are not available for abandonment.
3. Eliminate the requirement for residents to create a list of the neighbors within 300 feet. This will be done by Town staff. This was a duplicative effort.

Below is detailed description of how the Ordinance will be implemented in the future upon Town Council concurrence.

In accordance with Town Code of Ordinances, Chapter 106, Article IV, the owner of a property must make an application to abandon the public utility easement. The easement to be abandoned is shown on the application as Exhibit A of the application, which is a Sketch and Legal Description prepared by a Florida Licensed Surveyor, of the application. The applicant also needs to provide a reason for the abandonment (Exhibit B), and a list of the properties within 300-foot of the easement (Exhibit C), which would be used to send out certified letters of notification of the abandonment. Finally, the

applicant would also need to obtain consent for the abandonment from all utility providers that have a vested interest in the easement. The completed application is submitted with a fee in the amount of \$1,200 dollars. The fee is to cover all direct costs and processing by the Town. Attached is a copy of the Easement Abandonment Application and the Town's internal checklist outlining the procedures.

As undergrounding phases are completed, the Town has abandoned rear easements on properties that granted an easement for undergrounding equipment. The following abandonments were performed by the Town: Resolution No. 33-2018 (initial Undergrounding of Nightingale Trail and La Puerta Way), Resolution 33-2020 (Phase 1 North), Resolution 129-2020 (Phase 2 North), and Resolution 076-2021 (Phase 3 North).

The supplemental tasks proposed, when abandoning easements within a completed underground phase, would include the Town obtaining a Letter of No Objections / consent from all utility providers for the abandonment of specific platted easements that would no longer be needed, and sending out information packages within 300 feet of the platted easements to be abandoned via certified mail (not just the ones within 300-foot of the easements to be abandoned). A short form application for abandonment would also be made available to residents that come in after the undergrounding phase has been completed and the associate platted easements are established to be free and clear for abandonment. The applicant would need only provide: an Exhibit A, Sketch and Legal Description / Survey; an Exhibit B, reason for abandonment; and an application fee. This would only apply to the abandonment of an existing utility easement and no property would be gained by a property owner. Therefore, a privilege fee would not be applicable.

No change to the existing Town Code of Ordinances, Chapter 106, Article IV is requested.

FUNDING/FISCAL IMPACT

The fiscal impacts to the Town should be minimal. The additional direct costs and processing by the Town for supplemental tasks should be offset by the future applications received. Publication notifications within the local paper, a Town Council Public Hearing, and recording a Resolution at the County would still be required for each abandonment application received.

TOWN ATTORNEY REVIEW

A Resolution for each easement abandonment will need to be reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Eric B. Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Craig Hauschild, P.E., Civil Engineer

**TOWN OF PALM BEACH
ABANDONMENT OF DEDICATED PUBLIC PROPERTY
(RIGHT-OF-WAY AND EASEMENTS)**

A pre-application meeting with the Public Works Department (Town Engineer) is required prior to submission of application for abandonment of dedicated public property.

Application Form

In accordance with "Town of Palm Beach Code of Ordinances, Chapter 106, Article IV. Vacation and Abandonment of Streets and Easements," please complete this application for Abandonment of Dedicated Public Property. Submit an application fee of \$1,200.00 and one original plus twenty (20) copies of the signed application to the Director of Public Works, Town of Palm Beach, 951 Okeechobee Road, West Palm Beach, FL 33401. A privilege fee of 100 percent of the total land value of the petitioned site may be required upon approval of the application by the Town Council, and a portion of the application fee may be credited towards the privilege fee.

1. APPLICANT'S NAME:

ADDRESS:

2. TYPE OF PUBLIC PROPERTY TO BE ABANDONED (Easement or Right-of-Way):

3. PROPERTY ADDRESS:

4. LEGAL DESCRIPTION OF PETITIONED SITE: **(Provide legal description and a scaled map, drawing or plat showing the area involved and the location of the specific property of interest to be abandoned. Label as "EXHIBIT A")**

5. REASON FOR ABANDONMENT REQUEST: (Use additional sheets, if necessary, and label as "EXHIBIT B")

6. NAMES AND ADDRESSES OF ALL PROPERTY OWNERS WITHIN 300 FEET OF THE PETITIONED SITE: (Use additional sheets, if necessary, and label as “EXHIBIT C”)
-

7. ATTACH CONSENT LETTERS FROM **ALL** UTILITY PROVIDERS LISTED BELOW WHETHER THEY HAVE FACILITIES IN THE PETITIONED SITE OR NOT:

☐ AT&T - Telephone

☐ Florida Public Utilities - Gas

☐ City of West Palm Beach -Water

☐ Town of Palm Beach - Electrical Bureau

☐ Comcast - Cable Services

☐ Town of Palm Beach - Water Resources Div.

☐ Florida Power & Light

Other: _____

CHECK-MARK (✓) ONLY THOSE UTILITY PROVIDERS OCCUPYING THE PETITIONED SITE

8. APPLICANT'S SIGNATURE:

9. DATE:

I Certify that the information given in this application is true and correct to the best of my knowledge.

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, _____, who is personally known to me, or showed _____
(type of identification; i.e., driver's license number, etc.), and who did take an oath.

(NOTARY SEAL)

NOTARY PUBLIC - STATE OF FLORIDA

Print Name: _____
My commission expires: _____

For Use by Public Works Department

CHECK NO.: _____

TOWN COUNCIL HEARING:

AMOUNT OF CHECK: _____

DATE: _____ RESOLUTION #: _____

RECEIVED BY : _____

Approved: _____ Denied: _____

TOWN OF PALM BEACH
ABANDONMENT OF DEDICATED PUBLIC PROPERTY
RELATED TO UNDERGROUNDING
(RIGHT-OF-WAY & EASEMENT)
CHECKLIST -PROCEDURE 2-88-1
CODE OF ORDINANCES, CHAPTER 106, ARTICLE IV

ADDRESS:_____ TOWN COUNCIL MEETING DATE:_____

LEGAL ADVERTISEMENT: ***Approximately Three [3] Weeks Prior To Council Meeting*

Check legal ad deadlines to assure adhering to time frame for submission of advertisement for publication to coincide with time frame of Council meeting. Email to: legals@pbpost.com**

1. One-time legal advertisement sent to PB Daily News/Post – Public Hearing Notice to include lot/ property and description. Circulate to Author, Manager, Director, and Town Attorney for approval:

DEADLINE DATE	DATE AD ROUTED FOR REVIEW/APPROVAL	DISTRIBUTION	DATE OF APPROVALS	DATE AD SUBMITTED
		Author		
		Manager		
		Director		
		Town Attorney		

2. Once approved, reply to PB Daily News/Post it is good to publish: **Date:**_____

3. PB Daily News/Post to provide Proof of Publication (include with Town Council meeting back-up): **Date:**_____

4. Invoice and Proof of Publication to be processed for payment.
Circulate to Department Manager & Director for approval then
email to: TOPBInvoices@townofpalmbeach.com for processing.
Retain copy of invoice in file. **Date:**_____

5. Create a Track-It to obtain an email address from IT to include in body of Letters of Notification that is exclusive to easement (i.e. if address is 123 Atlantic Ave, request email address to be 123Atlanticave.easement@townofpalmbeach.com)
Date Requested:_____
Date Obtained:_____

6. Prepare Letters of Notification to Property Owners and Adjacent Neighbors (those within 300 feet) of easement abandonment. Circulate For review/approval:

DATE PREPARED	DATE DISTRIBUTED FOR REVIEW/APPROVAL	DISTRIBUTION	DATE OF APPROVAL
		Author	
		Manager	
		Director	
		Town Attorney	

7. **Distribute Memo to Departments - 4 weeks before Town Council Meeting: Date**

Sent: _____

DATE PREPARED	DATE DISTRIBUTED FOR REVIEW/APPROVAL	DISTRIBUTION	DATE OF APPROVAL
		Author	
		Manager	
		Director	
		Town Attorney	

8. Mail Letters of Notification via Certified/Return Receipt mail to property owners and adjacent neighbors (within 300 feet) (Must be mailed 2 weeks prior to Council meeting for proper notification)

Deadline Date: _____

Date Mailed: _____

TOWN COUNCIL MEETING -MUST BE ON AGENDA AS "PUBLIC HEARING"****

Meeting Items:

Included

- TC Memo
- Resolution (listing all properties/lots or property owner)
- Sketches of Properties/Lots attached to Resolution
- Notice to Property Owners
- Notice to Adjacent Neighbors (within 300 feet)
- Copy of Legal Ad (proof of publication)

****After Item is Approved by Town Council**:**

Recording and Distribution:

Date Completed

- a. Resolution and attachments e-recorded with PB County Clerk's office (e-file)
- b. Once filed and returned from the PBC Clerk's Office, forward to Town Clerk for filing in the Town

TOWN OF PALM BEACH

Town Council Meeting on: August 9, 2022

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Update on Florida Department of Transportation Projects within the Town of Palm Beach

Presenter

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

ATTACHMENTS:

- ▢ **Memorandum dated July 22, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▢ **Letter from Mayor**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 9, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Update on Florida Department of Transportation Projects within the Town of Palm Beach

DATE: July 22, 2022

STAFF RECOMMENDATION

Staff was requested to provide an update of Florida Department of Transportation (FDOT) projects within the Town of Palm Beach.

GENERAL INFORMATION

Town staff has been in contact with FDOT on several efforts within the Town. Below is an update on each project.

South Ocean Boulevard between Ibis Way and Lake Avenue

At the May 10, 2022 Town Council Meeting, staff presented an evaluation of the proposed FDOT project for improvements on South Ocean Boulevard from Lake Avenue to Ibis Way. As a result of the Town Council discussion, the attached letter from Mayor Danielle Moore was sent to the FDOT Project Manager on May 31st expressing the Town's position on the project. On June 2nd, staff and Town Council members attended a Public Meeting held by FDOT which presented the aspects of this project to the public. At this meeting, Jason Debrincat, Senior Project Engineer, read the Mayor's letter into the record. Staff has requested numerous updates on the status of the project since the meeting but have been unsuccessful. Staff will continue to pursue an update from FDOT.

South Ocean Boulevard and South County Road from Southern Boulevard to Royal Palm Way

FDOT has been working with Town staff for the last six (6) months on another project within the Town limits. This project is a maintenance project, and the limits of the project are from just south of Southern Boulevard to Royal Palm Way, which includes several improvements along with standard milling and resurfacing of the FDOT roadway.

- Replacement of the sidewalk from Brazilian Avenue to Royal Palm Way, which will include the privately owned sidewalk as long as property owners sign agreements with FDOT. The Town has long sought FDOT to replace this sidewalk. Former Mayor Gail Coniglio met on site several times over the last six (6) years requesting FDOT replace these sidewalks. FDOT is requesting the Town pay for the portion of the sidewalk outside of the right-of-way.
- Replacement of mast arms at the intersection of Royal Palm Way and South County Road.

- Replacement of mast arms at Worth Avenue, Hammond Avenue, and Peruvian Avenue will be replaced with decorative mast arms. At the appropriate time, staff will present renderings of the intersections for Town Council review.
- Streetlights will be modified to LED lights using existing poles.

FDOT has requested the use of Town Council Chambers in November for a Public Meeting to present 60 percent plans to the residents and address questions. Staff will assist FDOT with this meeting. The present schedule for this work is to begin construction in April of 2024.

South County Road between Royal Palm Way and Royal Poinciana Way

As part of the Undergrounding Project, the Town has requested that FDOT participate in replacing the sidewalk along South County Road between Royal Palm Way and Royal Poinciana Way. FDOT staff indicated that the initial review of the sidewalks did not support full replacement. Staff is continuing to work with FDOT to seek cooperation on the sidewalk replacement.

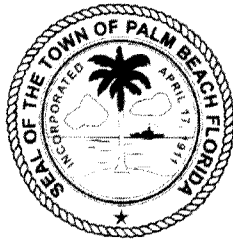
Royal Palm Way bridge painting is scheduled to begin September 7, 2022. Staff has requested this be delayed to May 2023. FDOT staff responded that the contract had been awarded and a delay would not be issued. Mayor Danielle Moore, subsequent to the June Town Council meeting, sent a letter requesting the painting be delayed. At this time, staff has not received any notification of the schedule for the bridge painting.

FUNDING/FISCAL IMPACT

If approved by Town Council, funding for upgrades such as decorative mast arms in place of FDOT standard mast arms will come from the Capital Improvement Plan Budget as part of the Pavement Management Program. These will be limited to cost difference of standard FDOT mast arms and decorative mast arms. The cost will also include the additional private sidewalk between Brazilian Avenue and Royal Palm Way.

Attachments

cc: Carolyn Stone, Assistant Town Manager
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Mark Bresnahan, Recreation Director



TOWN OF PALM BEACH

Office of Mayor and Town Council

MAYOR DANIELLE H. MOORE

COUNCIL

MARGARET A. ZEIDMAN, PRESIDENT
BARBARA LINDSAY, PRESIDENT PRO-TEM
JULIE ARASKOG
LEWIS S.W. CRAMPTON
EDWARD COONEY

May 31, 2022

Vandana Nagole, P.E., CSM, Project Manager
Florida Department of Transportation, District Four
3400 West Commercial Boulevard
Fort Lauderdale, FL, 33309

RE: Resurfacing, Restoration, and Rehabilitation (RRR) Project, SR A1A / South Ocean Boulevard from south of Lake Avenue to north of Ibis Way, Financial Project IDs: 447663-1-52-01

Dear Ms. Nagole:

The Town of Palm Beach has become aware of the proposal to potentially widen the segment for South Ocean Boulevard between Lake Avenue and Ibis Way in a manner that would expand the existing paved shoulders on each side from 3-feet to 5-feet in order to accommodate a bicycle lane, as well as a proposal to expand the paved pedestrian pathway on the west side of the road from 6-feet wide to 10-feet wide.

Recently, the Town's Public Works Department reviewed the potential impacts of this widening and noted several locations where landscaping, existing utilities, signage, irrigation, specialty driveway paving, and other features would be impacted. These considerations were presented at a Town Council meeting on May 10, 2022, and discussed by the Council and residents during public comment. In addition to the impacts on adjacent facilities from potential widening, at the Town Council Meeting one of the concerns discussed was the proposed bicycle lanes would not be continuous to the north and could not likely be extended at any point in the future considering the limited space north of Sloan's Curve. Regarding the width of the existing pedestrian pathway on the west side of the roadway, there was concern about a 10-foot width, but there was some interest in discussing limited increases in widening where all other impacts could be avoided. After the discussion, all residents that spoke during public comment were opposed to any widening and the Town Council voted unanimously to request the FDOT to limit the improvements to resurfacing the existing roadway and rebuilding the pedestrian path with limited widening.

Based on the input from the residents and the vote from the Town Council, this letter is intended to request that no widening of A1A be made during the proposed resurfacing project, and limited widening be considered along the pedestrian pathway. Should you have any questions, please do not hesitate to contact Patricia Strayer at (561) 227-7056 or PStrayer@TownofPalmBeach.com.

Respectfully,

Danielle H. Moore
Mayor

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480

Telephone (561) 838-5414 • Facsimile (561) 838-5411

E-mail: mayor@townofpalmbeach.com • council@townofpalmbeach.com

Website: www.townofpalmbeach.com

TOWN OF PALM BEACH

Town Council Meeting on: August 9, 2022

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Request Approval of Proposed Site Plan for Mid-Town Seawall Replacement

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated July 26, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Mid-Town Seawall Replacement Plan**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 9, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Request Approval of Proposed Site Plan for Mid-Town Seawall Replacement

DATE: July 26, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve in concept the attached site plan for the Mid-Town Seawall Replacement Project. This project will then be presented to ARCOM for approval.

GENERAL INFORMATION

The existing 2,715-foot-long Mid-Town Municipal Beach seawall extends north of Royal Palm Way to south of Gulfstream Road. This seawall was initially constructed in the 1920's and has met its intended service life. Repairs and maintenance activities, along with the installation of a toe wall, beach nourishment, and a groin field, have sustained the serviceable condition of the seawall. A replacement seawall has been designed consistent with the Town Council-adopted long term Coastal Management Plan and the Level-Up Palm Beach Coastal Resilience Implementation Plan. A Coastal Construction Control Line Permit Application has been submitted to the Florida Department of Environmental Protection for this eligible coastal armoring project. Town staff is seeking Town Council approval to concurrently enter into the site plan approval process with ARCOM while state permitting is underway.

The seawall has elements that are tied to important existing structures, such as the Worth Avenue Clock Tower and the lifeguard/restroom facility. These features, and others, have been carefully considered by Town staff and the Town's consultants to enhance storm protection and resiliency for years to come with a new seawall, while maintaining the same visually unique qualities of the existing seawall.

FUNDING/FISCAL IMPACT

Funding for design, permitting, and construction has occurred annually since FY 2019 and will continue through the anticipated construction in FY 2024.

Attachment

cc: Wayne Bergman, Planning, Zoning & Building Director
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Robert Weber, Coastal Program Manager
Michael Barnett, P.E, GHD
Mark Marsh, Bridges, Marsh & Associates

PRE-APP SUBMITTAL FOR TOWN OF PALM BEACH MIDTOWN SEAWALL REPLACEMENT SOUTH OCEAN BLVD. PALM BEACH, FLORIDA

SHEET INDEX

ARCHITECTURAL

<u>SHEET</u>	<u>TITLE</u>
CI	COVER SHEET
C-0701	EXISTING SITE PHOTOS
C-0702	EXISTING SITE PHOTOS
AI.1	OVERALL SITE PLAN & PARTIAL SITE PLAN 'A'
AI.2	SITE PLAN 'B' & 'C'
A2	SITE PLAN AT CLOCK TOWER
A3	ELEVATIONS & DETAILS

SCOPE OF WORK

- REPLACEMENT OF EXISTING SEAWALL
- REPLACEMENT OF EXISTING ACCESS GATES
- NEW OBSERVATION PATIO AT CLOCK TOWER

PROJECT TEAM:

ARCHITECT

BRIDGES, MARSH & ASSOCIATES, INC.
18 VIA MIZNER
PALM BEACH, FL. 33480
PHONE: (561) 832-1533

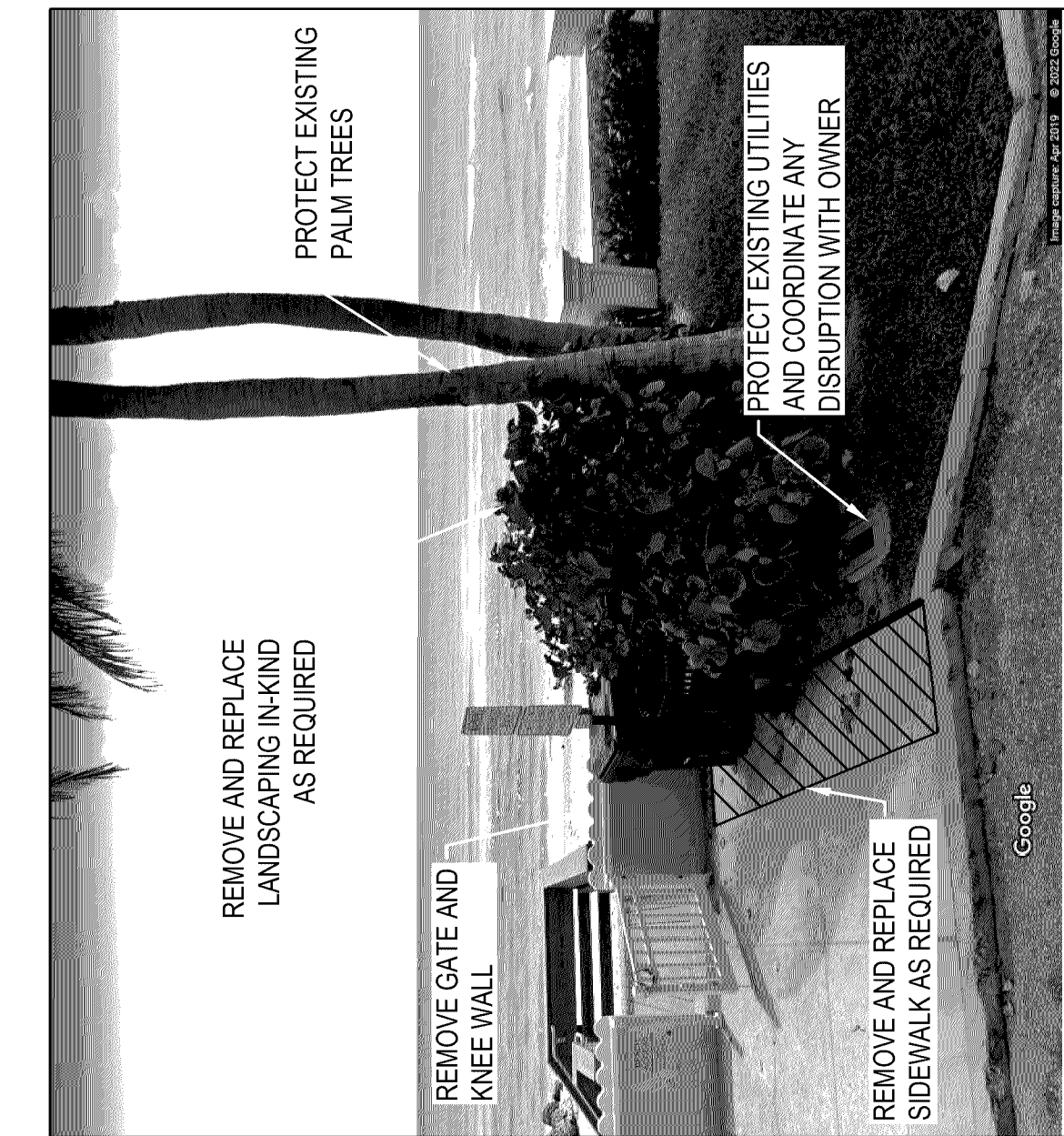
ENGINEER

GHD, INC
3380 FAIRLANE FARMS RD
SUITE 16
WELLINGTON, FL. 33414
PHONE: (561) 688-9008

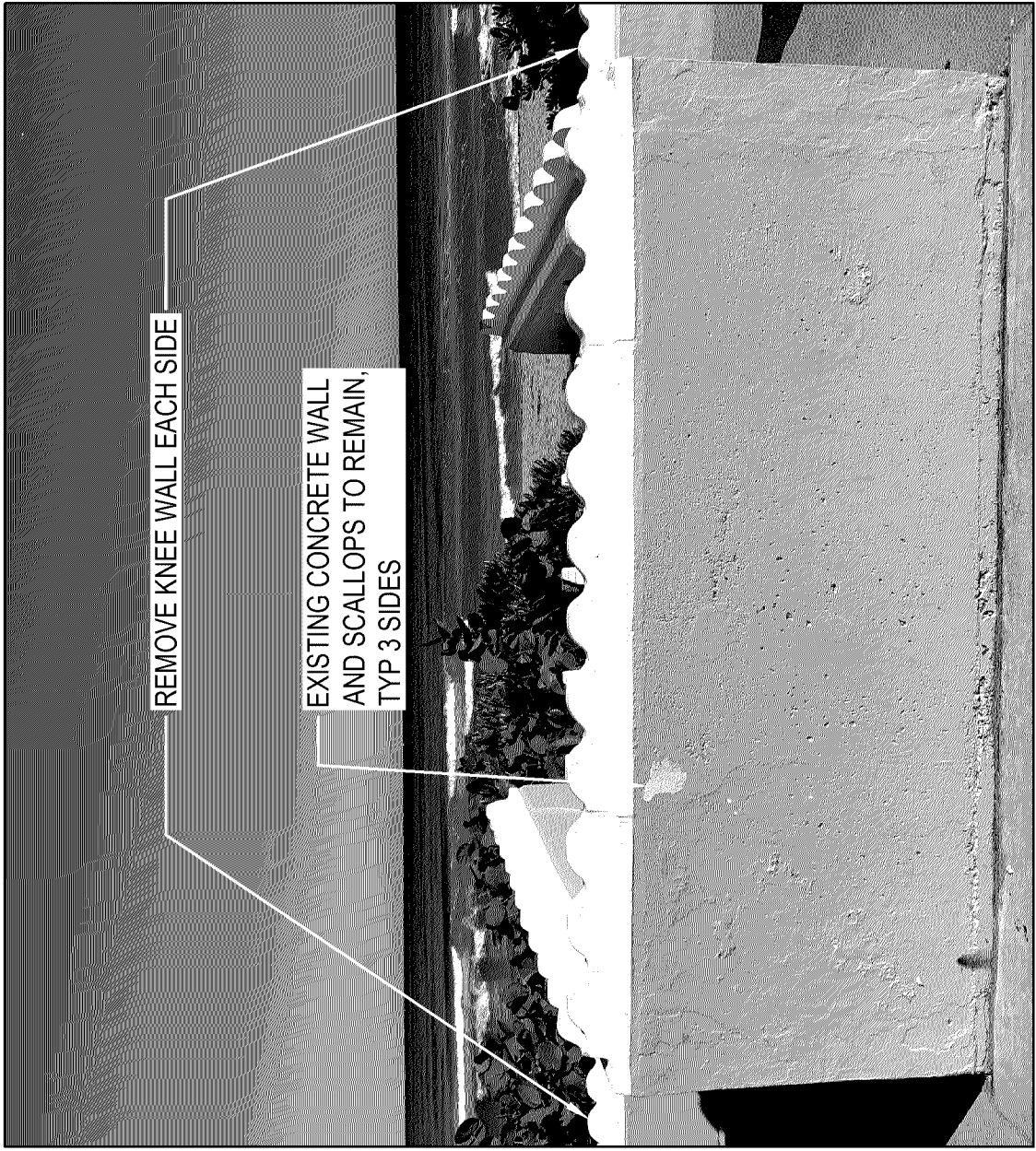
MEETING DATES:

PROJECT TYPE: T.B.D.

Pre-App Submittal: July 25, 2022
Pre-App Meeting: August 1, 2022



1 BEGIN SEAWALL AT STA 10+00
SCALE: NTS



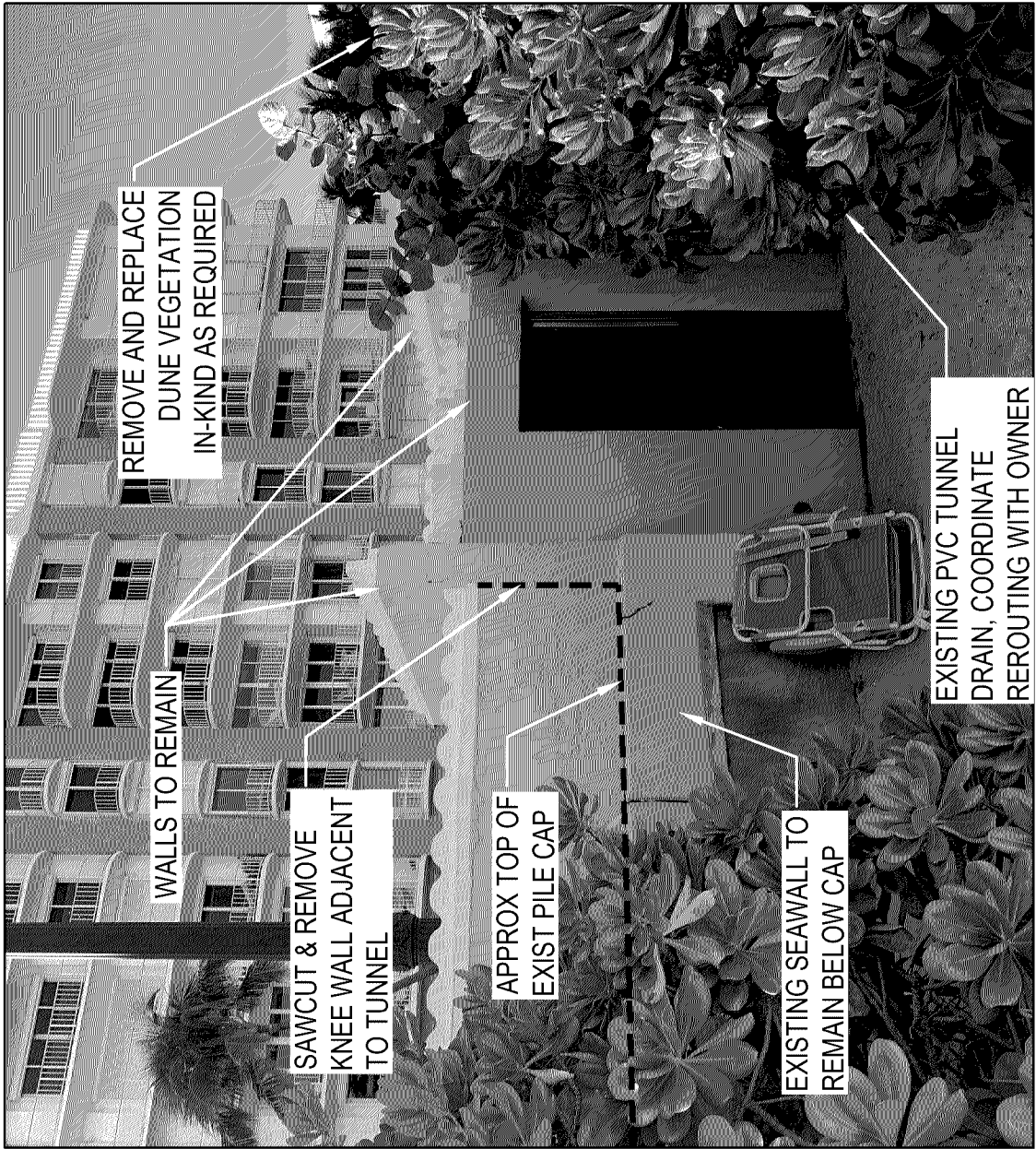
5 WORTH AVE TUNNEL
SCALE: NTS



9 CHILEAN AVE PEDESTRIAN ACCESS
SCALE: NTS



2 BEGIN SEAWALL AT STA 10+00
SCALE: NTS



6 WORTH AVE TUNNEL
SCALE: NTS



10 CHILEAN AVE PEDESTRIAN ACCESS
SCALE: NTS



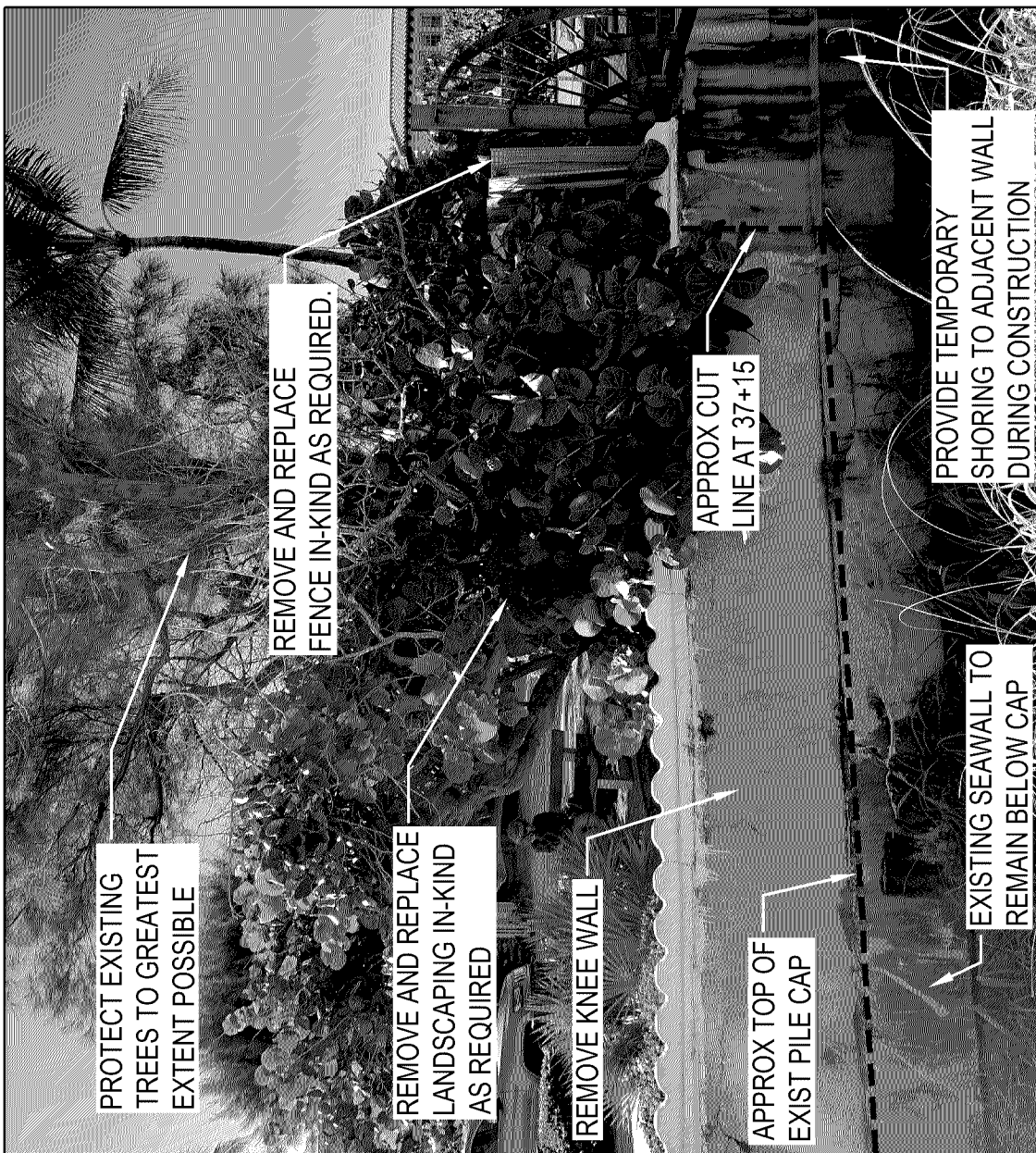
3 END SEAWALL AT STA 37+15
SCALE: NTS



7 PERUVIAN AVE VEHICLE GATE
SCALE: NTS



11 BRAZILIAN AVE PEDESTRIAN ACCESS
SCALE: NTS



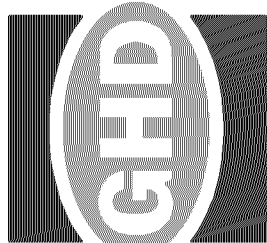
4 END SEAWALL AT STA 37+15
SCALE: NTS



8 PERUVIAN AVE VEHICLE GATE
SCALE: NTS



12 BRAZILIAN AVE PEDESTRIAN ACCESS
SCALE: NTS
95% SUBMITTAL



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Client
THE TOWN OF PALM BEACH
360 SOUTH COUNTY ROAD, PALM BEACH, FL 33480

Project
TOWN OF PALM BEACH
MID-TOWN SEAWALL REPLACEMENT

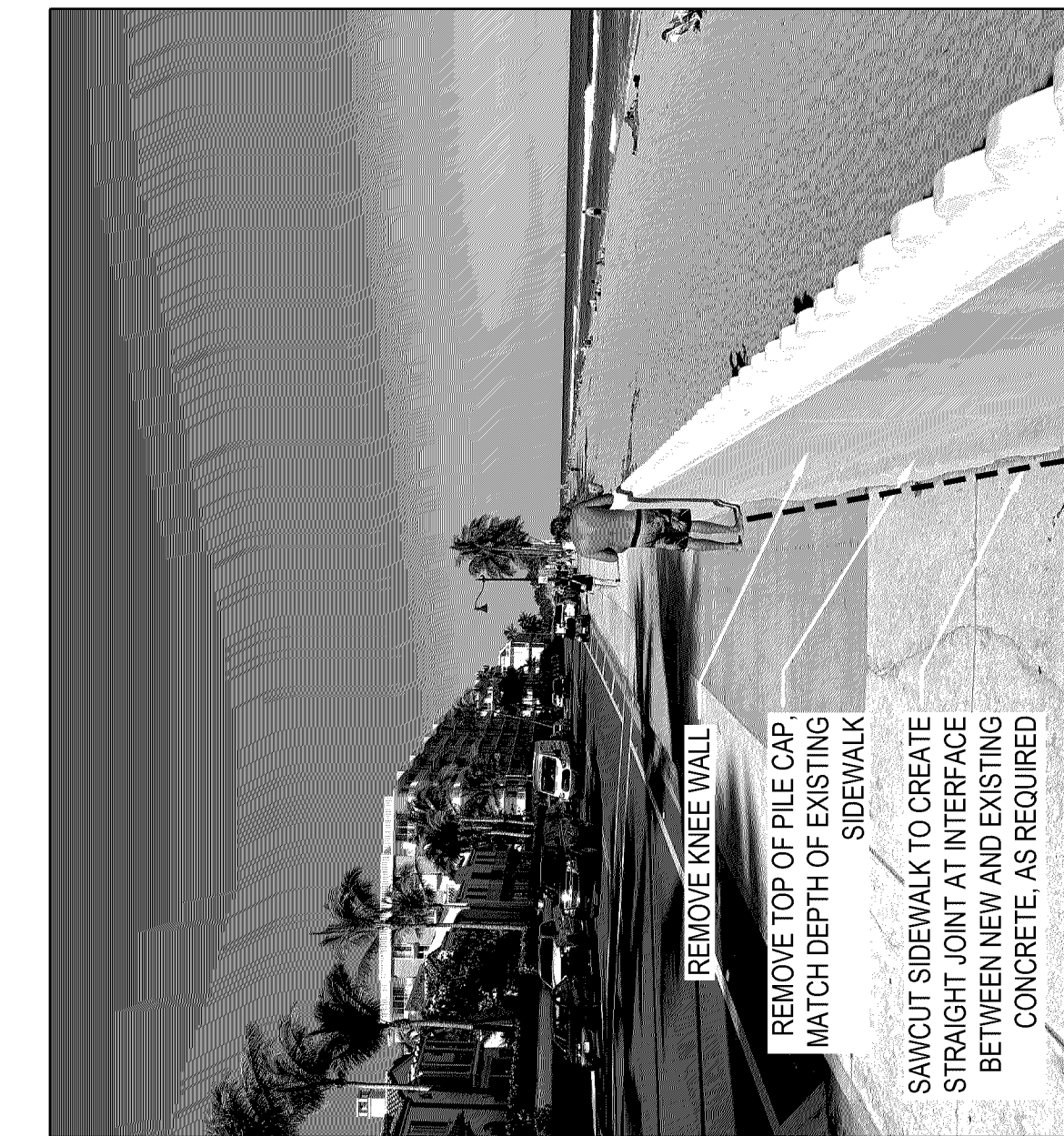
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No.		CM	Designer	MB	
Drawn		DR	Design	SC	
Drafting		Check	Check		
Project		Manager	Date	JANUARY 21, 2022	

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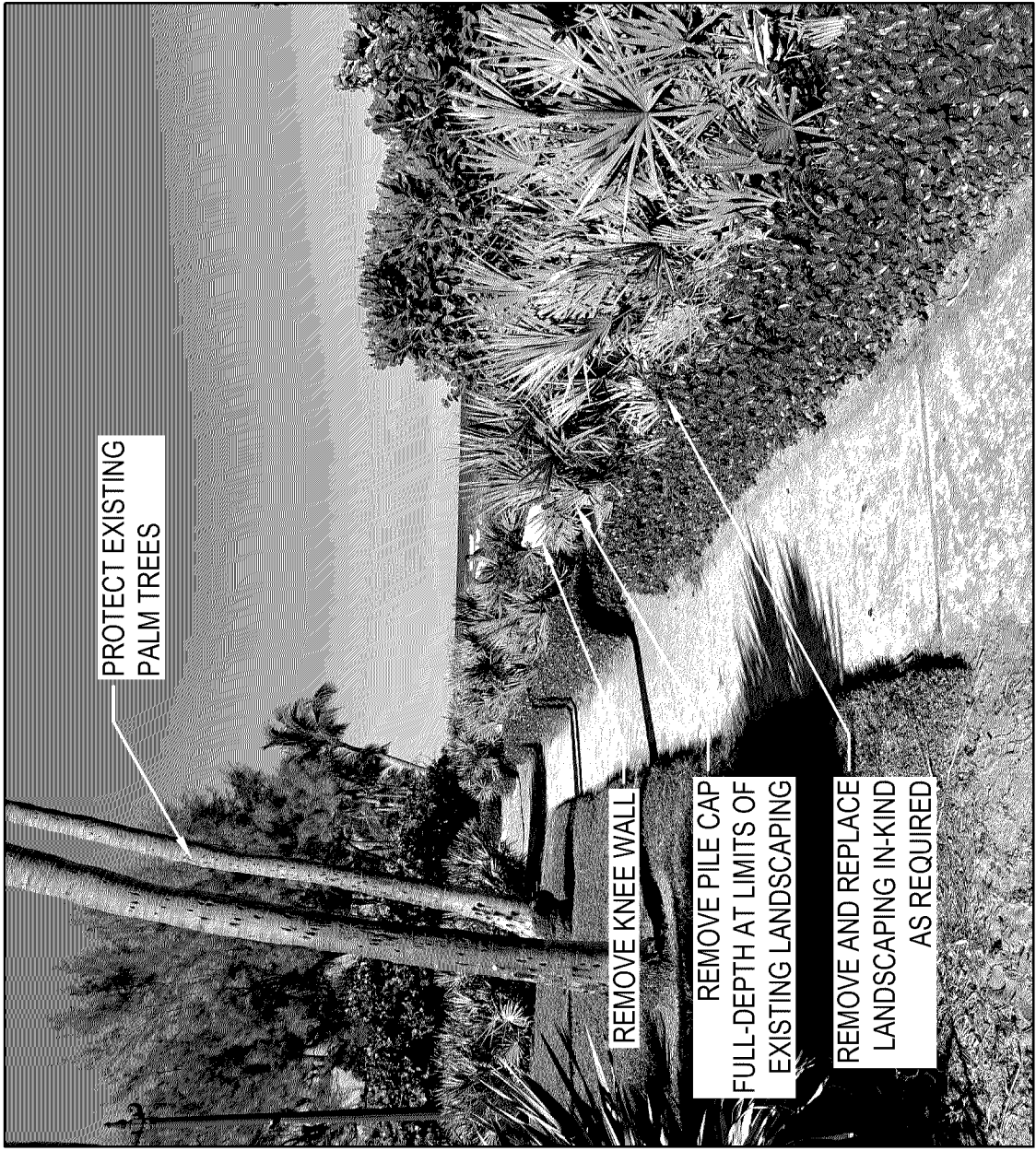
Project No. 11217240

Title
EXISTING SITE PHOTOS

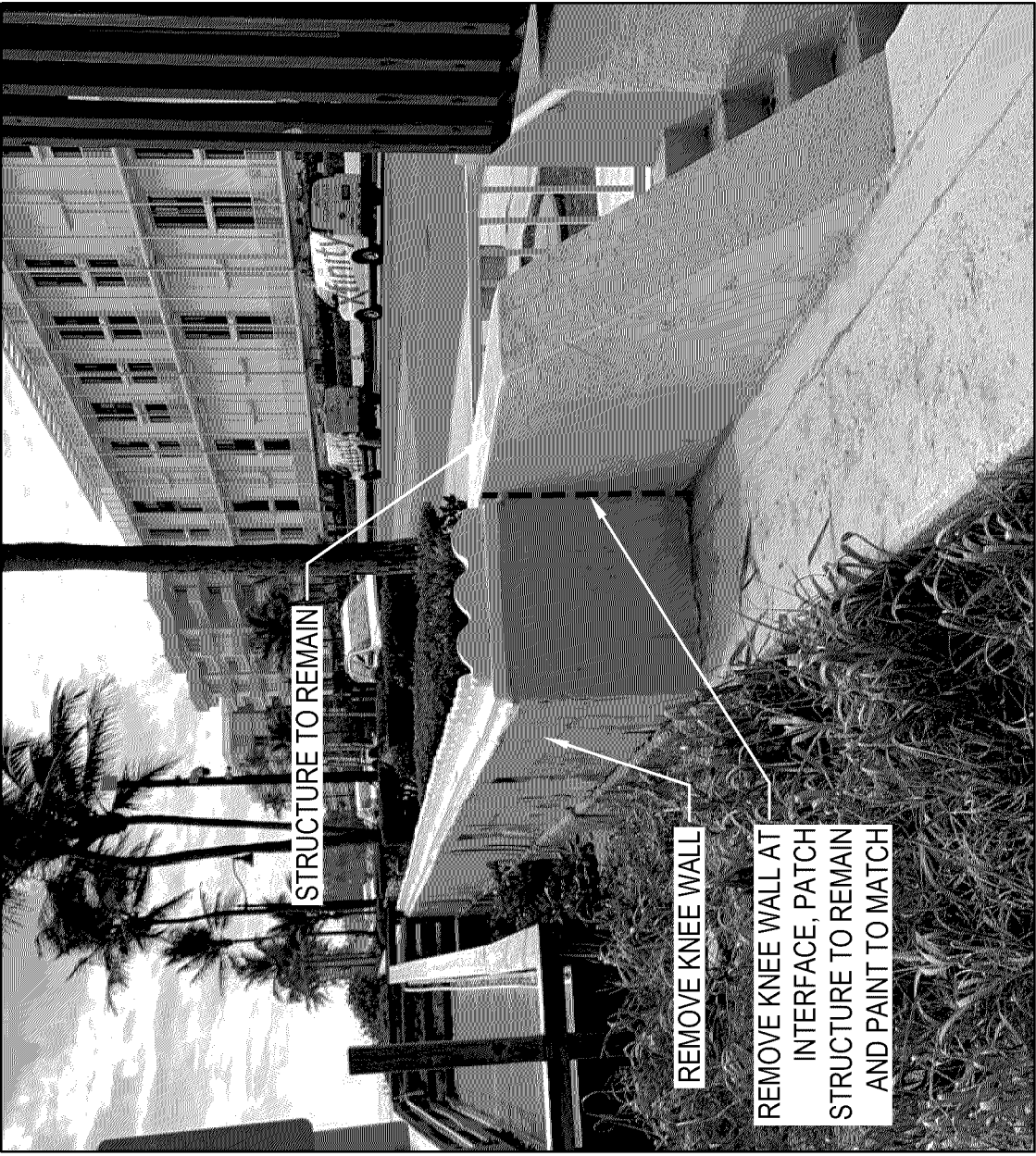
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C-0701
Sheet of



1 10+00 TO 13+80 LOOKING NORTH
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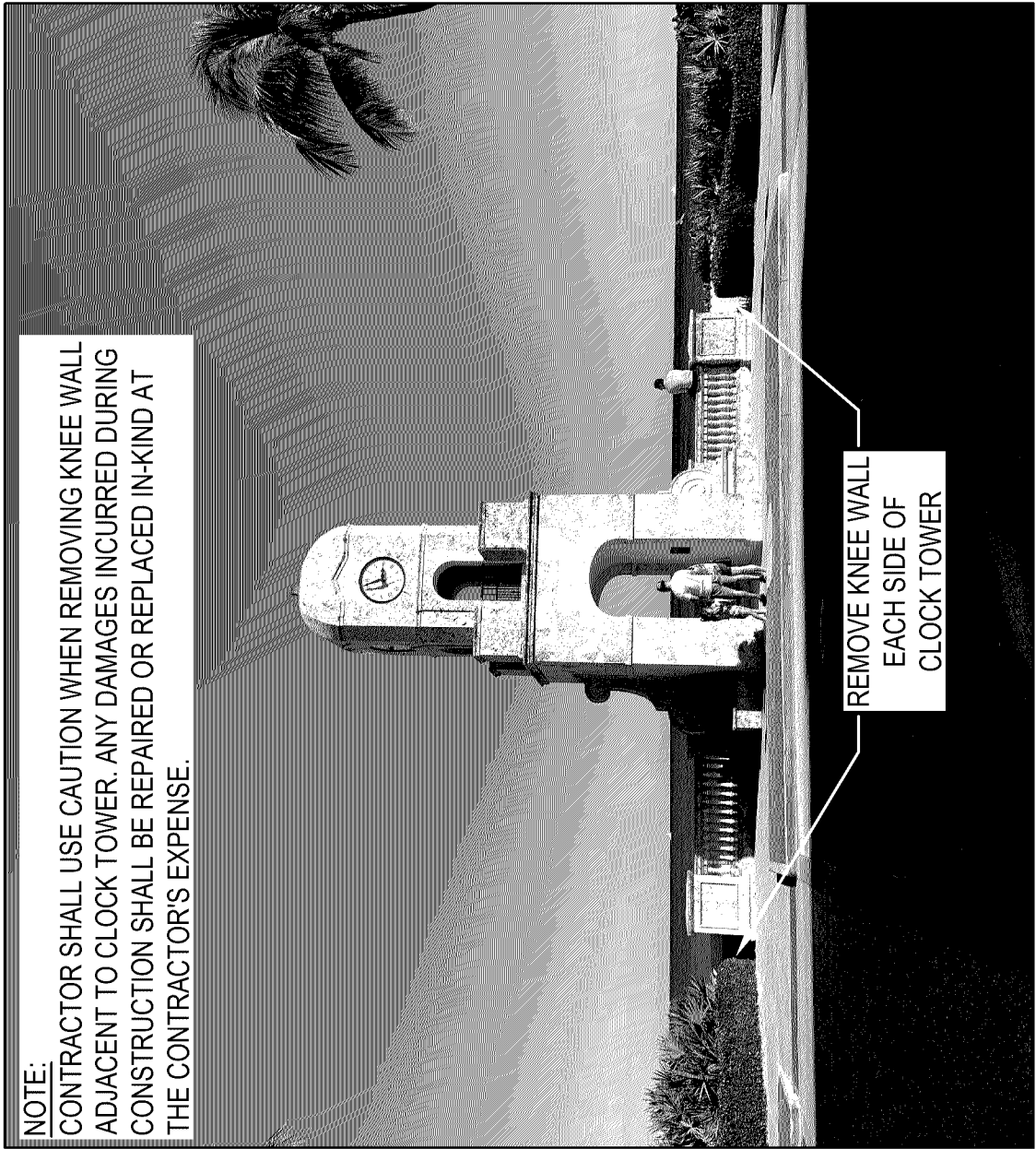
5 35+14 TO 37+15 LOOKING NORTH
SCALE: NTS



9 S. END OF LIFEGUARD BUNKER LOOKING SOUTH
SCALE: NTS



2 13+80 TO 17+42 LOOKING NORTH
SCALE: NTS



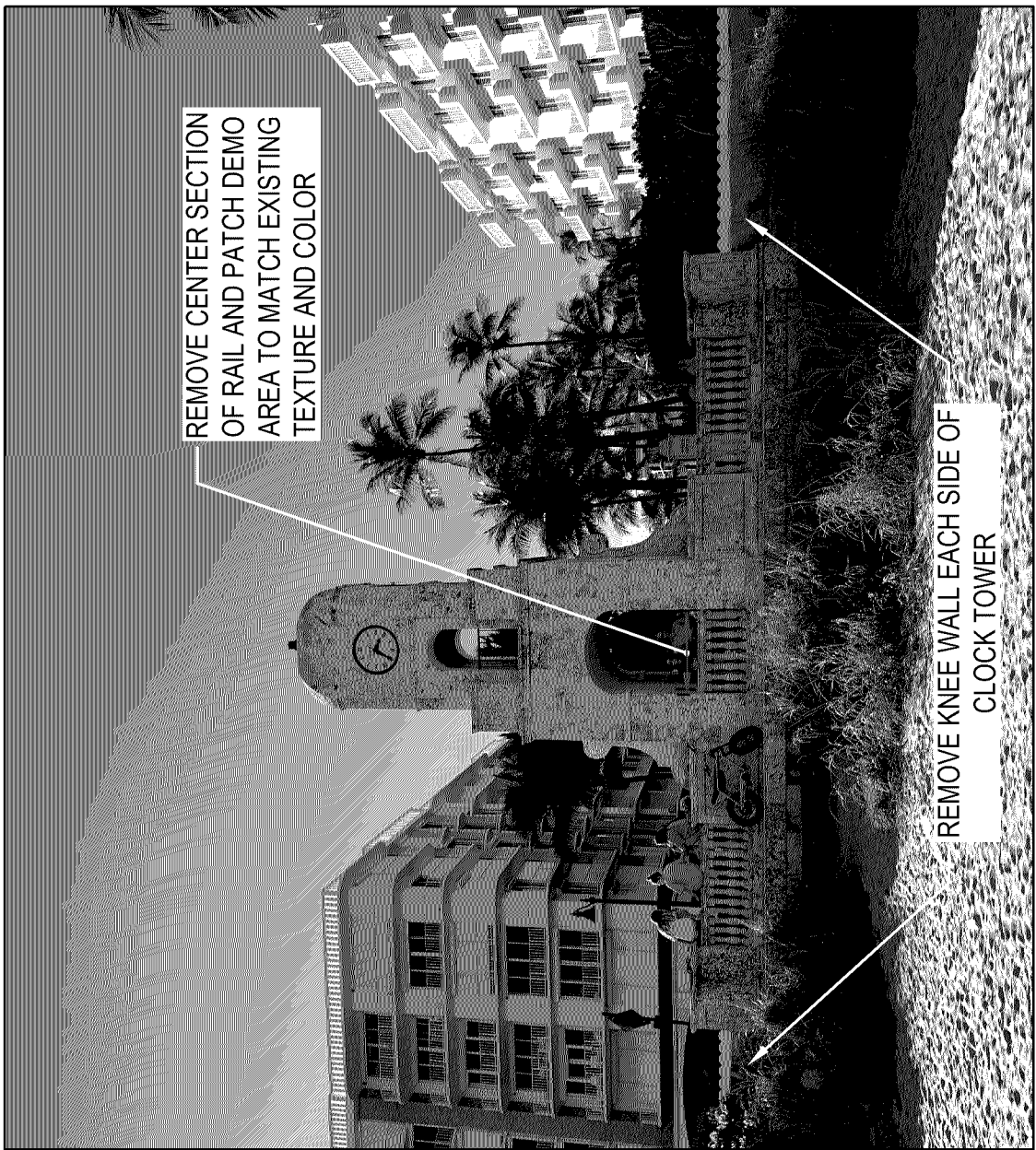
6 WORTH AVE. CLOCK TOWER
SCALE: NTS



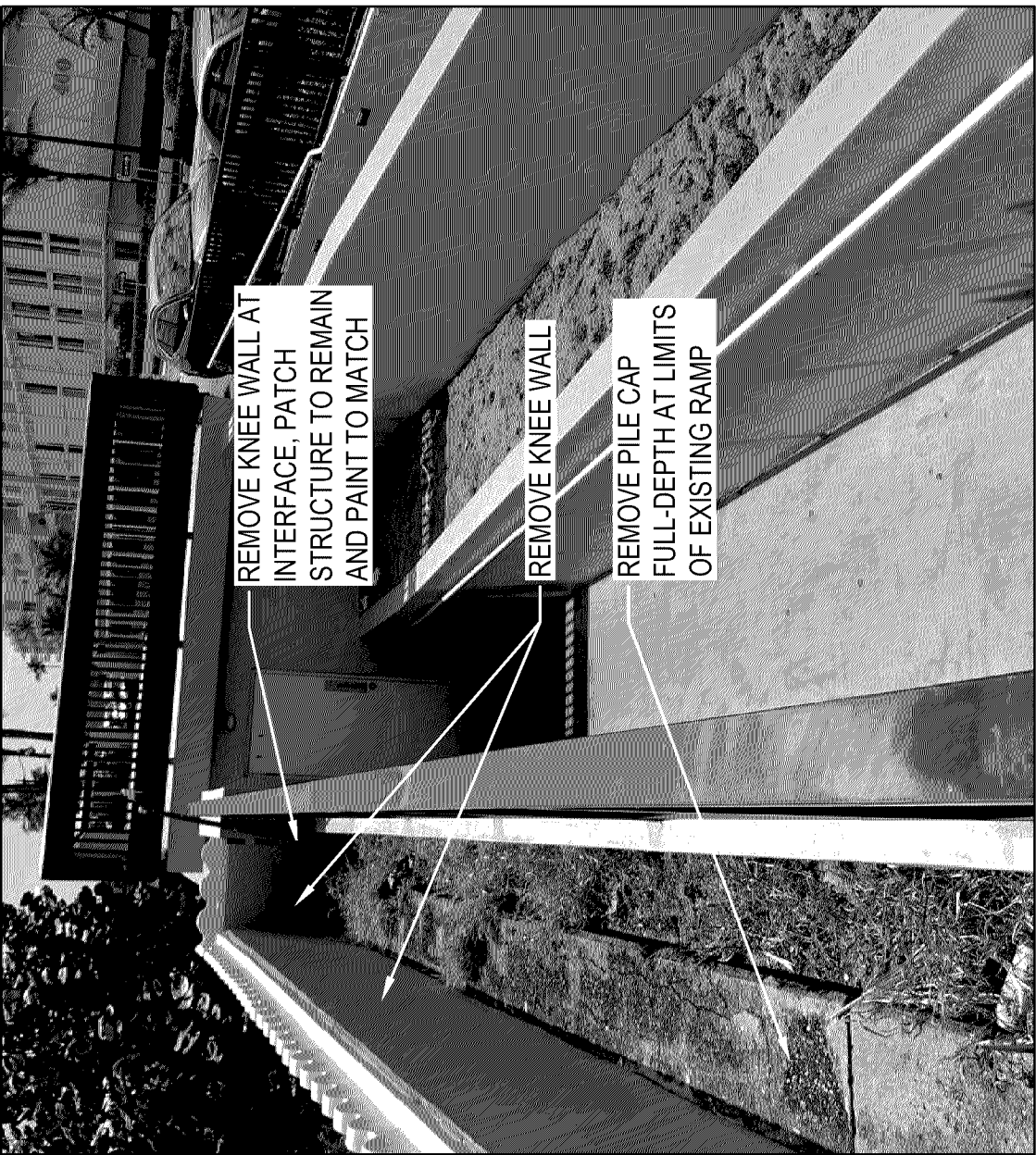
10 N. END OF LIFEGUARD BUNKER LOOKING SOUTH
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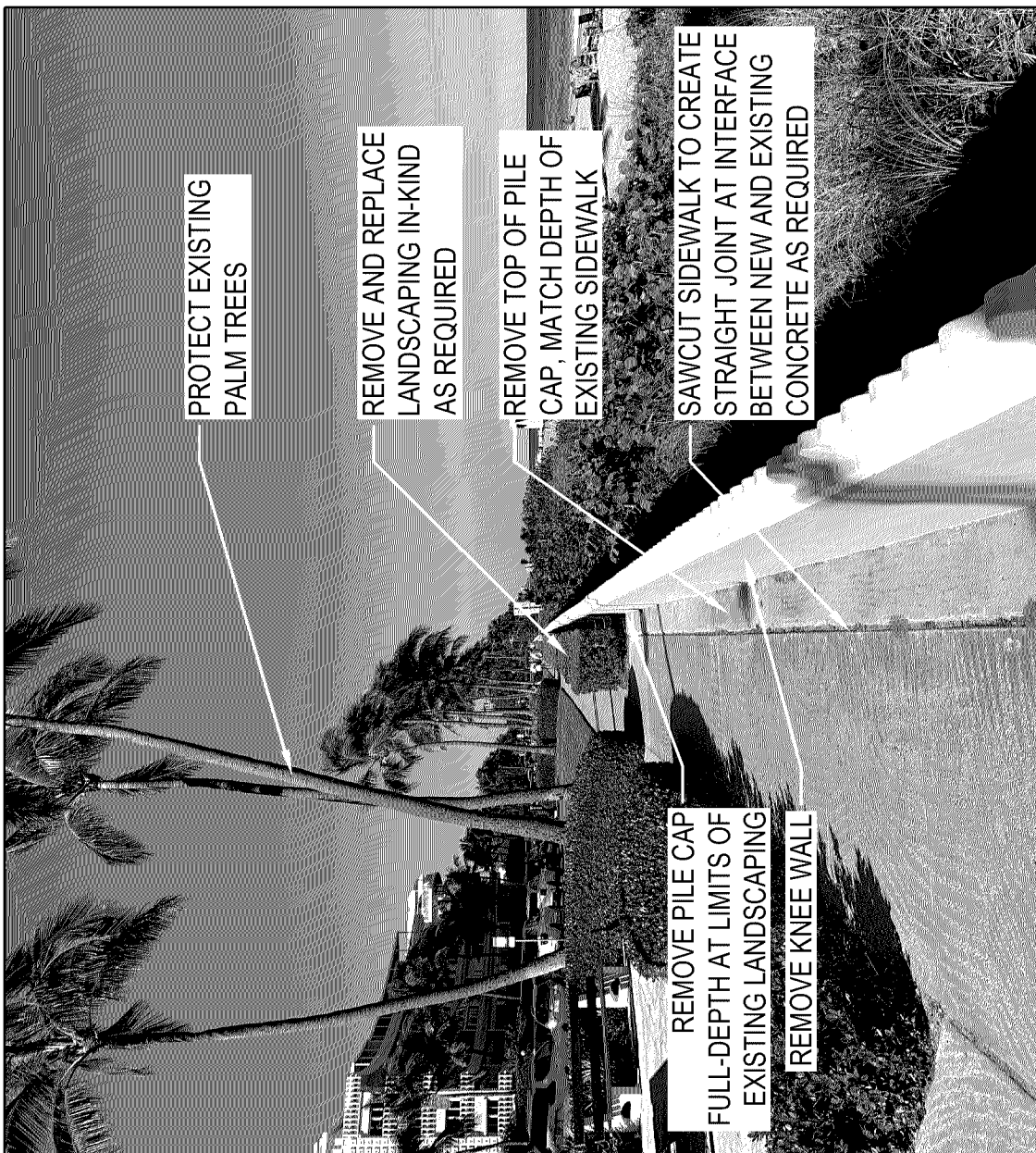
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SCALE: NTS



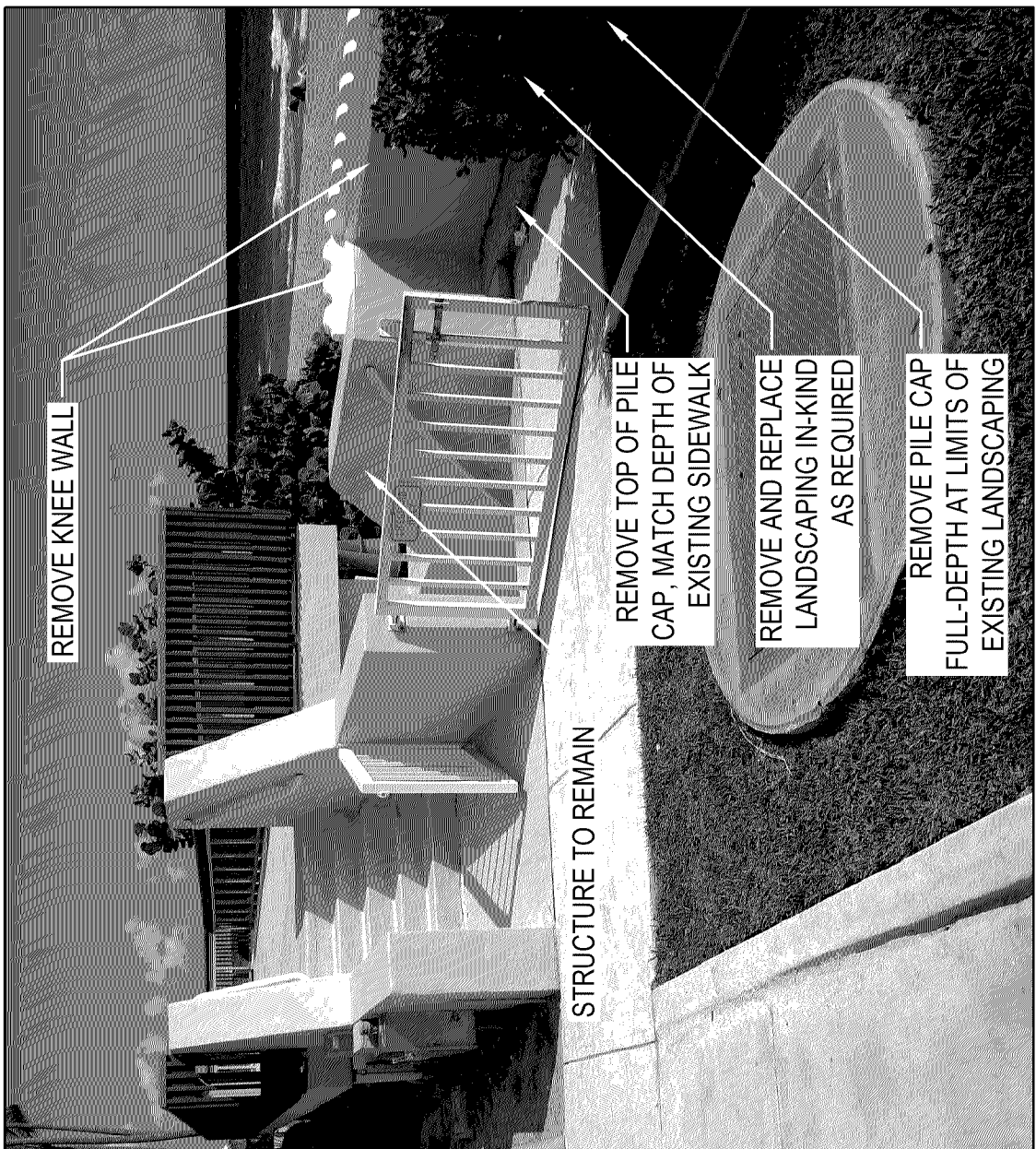
7 WORTH AVE. CLOCK TOWER
SCALE: NTS



11 RAMP AT LIFEGUARD BUNKER LOOKING SOUTH
SCALE: NTS



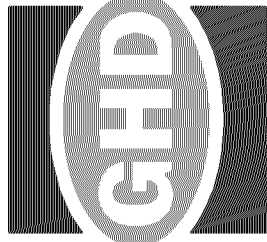
4 25+28 TO 35+14 LOOKING NORTH
SCALE: NTS



8 S. END OF LIFEGUARD BUNKER LOOKING NORTH
SCALE: NTS



12 35+15 JUNCTION STRUCTURE LOOKING SOUTH
95% SUBMITTAL
SCALE: NTS



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Project
TOWN OF PALM BEACH
MID-TOWN SEAWALL REPLACEMENT

NO.	1	2	3	4	5	6	7	8	9	10	11	12
No.												
Drawn												
Check												
Project Manager												

Issue	Drawn	Approved	Date
CM	Designer	MB	
DR	Design	SC	
MB	Date		JANUARY 21, 2022
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Project No. 11217240

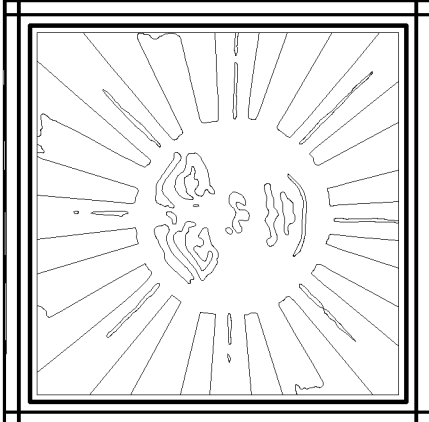
Title

EXISTING SITE PHOTOS

Sheet No.

C-0702

Sheet of



BRIDGES MARSH & ASSOCIATES, INC.
CHARTERED ARCHITECTS
Eighteen Via Mizner
Palm Beach, Florida 33460
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Fax: (561) 682 1520

CONSULTANT

SEAL
MICHAEL MARK MARSH
AR9030

**TOWN OF PALM BEACH
MID-TOWN
SEAWALL
REPLACEMENT**
JOB
**S. OCEAN BLVD.,
PALM BEACH, FLORIDA**

DRAWING
SITE PLANS

JOB NO.
22104

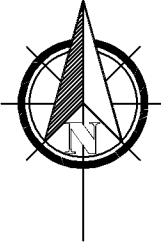
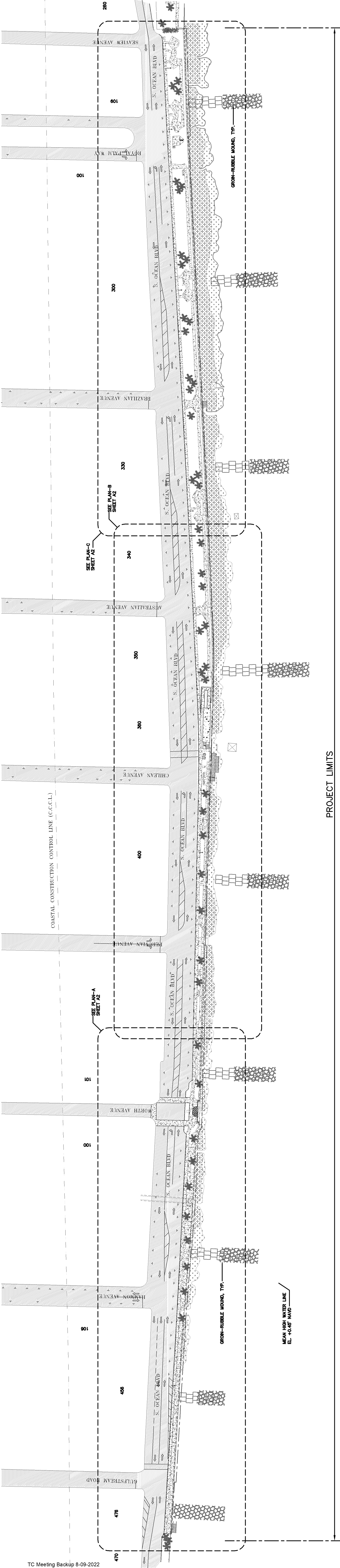
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REVISONS									
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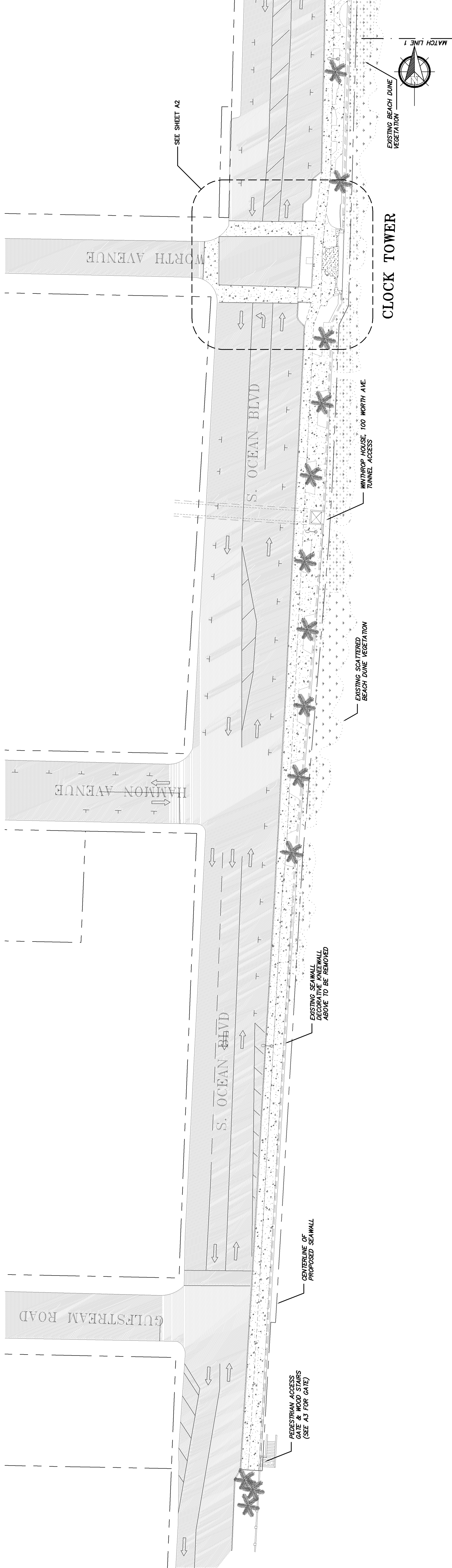
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DATE **7/25/22**
M.M.

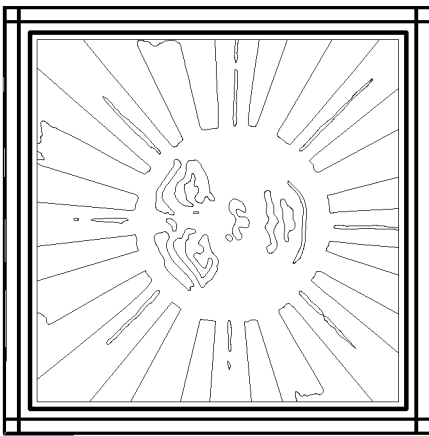
DWG. NO.
A1.1



OVERALL SITE PLAN
N.T.S.



PARTIAL SITE PLAN - A
1" = 20'



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& ASSOCIATES, INC.**
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SEAL
MICHAEL MARK MARSH
ARCHITECT
A19030

**TOWN OF PALM BEACH
MID-TOWN
SEAWALL
REPLACEMENT**
JOB
**S. OCEAN BLVD.,
PALM BEACH, FLORIDA**

SITE PLANS
DRAWING

JOB NO.
22104

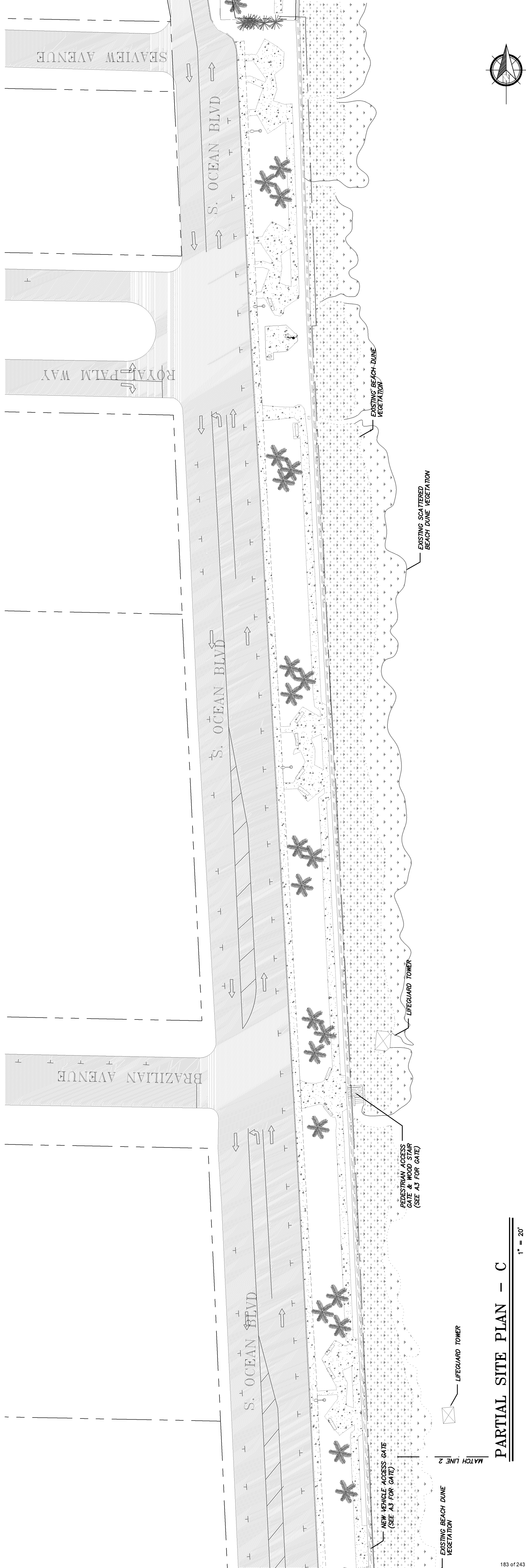
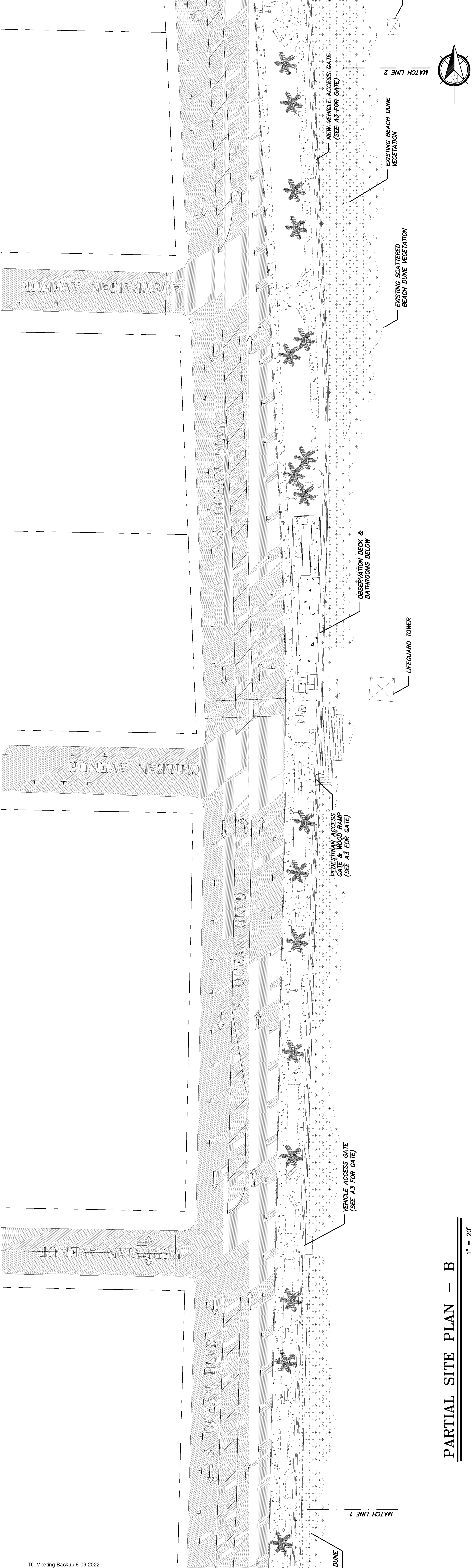
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SITE CONDITIONS AND THROUGHLY
RESEARCH ALL APPLICABLE REGULATIONS
BEFORE COMMENCING WORK. BRIDGES
MARSH & ASSOCIATES, INC. SHALL NOT
BE RESPONSIBLE FOR ANY WORK
NOT SHOWN OR NOT SPECIFIED
ON THE JOB.

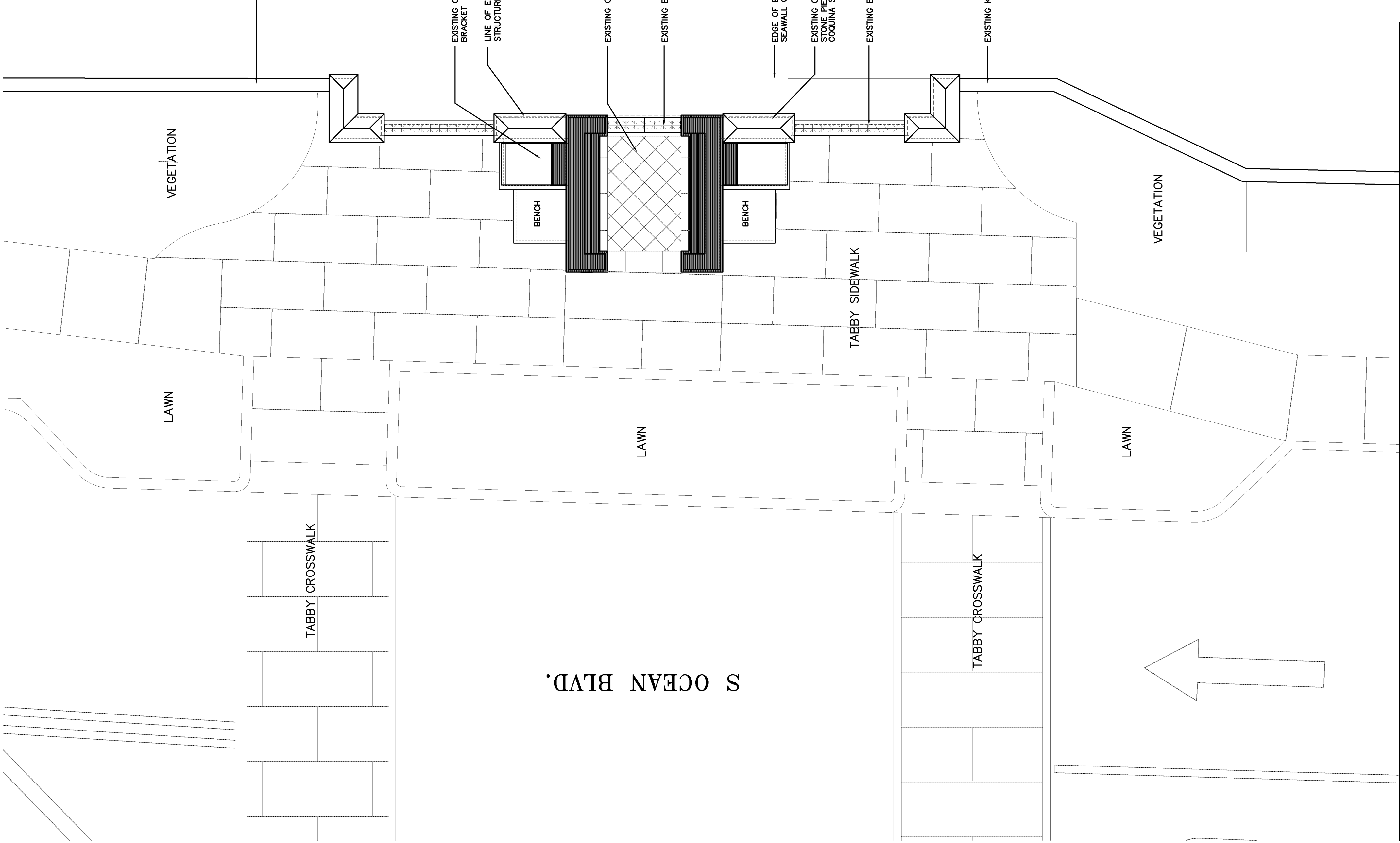
REVISIONS									
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SCALE
AS NOTED

CHK.
DRWN.
9/1
DATE
7/25/22
M.M.

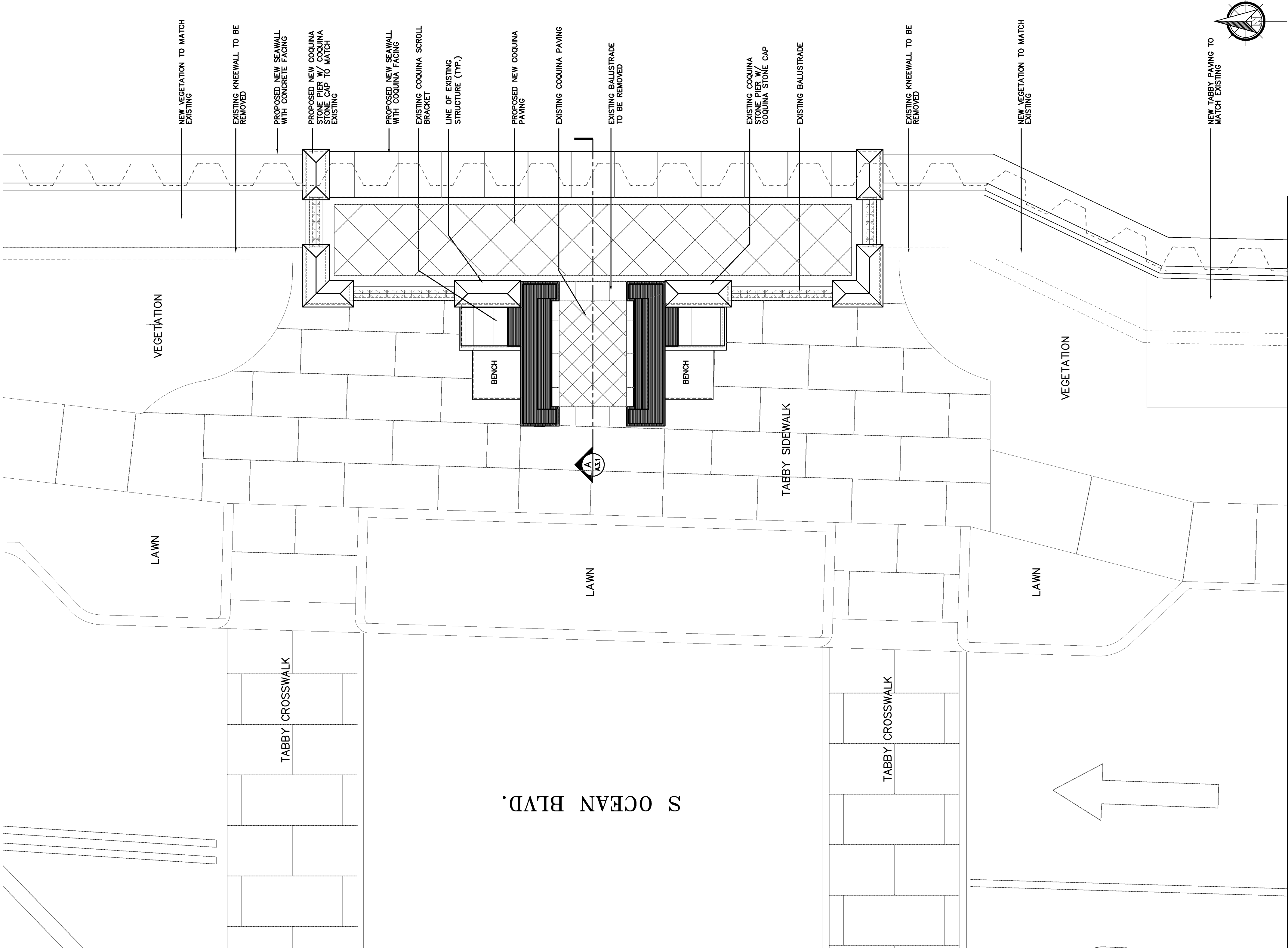
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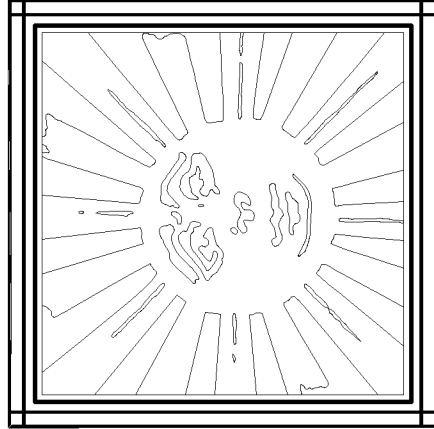
EXISTING PLAN AT CLOCK TOWER

1/4"=1'-0"



PROPOSED PLAN AT CLOCK TOWER

1/4"=1'-0"



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MICHAEL MARK MARSH
ARCHITECT
A19030

TOWN OF PALM BEACH
JOB
MID-TOWN SEAWALL REPLACEMENT
S. OCEAN BLVD.
PALM BEACH, FLORIDA

DRAWING

FIRST FLOOR PLAN

JOB NO.

22104

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REVISIONS

NO.	DESCRIPTION
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SCALE

1/4"=1'-0"

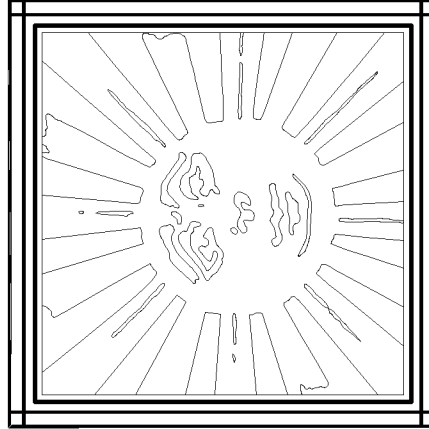
CHK'D BY
9/1

DATE
7/25/22

M.M.

DWG. NO.

A2



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MICHAEL MARK MARSH
ARCHITECT
A190030

TOWN OF PALM BEACH
**MID-TOWN
SEAWALL
REPLACEMENT**
JOB
S. OCEAN BLVD.,
PALM BEACH, FLORIDA

ELEVATIONS

JOB NO.
22104

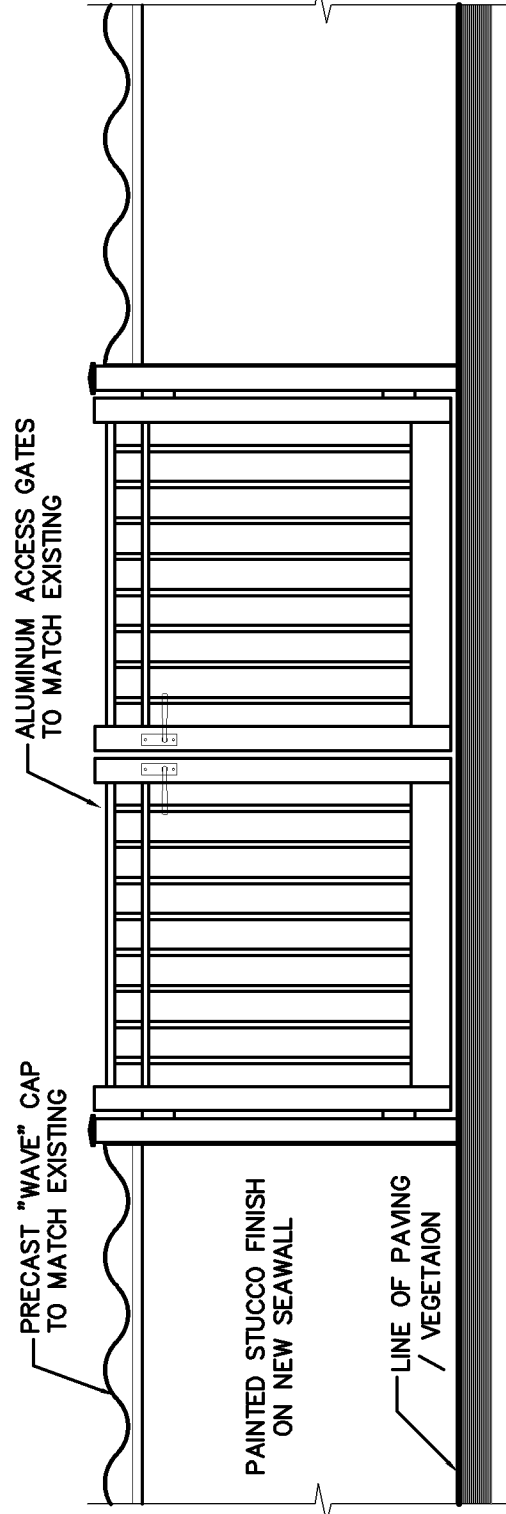
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DATE: 7/25/22
BY: M.M.

REVISONS									
1	2	3	4	5	6	7	8	9	10

SCALE
1/4"=1'-0"

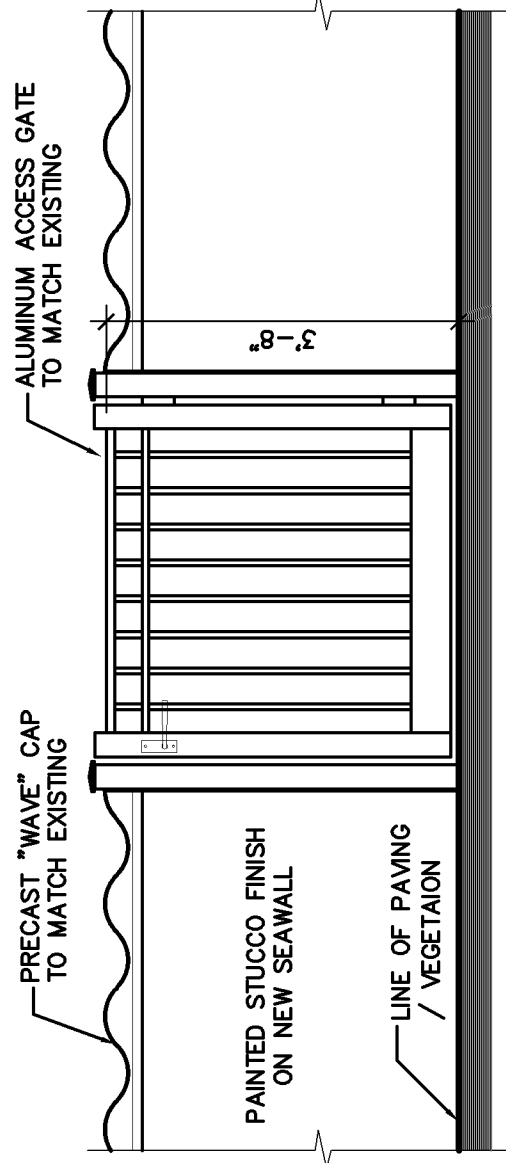
DATE
7/25/22
BY: M.M.

DWG. NO.
A3



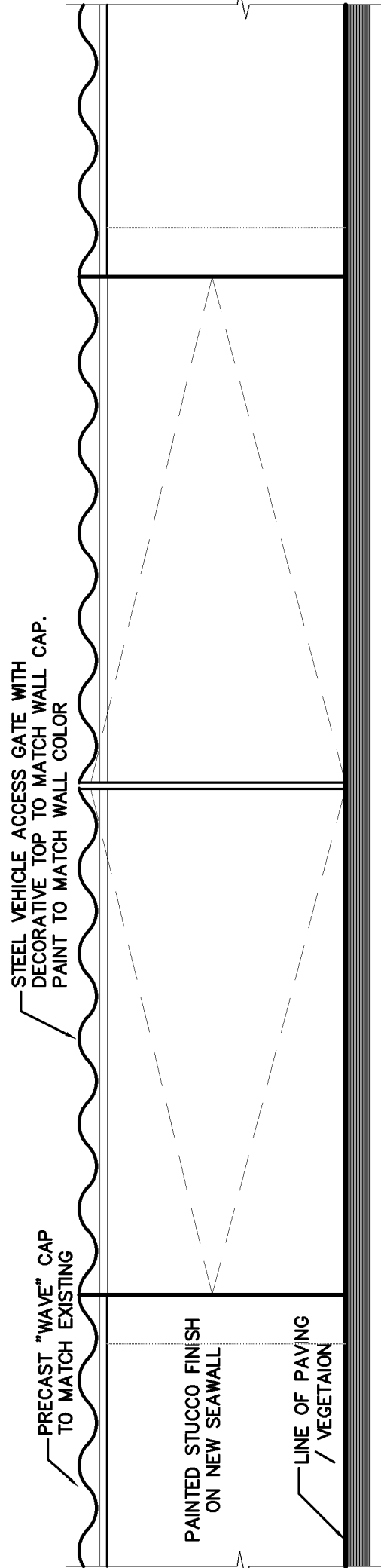
DOUBLE PEDESTRIAN ACCESS GATE

1/2"=1'-0"



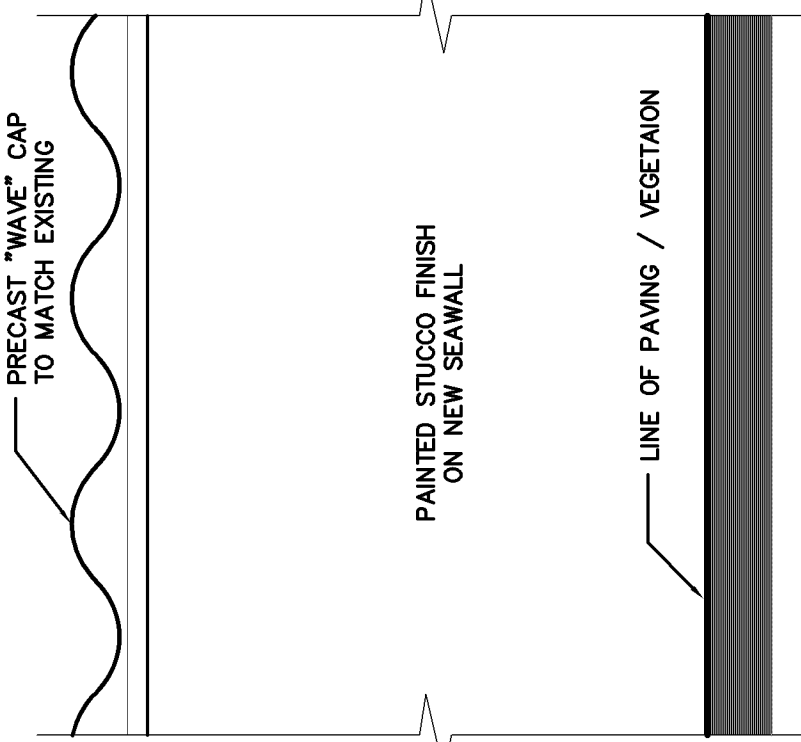
SINGLE PEDESTRIAN ACCESS GATE

1/2"=1'-0"



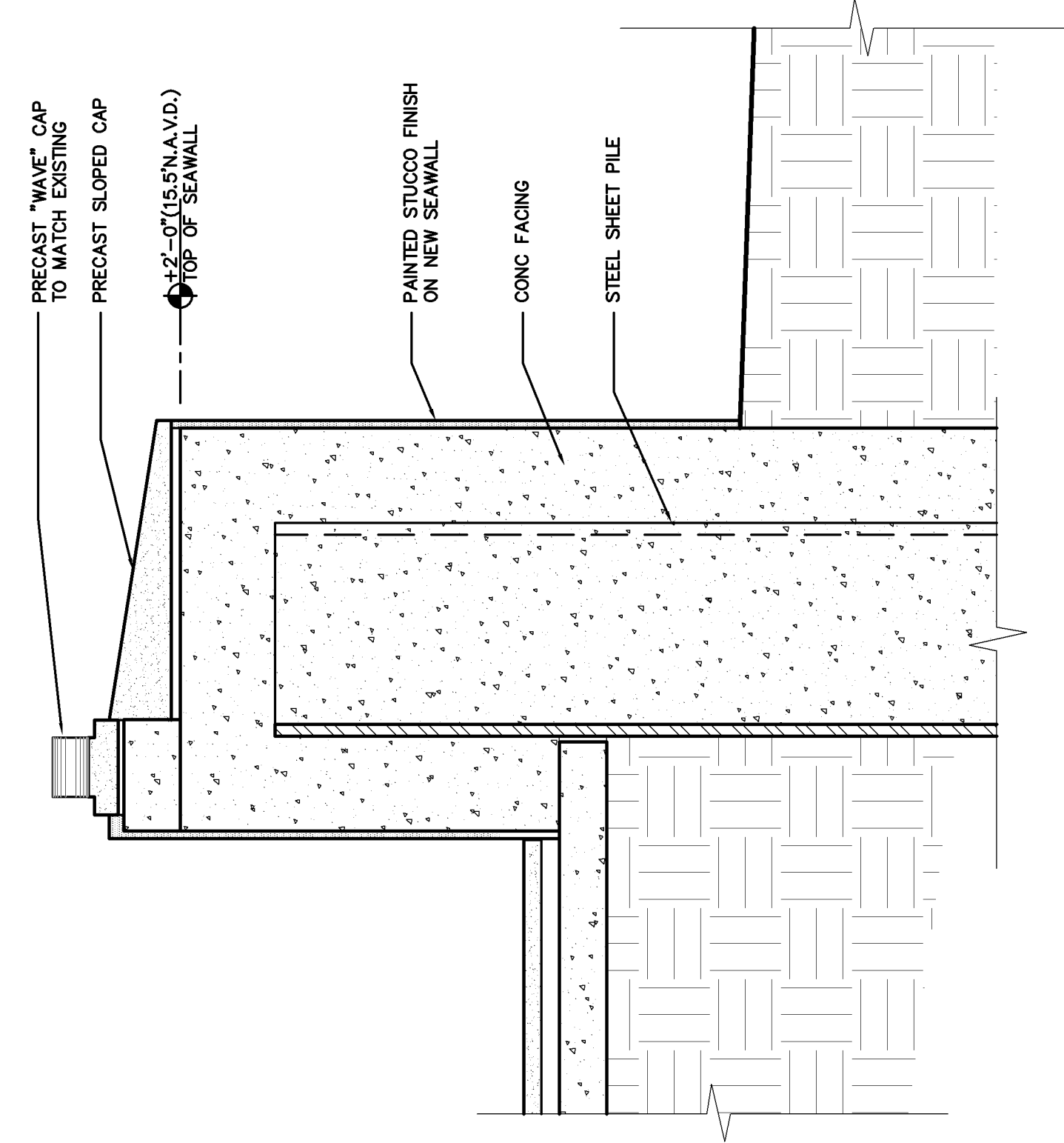
VEHICLE ACCESS GATE

1/2"=1'-0"



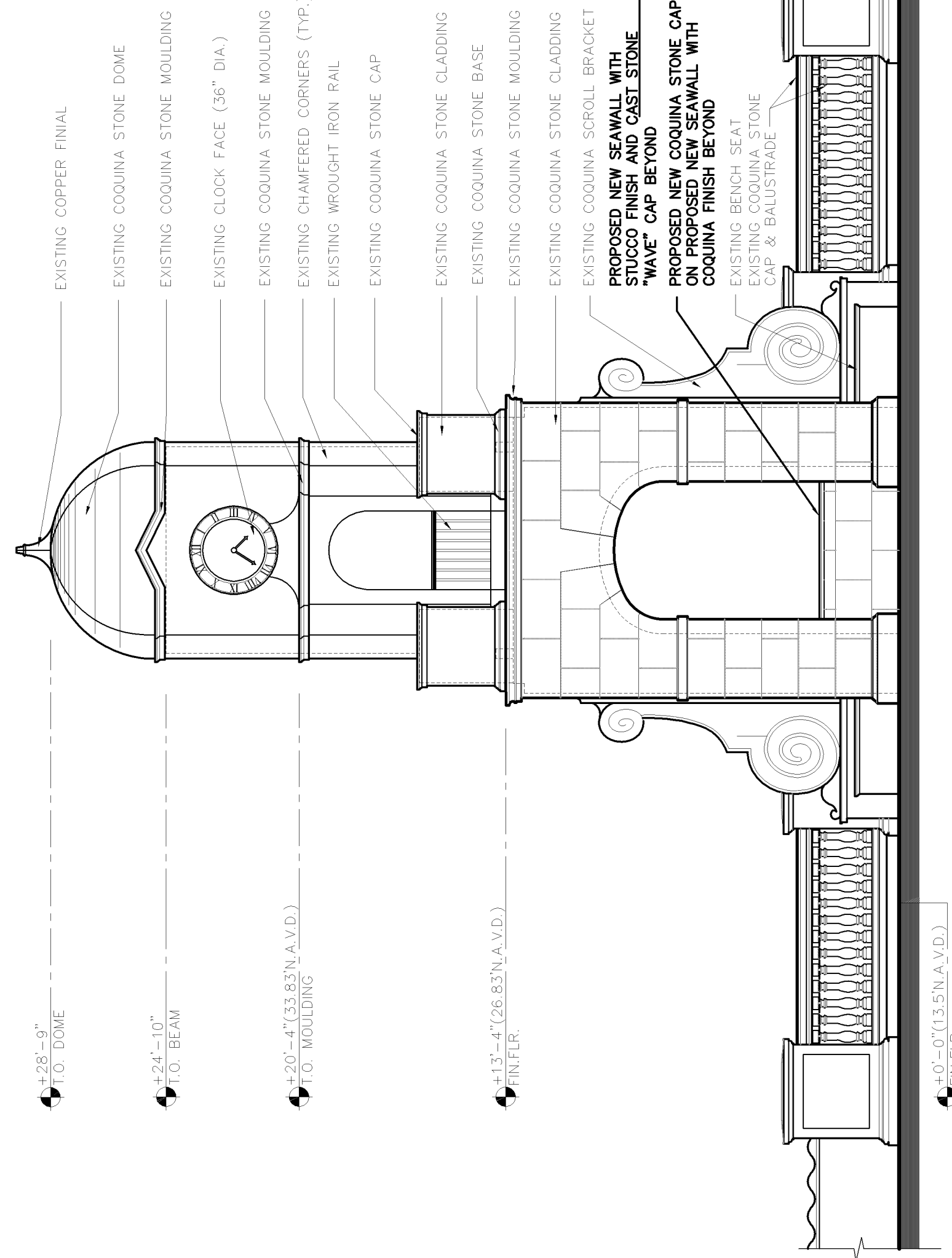
WEST ELEVATION
AT TYPICAL SEAWALL

1/4"=1'-0"



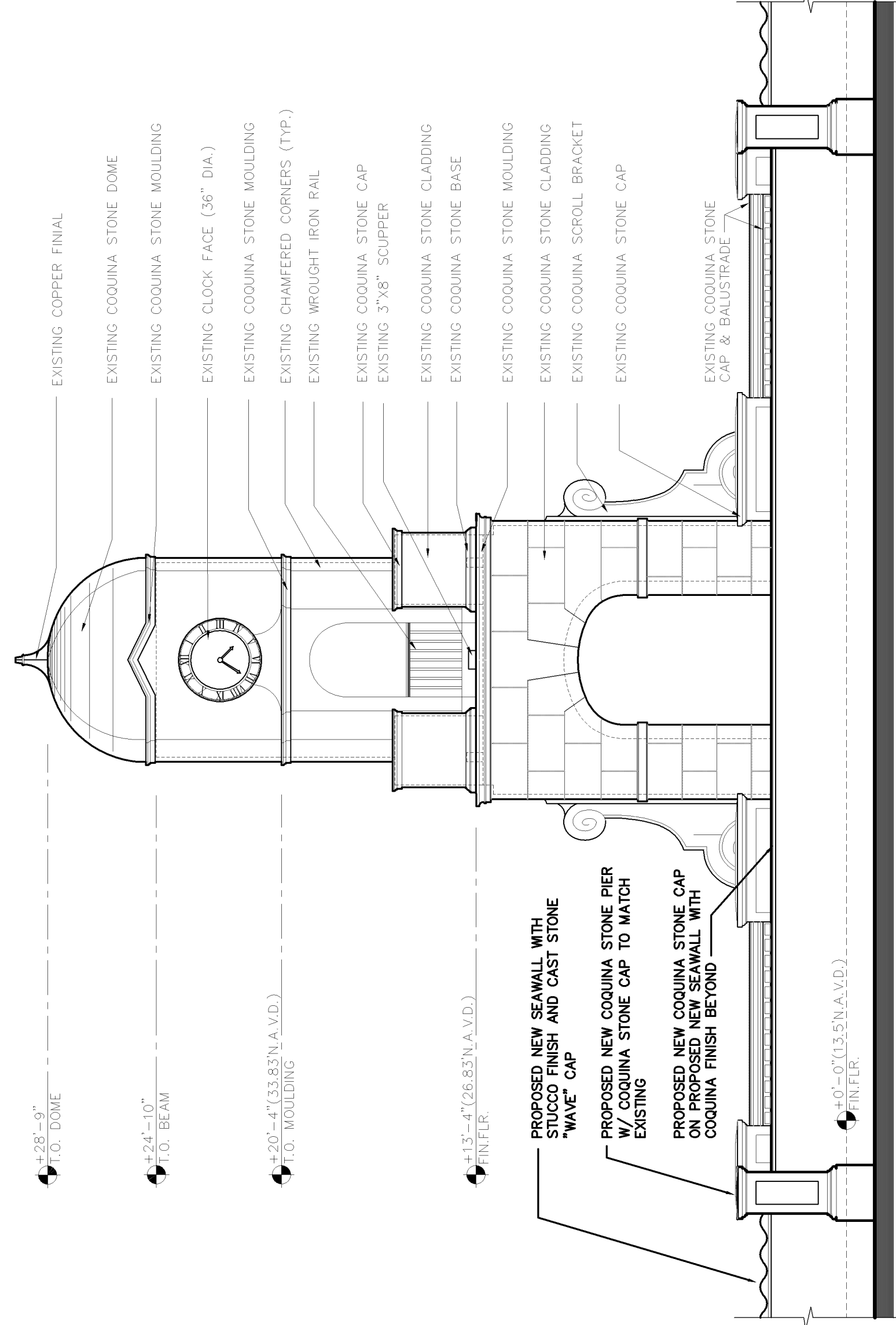
SECTION DETAIL
AT TYPICAL SEAWALL

1/4"=1'-0"



WEST ELEVATION

1/4"=1'-0"



EAST ELEVATION

1/4"=1'-0"

TOWN OF PALM BEACH

Town Council Meeting on: August 9, 2022

Section of Agenda

Regular Agenda - New Business

Agenda Title

Request Approval of Proposed Modification to Parking Area Within East Parking Lot of Par 3 Facilities

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated July 22, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Exhibit 1**
- ▣ **Conceptual Cost Estimate**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 9, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Request Approval of Proposed Modification to Parking Area Within East Parking Lot of Par 3 Facilities

DATE: July 22, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve in concept the attached site plan for modifications to the east parking lot of the Par 3 facilities. This project will then be presented to ARCOM for approval.

GENERAL INFORMATION

The Recreation Department requested Public Works to work with them to develop options for addressing continuous parking issues at the Par 3 facilities. Chen Moore and Associates was directed to perform a preliminary evaluation of the parking and provide potential options for addressing the parking shortages. The most efficient and least costly alternative is to add parking within the east parking lot (Exhibit 1 attached). Because these changes would be to the facility and on the east side of South Ocean Boulevard, the changes require ARCOM approval.

The changes are described are only to the northwest corner of the east parking lot. A proposed eight (8) parking spots are requested to be added. The additional parking spots are proposed to be doubled in depth for valet parking with minimal impacts to the existing landscaping and golf course operations. An exhibit of these requested changes is attached. The cost, for design, review and approval, and construction, estimate at \$33,845 (see attached).

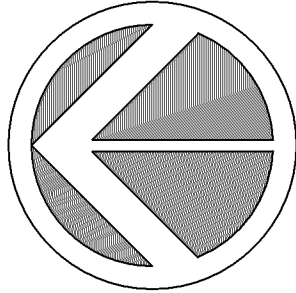
FUNDING/FISCAL IMPACT

The funding for design and construction are included in the FY 2023 Par 3 budget. Staff will return to Town Council for contract award, if necessary.

Attachments

cc: Carolyn Stone, Assistant Town Manager
Wayne Bergman, Planning, Zoning & Building Director
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Mark Bresnahan, Recreation Director

EXHIBIT 1



ema
chen moore and associates
500 Australian Avenue South
West Palm Beach, FL 33401
561.746.6900
www.chenmoore.com

REGISTRATION

CLIENT



TOWN OF PALM BEACH
PUBLIC WORKS DEPARTMENT
951 OKEECHOBEE ROAD
WEST PALM BEACH, FL 33401

PROJECT INFORMATION

2345 S OCEAN BLVD,
PALM BEACH, FL
33480

TOWN OF PALM
BEACH, FLORIDA

PROJECT NUMBER

21-0431.00042

CLIENT PROJECT NUMBER

VERIFY SCALES

0 1"

IF NOT ONE INCH ON THIS SHEET,
ADJUST SCALES ACCORDINGLY

REVISIONS

DATE OF ISSUE

7/25/22

DESIGNED BY

JH

DRAWN BY

JH

CHECKED BY

BW

DRAWING TITLE

PAR 3 PARKING
LOT EXHIBIT

DRAWING NUMBER

EX-1

01 OF 01



CONCEPTUAL COST ESTIMATE
TOWN OF PALM BEACH - PAR 3 GOLF COURSE
EAST SIDE PARKING EXPANSION



<u>ITEM #</u>	<u>ITEM DESCRIPTION</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>EXTENDED PRICE</u>
EAST PARKING LOT (8-SPOTS ON NORTH SIDE)					
1	Mobilization (10% Construction Cost)	1	LS	\$1,300.00	\$1,300.00
2	Clearing and Grubbing	180	SY	\$5.00	\$900.00
3	Rough Grading	180	SY	\$10.00	\$1,800.00
4	Remove Existing Type D Curb	72	LF	\$12.00	\$864.00
5	Full Depth Asphalt Construction	144	SY	\$55.00	\$7,920.00
6	Type D Curb	90	LF	\$45.00	\$4,050.00
7	Pavement Markings	170	LF	\$2.00	\$340.00
8	Landscape and Irrigation Repair	90	SY	\$10.00	\$900.00
CONSTRUCTION SUBTOTAL					\$18,074.00
CONSTRUCTION CONTINGENCY (30%)					\$5,422.20
DESIGN & TOWN PERMITTING (INCLUDING ARCOM PREPARATION AND MEETING PRESENTATION)					\$8,000.00
ENGINEERING DURING CONSTRUCTION (10%)					\$2,349.62
TOTAL ESTIMATED DESIGN & CONSTRUCTION COST					\$33,845.82

7/25/2022

TOWN OF PALM BEACH

Town Council Meeting on: August 9, 2022

Section of Agenda

Regular Agenda - New Business

Agenda Title

Mechanical Equipment on the Beach During Sea Turtle Nesting Season

TIME CERTAIN: 2:00PM

Presenter

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

ATTACHMENTS:

- ▢ **Memorandum dated July 28, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▢ **Email 1 of 4 - Sea Turtle Nest Marking on Palm Beach Island**
- ▢ **Email 2 of 4 - Oceanfront Beach May 25**
- ▢ **Email 3 of 4 - Turtle Nest**
- ▢ **Exhibit 4 of 4 - Tractor Activity - 2022 Sea Turtle Nesting Season**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 9, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Mechanical Equipment on the Beach During Sea Turtle Nesting Season

DATE: July 28, 2022

STAFF RECOMMENDATION

Town staff recommends Town Council approve the following added protective measures pertaining to mechanical equipment on the beach during sea turtle nesting season:

- Mechanical beach cleaning should occur once a week when conditions are most favorable and not specifically held on the same day each week, if at all possible;
- In accordance with the Florida Department of Environmental Protection (FDEP) Beach Cleaning Permit, a daily marine turtle nest survey, protection and monitoring program must be completed prior to any mechanical beach cleaning. The protection measures include checking for hatchlings on the beach or in the seaweed.
- These protective measures will be included in the upcoming beach cleaning solicitation; and
- The Police Department will continue to only authorize state-permitted and regulated mechanical equipment on the beach during sea turtle nesting season, pursuant to Section 74-195 Town Code of Ordinances.

GENERAL INFORMATION

Mechanical equipment on the beach performs several important functions on the beach year-round. The permitted use of tractors, single rider All-Terrain Vehicles (ATVs), and multiple rider Utility Task Vehicles (UTVs) has been in place for many years. Between March 1 and October 31, there are specific conditions in place that must be adhered to regarding the protection of sea turtles. Current approved uses of mechanical equipment on the beach includes the following:

SEA TURTLE NESTING MONITORING

Town consultant D.B. Ecological, Inc. has been performing daily nesting surveys and periodic lighting surveys for the Town for nearly two decades, resulting in one of the most successful monitoring programs in the state. This effort significantly contributed to the development of the Palm Beach Island Beach Management Agreement (BMA). One of the requirements in the Florida Department of Environmental Protection (FDEP) BMA, signed in 2013, was for the

Town's consultant to increase their monitoring area to include the entire 12.2 miles of Town shoreline as opposed to specific project areas. Monitoring nesting outside of project areas serves as an ecosystem benefit for the Florida Fish and Wildlife Conservation Commission (FWC) to track project influences outside of project areas. Based on a statistically valid sampling plan developed by an FWC scientist, the Town's shoreline is separated into zones where all sea turtle nests are marked in accordance with this plan. Nests in other zones do not require any type of marking in accordance with the FWC plan except as required in areas where DEP has authorized mechanical beach cleaning. This effort, which has been in place since 2014, is performed as a requirement for state-issued perpetual sand placement project permits. This monitoring is not done to support mechanical beach cleaning efforts.

Due to the scale of daily monitoring requirements of the BMA scope, ATVs are utilized where possible. In order to efficiently collect this data, tire tracks from ATVs cross out false crawls and encircle nests, an identified Best Management Practice within the FWC-published Marine Turtle Conservation Handbook. This 170-page document was prepared by FWC to describe interactions or research with marine turtles, their nests, eggs, hatchlings, under the Marine Turtle Protection Act, Florida Statute 379.2431 (1), as granted through a cooperative agreement with the U.S. Fish and Wildlife Service (USFWS) under Section 6 of the U.S. Endangered Species Act. The Handbook has been incorporated by reference in Florida Administrative Code Rule 68E-1. One of the items included in the handbook is the preferred tire pressure of less than 10 pounds per square inch (psi) for vehicles on the beach during nesting season. The ATVs used to support the sea turtle monitoring effort have tire pressures kept between 4 and 6 psi.

Town staff and the regulatory agencies have received a large amount of email correspondence from residents regarding the use of ATVs on the beach during sea turtle nesting season and the marking protocol. Attached are a few email replies from staff, the Town's sea turtle nesting monitor, and FWC in response to some of these emails received in May 2022.

POLICE DEPARTMENT BEACH PATROL

The Town's Police Department has UTVs that patrol the beaches on a regular basis. The Police Department is aware of the sensitivities on the beach during sea turtle and shorebird nesting seasons and of the tire pressure guidelines. Although the environment is taken into consideration while operating on the beach, the safety of residents and the general public is the first and foremost concern and the beach patrol is to take any means necessary to ensure this paramount responsibility. No concerns have been raised by monitors regarding beach patrol activities. The UTV used to perform beach patrolling has tire pressures below 10 psi.

BEACH CLEANING

Tractors within Public Beaches

Raking activities with the use of tractors is strictly regulated by FDEP with specific field permit conditions to prevent any adverse impacts to the beach and dune system, including marine turtles and their nests and habitats. To assist with this work, the Town's sea turtle nesting monitor stakes out nests that are within the corridor for tractors getting on and off the beach, within close proximity of the high tide line, and any other location that could be at-risk as determined by the monitor. This activity, which covers a total of 1.05 miles within Phipps Ocean Park and Mid-Town Municipal Beach, represents 8.6% of the Town's total shoreline. The public beaches are

cleaned either once a week or twice a week depending on the volume of seaweed present. This activity has been requested by the residents and approved by Town Council. The tractor used to perform beach cleaning activities has tire pressures below 10 psi.

Tractors outside of Public Beaches

Beach cleaning with the use of tractors, contracted by the Citizens' Association of Palm Beach, is performed in Reaches 7 and 8. This area is generally between Sloan's Curve and the south Town limits, but excludes the City of Lake Worth Beach. As an extra measure to avoid impacts to nests, our sea turtle nesting monitor and FWC annually install a "line" of stakes set every few hundred feet to serve as a guide for the private tractor to stay waterward. Should weather cause tides to wash in landward of these stakes, the beach cleaners know to discontinue service until conditions improve. The tractors used to perform beach cleaning activities have tire pressures below 10 psi.

Town staff and the regulatory agencies have also received a large amount of email correspondence from both residents and concerned members of the public regarding the use of tractors on the beach during sea turtle nesting season. Attached is an email chain that includes comments from both the Town's sea turtle nesting monitor and FWC in response to one of these emails received in June 2022.

UTVs outside of Public Beaches

The Friends of Palm Beach organization is hired by private properties to perform beach cleaning activities. While the work to pick up trash and debris is done by hand, this organization does use UTVs to traverse the beach. The use of this vehicle on the beach was granted by the Town of Palm Beach, as previously directed by Town Council, and is not regulated by FDEP. There is no oversight of the vehicle's activities or any knowledge that the vehicles are maintained and outfitted with the tire pressure of less than 10 psi and other elements that are identified in either the FWC handbook or FDEP field permits.

Recently tire tracks have been reported on the upper beach berm. These tracks were in areas with unmarked sea turtle nests. Vehicle traffic in such locations can impact these nests. It is indeterminate if these tracks are related to the beach cleanup activity or with other privately used vehicles. Discontinuing the use of unregulated vehicles on the beach may help reduce unintended impacts to sea turtles and shorebirds.

BEACH CLEANING HISTORY IN TOWN

The Town's beach cleaning activities, as directed by Town Council, have been adjusted over the years. There was a time when Town staff mechanically cleaned and hand-picked trash and debris along the entire Town shoreline. The Public Works Department historically has provided staff to maintain a safe and appealing environment at the Town's public beaches for the residents and other beach goers. At one time, the Town had two full time employees dedicated to this effort. As recent as 2018, this was accomplished by a single full-time employee operating a tractor driven rake, grooming the sand and followed by hand removing litter and unwanted debris. Fifteen (15) public beach access points were also monitored one day a week, and any litter or debris was removed. The approved FY18 operating budget for this program was \$114,834.

In preparation of cost saving measures included in the 2018 Comprehensive Review of Town Operations (CRTO), and the planned retirement of the operator performing this duty, this provided an opportunity to evaluate the program. Multiple options were identified and included in the CRTO for consideration. At the March 2018 Town Council Meeting, as part of the presentation of the Executive Summary, the option selected was to outsource the beach cleaning task. Staff prepared a scope of work to outline the level of service the in-house program provided, as well as other service level options, for consideration. A bid was received on April 18, 2018. During budget review meetings that followed, staff was given direction to begin the contract award process for the option of Monday and Friday service to the public beaches and litter removal from the public accesses.

The Town no longer has staffing capabilities to pick-up large debris from the public beaches. The beach cleaner's contract includes specific service events to address these matters when they occur.

BEACH CLEANING OUTSIDE OF THE TOWN

How the beaches are maintained is determined by local preferences. Palm Beach County does not have a regulation banning the use of mechanical equipment to clean beaches. It is recognized that cleaning by hand along large stretches of beach is both labor intensive and cost prohibitive.

Palm Beach County

The seaweed left on the beach during high tide is referred to by FWC as the "wrack" line. While raking seaweed is preferred by the majority of residents, FWC would prefer that the "wrack" stay in place as it provides benefits to shorebirds and other protected species. For this reason several years ago, Palm Beach County changed from a proactive or routine beach cleaning program to only "as necessary" for human health or safety within their maintained public beaches and parks.

Other Municipalities

Delray Beach and Boca Raton perform beach cleaning activities with the use of mechanical equipment on their beaches.

EXCESSIVE SEAWEED

Excessive seaweed has been a more frequent issue over the past several years. The recent frequency of excessive seaweed has occurred every few months rather than every few years. While, the least disruptive process would be for beach raking to be eliminated, FWC recognizes that the presence of excessive seaweed in some cases can impede hatchlings getting to the water. Note that although tracking is not performed, there have been no known impacts to nests/hatchlings as a result of beach cleaning efforts in the Town.

PUBLIC INTERACTION WITH TOWN CONSULTANTS AND CONTRACTORS

Over the past few months, members of the public have approached consultants and contractors on ATVs and tractors performing both monitoring and cleaning services for the Town. Consultants and contractors treat residents and members of the public with the utmost respect, reports have indicated this treatment has recently not been reciprocated. Sea turtle monitoring includes tough tasks of working in extreme weather conditions and covering a lot of ground each

day in a short period of time. Many of these monitors are young people that have been subjected to harassment. Town staff requests that the public be reminded that these sea turtle monitors work at the direction and under the authority of FWC, are trained by FWC to perform these important jobs to meet the Town's regulatory requirements and that they are doing important sea turtle conservation work.

SUMMARY

The use mechanical beach equipment should be limited to regulated activities, excluding beach patrolling for public safety, between March 1 and October 31. Communication among Town staff, the sea turtle nesting monitor, equipment operators, and regulatory staff is essential. While environmentally protective measures have been put in place by the state for permitted use of mechanical equipment, there are actions that the Town can take to be more protective. First, the sea turtle nesting monitor should be given time in the morning to not only survey the beaches to identify nests, but to also survey the seaweed for hatchlings before allowing mechanical beach cleaning to take place. Also, the Town should not limit their beach cleaner to a specific day of the week for once-a-week cleaning. The beach cleaner should use the forecast and the tide charts to identify which day during a particular week that tides are lowest and that the sea conditions can best allow beach cleaning to take place without tractors traveling higher on the nesting beach, if possible. Town staff will work with the existing contractor to ensure that best practices are adhered to and will include these added protective measures in an upcoming beach cleaning solicitation.

FUNDING/FISCAL IMPACT

Based on the Town's current contract, the cost to clean the public beaches is approximately \$50,000 annually for twice a week service. When conditions are either too rough for tractors to stay waterward of the nesting beaches or when the volume of seaweed washing in is less, the service is reduced to one day a week. Because Town staff plays an active role in the frequency of the work, the actual cost of this work has been consistently less than budgeted each year since 2018.

Attachments

cc: Shore Protection Board
Nick Caristo, Chief of Police
Will Rothrock, Police Captain
Patricia Strayer, P.E, Town Engineer
Robert Weber, Coastal Program Manager
Lainie Edwards, FDEP
Robbin Trindell, FWC

From: Robert Weber
To: Margaret Zeidman
Cc: Kirk Blouin; Paul Brazil; Patricia Straver
Subject: FW: Sea Turtle Nest Marking on Palm Beach Island
Date: Friday, June 10, 2022 2:27:00 PM
Attachments: image001.png

Ms. Zeidman,

Good afternoon. Yes, the marking protocol 10 feet from the tideline (seaweed line) is adhered to within the Town of Palm Beach and we are in compliance with monitoring in support of beach cleaning efforts. The point that Dr. Trindell was making both in her email and during her presentation in Council Chambers on Tuesday was that the general public should not be marking nests and should leave this activity only for the approved permit holders to perform. Our permit holder, Chris Perretta of DB Ecological, has provided a long response below.

If you have any other questions, please let me know.

Thank you,

Robert Weber
Coastal Program Manager

Town of Palm Beach
Public Works Department
951 Okeechobee Road, Suite A
Office Phone: 561-838-5440
Desk Phone: 561-227-7026
www.townofpalmbeach.com

From: dbeco@bellsouth.net <dbeco@bellsouth.net>
Sent: Friday, June 10, 2022 12:57 PM
To: Robert Weber <RWeber@TownofPalmBeach.com>
Subject: RE: Sea Turtle Nest Marking on Palm Beach Island

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Hi Rob

In the areas of the Town where we are conducting the required sea turtle monitoring for mechanical beach cleaning nests are marked in accordance with the FWC and DEP requirements for nest marking for mechanical beach cleaning. All the areas where we are performing that additional monitoring are in compliance with the state requirements.

Based on the emails I have been asked to respond to it appears that some residents have concerns this season on the mechanical beach cleaning activities occurring within the Town. I can provide that there have been no changes in the sea turtle protection we are conducting in areas with

mechanical beach cleaning from any other year previously. We are conducting the same sea turtle nest marking activities for these operations as required and as we have for decades. As the marine turtle permit holder for this area and professional marine biologist who has worked on sea turtle conservation activities for closing on 40 years I understand the concerns some of the residents have. We are happy to support the Town and its residents however they choose to keep the beaches clean. It is important to mention that the DEP Permit conditions for mechanical beach cleaning operations were developed with FWC scientists to make this activity possible while protection nesting sea turtles, eggs and hatchlings.

As you are aware should we identify any equipment operation (beach cleaning or otherwise), or any other activities occurring on the beach that could impact sea turtles, nests or habitat we report those activities immediately to you, FWC, DEP and FWS as required. I am in close coordination with FWC, FWS and DEP continually throughout the sea turtle season on the Town's beach projects as well as the other beaches that my staff and I conduct sea turtle conservation efforts on.

In addition, each season we work with FWC staff to set a "beach cleaning line". This is a staked line we work with FWC staff to establish to mark a clear definable line for the mechanical beach cleaners to follow. This line makes it clear where the average tide line is during the summer months so that equipment operation stays low on the beach and out of sea turtle nesting habitat.

This is an activity that I worked with FWC on to implement in the Town many years ago as an extra precaution to ensure equipment operation stays low and out of sea turtle nesting habitat. This line has been very well received by the beach cleaners, residents and FWC as it eliminates any questions on where the equipment operation can occur during nesting season. It has been so well received that other communities have started asking FWC to do the same in their areas. This established line helps to prevent mistakes from happening on higher tide events where it may become difficult to read the beach and decide where the average tide line is located. Mechanical beach cleaners simply stay east of the established line and there is no confusion on where the equipment can operate during those higher tide events.

We have been waiting for beach conditions to correct to a typical summer beach profile to set the beach cleaner line. As you know the early season has had a lot of wind and wave action making it impossible to place the line in the early season. We typically set this line with FWC staff in June and anticipate that occur soon.

Let me know if I may provide any further information or clarification.

Thanks,
Chris

Christine Perretta
DB Ecological Services, Inc.

From: Robert Weber <RWeber@TownofPalmBeach.com>

Sent: Friday, June 10, 2022 11:37 AM
To: Christine Perretta <dbeco@bellsouth.net>
Subject: Fwd: Sea Turtle Nest Marking on Palm Beach Island

From: Kirk Blouin <KBlouin@townofpalmbeach.com>
Date: June 10, 2022 at 10:58:41 AM EDT
To: Robert Weber <RWeber@townofpalmbeach.com>
Cc: Paul Brazil <PBrazil@townofpalmbeach.com>
Subject: FW: Sea Turtle Nest Marking on Palm Beach Island

Rob,

Can you reply to Maggie. Thx - Kirk

Kirk Blouin
Town Manager



Town of Palm Beach
360 South County Road
Palm Beach, FL 33480
561-838-5410

From: Margaret Zeidman <MZeidman@TownofPalmBeach.com>
Sent: Friday, June 10, 2022 10:43 AM
To: Kirk Blouin <KBlouin@TownofPalmBeach.com>
Subject: Re: Sea Turtle Nest Marking on Palm Beach Island

Kirk,

Please see first bullet under “if nest marking can harm nests, why is it allowed?”; specifically, “mechanical beach cleaning in these counties.....all nests within 10 feet of the tideline must be marked....”. Are they marked and are we in compliance with mechanical beach cleaning limited to the daily tideline or seaward?

Thanks,
Maggie

On Jun 9, 2022, at 3:28 PM, Kirk Blouin
<KBlouin@TownofPalmBeach.com> wrote:

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Mayor and Town Council,

FYI

Kirk Blouin
Town Manager

<image001.png>

Town of Palm Beach
360 South County Road
Palm Beach, FL 33480
561-838-5410

From: Kirk Blouin
Sent: Thursday, June 02, 2022 11:27 AM
To: jzisson@gmail.com
Cc: Robert Weber <RWeber@TownofPalmBeach.com>; Paul Brazil
<PBrazil@TownofPalmBeach.com>; Patricia Strayer
<PStrayer@TownofPalmBeach.com>
Subject: FW: Sea Turtle Nest Marking on Palm Beach Island

Mr. Zisson,

Please see the information contained below. I hope you find this communication to be helpful.

Regards, Kirk

Kirk Blouin
Town Manager

<image001.png>

Town of Palm Beach
360 South County Road
Palm Beach, FL 33480
561-838-5410

From: Robert Weber <RWeber@TownofPalmBeach.com>
Sent: Thursday, June 02, 2022 10:26 AM
To: Kirk Blouin <KBlouin@TownofPalmBeach.com>
Cc: Paul Brazil <PBrazil@TownofPalmBeach.com>; Patricia Strayer <PStrayer@TownofPalmBeach.com>
Subject: FW: Sea Turtle Nest Marking on Palm Beach Island

Kirk,

In response to recent emails from residents regarding the marking of sea turtle nests, FWC, specifically Dr. Robbin Trindell, Biological Administrator of Imperiled Species Management, offered the following information below. Please note that all the work done by the Town and our contractors continue to be performed consistent with our Beach Management Agreement. Dr. Trindell will be at the annual BMA meeting next Tuesday in Town Council Chambers to present monitoring results and can also provide any further clarification with respect to the Town's sea turtle nesting monitoring program.

In addition, I have forwarded recent emails from residents regarding ATV use to both FWC and our sea turtle nesting monitoring. Please see the following clarification provided by our sea turtle nesting monitor regarding ATV use:

Hi Rob

As you requested I have provided below the information regarding ATV use for marine turtle surveys. This is language from the FWC Marine Turtle Conservation Handbook that is a component of the Marine Turtle Permit that we work under. The language is not very specific, we are allowed to use the ATV as necessary to conduct the survey and use it to address each crawl in the way we determine to be best for us so that we do not duplicate crawls from survey to survey. We typically cross crawls either perpendicular to the crawl high up toward the apex of the crawl or we drive up and down the crawl to eliminate the tracks.

The ATVs we use are standard for this work across Florida beaches. We exercise extreme caution while conducting our daily survey work to do no harm to nesting sea turtle we often encounter in the mornings or to sea turtle eggs incubating on the beach. The ATVs have extremely low tire pressure so that if a nest were accidentally crossed the ATV would do no harm to that incubating nest. In addition to that the Marine Turtle Permit we work under affords us protection if there should be some impact associated with our authorized activities. We have never had any negative sea turtle interaction or impact associated with us performing our work.

As you know we are also the entity that conducts shorebird surveys in the area and we conduct our daily surveys activities with a focus on shorebird protection as well.

“Surveyors should traverse the beach along (and seaward of, if possible) the most recent high tide line. This is important not only for ensuring that turtle crawls are not obscured before they can be evaluated, but also for avoiding impacts to nesting shorebirds and chicks. Other key points about ATV use include: • avoid the wrack (where shorebirds might be taking cover), • minimize ruts by using a light-weight vehicle with low tire pressure (10 psi or less), • drive slowly (less than 10 mph), • survey in daylight only, • respect areas posted for shorebird nesting, • access the beach through existing pathways, not through the dunes or vegetated areas, and • be observant for shorebird eggs and chicks.”

If you need any other information to help your conversations with residents, please let me know.

Thank you,

Robert Weber
Coastal Program Manager

Town of Palm Beach
Public Works Department
951 Okeechobee Road, Suite A
Office Phone: 561-838-5440
Desk Phone: 561-227-7026
www.townofpalmbeach.com

From: Trindell, Robbin <robbin.trindell@MyFWC.com>

Sent: Friday, May 27, 2022 12:59 PM

To: mimijanetty@gmail.com

Cc: Christine Perretta <dbeco@bellsouth.net>; Robert Weber <RWeber@TownofPalmBeach.com>; Koperski, Meghan <Meghan.Koperski@MyFWC.com>; Barrett, Sarah <Sarah.Barrett@MyFWC.com>; LaVere, Ashley <Ashley.LaVere@MyFWC.com>; Reinert, Thomas <Thomas.Reinert@MyFWC.com>; Karen Frutche <karen_frutchey@fws.gov>; Ceriani, Simona <Simona.Ceriani@MyFWC.com>; Foley, Allen <Allen.Foley@MyFWC.com>; Mongiovi, Beth <Mary.Mongiovi@MyFWC.com>

Subject: Sea Turtle Nest Marking on Palm Beach Island

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Thank you for contacting the Florida Fish and Wildlife Conservation Commission (FWC) with your concerns that sea turtle nests on the Town of Palm Beach shoreline are not being marked. As we discussed last week, the FWC does not require all sea turtle nests be marked. FWC staff considers each request for activities on the beach and for nest marking to find the proper balance between the risk associated with marking nests and the need for the activity that requires nest marking. It is best to leave the nests in their natural state, without any marking, but that is not always possible. More discussion below.

- Nest marking typically consists of embedding one to four stakes in the sand (open beach or dune) and encircling the stakes with string or ribbon to delineate an area where a sea turtle may have deposited a nest.

Isn't it important to mark all sea turtle nests to protect them from harm?

No.

- Sea turtles have specific nesting behaviors that protect the nests.
 - Nests are typically deposited from one to several feet underground where they are protected from surface disturbances, such as foot traffic.
 - Each sea turtle species has specific “nest camouflaging” behaviors to protect the nests from predators.

Can markers on the beach harm the nest or nesting and hatchling sea turtles?

Yes.

- Embedding stakes into the sand in an area where sea turtles are nesting can damage eggs close to the surface, either in the nest being marked or an adjacent nest that was not identified.
 - While eggs are typically placed at depth below the surface, a sea turtle with an injury may not be able to dig a very deep nest. Also a sea turtle that is disturbed while nesting may not dig deep enough or cover the eggs adequately.
- Any structure on the beach, including stakes or cones, can interfere with nesting and hatchling sea turtles crawling on the beach.
- On some beaches, predators, both human and mammalian (coyotes and raccoons), have learned to use nest markings to locate sea turtle nests, which they then excavate and remove all

or some of the eggs.

If nest marking can harm nests, why is it allowed?

- The FWC authorizes nest marking for two reasons:
 - First, to allow nests to be avoided in areas where the Florida Department of Environmental Protection (DEP) has authorized activities to occur on the beach during sea turtle nesting season as allowed under Florida Statute (FS) 379.2431 (1) and 161.053.
 - Such authorizations must include measures, such as daily morning surveys and nest marking, to ensure the potential for impacts to the nest from equipment and activities on the beach are minimized.
 - Activities such as mechanical beach cleaning or raking and special events are allowed on beaches during sea turtle nesting season where it is possible to locate and mark most nests. *
 - On higher density nesting beaches (Brevard, Indian River, St. Lucie, Martin, Palm Beach, and Broward Counties), it is not possible to mark all the nests as there are so many.
 - Mechanical beach cleaning in these counties is limited to the daily tideline or seaward and all nests within ten feet of the tideline must be marked for protection during sea turtle nesting season (March 1 through October 31).
 - Second, the FWC authorizes marking a specific number of nests for each sea turtle species statewide to assess reproductive success – the proportion of eggs that hatch and number of hatchlings that emerge from the nest – on Florida's beaches each year. This information is critical to monitoring sea turtle populations and progress towards recovery.
 - FWC staff works with statisticians to determine the appropriate number of nests to be marked on each beach for a statically valid assessment of reproductive success.
 - Because there are potential impacts during nest marking, and not all nests need to be marked to assess reproductive success, the FWC does not require or authorize all nests to be marked for this assessment-on high density beaches.

Who can mark sea turtle nests in Florida?

- Under the federal Endangered Species Act 1973, as amended (16 U.S.C. 1531 et seq.), and the Florida Marine Turtle Protection Act (FS 379.2431(1)), only individuals who are reviewed, approved, trained, and permitted by the FWC are allowed to mark sea turtle nests in Florida.
- Because marking can harm the nest, or other, adjacent nests, the FWC must authorize all nesting marking activity as required under FS 379.2431 (1) and Florida Administrative Code Rule 68E-1, the Marine Turtle Permit Rule.
 - FWC requires Marine Turtle Permit Holders authorized to mark nests attend annual training on appropriate marking methods to minimize the potential for impacts.

What are the consequences for marking turtle nests without an FWC Marine Turtle Permit?

- Marking nests without a permit and appropriate training can cause unintended harm to sea turtle nests or nesting and hatchling sea turtles.
 - Inexperienced and untrained individuals may embed stakes into an existing nest and penetrate the eggs.
 - Other markers such as cones may be placed over a nest cavity, thereby blocking hatchlings from exiting the nest.
 - Unnecessary markers can interfere with nesting and hatchling sea turtles crawling on the beach.
- Marking nests without an FWC Marine Turtle Permit may violate federal and state law protecting turtles.
 - Violations of these laws may result in civil and criminal charges and fines.

What should a citizen do if they are worried about protecting the sea turtle nests on their beach?

- Keep the beach free of obstacles such as beach furniture, posts, boats, or other items during sea turtle nesting season.
- Avoid altering the beach environment during nesting season.
 - Ensure property lighting is well-managed and not visible from the nesting beach.
 - Ensure crossover or seawall repairs are conducted before nesting season begins.
 - Minimize mechanical cleaning of the beach during the nesting season.
- Support the Marine Turtle Permit Holder who surveys the beach, as they are working hard to locate and protect sea turtle nests in accordance with their FWC Marine Turtle Permit.
 - Wait until the morning nesting survey is completed each day before conducting activities that alter the beach

surface and could obscure sea turtle tracks before they can be properly counted.

*Because sea turtles nest at all times of the night, even occasionally at dusk and dawn and during rain storms that obliterate the nesting female's tracks and nest site, it is not possible to locate and identify every nest on any beach in Florida. Thus, there are always unidentified nests in the sand on all Florida shorelines during nesting season.

Please let me know if you have additional questions or if I can be of further assistance.

Sincerely,

Robbin N. Trindell, Ph.D.
Biological Administrator
Imperiled Species Management
Florida Fish and Wildlife Conservation Commission
1875 Orange Avenue East
Tallahassee, FL 32311
Phone: 850-922-4330

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

From: [Robert Weber](#)
To: [Robert Weber](#)
Subject: Fwd: Oceanfront beach May 25 3400 S Ocean Blvd in front of The Atriums. South Tower. Robert, why aren't these visible nests flagged? Where's the monitoring you told me was in effect, Robert?
Date: Wednesday, May 25, 2022 9:48:22 AM

From: Robert Weber <RWeber@townofpalmbeach.com>
Date: May 25, 2022 at 9:46:00 AM EDT
To: Kirk Blouin <KBlouin@townofpalmbeach.com>
Cc: Paul Brazil <PBrazil@townofpalmbeach.com>, Patricia Strayer <PStrayer@townofpalmbeach.com>
Subject: FW: Oceanfront beach May 25 3400 S Ocean Blvd in front of The Atriums. South Tower. Robert, why aren't these visible nests flagged? Where's the monitoring you told me was in effect, Robert?

Kirk,

Below is another email response to a resident (this time in the south end) who continues to inquire about sea turtle nesting monitoring. Again, our efforts are performed consistent with regulatory requirements.

Since the BMA was signed in 2013, our sea turtle monitor has performed the same exact monitoring protocol for 245 consecutive days each year between March 1 and October 31, with the exception of monitoring during beach or dune projects, where efforts are adjusted per permits/BMA individual project approvals.

Robert Weber
Coastal Program Manager

Town of Palm Beach
Public Works Department
951 Okeechobee Road, Suite A
Office Phone: 561-838-5440
Desk Phone: 561-227-7026
www.townofpalmbeach.com

From: Robert Weber
Sent: Wednesday, May 25, 2022 9:40 AM
To: Jim Zisson <jzisson@gmail.com>; Florida Fish and Wildlife Law Enforcement Officer Philip Stone <philip.stone@myfwc.com>
Cc: Kirk Blouin <KBlouin@TownofPalmBeach.com>; Rose, Carol <crose@pbdailynews.com>; Wagner, Jodie <jwagner@pbdailynews.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>; Paul Brazil <PBrazil@TownofPalmBeach.com>; Patricia Strayer <PStrayer@TownofPalmBeach.com>; Robbin Trindell <robbin.trindell@myFWC.com>

Subject: RE: Oceanfront beach May 25 3400 S Ocean Blvd in front of The Atriums. South Tower. Robert, why aren't these visible nests flagged? Where's the monitoring you told me was in effect, Robert?

Mr. Zisson,

Good morning. Thank you for sharing the photographs that you have sent today. As of the time you took those photographs, the sea turtle nesting monitor had not been through your area this morning. It is noticeable because there is a turtle crawl in one of the photos where the ATV had not yet crossed over. Lately, there has been an exceedance of 300 turtle crawls each night in the Town so it takes time for the monitors to gather all the data. All 12.2 miles of the Town are broken into zones where different protocol and data collection efforts take place. The Atriums is in the south end of Zone 57, which is one of the Beach Management Agreement (BMA) "non-marking" zones. Please understand, consistent with FDEP-permitted and FWC-authorized protocol, that the monitor drives up and down the track or crosses it perpendicularly once they have logged the crawl/nest information.

If you do notice any "marking" in your area, they may be in place as an overabundance of caution. The monitor uses discretion and does stake out nests within approximately 10-feet of the mean high water line to help the beach cleaners. In the coming weeks, you may also notice some stakes every couple hundred feet or so that create a line above the mean high water line to further assisting beach cleaners. These stakes are directly put in place by our sea turtle monitor and FWC staff. This effort is typically done in the month of June when nesting reaches even higher densities of the season and when seas are often a bit calmer so that the stakes do not wash out from nor'easters and strong spring-time storms.

Please let me know if you have any other questions regarding the Town's extensive sea turtle nesting monitoring program.

Best regards,

Robert Weber
Coastal Program Manager

Town of Palm Beach
Public Works Department
951 Okeechobee Road, Suite A
Office Phone: 561-838-5440
Desk Phone: 561-227-7026
www.townofpalmbeach.com

From: Jim Zisson <jzisson@gmail.com>

Sent: Wednesday, May 25, 2022 7:44 AM

To: Robert Weber <RWeber@TownofPalmBeach.com>; Florida Fish and Wildlife Law

Enforcement Officer Philp Stone <philip.stone@myfwc.com>

Cc: Kirk Blouin <KBlouin@TownofPalmBeach.com>; Rose, Carol

<crose@pbdailynews.com>; Wagner, Jodie <jwagner@pbdailynews.com>; Margaret

Zeidman <MZeidman@TownofPalmBeach.com>

Subject: Oceanfront beach May 25 3400 S Ocean Blvd in front of The Atriums. South Tower. Robert, why aren't these visible nests flagged? Where's the monitoring you told me was in effect, Robert?

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<https://photos.app.goo.gl/pMV7geGr7uwzio7GA>

Turtles, Yes. Tractors, No.

Why isn't The Town overseeing the sea turtle monitors we are all indirectly paying \$300,000 yrly to the independent company who hires the sea turtle daily monitoring we here in Palm Beach are all paying for, Robert?

This is the 3rd morning I've seen these tracks. Maybe they're on vacation?

Carol, sadly there's a story here about the Palm Beach South End environmental beach and turtle ecology that probably needs to be investigated and written about.

Jim Zisson

Wednesday May 25

7:40am

From: Robert Weber
To: hkinzelberg@sequelcapital.com
Cc: Kirk Blouin; Paul Brazil; Patricia Strayer; Barbara Meister; Les Daniels; bmoore@mbrfirm.com
Subject: FW: Turtle Nest
Date: Monday, May 23, 2022 4:33:00 PM
Attachments: [zones_16-18.pdf](#)
[zones_13-15.pdf](#)

Mr. Kinzelberg,

Good afternoon. In response to your emails over the weekend, I asked our sea turtle nesting monitor to provide some details to the Town's complex BMA-required sea turtle nesting monitoring system. I expect that the Florida Fish & Wildlife Conservation Commission will also provide commentary at some point as they too have been provided your emails. Once I have received any additional communication from FWC, I will forward to you as well.

Thank you for your continued interest in the Town's Coastal Management Program.

Regards,

Robert Weber
Coastal Program Manager

Town of Palm Beach
Public Works Department
951 Okeechobee Road, Suite A
Office Phone: 561-838-5440
Desk Phone: 561-227-7026
www.townofpalmbeach.com

From: dbeco@bellsouth.net <dbeco@bellsouth.net>
Sent: Monday, May 23, 2022 1:37 PM
To: Robert Weber <RWeber@TownofPalmBeach.com>
Cc: Trindell, Robbin <robbin.trindell@MyFWC.com>; 'Marine Turtle Permits' <mtp@MyFWC.com>
Subject: RE: Turtle Nest

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Rob,

I'm happy to provide some information and clarification as you have requested on marine turtle nest marking within the Town of Palm Beach. I have also copied Florida Fish & Wildlife Conservation Commission (FWC) staff on this email so that they may also provide further detail and information on marking of marine turtle nests.

As you know I am authorized to conduct specific activities pertaining to marine turtles within Palm Beach under an FWC Marine Turtle Permit. I am (along with my personnel) authorized to conduct

daily marine turtle surveys and other associated activities. The 2022 daily surveys in the Town are primarily being conducted for the required post construction monitoring for the various Town coastal construction projects as authorized by the Department of Environmental Protection (DEP) under the Beach Management Agreement (BMA).

Marking of marine turtle nests is performed for specific reasons which I will clarify below.

The most common reason we mark nests within the Town of Palm Beach is for data collection to be able to provide hatching success data to FWC. This nest marking allows us to be able to track that particular nest throughout incubation, recording any observations for that nest on a daily basis up to the nest hatching. We mark a percentage of nests in certain areas then collect data from those nests as outlined by FWC protocol and authorized under my FWC Marine Turtle Permit.

We also mark nests for protection for authorized coastal construction activities or other authorized activities that require heavy equipment use on the beach during nesting season. We mark nests for protection in this type of situation typically for a limited period of time until the construction is completed and heavy equipment use is finished or as required for mechanical beach cleaning operations.

It is a common misconception that marine turtle nests left to incubate on the beach without some associated marking are in peril because they not marked in some fashion. This is simply not the case. Perhaps FWC staff can offer further information on this to help reassure the Town residents that have this concern.

I also believe the email from the resident that had concerns regarding areas within the Town where nest marking may not be occurring. The email from the resident stated "No turtle nests are being marked from Sunrise to Los Incas, NONE." The statement is not entirely correct as we do have nest marking in a portion of that area. I offer the following information for clarity on that concern.

FWC staff worked to develop the marine turtle monitoring study that has been in place since the BMA was initiated many years ago. The BMA study area with regard to marine turtles extends throughout the entire Island of Palm Beach from the Lake Worth Inlet to South Lake Worth Inlet. The BMA area is divided up into numerous zones which were further designated as either marking zones or non-marking zones by FWC for purposes of the study.

There are numerous areas (zones) within the Town that do not have any nest marking occurring for the study nor are there any associated activities that would require marking for marine turtle protection. There are also numerous areas (zones) within the Town that do have specific marking of nests occurring for the study.

Regardless of the designation of the zone as "marking" or "non-marking" the same data collection occurs each day on the morning survey in all zones throughout the Town as required by the BMA and under the Town Contract. The only thing that does not occur in non-marking zones is nests are not marked to for FWC hatchling success data.

Again, to clarify the statement “No turtle nests are being marked from Sunrise to Los Incas, NONE.” I have attached 2 maps illustrating the area referenced in the below email. Maps titled zones 13-15 and zones 16-18 have purple lines illustrating marking zones and no line associated with non-marking zones. In Map zones 13-15 in the vicinity of R 90 (Zone 15) you can see Via Los Incas just to the south. This area is in a FWC non-marking zone which extends southward to just south of Everglade to R92 (Zone 17). Zone 17 becomes a marking zone that extends south of Sunset where we have marked nests in place. This is indicated in Map zones 16-18 showing the area is a marking zone and a percentage of nests are marked here per the FWC study.

I would clarify the statement from the resident’s email by saying some nests are being marked in the area from Sunrise to Via Los Incas per the BMA study and established protocol.

The Town conducts various beach construction projects and activities authorized under the Beach Management Agreement (BMA) by Florida Department of Environmental Protection (DEP).

I am speculating that the residents in this area are recalling the nest marking activities for marine turtle nest protection that they saw in place during the last Midtown Beach Nourishment Project and are concerned as to why that marking protocol is still not in place. The simple reason is that once the construction activities ended so did the need for that type of protective marking. We returned to the FWC designated study guidelines and strategy that had been in place for several years prior to the last Midtown Beach Nourishment Project construction activities.

We are grateful that the Town residents are advocating for marine turtles and their protection. Regrettably, we have documented activity in the area of Root Trail where person(s) have chosen to insert themselves into the marine turtle survey and have marked nests on their own. Unfortunately without proper training knowledge or authorization this activity can be extremely harmful to nesting marine turtles, nests and hatchlings. We have documented several occasions over the last few years of these activities and we have submitted the information to proper state agency staff.

We have also tried on numerous occasions to educate residents on the work that we are conducting and that they should not take it upon themselves to implement measures that they deem to be appropriate for marine turtle protection as they actually have the opposite affect and can be harmful. This has resulted in my staff being detained to repeatedly address the same concerns over and over again trying to educate residents to not intervene in the nesting survey activities. These repeated slowdowns during the survey diminish our ability to conduct the services for the Town in the most efficient manner that we can. It also makes it difficult for my staff to complete their required work timely before temperatures on the beach reach dangerous levels for the physically demanding work that we perform.

I am hopeful that this email as well as any input from FWC staff may be passed along by you to the residents who have concerns in the area of Root Trail so that it may alleviate their concerns and eliminate their intervention in the marine turtle survey.

We continue to work very closely with FWC and Town staff on the BMA marine turtle survey and study to ensure all survey requirements are being fulfilled on behalf of the Town of Palm Beach and

the residents.

Thank you,
Chris

Christine Perretta
DB Ecological Services, Inc.

From: Robert Weber <RWeber@TownofPalmBeach.com>
Sent: Sunday, May 22, 2022 9:56 AM
To: Christine Perretta <dbeco@bellsouth.net>
Subject: Fwd: Turtle Nest

Chris,

Good morning. Please provide me with some clarity with respect to marking nests so that I can forward to the folks inquiring.

It is my understanding that the residents in the Reach 3 area are marking nests themselves with cones and the like. If you can, please comment on that as well.

Thank you for your help.

Rob

Robert Weber
Coastal Program Manager
Town of Palm Beach

Begin forwarded message:

From: Harvey Kinzelberg <hkinzelberg@sequelcapital.com>
Date: May 21, 2022 at 9:21:14 PM EDT
To: Robert Weber <RWeber@townofpalmbeach.com>, stoiaart@mac.com, "Leslie B. Daniels (L.Daniels@Cleapartners.com)" <ldaniels@cleapartners.com>, bmoore@mbrfirm.com
Cc: Paul Brazil <PBrazil@townofpalmbeach.com>, Kirk Blouin <KBlouin@townofpalmbeach.com>
Subject: RE: Turtle Nest

*****Note: This email was sent from a source external to the Town of Palm Beach.

Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity. *****

Rob,

I just noticed that Barbara's email was from a year ago, but nothing has changed. My comments about NO turtle nests markings are current and up to today 5/21/22.

So please direct someone in the Town to start marking at least some of the nests so we don't lose all the leatherback turtle eggs and add to their extinction.

Harvey

From: Harvey Kinzelberg

Sent: Saturday, May 21, 2022 9:13 PM

To: RWeber@townofpalmbeach.com; stoiaart@mac.com; Leslie B. Daniels (LDaniels@Cleapartners.com) <ldaniels@cleapartners.com>; bmoore@mbrfirm.com

Cc: PBrazil@TownofPalmBeach.com; Kirk Blouin (PB Town Council) <kblouin@townofpalmbeach.com>

Subject: FW: Turtle Nest

Rob,

Your answer below is totally untrue and you know it. No turtle nests are being marked from Sunrise to Los Incas, NONE. I walk this beach frequently and have not seen any turtle nest markers. I believe this is against State Law and should be reported.

I have two large unmarked turtle nests on my property also and they too are unmarked. Your excuse below shows is incompetent and a lie. NO TURTLE NESTs are marked and thus the Town has used ZERO stakes on this stretch of beach.

I used to have confidence in our beach management skills and honesty.

Harvey Kinzelberg

> President & CEO

> Sequel Capital, LLC

> Cell: (312) 720-4000

> email: hkinzelberg@sequelcapital.com

From: Robert Weber <RWeber@townofpalmbeach.com>

Date: May 3, 2021 at 8:25:02 AM EDT

To: Barbara Stoia Meister <stoiaart@mac.com>

Cc: dbeco@bellsouth.net, Rick Weisfisch <Rick@maxwelle.com>, Kirk Blouin <KBlouin@townofpalmbeach.com>

Subject: Re: Turtle Nest

Ms. Meister,

Good morning. I assure you that the Town and our sea turtle nesting

monitor perform all regulatory requirements with respect to nests. Please note that we do not mark all nests. If we did, there would be thousands of stakes in the ground.

Regards,

Robert Weber
Coastal Program Manager
Town of Palm Beach

On May 2, 2021, at 11:26 AM, Barbara Stoia Meister
<stoiaart@mac.com> wrote:

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

To whom it may concern:

This morning a new turtle nest was noticed which is not marked in front of the Weisfisch house. I have attached two images of the nest. I have also attached three screenshots from March 14, 2021, March 21, 2021 and April 30, 2021 of beachgoers digging enormous holes with garden shovels from Everglades Avenue to Wells Road. Can someone please see that this turtle nest gets protection for obvious reasons.

Thank you for your help.

Barbara Stoia Meister

[cid:2A58D040-5BC6-4F06-ADBB-5C5BBD931581]
[cid:23104F9E-0590-4F0D-8998-A9481637799D]
[cid:5CCF1A20-2D93-46DF-B638-AB7FED7ED248]
[cid:55AC06FA-8129-42A2-A5A6-3A5DE41ED6D4]
[cid:C2A0767A-CC46-41A2-BFCD-71603A456EB8]

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in

response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

From: [Robert Weber](#)
To: tim.boulton1@gmail.com
Cc: dbeco@bellsouth.net; Kirk Blouin; Paul Brazil
Subject: FW: Tractor Activity-2022 Sea Turtle Nesting Season
Date: Friday, July 15, 2022 11:19:00 AM

Mr. Boulton,

Good morning. Town Manager Kirk Blouin asked me to reach out to you in response to your email regarding tractors on the beach and to provide you with the most up to date information available. Embedded in this email and within the email chain below are some recent responses provided by both FWC (July 14) and our sea turtle nesting monitor (July 13) following an inquiry from another resident regarding a similar concern:

The Florida Fish and Wildlife Conservation Commission (FWC) appreciates your dedication to protecting the turtles and other beach wildlife. FWC staff will be working with the Florida Department of Environmental Protection on the issues you are reporting related to beach cleaning, including the deep tire tracks.

It is always an amazing experience to observe hatchlings on the beach, and I am glad you and others were able to do so. It is not clear from your correspondence if you may have already done the following, but in the future, if you observe marine turtles in distress on the beach, including trapped or disoriented hatchlings, please contact the Town of Palm Beach Police Department at 561-838-5454. They will contact the FWC Marine Turtle Permit Holder who is authorized to respond to such incidents in this area. Marine Turtle Permit Holders have years of training on how to handle the animals or their nests and when it is appropriate to release hatchlings, day or nighttime, or transport them to a rehabilitation facility. This ensures marine turtles, their hatchlings, and nests are handled consistent with state and federal law and incidents are reported through the appropriate channels to FWC so we can investigate and respond.

In addition, FWC staff are available to provide technical assistance to local communities to find ways to make their beaches a safe place for threatened and endangered marine turtles.

Thank you again for reaching out with your concerns.

Robbin N. Trindell, Ph.D.
Biological Administrator
Imperiled Species Management
Florida Fish and Wildlife Conservation Commission

I hope this information is helpful.

Best regards,

Robert Weber

Coastal Program Manager

Town of Palm Beach
Public Works Department
951 Okeechobee Road, Suite A
Office Phone: 561-838-5440
Desk Phone: 561-227-7026
www.townofpalmbeach.com

From: dbeco@bellsouth.net <dbeco@bellsouth.net>
Sent: Wednesday, July 13, 2022 3:13 PM
To: Robert Weber <RWeber@TownofPalmBeach.com>
Subject: RE: Tractor Activity-2022 Sea Turtle Nesting Season

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Hi Rob

It is very heartening that Town residents are concerned for sea turtles on the Town's beaches.

I have spoken to Florida Fish and Wildlife Conservation Commission staff about each of the incidents previously, as all of them had been previously reported with the exception of the 7/12 beach cleaning ruts from yesterday. I contacted the beach cleaner directly yesterday morning while he was on the beach and he took action to correct the ruts he caused. As always I have informed FWC about that as well.

Some of the photos are not tractor tracks but are ATV or UTV tracks. There are several entities that are operating those types of vehicles on the beach but those tracks should not be confused with the beach cleaner tractor tracks.

Again, any activity that we observe that has the potential to cause impacts to sea turtles are reported to the appropriate FWC staff. We have not recorded any injuries to sea turtles from beach cleaning activities this season. We will stay diligent in recording all activities observed that have the potential to impact sea turtles.

I saw on the video several people handling hatchling sea turtles at the water line. It would be best if residents contacted the police who would in turn contact me so that we could respond. As a reminder it is imperative that hatchling sea turtles are allowed to spend time crawling on natal beaches prior to them entering the water and it is best that these protected species are not touched by anyone not authorized to handle them. People often feel the need to intervene and that may actually be more harmful to the hatchlings.

Thank you
Chris

Christine Perretta

TOWN OF PALM BEACH

Town Council Meeting on: August 9, 2022

Section of Agenda

Regular Agenda - New Business

Agenda Title

Lake Drive Park Donations Acceptance and Donor Signage Overview

Carolyn Stone, Assistant Town Manager

- a. Review of Donations Received to Date for Lake Drive Park
- b. RESOLUTION NO. 099-2022: A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an agreement between national philanthropic Trust and Town of Palm Beach for a Donor Gift to Lake Drive Park
- c. Proposed Donor Signage

Presenter

Carolyn Stone, Assistant Town Manager

ATTACHMENTS:

- ▣ **a. Memorandum Dated July 25, 2022, From Carolyn Stone, Assistant Town Manager**
- ▣ **a. Exhibit A - Copy of Lake Drive Park Marina Donations 2022-0725**
- ▣ **a. Agreement Between National Philanthropic Trust & The Town of Palm Beach**
- ▣ **b. RESOLUTION NO. 099-2022**
- ▣ **c. Exhibit C - Proposed Donor Signage Layout Plan**

TOWN OF PALM BEACH

Information for Town Council Meeting on August 9, 2022

TO: Mayor and Town Council
VIA: Kirk W. Blouin, Town Manager
FROM: Carolyn S. Stone, Assistant Town Manager
RE: Lake Drive Park Donations Acceptance and Donor Signage
Resolution No. 099-2022

DATE: July 25, 2022

STAFF RECOMMENDATION

Staff recommends Town Council review and make recommendations to formally accept the following items related to the Lake Drive Park fundraising efforts:

- Donations received totaling \$1,932,000 for the Lake Drive Park Project as outlined in the attached spreadsheet (Exhibit A)
- Approval of Resolution No. 099-2022, which would accept the donation from National Philanthropic Trust in the amount of \$200,000 (Exhibit B)
- Donor recognition signage as outlined (Exhibit C)

GENERAL INFORMATION

On November 10, 2020, Council accepted two generous offers: (1) Nievera Williams Design would complete the landscaping plans for Lake Drive Park pro bono, and (2) long-time resident Mr. Scott Snyder would fundraise for the improvements. After an extensive fundraising effort by Mr. Snyder, the Town has received to date \$1,932,000 in donations. Two outstanding pledges remain, one from Ms. Vera Alfieri for \$10,000 and one from the National Philanthropic Trust for \$200,000. Once these two pledges are paid in full, the Town will have received in total \$2,142,000. The fundraising goal was \$2,500,000.

The gift from the National Philanthropic Trust (NPT) will be payable immediately following Town Council approval of the donor gift agreement (Exhibit C). The terms of the gift are outlined and may be approved via Resolution No. 099-2022. Notable terms of the gift agreement include designated naming language and period of acknowledgement. Town Attorney Skip Randolph has reviewed the agreement and made recommendations which were accepted by NPT with the exception of item 14 Amendment: Governing Law. NPT is located in Pennsylvania and did not amend the language. It currently reads, "This agreement constitutes the full understanding between the parties and shall be governed by the laws of Pennsylvania." The Town requested this read "by the laws of Florida."

DONOR SIGNAGE

For consistency, staff recommends that the Town Council approve the donor signage as presented in this back up (Exhibit C). The signage is consistent to other donor plaques in Town and is in the cast bronze placard style. Individual plaque sizes for designated gifts are recommended to be the following:

Gift Amount	Plaque Size
under \$50,000	3" x 6"
\$50,000 to \$149,000	4" x 8"
\$150,000 and above	5" x 10"

Donor name acknowledgement is recommended to be simplified by including the named object and 'given by' for gifts above \$50,000. For gifts \$50,000 and under, the recommended wording on each plaque is 'given by' and then the donor's name.

Town Council may consider in addition to individual donor plaques at each designated location, one 2' x 3' plaque that could be affixed to a stone mount or on one of the marina buildings which would include all donor names listed. There was a total of 22 donors to the project (see Exhibit A).

TOWN ATTORNEY REVIEW

This item has been reviewed by the Town Attorney and approved.

CC: Skip Randolph, Town Attorney
Jane LeClainche, Director of Finance
Paul H. Brazil, Director of Public Works

Lake Park Drive Donor List (as of 7/25/22)

Donor	Address		Amount	Donation For
Vera Alfieri				outstanding pledge (\$10,000)
James Berwind & Kevin Clark	315 S Lake Dr	Palm Beach FL	33480 \$ 175,000	Flagpole and North Dog Fountain
Jack & Jacelyn Botti	100 Woodbridge Circle Dr	Woodbridge NJ	07095 \$ 250,000	Peruvian Lawn and Bike Rack
ER Bradley's (The Coniglio Family)	104 Clematis St	West Palm Beach FL	33401 \$ 5,000	* gift toward one bench
Nancy Brinker	211 Via Tortuga	Palm Beach FL	33480 \$ 5,000	General Donation
Gail Coniglio (The Coniglio Family)	1139 N Ocean Blvd	Palm Beach FL	33480 \$ 5,000	Bench*
Anita & Sam Michaels (Daelansa Foundation)	2 North Breakers Row, Apt ST-4	Palm Beach FL	33480 \$ 5,000	General Donation
Eduard de Guardiola & Missy Bridgers	353 El Brillo Way	Palm Beach FL	33480 \$ 200,000	South Lake Drive Walkway
Michael & Annie Falk Foundation	Attn: Debra Knox PO BOX 2616	Palm Beach FL	33480 \$ 20,000	Bench
John & Christine Giampetroni	One North Breakers Row #411	Palm Beach FL	33480 \$ 150,000	Brazilian Lawn
Peter & Felicia Gottsegen	312 Cherry Lane	Palm Beach FL	33480 \$ 10,000	Bench*
Peter & Felicia Gottsegen	312 Cherry Lane	Palm Beach FL	33480 \$ 10,000	* gift toward one bench
Audrey & Martin Gruss	777 S Flagler Dr, Suite 801E	West Palm Beach FL	33401 \$ 50,000	General Donation
Charles and Kaaren Hale	369 Lake Drive 5F	Palm Beach FL	33480 \$ 50,000	Bench and future South Flag Pole (if approved)
Paul & Sonia Jones II	109 Royal Palm Way	Palm Beach FL	33480 \$ 150,000	General Donation
Eleanora Kennedy	150 Central Park South	New York NY	10019 \$ 500	General Donation
Mr & Mrs. J Luter	1000 Indian Road	Palm Beach FL	33480 \$ 20,000	Bench
Palm Beach Country Club Foundation	760 N Ocean Blvd	Palm Beach FL	33480 \$ 25,000	General Donation
Charles Schwab	211 Main St, FL 10	San Francisco CA	94105 \$ 200,000	General Donation
Stephen and Christine Schwarzman	345 Park Ave (Blackstone)	New York NY	10154 \$ 500,000	Lake Trail Access Paths
James Serzan	353 Seabreeze Ave	Palm Beach FL	33480 \$ 1,000	General Donation
Lesly Smith & Danielle Moore	300 Chapel Hill	Palm Beach FL	33480 \$ 50,000	South Dog Fountain
Scott Snyder	209 Phipps Plaza	Palm Beach FL	33480 \$ 50,000	General Donation and Stone Planters
Thomas Zacharias	1100 S Flagler Dr Unit 802	West Palm Beach FL	33401 \$ 500	General Donation
Total in account as of 7/25/22				\$ 1,932,000.00
Pledges outstanding				\$ 210,000.00
Total fundraising effort as of 7/25/22				\$ 2,142,000.00



National
Philanthropic
Trust

Exhibit B

**AGREEMENT BETWEEN NATIONAL PHILANTHROPIC TRUST
AND
TOWN OF PALM BEACH**

THIS GRANT AGREEMENT ("Agreement") is made as of August 9th, 2022 (the "Effective Date"), between National Philanthropic Trust ("NPT"), a public charity within the meaning of Sections 501(c)(3) and 509(a)(1) of the Internal Revenue Code of 1986, as amended (the "Code"), with offices located at 165 Township Line Road, Suite 1200, Jenkintown, Pennsylvania 19046, and the Town of Palm Beach (the "Grantee"), a Florida Municipal Corporation and township described in Code Section 170(c)(1) .

WHEREAS, NPT is a sponsoring charity of donor advised funds;

WHEREAS, KENNETH C. GRIFFIN (the "Advisor") is an advisor to a donor advised fund account sponsored by NPT, named the "Kenneth C. Griffin Charitable Fund" (the "Account");

WHEREAS, in accordance with the documentation establishing the Account and NPT's policies and procedures in effect from time to time, the Advisor is authorized to recommend grants to be distributed to permissible recipients;

WHEREAS, the Grantee is revitalizing Lake Drive Park at the Town of Palm Beach Marina ("Lake Drive Park Project"), which will include waterfront plantings ("Waterfront Plantings");

WHEREAS, the Advisor has recommended that NPT make a grant to Grantee in support of the Lake Drive Park Project for the Waterfront Plantings (the "Grant");

WHEREAS, the Grant is made for exclusively public purposes;

WHEREAS, the Town of Palm Beach Town Council has reviewed and approved the terms set forth below.

NOW, THEREFORE, the parties agree as follows:

1. Grant Terms.

Upon the recommendation of the Advisor, NPT hereby agrees to make a Grant to Grantee in the amount of two hundred thousand dollars (\$200,000) payable from the Account according to the following terms and conditions:

- a. *Grant Timing.* The Grant is payable immediately.
- b. *Grant Purpose and Use.* The Grant shall be used in support of the Lake Drive Park Project. Specifically, the Grant shall enable the Grantee to install the Waterfront Plantings shown on the attached Exhibit A to bring Grantee's extensive waterfront beautification plan to life (collectively, the "Park Objectives"). The Grantee agrees to use, hold, manage and administer the Grant solely in furtherance of the Park Objectives. The Grantee may expend the Grant at

any time or times in support of the Park Objectives as determined in the sole discretion of the Grantee. The Grantee shall be entirely responsible for the proper expenditure of the Grant and for the maintenance of adequate supporting records consistent with generally accepted accounting principles. Each of NPT and the Advisor shall have an absolute right to inspect the supporting records relating to the Grant upon request. The Grantee shall, upon reasonable notice, cooperate fully in any evaluation of the Grant that NPT or the Advisor, in their respective sole and absolute discretion, may undertake, including making available relevant employees of the Grantee and relevant project, programmatic and financial records of the Grantee that relate to the Grant.

c. *Signage:*

- (i) *Designated Name:* In recognition of the Grant, Grantee agrees that upon the completion of the Lake Park Drive Project, “Kenneth C. Griffin” will be recognized as the contributor to the Waterfront Plantings (the “Designated Name”).
- (ii) *Cast Bronze Placard.* The Designated Name shall be recognized with a cast bronze placard affixed upon a memorial stone (the “signage”) in a prominent location at the Lake Drive Park to be mutually determined by Grantee and the Advisor. The signage shall be affixed for a period of forty (40) years, beginning upon the date that the placard is affixed pursuant to the preceding sentence.
 - 1. Grantee and the Advisor acknowledge and agree that the overall goals of the signage are to: (a) prominently recognize the Designated Name, (b) offer clear, concise, and consistent communication of the Designated Name, and (c) allow both locals and tourists alike to easily identify the Designated Name.
 - 2. Placement, lettering, style, location and prominence of the signage bearing the Designated Name shall be subject to the Advisor’s written approval and the approval of the Grantee prior to installation, which consent shall not be unreasonably withheld and after which no changes shall be made without the Advisor’s written consent. If the Advisor does not approve such placement, lettering, style, location and prominence of the signage, the Grantee agree to make such revisions as are reasonably requested by the Advisor. The style of signage bearing the Designated Name shall be consistent with other recognition signage at Lake Drive Park, and the scale of such signage shall be prominent, readily visible and no smaller than the largest signage format used by Lake Drive Park acknowledging similar areas.
 - 3. The Grantee agrees that (a) acknowledgment of other donors within Lake Drive Park shall not diminish or interfere with the signage associated with the Designated Name, (b) signage bearing the Designated Name shall be kept in good condition and repair, which includes but is not limited to, removing graffiti from such signage and/or repairing any other defacement or vandalism of such signage and (c) the Grantee shall routinely build, maintain, repair and renovate the Waterfront Plantings bearing the Designated Name at its sole expense.

- d. All signage and approvals required under this paragraph 1 to implement the Designated Name shall be at the Grantee’s sole expense, and the Advisor shall not be obligated to recommend

additional gifts or contributions to the Grantee to secure the recognition rights for the Designated Name set forth under this paragraph 1. Nothing herein shall prohibit the Grantee from using the Grant to pay for all costs and expenses arising from obtaining the approvals for, and implementing, the recognition rights set forth under this paragraph 1.

- f. Notwithstanding anything to the contrary stated herein, the parties acknowledge that the Grant may equal, in the aggregate, less than two hundred thousand dollars (\$200,000) due to the fluctuation in value of the Account funds and assets and that NPT bears no responsibility or liability to any party for such fluctuation.
- g. The funds being provided to Grantee under this Agreement are solely an obligation of the Account and are not a general obligation of NPT or its other funds. The Account currently has sufficient assets to make all payments due under this Agreement and all other outstanding agreements. If, however, for any reason the Account at any time in the future lacks sufficient funds to make all payments under this Agreement when due in full, NPT reserves the right to reduce or revoke any and all payments due under this Agreement upon written notice to Grantee.

2. Representations and Warranties.

Grantee hereby makes the following representations and warranties as of the date hereof and as of each date that Grantee endorses and deposits any check or accepts the wire transfer of any Grant from NPT:

- a. Grantee is a town described in Code Section 170(c)(1) and 509(a)(1) and is classified as a political subdivision within the meaning of the Code.
- b. The Grant shall be used exclusively in furtherance of Grantee's exempt purposes and shall not be used for lobbying, political contributions or to support political campaigns.
- c. No part of the Grant whatsoever will serve to provide a private benefit to the Advisor, NPT or any other person described in Code Section 4958(f)(7) with respect to the Account (including, without limitation, dues, membership fees, tuition or scholarships, benefit tickets, travel or goods bought at charitable auctions).
- d. This Agreement has been duly authorized, executed and delivered by Grantee, and the officer executing this Agreement on behalf of Grantee is duly authorized to execute this Agreement.
- e. There is no pending or threatened claim, action, suit, proceeding, investigation or criminal proceeding, the outcome of which could have a material adverse effect on the business, finances or prospects of Grantee.
- f. Grantee does not and will not knowingly provide financial support or other resources to any individual or entity to further unlawful acts including acts of violence or terrorism, and Grantee is in compliance with all laws, statutes, and regulations restricting U.S. persons from dealing with any individuals, entities, groups, or countries subject to Office of Foreign Assets Control sanctions.
- g. Grantee is in compliance with all applicable federal, state and local laws and regulations.
- h. The Grantee represents that no tangible benefit, goods or services will be provided to NPT or the Advisor or any individuals or entities connected with the Advisor as a condition of the Grant. The Grantee further represents that the Grant is not being used to satisfy the

payment of a pledge or any other personal or corporate financial obligation on behalf of NPT or the Advisor.

3. Public Recognition and Announcements.

Public announcements, press releases, credit lines, or signage, if any, pertaining to the Grant, shall not be released until this Agreement is fully executed and the Grant is paid, and shall be in such form and substance as is mutually agreed upon between the Grantee, NPT and the Advisor. On or before the Naming Date, neither the Grantee, NPT and the Advisor shall use the other's name in any publicity or news release without such other's prior written approval, and such required approval shall be limited to the use and reference of the name of the Grantee, NPT and the Advisor or the Grant and not any other content contained in the publicity or news release.

4. Logo Use.

Grantee hereby grants to the Advisor and his successors, assignees and licensees the right, but not the obligation, free of charge, to use the Grantee's name/trademark and logo (the "Logo") exclusively in the context of publicizing, exhibiting and spotlighting the Advisor's charitable giving. The Grantee represents and warrants that it has the right and authority to grant the rights set forth in this paragraph 4 without the necessity of obtaining consent for any third party. The Advisor agrees that the Logo is and will remain the Grantee's exclusive property and understands that he does not acquire any right, title or interest in the Logo, other than the right to use the Logo in accordance with this paragraph 4.

5. Termination of Obligations.

If, as of any date, the representations and warranties contained in paragraph 2 are no longer true and accurate, then Grantee shall promptly notify NPT of such occurrence.

The parties agree that NPT may respond to such notification by terminating NPT's obligation under this Agreement to distribute further Grant installments to Grantee. Upon such termination, Grantee shall return all unexpended Grant funds to NPT (attn: Kenneth C. Griffin Charitable Fund) within sixty (60) days of such termination, excluding any allowable non-cancellable obligations incurred in good faith prior to the date of the notice in accordance with the terms of this Agreement.

6. Private Right of Action.

The parties acknowledge and agree that the Advisor is a third party beneficiary of this Agreement and shall have a private right of action to enforce the terms of this Agreement to the full extent as if he was party to this Agreement. The Grantee agrees that the Advisor shall have standing to enforce the provisions of this Agreement, and the Grantee hereby waives any right it may have to assert lack of standing as a defense to any action brought by the Advisor or his successors to enforce the provisions of this Agreement (including, without limitation, any action seeking specific performance, injunctive or other equitable relief).

7. Notice of Breach.

If any party believes that another party has breached its obligations under this Agreement, the first party shall send written notice to the other party of the alleged breach ("Breach Notice"), and shall give the allegedly breaching party thirty (30) days to cure the breach or explain why it believes no breach has occurred. If a party is unable to cure an alleged breach to the satisfaction of the party alleging the breach within thirty (30) days of the Breach Notice, then the parties shall promptly begin the process as provided in paragraph 8, below.

8. Failure to Comply with Naming Rights.

The Grantee understands, agrees and acknowledges that (a) the rights set forth in paragraph 1 (collectively, the "Naming Rights") are at the essence of this Agreement and are a material and essential inducement to NPT's entry into this Agreement, absent which the Advisor would not agree to recommend the Grant, (b) the Advisor shall suffer irreparable harm if the Designated Name is removed from the signage and/or materially altered or the Grantee fails to comply with the Naming Rights under paragraph 1, and (c) money damages and disgorgement of funds shall not be an adequate remedy for such breach. Accordingly, if a dispute or controversy arises from this Agreement as a result of (i) Grantee's removal or alteration of the Designated Name or (ii) Grantee's failure to comply with the Naming Rights under paragraph 1, (collectively, the "Naming Rights Breach"), the Advisor, NPT or their respective successors may, after thirty (30) days following a Breach Notice sent to the Grantee, seek specific performance, injunctive or other equitable relief in order to enforce, or prevent any violations of, the Naming Rights. Upon the request of the Advisor, NPT or their respective successors, the Grantee hereby consents to the entry of a judgment (a) granting injunctive or other equitable relief preventing the alteration and/or removal of the Designated Name, and (b) granting specific performance with respect to the provisions of paragraph 1. The Grantee shall be prohibited from breaching this Agreement by removing the Designated Name if the Grantee receives a larger grant or gift that requires the change of the Designated Name. If, notwithstanding the foregoing, injunctive or other equitable relief and specific performance is not granted to the Advisor, NPT or their respective successors, as the case may be, then the Grantee shall distribute the aggregate amount of the Grant received by the Grantee from NPT as of the date of the relevant Naming Rights Breach to any one or more sponsoring organizations of the Advisor's Donor Advised Funds designated by the Advisor, NPT or their respective successors in writing.

9. Responsibility, Indemnification and Waiver.

- a. *Responsibility.* The Lake Drive Park Project will be located on property that is owned by Grantee and maintained by Grantee (the "Responsible Party"). The Responsible Party agrees that it shall assume all responsibility (and neither NPT nor the Advisor shall bear any responsibility), at any time and from time to time following the execution of this Agreement, maintaining, securing, repairing and monitoring the Lake Drive Park Project. The Responsible Party shall have sole responsibility for the construction, use, maintenance, operation and security of the Lake Drive Park Project and all associated areas, and the Responsible Party agrees that none of NPT, the Advisor, nor any respective agent, employee, heir, executor, insurer, lawyer, successor or assign shall have any responsibility for the construction, use, operation, maintenance or security of the Lake Drive Park Project. Nothing herein contained shall be construed to give NPT or the Advisor any property interest in the Lake Drive Park Project or any portion of property maintained by the Responsible Party, or any rights to other components of the Lake Drive Park Project. Moreover, nothing herein contained shall be construed to give NPT or the Advisor any control over the Lake Drive Park Project or any portion of property maintained by the Responsible Party.
- b. *Indemnification.* Notwithstanding anything herein to the contrary, the Responsible Party agrees that neither NPT nor the Advisor shall be solely, jointly or otherwise liable in any capacity under any circumstances related to the Lake Drive Park Project, and the Responsible Party shall, subject to Florida Statute 768.28, fully indemnify, defend and hold NPT and the Advisor and their respective agents, employees, heirs, executors, insurers, lawyers,

successors and assignees harmless from and against any and all claims of any nature arising from or relating to the construction or operation of the Lake Drive Park Project in any way, including but not limited to any personal injury, property damage, activity, work or things done, or permitted by the Responsible Party or its agents, or arising from or related to any acts or omissions, intentional or otherwise, of the Responsible Party or any of its agents.

- c. *Defense and Waiver.* In the event that any action or proceeding is brought against NPT or the Advisor and/or their respective heirs, successors, assigns, representatives, executors, insurers, attorneys, employees and agents by reason of any claim described in the preceding subparagraph, the Responsible Party shall defend the same at the Responsible Party's sole expense by counsel reasonably satisfactory to and approved by NPT or the Advisor, as relevant, with respect to any action or proceeding brought against that party. The Responsible Party, as a material part of the consideration to NPT, hereby assumes all risk of damage to property or injury to persons, or anything else that could give rise to liability, in, on or about the Lake Drive Park Project or related to the construction, use, safety or maintenance of the Exhibit, arising from any cause attributable to or directed against the Responsible Party, and the Responsible Party hereby waives all claims in respect thereof against NPT, the Advisor and/or their respective heirs, successors, assigns, representatives, executors, insurers, lawyers, employees and agents.
- d. *Survival.* The provisions in the preceding subparagraphs of this paragraph 9 shall survive the expiration or termination of this Agreement.

10. Binding Effect; Representatives.

The Grantee's covenants and obligations under this Agreement shall be binding upon and enforceable against the Grantee by NPT and the Advisor. The Advisor may designate by written instrument delivered to the Grantee one or more representatives, each of whom may give the approval provided in paragraph 3 of this Agreement and may take any other permitted action hereunder on the Advisor's behalf in the event the Advisor is not able to act given his incapacity or death.

11. Headings.

The paragraph headings in this Agreement are for convenience of reference only and shall not define or limit the provisions hereof.

12. Severability.

If any covenant or representation in this Agreement shall be found to be void or contrary to law, such covenant or representation shall be deemed to be severed from the other covenants and representations hereof, but only to the extent necessary to bring the remaining covenants and representations within the requirements of law, and the remainder of this Agreement shall be given effect as if the Grantee had not included the severed covenant or representation.

13. Entire Agreement.

This Agreement, including any addendums and exhibits, constitutes the entire agreement between the parties and supersedes all written and oral communications and agreements between the parties.

14. Amendment; Governing Law.

- a. This Agreement constitutes the full understanding between the parties and shall be governed by the laws of the Commonwealth of Pennsylvania.
- b. This Agreement may be amended only in writing signed by the authorized officers of both of the parties.

15. Notice.

All notices, reports, requests and other communications hereunder must be in writing and shall be deemed to have been duly given only if delivered (a) personally, (b) by registered or certified mail with return receipt requested, or (c) by a recognized overnight delivery service to the parties, as applicable, at the following addresses:

if sent to NPT:

Attn: Philanthropic Services
National Philanthropic Trust
165 Township Line Road, Suite 1200
Jenkintown, PA 19046-3593
Fax: 215 277 3029;

and, if sent to Grantee:

Attn: Kirk Blouin
The Town of Palm Beach
360 S. County Road
Palm Beach, Florida 33480
561-838-5410

and, if sent to Advisor:

Attn: Kenneth C. Griffin
Chief Executive Officer
131 South Dearborn Street
Chicago, Illinois 60603

With a copy to:

Attn: Cason Carter
Head of Government Affairs
131 South Dearborn Street
Chicago, Illinois 60603

and

Attn: Camille Lu
Loeb & Loeb LLP
321 North Clark Street, Suite 2300
Chicago, Illinois 60654

16. Execution.

This Agreement may be executed in counterparts, each of which shall constitute an original and all of which taken together will constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

NATIONAL PHILANTHROPIC TRUST

By: _____

Name:

Title:

TOWN OF PALM BEACH

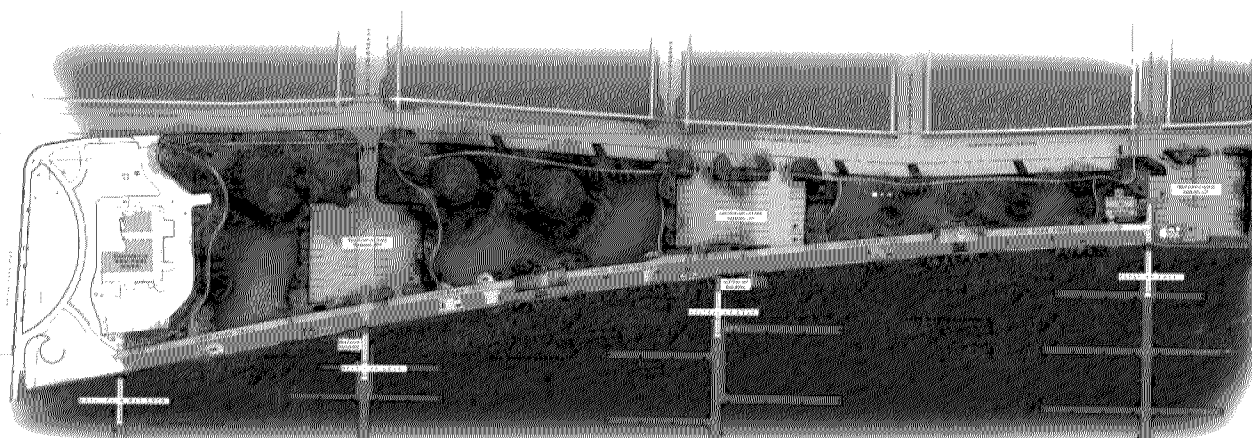
By: _____

Name: Kirk Blouin

Title: Town Manager

EXHIBIT A

WATERFRONT PLANTINGS (DENOTED IN GREEN)



RESOLUTION NO. 099-2022

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AGREEMENT BETWEEN NATIONAL PHILANTHROPIC TRUST AND TOWN OF PALM BEACH FOR A DONOR GIFT TO LAKE DRIVE PARK.

WHEREAS, fundraising efforts were conducted for the refurbishment of Lake Drive Park; and

WHEREAS, KENNETH C. GRIFFIN (the advisor) has pledged a gift via a donor advised fund through the National Philanthropic Trust (NPT) for Lake Drive Park; and

WHEREAS, KENNETH C. GRIFFIN is an advisor to a donor advised fund account sponsored by NPT, named the “Kenneth C. Griffin Charitable Fund”; and

WHEREAS, in accordance with the documentation establishing the Account and NPT’s policies and procedures in effect from time to time, the Advisor is authorized to recommend grants to be distributed to permissible recipients; and

WHEREAS, the Town of Palm Beach has revitalized Lake Drive Park, which includes a named donor opportunity for waterfront plantings; and

WHEREAS, the Advisor has recommended that NPT make a grant to Grantee in support of the Lake Drive Park Project for the Waterfront Plantings; and

WHEREAS, the grant is made for exclusively public purposes; and

WHEREAS, the Town of Palm Beach Town Council has reviewed and approved the terms set forth in the donor agreement.

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 of Palm Beach accepts the grant in the amount of \$200,000.

Section 2: The Town of Palm Beach agrees to the terms and conditions set out in the grant agreement.

Section 3: The Resolution shall take effect upon execution. A copy of this Resolution shall be filed in the office of the Town Clerk and a copy delivered to the Supervisor of Election.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of August 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro-Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

- 233 of 243

A black and white photograph of a modern, minimalist outdoor chair. The chair has a square, perforated metal frame and a flat, perforated metal seat. It is positioned on a lawn next to a stone wall. The chair is oriented towards the right side of the frame. The background shows a stone wall and some foliage. The overall style is modern and architectural.

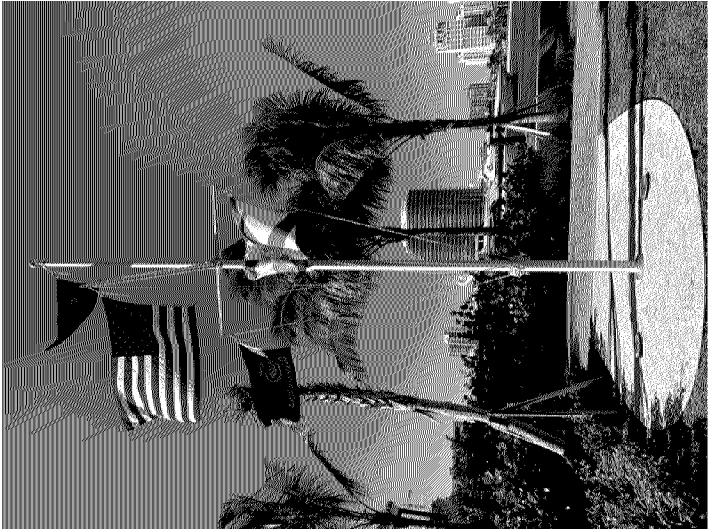
7. The Peruvian Lawn
Mr. And Mrs. Jack Botti



9. 5 Benches: Michael & Annie Falk
Foundation, The Coniglio Family, Mr. And
Mrs. J. Luter, 'Where we met.' -Peter &
Felicia Gottsegen, Mr. and Mrs. Charles
Hale



8. The Flag Pole
Mr. James Berwind & Mr. Kevin Clark



Sample Plaques



Vertical Locations (e.g. Dog Fountain)



At-Grade Locations (e.g. Walkway)

TOWN OF PALM BEACH

Town Council Meeting on: August 9, 2022

Section of Agenda

Ordinances - Second Reading

Agenda Title

Proposed Ordinance to Amend Chapter 74, Parks and Recreation, to Modify Use of the Public Beaches

-
ORDINANCE NO. 012-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 74, Parks and Recreation, Article II, Division 3., Regulation of Use of Public Beaches, Section 74-193, Drinking to Retitle Said Section to Read Drinking and Smoking So As To Prohibit Drinking of Intoxicating Beverages and Smoking of Cigarettes or any Tobacco Product With The Exception of Unfiltered Cigars Upon The Public Beaches In The Town; Further, Creating A New Article VII Titled Smoking In Public Parks, Creating A New Section 74-284 Titled Prohibition Of Smoking, So As To Prohibit The Smoking Of Cigarettes Or Any Tobacco Product Excepting Unfiltered Cigars In The Public Parks In The Town; Providing A Penalty; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification And Providing An Effective Date.

Presenter

Nicholas Caristo, Chief of Police

ATTACHMENTS:

- ▣ **Ordinance No. 012-2022**

ORDINANCE NO. 012-2022

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 74, PARKS AND RECREATION, ARTICLE II, DIVISION 3., REGULATION OF USE OF PUBLIC BEACHES, SECTION 74-193, DRINKING TO RETITLE SAID SECTION TO READ DRINKING AND SMOKING SO AS TO PROHIBIT DRINKING OF INTOXICATING BEVERAGES AND SMOKING OF CIGARETTES OR ANY TOBACCO PRODUCT WITH THE EXCEPTION OF UNFILTERED CIGARS UPON THE PUBLIC BEACHES IN THE TOWN; FURTHER, CREATING A NEW ARTICLE VII TITLED SMOKING IN PUBLIC PARKS, CREATING A NEW SECTION 74-284 TITLED PROHIBITION OF SMOKING, SO AS TO PROHIBIT THE SMOKING OF CIGARETTES OR ANY TOBACCO PRODUCT EXCEPTING UNFILTERED CIGARS IN THE PUBLIC PARKS IN THE TOWN; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH AS FOLLOWS:

Section 1. Chapter 74, Parks and Recreation, Article II, Division 3, Regulation of Use of Public Beaches is hereby amended at Section 74-193, Drinking to read as follows:

74-193- DRINKING AND SMOKING

No person shall drink intoxicating beverages or smoke cigarettes or other tobacco products; excepting unfiltered cigars, upon the public beaches within the Town. This provision shall not apply to private property owners or their authorized guests while on their respective private properties.

Section 2. There is hereby created within Chapter 74, Parks and Recreation a New Article VII titled Smoking In Public Parks and a new section 74-284 to be titled Smoking In Public Parks Prohibited to read as follows:

ARTICLE VII – SMOKING IN PUBLIC PARKS SECTION 74-284

Section 74-284. Smoking In Public Parks Prohibited. No Person shall smoke cigarettes or other tobacco products, excepting unfiltered cigars, within the public parks of the Town.

Section 3. Penalty. Any person found guilty of a violation of this section shall be subject to the terms of Section 1-14 of this Code or, alternatively, the provisions of Chapter 2, Article V, Code Enforcement.

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, Florida.

Section 7. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 12th day of July, 2022, and for second and final reading this 9th day of August, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: August 9, 2022

Section of Agenda

Ordinances - Second Reading

Agenda Title

Proposed Ordinance to Amend Chapter 74, Parks and Recreation, to Modify Closures of Recreational Areas

ORDINANCE NO. 014-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 74, Parks and Recreation, by Creating New Article VI – Recreational Area Closures, and by Adding Sec. 74-282 and 74-283; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Presenter

Nicholas Caristo, Chief of Police

ATTACHMENTS:

- ▢ **Memorandum dated June 28, 2022, from Nicholas Caristo, Chief of Police**
- ▢ **Ordinance No. 014-2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 12, 2022

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: Proposed Ordinance to Amend Chapter 74 of the Town Code, Relative to Parks and Recreation, to Modify Closures of Recreational Areas
Ordinance No. 014-2022

Date: June 28, 2022

GENERAL INFORMATION

During the regular Town Council Meeting on June 14, 2022, the Police Department brought forth the topic of codifying closure hours for Bradley Park and the Lake Trail as a proactive measure to increase community safety through crime prevention efforts. The Town Council asked that this endeavor be continued through the presentation of a proposed ordinance. This ordinance is the result of that direction providing for closure of Bradley Park and the Lake Trail, with the addition of Lake Drive Park from 11:00 p.m. to 5:00 a.m. Exceptions were created for deeded property owners on the Lake Trail immediately adjacent to their properties, for Town Marina customers accessing the Marina docks, and for Town staff or those working on their behalf.

STAFF RECOMMENDATION

Staff recommends the Town Council approve Ordinance 014-2022, amending Chapter 74 of the Town Code, relative to Parks and Recreation, to modify closures of recreational areas.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed this ordinance and approved for legal form and sufficiency.

NC/wmr

cc: John Randolph, Town Attorney
Carolyn Stone, Assistant Town Manager

ORDINANCE NO. 014-2022

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 74, PARKS AND RECREATION, BY CREATING NEW ARTICLE VI – RECREATIONAL AREA CLOSURES, AND BY ADDING SEC. 74-282 AND 74-283; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town has experienced increased criminal activity in the late evening and early morning hours in Bradley Park and on the Lake Trail; and

WHEREAS, the propensity for criminal activity in Bradley Park, Lake Drive Park, and on the Lake Trail exists due in part to their locations and layouts; and

WHEREAS, in the interest of public safety and the protection of the public it is important that access to said areas be curtailed between the hours of 11:00 p.m. and 5:00 a.m. and subject to certain necessary exceptions.

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

Section 1. Chapter 74, Parks and Recreation, is hereby amended by creating a new Article VI.– Recreational Area Closures, and by adding Sections 74-282 and 283, to read as follows:

ARTICLE VI – RECREATIONAL AREA CLOSURES

Sec. 74-282 – Closure of Bradley Park and Lake Drive Park

It shall be unlawful for any person to enter or go upon the grounds of Bradley Park and Lake Drive Park between the hours of 11 p.m. and 5 a.m. The Town Manager or the Town Manager's designee is authorized to post signs setting forth the prohibition set forth above. Any person found guilty of a violation of this section by being present during the closure shall be subject to the terms of Section 1-14 of this Code or, alternatively, the provisions of Chapter 2, Article V, Code Enforcement.

The following exceptions apply to this section: (1) Town personnel within the scope of their employment and other persons working on the behalf of the Town may enter and go upon Bradley Park and Lake Drive Park when said grounds are not open for public use. (2) The holder of a Special Event permit issued by the Town of Palm Beach granting specific authorization for such after-hours use. (3) Registered Town Marina customers and guests shall be allowed travel through Lake Drive Park as necessary for dock or vessel access when said park is not open for public use.

Sec.74-283 – Closure of Lake Trail

It shall be unlawful for any person to enter or go upon the grounds of Lake Trail between the Royal Park Bridge to its terminus in the 1300 block of North Lake Way between the hours of 11 p.m. and 5 a.m. The Town Manager or the Town Manager's designee is authorized to post signs setting forth the prohibition set forth above. Any person found guilty of a violation of this section by being present during the closure shall be subject to the terms of Section 1-14 of this Code or, alternatively, the provisions of Chapter 2, Article V, Code Enforcement.

The following exceptions apply to this section: (1) Town personnel within the scope of their employment and other persons working on the behalf of the Town may enter and go upon Lake Trail when said grounds are not opened for use. (2) Property owners with deeded access to the Lake Trail and/or their docks are granted access to their docks and the Lake Trail that is immediately adjacent to their property at all times.

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, Florida.

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 12th day of July, 2022, and for second and final reading this 9th day of August, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member