

TENTATIVE:
SUBJECT TO
REVISION



TOWN OF PALM BEACH

Town Manager's Office
TOWN COUNCIL MEETING

**TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD**

AGENDA

JUNE 8, 2021

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. PRESENTATIONS

- A.** Presentation on Toxic Algae in Lake Okeechobee
Reinaldo Diaz, Lake Worth Water Keeper

VI. COMMENTS OF MAYOR DANIELLE H. MOORE

VII. COMMENTS OF TOWN COUNCIL MEMBERS

VIII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

IX. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

1. Town Council Meeting Minutes
Queenester Nieves, CMC, Town Clerk
 - a. May 11, 2021, Town Council Meeting Minutes
 - b. May 12, 2021, Local Planning Agency Meeting Minutes
 - c. May 12, 2021, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of May 26, 2021.
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 055-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Award of a Sole Source Contract to ROK Technologies for GIS Configuration and Implementation for an Annual Contract Amount of \$52,973 and a Five Year Award of \$264,865 based on Satisfactory Performance and Budget Funding and Establish a Project Budget of \$285,000.
Dean Mealy, Purchasing Manager
2. RESOLUTION NO. 056-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$164,360 to Applied Technology & Management, Inc., for Town-wide 2021 Annual Physical Surveys, and Establishing a Physical Monitoring Budget of \$175,000.
H. Paul Brazil, P.E., Director of Public Works
3. RESOLUTION NO. 057-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$220,755 to Coastal Eco-Group, Inc., for the 2020 FDEP BMA Cell-Wide Monitoring Reporting and 2021 Mid-Town Regulatory Required Biological Monitoring, and Establishing a Biological Monitoring and Reporting Phase Budget of \$230,000.
H. Paul Brazil, P.E., Director of Public Works

4. RESOLUTION NO. 058-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$146,160 to Coastal Protection Engineering, LLC, for the 2021 FDEP BMA Cell-Wide Annual Biological Monitoring, and Establishing a Biological Monitoring Phase Budget of \$156,000.

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

5. RESOLUTION NO. 059-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town of Palm Beach Master Fee Schedule by Increasing Parking Placard and Metered Parking Fees, and Providing an Effective Date.

Jane Le Clainche, Director of Finance

6. RESOLUTION NO. 060-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting an Amendment to the Town of Palm Beach Retirement System Investment Policy Statement; Providing for Repeal of Conflicting Resolutions; and Providing an Effective Date.

Jane Le Clainche, Director of Finance

C. OTHER

1. Request to Sunset County Budget Taskforce

Jay Boodheshwar, Deputy Town Manager

X. COMMITTEE REPORTS

- A. Report of the Ordinances, Rules and Standards Committee Meeting Held on May 20, 2021.

Julie Araskog, Chair

XI. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

B. Old Business

1. COVID-19 Update

Kirk W. Blouin, Town Manager

a. Report on COVID-19 Infections, Hospitalizations and Vaccinations

Darrel Donatto, Fire Rescue Chief

b. RESOLUTION NO. 061-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Concurring with the Request of the Town's Chief of Police, to Extend the Chief's Declaration of the Existence of a State of Emergency Within the Corporate Limits of the Town to July 13, 2021, Unless Earlier Terminated by the Chief of Police, at Which Time the Town Council Will Address the Need for any Extension of the Declaration of

Emergency; Providing for an Effective Date.

2. Town-wide Undergrounding Project
Patricia Strayer, Town Engineer

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

- b. RESOLUTION NO. 062-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order and Awarding a Contract to Burkhardt Construction, Inc. for Phase 3 North Undergrounding Milling and Resurfacing in the Amount of \$457, 029 and Establish a Project Budget of \$515,000.

3. Presentation of Master Plan for Phipps Ocean Park

Jay Boodheshwar, Deputy Town Manager

4. Woods Hole Group Coastal Resiliency Implementation Plan
H. Paul Brazil, P.E., Director of Public Works

TIME CERTAIN: 11:00 A.M.

5. Town of Palm Beach Truck Regulation Study

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

C. New Business

1. Discussion Relating to Residency Requirements for Elected Officials

John C. Randolph, Town Attorney

XII. ORDINANCES

A. Second Reading

1. Proposed Amendment of Town Code to Permit Off-Leash Dogs from Dawn to 9:00 am on Beaches Between Sunset Avenue and Wells Road

ORDINANCE NO. 13-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 10 of the Town Code of Ordinances, Animals, Article II, Dogs And Cats, At Section 10-43, Running At Large Prohibited; Further Amending Chapter 74 of the Town Code of Ordinances, Parks and Recreation, Article II, Beach and Aquatic Activities, Division 3, Regulation of Use of Public Beaches; At Sec. 74-191, Animals Prohibited, so as to Add an Exception to Permit Unleashed Dogs on Public Beaches Between Sunset Avenue and Wells Road from Dawn To 9:00am; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing For Codification; Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

B. First Reading

1. An Ordinance to Amend Chapter 66, Section 66-236 to Regulate the Removal of Landscape Buffers.

ORDINANCE NO. 14-2021 An Ordinance of The Town Council of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 66 Natural Resource Protection, Article IV Vegetation, Division 2 Permits, Section 66-236 Application Procedure For Vegetation Removal Permit; Providing For Severability; Providing For The Repeal of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Wayne Bergman, Director of Planning, Zoning and Building

XIII. ANY OTHER MATTERS

XIV. 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: June 8, 2021

Section of Agenda Presentations

Agenda Title
Presentation on Toxic Algae in Lake Okeechobee

Presenter
Reinaldo Diaz, Lake Worth Water Keeper

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting on: June 8, 2021

Section of Agenda Minutes

Agenda Title
Town Council Meeting Minutes
Queenester Nieves, CMC, Town Clerk

- a. May 11, 2021, Town Council Meeting Minutes
- b. May 12, 2021, Local Planning Agency Meeting Minutes
- c. May 12, 2021, Town Council Development Review Meeting Minutes

Presenter

ATTACHMENTS:

- ▣ **May 11, 2021, Town Council Meeting Minutes**
- ▣ **May 12, 2021, Local Planning Agency Meeting Minutes**
- ▣ **May 12, 2021, Town Council Development Review Meeting Minutes**



MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, MAY 11, 2021

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting was called to order at 9:30 a.m. in the Town Council Chambers. On roll call, all council members were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. MODIFICATIONS TO THE AGENDA

The following modifications were made to the agenda:

1. Move Item No. XIII.A.1. - ORDINANCE NO. 11-2021 – To Be Heard as ITEM NO. XII.B.3
2. Add Under ANY OTHER MATTERS: Minimum Residency Requirements for the Town Council
3. Item No. XII.C.3. – Comprehensive Annual Financial Report (CAFR) For Fiscal Year Ended September 30, 2020 – HEARD AS A TIME CERTAIN: 12:30 P.M.

IV. APPROVAL OF AGENDA

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

V. RECOGNITIONS

- A. Recognition of Rosemary Carpenter's Service on the Code Enforcement Board from April, 2017 to April, 2021

Mayor Moore recognized Ms. Carpenter for her years of service on the Code Enforcement Board and presented her with a plaque on behalf of the Town.

B. Recognition of Matthew Natale's Service on the Code Enforcement Board from December, 2013 to April, 2021

Mayor Moore recognized Mr. Natale for his years of service on the Code Enforcement Board and presented him with a plaque on behalf of the Town.

Mayor Moore recognized Melly Bodre (PD) on her retirement after 16 years of service to the Town and congratulated the following employees on reaching milestones in their years of service March: Doug McCalla (PW) 25 years; James Walley (PD) 15 years; Mark Loree (PW) 15 years; Rosemary Chase (FIN) 10 years;

April Millstones: Kevin Thompson (PW) 25 years; Jill Bassford (FR) 20 years; Damon Patrick (FR) 20 years; and Martin Deloach (FR) 5 years.

VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

A. Presentations by the Applicants and Appointment to the Architectural Review Commission (ARCOM) [Queenester Nieves, CMC, Town Clerk]

Elizabeth Connaughton provided background, information on education, work history, and architectural preservation and gave her vision for the Town.

Council Member Araskog thanked Ms. Connaughton and asked if she read ARCOM minutes and listened to the meetings, to which the response was yes.

Council Member Crampton commented on new people moving into Palm Beach and inquired what criteria she might use in making decisions. Ms. Connaughton responded the Town's character started at the urban level and she would start by using her training in urban design.

Council Member Araskog confirmed with Ms. Connaughton that she would follow the ordinance.

Jane Gaillard detailed her education and work history as a designer and teacher. She also described her work with architectural preservation, and her desire to help preserve the architectural integrity of Palm Beach.

Council Member Crampton asked her views on diversity of styles in architecture, since her training was classical. Ms. Gaillard responded she lives in a 1950's apartment and was very interested in all other styles.

Council Member Araskog asked if Ms. Gaillard had read the ARCOM ordinance, which she had not, and responded she did not know it was possible to read the minutes or listen to the ARCOM meetings. Council President Zeidman commented there was no way she would have known those things were available. Council President Zeidman noted the minutes as well as the audio meetings are available on the Town of Palm Beach website.

Julie Herzig made a presentation of her background, education, work history, architectural and preservation experience.

Council Member Araskog inquired what Ms. Herzig considered the most serious problems in the Town of Palm Beach. Ms. Herzig responded she thought there was a trend to

overbuild and push lot lines, one must be diligent in granting variances and not establishing precedents. She commented scale was very important and allowing light into the town, and the rising sea levels had to be considered when planning codes. She responded to Council President Zeidman that she was a full-time resident, a licensed architect in New York, and was in process of obtaining a Florida license. Council Member Crampton asked how well she knew the Town. She responded she had been coming to the Town of Palm Beach since she was a little girl and also had an apartment for the past 12 years.

Richard Sammons, resident since 1996, commented he had architectural licenses in many states, and provided his history including education and work and teaching experience. Noted he was a past Chairman of ARCOM and felt the Palm Beach brand has been eroding for several years, and it needed to be curated. He felt self-interest had taken over the greater good. He spoke about charm as a great addition to the code. He would be happy to be chosen as an alternate but would be willing to wait for a permanent position, since the other applicants were so well qualified.

Council President Pro Tem Lindsay commented this was the most qualified slate of applicants she had seen in her five years on the Council. She asked everyone not chosen today to come back when another position became available. She verified with Town Attorney Randolph the issue of architects being taken off the board after five conflicts, which was being reviewed by Town Council.

Mr. Sammons felt he could offer constructive criticism which resulted in better design. He felt the uniqueness of Palm Beach was eroding and must be curated to become better. Council Member Araskog thanked Mr. Sammons for applying and asked if he would be able to attend meetings, and he responded he had enough time to look at the applications.

Ann Biggs Jackson appeared via Zoom, stated she was a Palm Beach native, and had a personal connection to the architecture. She reported the historic homes she had lived in, her education, work history in preservation, and organizations she had worked with in the Town. In response to Council Member Araskog's question Ms. Jackson stated she has read ARCOM minutes but not the ordinance.

Motion was made by Council Member Lindsay and seconded by Council Member Araskog to approve the appointment of Richard Sammons as an alternate member of the Architectural Commission (ARCOM). On roll call, the Motion passed unanimously.

VII. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore thanked staff, particularly Paul Brazil, for taking her on a tour of the new marina, which was on schedule and on budget. She reported the building design bill had passed in the legislature, and was changed at the last minute to carve out towns which already had a local review board. She would continue to focus on home rule, and was planning a trip to Jacksonville and Tallahassee with former Mayor Coniglio.

VIII. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Pro Tem Lindsay commented on the Town's fertilizer ordinance and the current algae bloom on Lake Okeechobee and C-51 canal. She asked everyone not to

fertilize with nitrogen and phosphorus after June 1 through September 30, and inform the landscapers and property managers.

Council Member Araskog thanked the Florida League of Cities and everyone who worked hard to stop some of the Home Rule legislation that was proposed, including the short term rentals, but especially the one which would have meant the demise of ARCOM and possibly the Landmarks Preservation Commission.

IX. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Mayor Moore relayed a message from Diane Buhler with Friends of Palm Beach, who could not be present but would be in attendance next month, and reported she was extending her work to bridges on the other side of the island.

X. APPROVAL OF CONSENT AGENDA

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

A. MINUTES

1. Town Council Meeting Minutes
[Queenester Nieves, CMC, Town Clerk]
 - a. April 13, 2021, Town Council Meeting Minutes
 - b. April 14, 2021, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of April 28, 2021.
[Wayne Bergman, Director of Planning, Zoning and Building]

B. RESOLUTIONS

1. RESOLUTION NO. 041-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Purchase Order to Ten-8 for the Purchase of a Fire Rescue Ambulance in the Amount of \$254,336 and Establishing a Project Budget of \$264,336. [Dean Mealy, Purchasing Manager]
2. RESOLUTION NO. 042-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Purchase Order to Watchguard for Body Worn Cameras and Evidence Management Software for a Five Year Subscription Award in the Amount of \$146,280. [Dean Mealy, Purchasing Manager]
3. RESOLUTION NO. 043-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of Seventy-two Pairs of Gloves for Fire Rescue Utilizing a Grant in the Amount of \$3,780 which has a 30% Match Requirement of \$1,620. [Dean Mealy, Purchasing Manager]

4. RESOLUTION NO. 044-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Residents of Via Palma to Engineer and Design Roadway Improvements Under Section 106-46 of the Town's Code of Ordinances and Accept Donation for Construction of said Improvements. [H. Paul Brazil, P.E., Director of Public Works]
5. RESOLUTION NO. 052-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town of Palm Beach to Join With the State of Florida and Other Local Governmental Units as a Participant in the Florida Memorandum of Understanding and Formal Agreements Implementing a Unified Plan. [Nicholas Caristo, Chief of Police]

C. OTHER

1. Request to Endorse Palm Beach County's Bonefish Cove and Palm Beach Resilient Islands Restoration Projects and Approve Waivers to Town Code for Construction Dates, Hours, and Noise in Lake Worth Lagoon
[H. Paul Brazil, P.E., Director of Public Works]
2. Request to Consider Ordinance No. 08-2021 at a Public Hearing on Wednesday, May 12, 2021, Prior to 5:00 p.m.
[Wayne Bergman, Director of Planning, Zoning and Building]
3. Request to Consider Ordinance No. 12-2021 at a Public Hearing on Wednesday, May 12, 2021, Prior to 5:00 p.m.
[Wayne Bergman, Director of Planning, Zoning and Building]
4. Acceptance of Donation for the Police Department from an Anonymous Donor
[Nicholas Caristo, Chief of Police]

XI. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Code Enforcement Board [Bram Majtlis, Vice Chair]

Bram Majtlis, Vice Chair of the Code Enforcement Board presented the Annual Report, which included listing the members of the Board, the number of cases and complaints, and the number of fines. He quoted someone who had suggested the Code Enforcement Board could also be called the quality of life commission, which expressed his own feeling regarding the work of the board.

Council President Zeidman commented on the excellent work of the board, which was very careful and gracious, and agreed with his quality of life description. Council President Zeidman inquired how other towns dealt with running fines. Mr. Majtlis reported some of these properties were really working to come into compliance.

Town Manager Blouin reported the parameters were set by the State and described the process which was followed.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to accept the Annual Report of the Code Enforcement Board. On roll call, the Motion passed unanimously.

B. Annual Report of the Planning and Zoning Commission [Michael Ainslie, Chair]

Michael Ainslie, Chairman of the Planning and Zoning Commission presented the annual report, and noted his term would expire during the coming year. Chairman Ainslie requested that Town Council pursue code reform; recommended changes to regulations for mechanical equipment, recommended changes to limit the amount of fill allowed where buildings had to be raised due to FEMA flood plains regulations, analyzed commercial tenant vacancy rates and existing uses in the commercial districts and recommended a retail study, recommended approval of administrative off-site supplemental parking in underground garages in commercial zoning districts, recommended changing restaurants, bars, lounges and dining rooms from a permitted use to a special exception use, recommended the use of drinking places be eliminated, recommended modification to outdoor dining seating, and recommended modifications to regulations for docks and piers.

Council President Zeidman commented on the retail study issue, which was to analyze the commercial districts. Congratulated Chair Ainslie and thanked the Commission on their work.

Council Member Crampton congratulated Chair Ainslie on his and the commission's work over the past six years. He asked about the combination of lots in the North end which lacked harmony--if that should be corrected by code reform or conduct by decisions of the Town. Chair Ainslie thought it was both. He felt the code should be reformed, that unity of title might be made more difficult, that variances should be proven cases of hardship. He spoke further about the retail study, and hoped Council would move ahead with that study.

Council Member Araskog thanked Mr. Ainslie for his service and leadership, and expressed appreciation for his comments on variances. Requested to have a discussion regarding combining of lots on the agenda. Council President Zeidman explained Director Bergman was looking at that and that it would be up for discussion in the near future.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to accept the Annual Report of the Planning and Zoning Commission. On roll call, the Motion passed unanimously.

A break was taken at 10:51 a.m. The meeting reconvened at 11:03 a.m.

XII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

B. Old Business

1. COVID-19 Update [Kirk W. Blouin, Town Manager]

TIME CERTAIN: 11:00 AM

a. Report on COVID-19 Infections, Hospitalizations and Vaccinations [Darrel Donatto, Fire Rescue Chief]

Chief Donatto reported the number of new cases in the town and county as well as the positivity rate from testing in the county were all trending down below 5%. Hospitalizations were also down from last month. The vaccine effort was changing from being hard to get and supply was now very plentiful. The zip code 33480 had increased vaccinations by 1,000 since last month. He expected this virus to be around a long time and predicted for each person that they would either be vaccinated or would get the virus, which could be deadly for older people or for those with medical conditions. The longer the vaccine existed within the population, spreading from person to person, the greater chance there was of variants appearing, which was happening now with the Indian virus which was more deadly than the original virus. He felt lifting the mask mandate would make spread easier, but not as bad as it was because so many had been vaccinated.

Council President Zeidman commented the Governor had done a terrific job getting the vaccines out to Florida residents, but asked everyone to give mask wearing more time. She commented that this is not the time to “burn your masks.”

Council Member Araskog asked if there would be sufficient vaccine supply when it was time for a booster. Chief Donatto commented there was no concern about supply.

Council Member Cooney asked about variance spread in Palm Beach County. Chief Donatto commented based on all the data, the number of variants were increasing and it was a matter of getting to herd immunity.

Council President Zeidman advised that wearing a mask will protect you against the variants.

b. Discussion Regarding State of Florida Executive Order 21-102

Town Manager Blouin reviewed the two orders and the difference between state of emergency and emergency orders related to Covid-19.

He explained the Police Chief issued a declaration of emergency at the beginning of the Covid-19 pandemic. Under that declaration, emergency orders were instituted over the course of the pandemic, such as mask

wearing, closing of beaches and curfews. The town curfew, which had existed until last week, was rescinded when the Governor issued two executive orders effectively ending all local emergency orders. The town's Declaration of Emergency remains in effect. All Emergency Orders related to COVID are no longer in effect by order of Governor DeSantis.

c. Discussion Regarding Future Board and Commission Meetings

Town Attorney Randolph advised the Governor's orders did not have anything to do with the virtual meetings, but he still had concerns that the Town could face objections from people affected by decisions from the boards, and felt that could be addressed by the board at a public meeting held just for that item. Attorney Randolph stated some attorneys have complained and some applicants wanted to postpone until they could appear in front of a full board. Town Attorney Randolph believed those objecting could challenge decisions of the board when meeting virtually. He added that even though the virtual meetings were not affected by the Governor's orders, an argument could be made that the Town was acting under its own emergency orders, and the Governor was seeking to invalidate all those orders. He advised that all that had to happen to have a public meeting was to have a quorum present. If someone wanted to meet virtually, they only had to have a good reason, and he felt a good reason was that there was a pandemic, and there must be a quorum present. He recommended that starting in June boards and commissions meet in the chambers. If someone felt threatened, they could appear virtually before the board.

Mayor Moore expressed concern that members of the commissions had based their summer plans on being able to attend via zoom. Town Attorney Randolph thought they could appear visually so long as there was a quorum present in chambers.

Council President Zeidman commented on commissions who had sent letters asking to continue on Zoom. She stated that there is a difference between decision making boards and commissions and those who are advisory. She advised that decision-making boards should have a quorum physically present and those who were fearful or could not be vaccinated could attend by Zoom. She stated that in her opinion, the quasi-judicial boards should meet in person and that a member who had a justifiable reason to participate on zoom, could do so. President Zeidman felt the focus should be on ARCOM, LPC and Code Enforcement. Town Attorney Randolph advised LPC issued certificates of appropriateness during the summer.

Council Member Araskog agreed, and thought Council should do what they could legally. She thought Planning and Zoning should also be included. She wanted to begin in May.

Council President Pro Tem Lindsay asked if the alternate could serve in a quorum. The Town Attorney responded, yes. She commented on the cost to applicants and stated they wanted the best forum they could get.

Council Member Cooney felt it was out of Council's control and shared concerns about legality of continuing meetings on Zoom. He wanted to hear from staff whether hybrid meetings could be better.

Deputy Town Manager Boodheshwar explained the process for hybrid meetings. He had concerns about the numerous amount of meetings through this hybrid platform. He stated there are boards which make policy such as the retirement board, and questioned if the Council wanted to make this a benchmark as to which board should meet in person or not. He also mentioned other meetings to remain on Zoom, which provides for public participation. He noted this should not become permanent. Council Member Cooney wanted to only go with hybrid meetings until September.

Council President Zeidman agreed with hybrid meetings until September if there were justifiable reasons for a board member to be on zoom rather than physically present, but stated everyone should be present physically thereafter barring any upward trend in community spread.

Mayor Moore confirmed a quorum would be four. She mentioned there was less public participation on Zoom.

Council President Zeidman thought there was consensus.

Council Member Crampton agreed hybrid meetings should not continue permanently.

Council President Pro Tem Lindsay asked this question: if there was a four members present and three of the four are alternates would this constitute a quorum?

Council Member Cooney agreed that in person meetings with a quorum present should begin in June.

Council Member Araskog did not agree four was enough for a meeting if alternates were making up quorums, especially on ARCOM where architects might not be present. She thought hybrid meetings might be quicker.

Town Attorney Randolph advised from a legal standpoint there must be a quorum but he encouraged a full board to be present.

Discussion ensued regarding quorums and voting.

Council President Zeidman summarized the conversation.

Town Attorney Randolph recommended including all decision-making boards and commissions.

Motion was made by Council Member Cooney, and seconded by Council Member Araskog that all town boards and commissions continue through the month of May meeting remotely and commencing in June 2021, decision making boards, as determined by the town manager's office, including but not limited to ARCOM, LPC, Code Enforcement and the Retirement Board, resume meeting in person with a caveat that a quorum per State law be present in Council chambers and others under the qualifying language and State law may participate remotely. All Boards/Commissions meetings will be fully back in Council Chambers in September 2021. On roll call the Motion passed unanimous.

Town Manager Blouin commented staff was working with the vendor to improve the audio.

d. RESOLUTION NO. 045-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Concurring with the Request of the Town's Chief of Police, to Extend the Chief's Declaration of the Existence of a State of Emergency Within the Corporate Limits of the Town to June 8, 2021, Unless Earlier Terminated by the Chief of Police, at Which Time the Town Council Will Address the Need for any Extension of the Declaration of Emergency; Providing for an Effective Date.

Town Attorney Randolph read Resolution No. 045-2021 by title.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 045-2021. On roll call, the Motion passed unanimously.

2. Town-Wide Undergrounding Project [Patricia Strayer, Town Engineer]

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

Patricia Strayer, Town Engineer, provided an overview of phases under construction during the next few months as well as the construction impacts. She presented the proposed locations for equipment at the Recreation Center between the hedge and the fence, for which an easement is being requested.

Mayor Moore commented this was a great solution.

Council Member Cooney asked if the hedge would be impacted. Town Engineer Strayer responded it could be restored and replaced.

Council Member Araskog asked if landscaping would surround the equipment. Director Paul Brazil explained that was unnecessary since no one viewed this location.

Town Engineer Strayer requested a second easement to place equipment at the S-1 lift station, which is the sanitation sewer lift station. Which would be hidden by existing landscaping.

b. RESOLUTION NO. 046-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute Easements and Use Agreements Between the Town of Palm Beach and Florida Power & Light (FPL) Upon Town Owned Land Located at 320 South Lake Drive and 340 Seaview Avenue.

Town Attorney Randolph read Resolution No. 046-2021 by title.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Resolution No. 046-2021. On roll call, the Motion passed unanimously.

3. Town Marina Update [Dean Mealy, Purchasing Manager]

H. Paul Brazil, Director of Public Works, reviewed the final proposed budget. He presented a \$4M change order, and explained why the change order was in the Town's best interest. Staff recommended approval of the resolution for the change order.

Council Member Crampton praised Director Brazil on arriving at a practical solution to remove the need to take costs out of town reserves and budget reserves and reduce the amount of additional funds needed to the amount that would be raised by Scott Snyder privately for this project. He thanked Scott Snyder for his dedication. He thought staff had done a marvelous job fitting this to the Town's requirements and needs. He recommended approval and congratulated Director Brazil for his good work and for the team effort.

a. RESOLUTION NO. 047-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Waiver of Competitive Bid and Award a Change Order to Murray Logan Construction, Inc. for the Town Marina Project – Lake Drive Park, Increasing Purchase Order No. 200662 for Materials, Labor and Installation Associated with Improvements in the Amount of \$3,635,044 and Establishing a Project Budget of \$4,007,551.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 047-2021. On roll call, the Motion passed unanimously.

b. RESOLUTION NO. 048-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Purchase Order No. 190332 to W.F. Baird & Associates in the Amount of \$46,116, and Establishing a Project Budget of \$50,727 for Construction

Administration Services Associated with the Town Marina Project - Lake Drive Park Improvements.

Director Brazil advised more help would be needed from the design team, W. F. Baird & Associates and their civil engineer to continue work in the park.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Resolution No. 048-2021. On roll call, the Motion passed unanimously.

c. RESOLUTION NO. 049-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Waiver of Competitive Bid for the Town Marina Project to HUB Parking Technology in the Amount of \$90,062, and Establishing a Project Budget of \$99,062.

Director Brazil read Resolution No. 049-2021 by title.

Director Brazil commented the only type of gate that would not result in lost parking spaces was an arm gate. After an extensive search, only one gate had been found which would provide the same technology as the marina gates whereby boat owners could use their cell phones to gain access. The equipment could go on the passenger side of the cars, and be painted any color. The arm needed to be white for visibility. Staff would be able to operate this gate remotely from any location.

Council Member Cooney was in favor of the gate. He recommended black as the best color to be hidden in the landscape. He asked what would happen if someone not authorized came up to the gate. Director Brazil responded there was very limited parking and each space was assigned to a specific owner. Town Manager Blouin commented it was expected the boat owner or personnel would call ahead to inform staff if anyone not authorized would be trying to gain entry, and also staff should be nearby.

Council Member Crampton asked what happened if he didn't have a phone. Response was a staff member could open the gates.

Town Manager Blouin commented in favor of the system.

Council President Pro Tem Lindsay suggested a small plaque with the dock master's phone number.

Council Member Araskog asked why there could not be an intercom. Director Brazil commented in that case there would need to be a center island. He recommended the color be left up to Keith Williams.

Council Member Cooney asked if there would be a pair of arms on other gates at the parking garage. Director Brazil clarified Australian would be a pair, Brazilian would be a pair, and Peruvian would be two singles for in and out. Council Member Cooney stated he fully supported the technology.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve Resolution No. 049-2021. On roll call, the Motion passed unanimously.

4. Update and Request for Direction Regarding the Proposed Addition of Stairs on South Side of Memorial Fountain
[Jay Boodheshwar, Deputy Town Manager]

Jay Boodheshwar, Deputy Town Manager, gave a historical overview of the Memorial Fountain stair request process. He then showed a video (narrated by Jorge Sanchez, Landscape Architect) of the various aspects of the fountain.

Deputy Town Manager Boodheshwar explained the steps necessary to proceed with this project. He advised that next summer would be the soonest this project could be done. He asked for direction from Council.

Council President Zeidman called for public comment.

Addison Link, 251 Esplanade Way, expressed his disapproval for the addition of stairs to the Memorial Fountain, but to keep the fountain original, and asked that the Council not approve this request.

Robert Link, 251 Esplanade Way, expressed his disapproval for the addition of the stairs to the Memorial Fountain, and submitted items for the record.

Bill Bone, 322 Pendleton Lane, expressed his support for the addition of the stairs to the Memorial Fountain.

Anita Seltzer, 44 Cocanut Row, expressed her disapproval for the addition of the stairs to the Memorial Fountain and asked the Town Council to vote against it.

Bill Metzger, 277 Esplanade Way, expressed his support for the addition of the stairs to the Memorial Fountain.

Jane Day, 728 Grenada Drive, Boca Raton, was the preservation consultant to the Landmarks Preservation Commission for 21 years. She gave a history of the grant received for the project.

Council Member Araskog felt the town had pushed the state too far on the grant. She read from a letter from Mr. Parsons. She did not feel Council could make the changes and was concerned about safety hazards with the stairs. She expressed shock because a previous motion stated staff would

be involved in a conference call or a meeting but she had learned many other people actually participated. She was not in favor of doing this now.

Council Member Cooney spoke in support of the restoration project, which had been taken to a new level, except for the stairs. He wanted that part of the fountain to remain in its original state.

Council President Pro Tem Lindsay stated she saw both sides of this issue. She expressed concern regarding the ADA reference in Mr. Parson's letter. She asked staff if they knew whether there would be additional requirements to meet the ADA standard if stairs were added. She agreed with Mr. Cooney and Council Member Araskog.

Council Member Crampton commented no one was wrong and different people had difference opinions. He felt connectivity was important and felt the stairs were appropriate in a Town Square. He felt safety could be worked out by staff, and favored addition of the stairs.

Mayor Moore thought also it was a matter of opinion and was glad she did not have to vote.

Bill Bone commented with regard to ADA requirements, he felt the Town's legal department should weigh in. He also felt there was no ADA requirement. He suggested just voting to move forward so there could be more discussion, and this had previously been approved.

Mr. Link spoke on behalf of his neighbor, Minnie Pulitzer, who thought her mother would be shocked at adding stairs.

Mayor Moore felt the previous approval was only to let the conference call proceed, not the project.

Council President Zeidman commented they had been waiting to see if the grant money was taken away, indicated this was the idea behind the call with Mr. Parsons. Council President stated she liked the fact that adding the stairs would add balance to the fountain. She reminded the Council that stairs were not added in the original design because the town's fire station was located directly behind the Fountain. The original architecture was meant to hide what lay to the south, not to incorporate it. She asked Council to decide whether to vote today or to defer for more public involvement.

Council Member Cooney had expressed his feelings on the matter.

Council Member Araskog wanted to table until the grants were settled, or forever.

Council Member Crampton respected everyone's decision and would go along with whatever was decided. He felt it could go back to Landmarks for discussion.

Council President Pro Tem Lindsay asked staff about ADA requirements. Director Brazil responded the ADA requirement had been met years ago. Council President Zeidman read from Mr. Parson's letter that the new stairs could only be reviewed by the Town. Council President Pro Tem Lindsay was in favor of taking this back to Landmark Preservation Commission, which gave an opportunity for more people to weigh in.

Council President Zeidman asked Town Attorney Randolph to provide legal counsel to find out more about ADA requirements.

Council Member Araskog commented no one had raised safety issues.

Deputy Town Manager Boodheshwar noted two similar plans had been approved by Landmarks. He commented it would have to go back to Landmarks for COA.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to defer this item to the October, 2021 Council meeting for more public involvement and further information on the ADA/safety requirements, and staff can decide when they should bring back the special exception so that it does not expire. On roll call, the Motion passed unanimously.

C. New Business

1. Proposed Changes to Town Caucus and Qualifying Date
[Queenester Nieves, CMC, Town Clerk]

Town Clerk Nieves requested the Town Council consider revising the caucus and qualifying date to the first Tuesday in December from the first Tuesday in January, based on the Supervisor of Elections' request for municipalities to change their qualifying dates. Staff was seeking direction to make appropriate updates to the Town Charter.

Council Member Araskog commented it could cost the Town \$40,000 to finance their own election, so their hands were tied.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve the change to the first Tuesday and Wednesday of December for the Town Caucus and Qualifying Date. On roll call, the Motion passed unanimously.

Town Attorney Randolph to bring Ordinance for first reading in July.

2. RESOLUTION NO. 053-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Designating the Town Clerk, Deputy Town Clerk and Town Manager or his/her Designee of the Town of Palm Beach to Serve as the Election Canvassing Board for the Town of Palm Beach.
[Queenester Nieves, CMC, Town Clerk]

Town Attorney Randolph read Resolution No. 053-2021 by title.

Motion was made by Council Member Crampton and seconded by Council Member Araskog to approve Resolution No. 053-2021. On roll call, the Motion passed unanimously.

3. Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended September 30, 2020
[Jane Le Clainche, Director of Finance]

Jane Le Clainche, Director of Finance, introduced Tammy Goldstritch, Director from Marcum.

Ms. Goldstritch reviewed the Comprehensive Annual Financial Report for fiscal year which ended September 30, 2020. She reported they had audited governmental activities, business type activities, each major fund, and the aggregate fund information of the town, provided their opinion, the town had no issues, and compliance requirements has been met.

Council President Zeidman thanked Ms. Goldstritch and staff for their work.

Council Member Araskog commented this was an easy to read and fantastic report.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to accept the Comprehensive Annual Financial Report (CAFR) for fiscal year ended September 30, 2020. On roll call, the Motion passed unanimously.

XIII. ORDINANCES

A. Second Reading

1. Budget Amendment for Costs Associated with Staffing for the Town Marina and Improvements to Lake Drive Park

Town Manager Blouin read Ordinance No. 11-2021 by title on second reading.

ORDINANCE NO.11-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2020, and Providing an Effective Date.
[Jane Le Clainche, Director of Finance]

Motion was made by Council Member Crampton and seconded by Council Member Lindsay to adopt Ordinance No. 11-2021 on second reading. On roll call, the Motion passed unanimously.

B. First Reading

1. Proposed Amendment of Town Code to Permit Off-Leash Dogs from Dawn to 9:00 am on Beaches Between Sunset Avenue and Wells Road

ORDINANCE NO. 13-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 10 of the Town Code of Ordinances, Animals, Article II, Dogs And Cats, At Section 10-43, Running At Large Prohibited; Further Amending Chapter 74 of the Town Code of Ordinances, Parks and Recreation, Article II, Beach and Aquatic Activities, Division 3, Regulation of Use of Public Beaches; At Sec. 74-191, Animals Prohibited, so as to Add an Exception to Permit Unleashed Dogs on Public Beaches Between Sunset Avenue and Wells Road from Dawn To 9:00am; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing For Codification; Providing an Effective Date.
[Jay Boodheshwar, Deputy Town Manager]

Town Attorney Randolph read Ordinance 13-2021 by title only on first reading.

There was no public comment at this time.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Ordinance No. 13-2021 on first reading. On roll call, the Motion passed unanimously.

XIV. ANY OTHER MATTERS

1. Minimum Residency Requirements for Elected Officials

Council President Pro Tem Lindsay expressed her desire for the Town Attorney to research residency requirements for Town elected officials. She stated that with the influx of new residents due to the pandemic and with some of them not yet fully understanding the dynamics of the unique Town, she suggested there should be some minimum requirements for residency. The Town Attorney was directed to research and bring back to the Town Council for discussion.

Town Manager Blouin commented it took some time to understand the Town and would work with Town Attorney Randolph to formulate requirements for Council consideration.

Council President Zeidman announced her office hours on Wednesdays from 1 p.m. to 4 p.m.

XV. ADJOURNMENT

The Town Council Meeting of May 11, 2021 was adjourned at 2:52 p.m. upon motion by Council Member Cooney, which was not seconded or voted upon.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Queenester Nieves, CMC, Town Clerk

Date



TOWN OF PALM BEACH

Minutes of the Local Planning Agency Meeting Held on May 12, 2021

I. CALL TO ORDER AND ROLL CALL

The Local Planning Agency Meeting was called to order May 12, 2021 at 9:30 a.m. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Administrative Specialist Churney gave the invocation. Council President Zeidman led the Pledge of Allegiance.

III. ORDINANCES

A. First Reading

1. Proposed ordinance to amend Chapter 134 to provide uniform public notice requirements for Town Council zoning relief applications.

ORDINANCE 08-2021 An Ordinance of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article II, Administration, Division 4, Special Exceptions, Variances, And Dimensional Waivers, Sections 134-172 Through 134-174, And At Article III, Site Plan At Section 134-328; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Planning, Zoning and Building Director, Wayne Bergman, discussed the changes proposed with Ordinance 08-2021, which included changes to Chapter 134. These changes pertained to the notice for all zoning applications. He indicated the Town Council would hear these changes during the first reading of the Ordinance later in the meeting.

Council Member Araskog inquired if the grammatical and continuity changes she recommended had been made. Director Bergman confirmed the changes had been made.

Motion made by Council Member Crampton and seconded by Council Member Cooney to recommend approval of Ordinance 08-2021 to the Town Council. Motion carried unanimously, 5-0.

2. Proposed ordinance to amend Chapter 134, Zoning, to modify the use categories of restaurants, bars, and nightclubs and minor modifications to other food and beverage uses in the C-TS, C-WA, C-OPI, C-PC, and C-B districts.

ORDINANCE 12-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article Vi, District Regulations, Sections 134-1107, Permitted Uses, By Eliminating “Restaurants, Excluding Formula Restaurants As Defined In Section 134-2 And Bar/Lounges” As A Permitted Use In The C-TS Zoning District; At Section 134-1109, Special Exception Uses By Adding “Restaurants, Excluding Formula Restaurants As Defined In Section 134-2 And Bars/Lounges” As Special Exception Uses In The C-TS Zoning District; At Section 134-1157, Permitted Uses, By Eliminating “Retail Specialty Foods, Including Incidental Sale Of Prepared Food For Takeout” As A Permitted Use In The C- WA Zoning; At Section 134-1159, Special Exception Uses, By Adding “Retail Specialty Foods, Including Incidental Sale Of Prepared Food For Takeout” As A Special Exception Use In The C-WA Zoning District; At Section 134-1207, Permitted Uses, By Eliminating “Dining Rooms And Drinking Places When Not More Than 15 Percent Of The Gross Floor Area Of The Structure; No Exterior Or External Advertising To Be Permitted” As A Permitted Use In The C-OPI Zoning District; At Section 134-1209, By Adding “Dining Rooms When Not More Than More Than 15 Percent Of The Gross Floor Area Of A Building; No Exterior Or External Advertising Permitted” As A Special Exception Use In The C-OPI Zoning District; At Section 134-1257, Permitted Uses, By Eliminating The Lettering Identifying Permitted Uses And Replacing With Numbering And Eliminating “Dining Rooms And Drinking Places When Not More Than 15 Percent Of The Gross Floor Area Of The Structure; No Exterior Or External Advertising To Be Permitted” And “Retail Specialty Foods, Including Incidental Sale Of Prepared Foods For Takeout” As Permitted Uses In The C-PC Zoning District; At Section 134-1259, Special Exception Uses, By Adding “Dining Rooms When Not

More Than 15 Percent Of The Gross Floor Area Of A Building; No Exterior Or External Advertising To Be Permitted” As Special Exception Use In The C-PC Zoning District; At Section 134-1302, Permitted Uses, By Eliminating “Dining Rooms And Drinking Places When Not More Than 15 Percent Of The Gross Floor Area Of The Structure; No Exterior Or External Advertising To Be Permitted” As A Permitted Use In The C-B Zoning District; At Section 134-1304, Special Exception Uses, By Adding “Dining Rooms When Not More Than 15 Percent Of The Gross Floor Area Of A Building; No Exterior Or External Advertising To Be Permitted” As A Special Exception Use In The C-B Zoning District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

Zoning Manager Castro indicated he received direction from the Town Council to review an issue related to bars, lounges, and restaurants in the commercial town serving district. He indicated that the issue had been discussed among the Planning and Zoning Commission. He stated staff and the Commission felt that similar issues in other districts should also be reviewed. He noted Ordinance 12-2021 summarized the Planning and Zoning Commission’s recommendation that all bars, lounges, dining rooms related to hotels in the district, as well as specialty food shops become special exception uses. He mentioned grammatical changes had been made at the request of one of the Town Council members.

Council Member Pro Tem Lindsay remarked the Town Council was surprised that a wine bar had opened, which did not seek approval from the Town Council. The Council was also surprised to learn that an old code allowed the opening by right. She added that she was supportive of the change.

Council Member Cooney added that he was also supportive of the change. He questioned the definition of specialty food shops. Director Castro provided an example of a business that would fall under this category. He added that staff believed this was a use that should be reviewed by the Town Council.

President Zeidman clarified that the Council preferred that all the uses listed be reviewed as a special exception. She believed this review by the Town Council would protect the Town that everyone loved.

Council Member Araskog thanked staff for bringing the information to the Town Council in a short time. She added that Zoning Manager Castro did an excellent job.

Motion made by Council Member Cooney and seconded by Council Member Araskog to recommend approval of Ordinance 12-2021 to the Town Council. Motion carried unanimously, 5-0.

IV. ADJOURNMENT

The meeting was adjourned at 9:41 a.m. without benefit of motion or roll call.

APPROVED:

Margaret Zeidman, Town Council President

ATTEST:

Kelly Churney, Administrative Specialist



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on May 12, 2021

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order May 12, 2021 at 9: a.m. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Administrative Specialist Churney gave the invocation. Council President Zeidman led the Pledge of Allegiance.

III. COMMENTS OF MAYOR DANIELLE H. MOORE

The Mayor stated she had no comments at this time.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Crampton discussed his tour of the north end of the island, reviewing homes that were too large for their site. He found nine homes that he believed were out of scale and not in harmony with the neighborhood. He thought that these items should be impressed onto ARCOM. He also believed that code reform was needed.

Council Member Araskog thought that it was very important to move code reform forward. She thought the Town was in danger of losing its brand. She requested to put a short discussion on the topic under Any Other Matters to the next agenda in order to find funds to begin this year. She reminded the Council that the burden relied on the applicant to provide a hardship for any variance requested, and provided legal cases on this subject.

Council Member Crampton thought that resources should be put into the Planning and Zoning Commission to handle code reform.

Council President Zeidman asked Director Bergman if he had requested money to be put into the budget for code reform. She wanted to clarify this item because she knew that a lot of resources had already gone into the FEMA issue, and wanted to

inform the public of that work. She also inquired about the staff's plan for code reform as well as the work that had been done by staff and the Planning and Zoning Commission on code reform.

Director Bergman discussed the budget that was requested for standard code reform. He discussed new software that the department was researching. He stated that if the will was to move forward with full code reform, staff could move in that direction. He added that he could move forward on the north end of the island as reform was needed on scale, massing, and other items. He reviewed the issue of fill related to the FEMA requirements that would be presented later in the meeting. He discussed many items that had already been completed, and explained the amount of additional budget money needed would depend on how much work was proposed to be done. He also viewed code reform as a multi-year project.

Council President Zeidman explained the process that had been followed on the issue of fill as it related to FEMA requirements and how concerned the Council was about how these requirements affected the character of the Town. She also thought that the 25-foot rule related to the pool equipment should be taken back to the Planning and Zoning Commission for re-evaluation. Zoning Manager Castro clarified the item and did not believe this was an issue.

Council Member Lindsay was encouraged on the progress that had taken place on some code reform issues. She commended staff for the work accomplished during the time of COVID. She wanted to keep the charm in Palm Beach.

Mayor Moore thought that the budget looked better and there might be more funds for code reform. She appreciated the work staff had already completed.

Council Araskog acknowledged staff and their accomplishments. Her focus and priority were the size and mass of new homes.

Council President Zeidman thought that the list of ten items of most important things to address in the zoning code should be re-reviewed. She agreed to add the item under Any Other Matters.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Susan Gary, 229 Onondaga Avenue, stated she sent a letter to the Town Council in March requesting that four items related to residential code reform be addressed. She asked that money be budgeted for code reform addressing privacy and neighborhoods. Her goal was to preserve the Town that everyone loves.

VI. APPROVAL OF THE AGENDA

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

Deferral of Item VIII. A. 1 to the June 9, 2021 meeting.

Deferral of Item VIII. B. 1 (a) to the June 9, 2021 meeting.

Deferral of Item VIII. B. 1 (b) to the June 9, 2021 meeting.

Deferral of Item VIII. B. 1 (e) to the June 9, 2021 meeting.

Deferral of Item VIII. B. 1 (f) to the June 9, 2021 meeting.

Deferral of Item VIII. B. 1 (g) to the June 9, 2021 meeting.

Deferral of Item VIII. B. 1 (i) to the June 9, 2021 meeting.

Deferral of Item VIII. B. 2 (d) to the June 9, 2021 meeting.

Deferral of Item VIII. B. 2 (f) to the June 9, 2021 meeting.

Withdrawal of Item VIII. B. 2 (g) to the June 9, 2021 meeting.

Deferral of Item VIII. B. 2 (h) to the June 9, 2021 meeting.

Deferral of Item VIII. B. 2 (i) to the June 9, 2021 meeting.

Council Member Araskog inquired if Z-20-00318, 1265 S. Ocean Blvd. could be removed from the agenda since the item kept returning to the agenda but the application was incomplete.

Ms. Ziska stated that the item would be ready to move forward at the next meeting.

Motion made by Council Member Araskog and seconded by Council Member Crampton to approve the agenda as amended. Motion carried unanimously.

VII. RESOLUTIONS

- A. Proposed resolution to provide tax abatement for improvements at 244 Nightingale Trail.

RESOLUTION 50-2021 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, Murphy Stillings, discussed the details of both tax abatement applications for Resolution 50-2021 and Resolution 51-2021.

There was no public comment.

Council Member Araskog confirmed with Ms. Stillings that she agreed this tax abatement was proper.

Council Member Cooney commented this tax abatement issue had led the owner to make the decision to landmark the property.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton, to approve Resolution 50-2021. Motion carried by unanimously, 5-0.

- B. Proposed resolution to provide tax abatement for improvements at the Breakers Circle Dining Room.

RESOLUTION 51-2021 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."

There was no public comment on this item.

Motion made by Council Member Crampton and seconded by Council Member Araskog, to approve Resolution 51-2021. Motion carried by unanimously, 5-0.

Administrative Specialist Churney swore in all those present intending to provide testimony during the meeting.

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeals of B-063-2020 160 Royal Palm Way

This item was deferred during Item VI., approval of the agenda.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-19-00211 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-PC Planned Center The application of 305 Concepts Palm Beach, LLC d/b/a Coyo Taco, Applicant, relative to property located at **340 ROYAL POINCIANA WAY SUITE: M337**, legal description on file, is described below. On March 15, 2017, the Town Council approved Special Exception #5-2017, which authorized Coyo Taco to operate a restaurant containing more than 3000 S.F. in the C-PC zoning district at Suites #337A and M 333 of the Royal Poinciana Plaza. The approval was conditioned upon execution of a Declaration of Use Agreement, which did not permit Coyo Taco to have a disc jockey. This application seeks to amend the existing Declaration of Use Agreement to allow the restaurant to have a DJ on Tuesday, Friday and Saturday nights, in addition to special events. The hours requested for the DJ are 8:00pm to 12:00pm on Tuesday nights and 8:00pm to 1:00am on Friday and Saturday nights and for special events. The DJ will be confined to the interior of Coyo Taco. No physical changes to the previous approval are requested. The Declaration of Use Agreement also required Coyo Taco to return to the Town Council to demonstrate compliance with the Town Serving requirement. Coyo Taco has collected data confirming that the Town Serving requirement is met. This information will be presented to the Town Council during the public hearing on this application. [Applicant's Representative: James M. Crowley Esq] Request for Deferral to the June 9, 2021 Meeting per Email from JamesM. Crowley, Esq.

This item was deferred during Item VI., approval of the agenda.

- b. **Z-19-00232 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-WA Worth Avenue The application of 125 Worth Partners, LLC, Applicant, relative to property located at **125 WORTHAVE**, legal description on file, is described below. The applicant requests Site Plan Review modification approval for revitalization, renovation and expansion of the 45 year-old nonconforming commercial building located at 125 Worth Avenue in the C-WA zoning district. The building will be completely renovated architecturally using design themes found in the Worth Avenue Design Guidelines. In addition, a two story addition is being proposed on the east end of the property. To make this project financially feasible, the owners are requesting to demolish and rebuild the existing fourth story and expand its footprint to add four residential units. In addition to the Site Plan Review proposed modifications, the applicant is requesting the following Special Exceptions and Variances required to complete the project: 1. Per Section 134-1163(8)b., a special exception for a two-story and fourth story addition. The existing building is four stories but it is being expanded. 2. Per Section 134-2182(b), a special exception for on-site shared parking, subject to a professional shared parking analysis. 3. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the height from 53' in lieu of the 49'2" existing and the 25' maximum allowed by code. 4. Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the overall building height to 63'4" in lieu of the 53'8" existing and the 35' maximum allowed by current code. 5. Per Section 134-419, variance to allow an expansion of an existing nonconforming building by increasing the existing air conditioned floor area of the fourth story to 13,212.9 square feet from 3,448.75 square feet existing. An open fourth story trellis of 5,433 square feet is also proposed in this application and included in the calculation of lot coverage, below. There is an existing exterior fourth floor covered area of approximately 3,290 Square feet in addition to the existing air conditioned floor area on the fourth story of the building. 6. Per Section 134-1163(5), variance to allow a minimum front yard setback of 1'1" for portions of the building in lieu of the 5' existing and the 5' minimum required on the private property. The sidewalk is required to be a minimum of 10' wide and this proposal is a minimum of 8'2" in the area where the sidewalk is only 1'1" wide on private property. 7. Per Section 134-1163(9)b., variance for lot coverage of 71% on the first floor in lieu of the 57% existing and the 35% maximum allowable. 8. Per Section 134-1163(9)b., variance for lot coverage of 71% on the second floor in lieu of the 57% existing and the 35% maximum allowed for second story. 9.

Per Section 134-1163(9)b., variance for lot coverage of 54% on the fourth floor in lieu of the 20% existing and the 35% maximum allowable by code. 10. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the existing building length at the east end of the building from 201'8" to 246' in lieu of the 150' permitted as of right in the C-WA zoning district. [Applicant's Representative: James M. Crowley Esq] [The Architectural Review Commission deferred this project to their June 23, 2021 Meeting. Carried 6-1.] Requested Deferral to the June 9, 2021 Meeting Per Letter from James Crowley.

This item was deferred during Item VI., approval of the agenda.

- c. **Z-20-00281 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The Colony Hotel relative to the property located at 132, 152, 155 Hammon Avenue; Recommendation of Conditions of Approval in the Declaration of Use Agreement related to the East Garden Area.

Ex parte communications were declared by Council Member Araskog.

Zoning Manager Castro introduced the item and discussed the project. He stated there was an outstanding code enforcement issue but it did not apply to the garden.

Maura Ziska, attorney for the applicant, stated that the restaurant was still operating under the COVID seating, and she was unaware of any code enforcement issue.

Council Member Crampton did not believe there had been any complaints after the Declaration of Use was instituted.

Council Member Araskog requested to hear from Code Enforcement. She also wanted clarification on the number of people that could speak on the microphone in the garden area. She also suggested revisiting the issue in one year to make sure there were no issues.

Zoning Manager Castro stated that the issue on the number of people that could speak had been decided during Council discussion on the Declaration of Use Agreement.

Council Member Cooney reported he had attended one event and was impressed at the sensitivity of the sound system.

Council Member Crampton pointed out that Council was hearing this today to act on the concerns expressed by Council Member Araskog; however, based on Council Member Cooney's comments, there was no need, since there were no problems, and he asked that the project continue under the existing Declaration of Use.

Council Member Araskog commented she had read further and now had no concerns.

Council President Pro Tem Lindsay stated she was in support of

continuing without any stipulations other than the Declaration of Use.

Carla Marcote, Code Enforcement, reported two complaints with no violations found.

Council Member Araskog asked the solution for complaints that were below the decibel level. Zoning Manager Castro responded they could speak before the Council in public comment.

Motion made by Council Member Crampton and seconded by Council Member Cooney, to allow The Colony to continue operations under the existing Declaration of Use. Motion carried by unanimously, 5-0.

d. **Z-20-00295 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) 331 S COUNTY RD -**

Reconsideration of the Approval for Cafe L'Europe, Z-20-00295, Special Exception with Site Plan Review, 331 South County Road

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

Administrative Specialist Churney swore in John Eubanks. Keith Spina had previously been sworn. The other speakers, Jennifer and Mark Marcello, had also been sworn.

Zoning Manager Castro introduced the item.

Ms. Ziska stated that under the COVID seating, they were allowed 35 outdoor seats, while under the variance they were allowed 20 outdoor seats.

Town Attorney Randolph stated that if the restaurant was still operating under the COVID seating, the variances should be retracted while there was a lawsuit to be heard.

Town Attorney Randolph clarified for Council Member Araskog that a decision should be made regarding the variance. A lawsuit had been filed challenging the Town granting the variance. Also, COVID rules had changed allowing restaurants to have full capacity, which were changes from the time the variance was granted. Council should consider whether they still wished to grant the variance for outdoor seating.

Ms. Ziska stated that the applicant was there to be reviewed after 6 months but had not operated under the variance that had been granted. Town Attorney Randolph clarified that the Council was reviewing whether to allow the variance to go forward with a pending lawsuit, with outdoor seating under review for changes, and with the Governor's order changing seating from 50% to 100% capacity.

Council President Zeidman suggested Zoning in Progress should be declared for outdoor seating.

Town Attorney Randolph asked that this be heard today. Mayor Moore was concerned that Council Member Cooney had not

heard the first presentation. Discussion ensued regarding reconsideration.

Attorney Ziska asked about making the sidewalk wider. Staff responded. Discussion ensued regarding the applicable section of code.

Town Manager Blouin commented on the administrative procedure which instituted the COVID approval for outdoor seating, and unintended consequences.

Keith Spina, Spina O'Rourke, presented the architectural plans for the outdoor seating.

Jennifer Marcello, owner, stated there had been an overwhelming response to the outdoor seating. She said many local citizens had supported their request. She discussed the monies spent on the beautification of the outdoor area around the restaurant. She questioned that only one objection could have such an effect on their business and the future of outdoor dining. She confirmed her commitment to the Town.

Council President Zeidman called for public comments.

John Eubanks, attorney representing Thomas O. McCarthy at 140 Brazilian Avenue, discussed his client's objections to the zoning application. He also believed that the COVID seating should not be allowed.

Town Attorney Randolph stated that the Town Council should not consider the temporary outdoor seating at this time.

Ms. Ziska stated her applicant would like to withdraw the special exception, site plan review and variance request at this time.

Motion made by Council Member Araskog and seconded by Council Member Crampton to accept the withdrawal of the special exception and variances related to outdoor seating and site plan review, except for the awnings, for Cafe L'Europe. Motion carried unanimously, 5-0.

- e. **Z-20-00299 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R A Estate Residential The application of 1015 SOUTH OCEAN LLC (MAURA ZISKA, MANAGER), applicant, relative to property located at **1015 S OCEAN BLVD**, legal description on file, is described below. 1) Section 134 840: Special Exception with Site Plan Review to allow the construction of an 11,031 square foot two story residence on a non-conforming lot that is 97.97 feet in depth in lieu of the 150 foot minimum required In the R A Zoning District. 2) Section 134 843(a)(5): A request for a variance to allow a front setback of 16 feet 7.5 inches in lieu of the 35 foot minimum required in the R A Zoning District. 3) Section 134 843(a)(9): A request for a variance to allow a rear setback of 2 feet 7 inches in lieu of the 15 foot minimum required in the R A Zoning District. 4) Section 134 843(a)(6)b: A request for a

variance to allow an Angle of Vision of 133.74 degrees in lieu of the 120 degrees maximum allowed in the R A Zoning District. 5) Section 134 843(a)(7): A request for a variance to have a building height plane setback ranging as close to the front property line as 16.8 feet (one story element) to 29.25 feet (two story element) in lieu of the minimum 35 foot (one story element) to 47.6 foot (two-story element) minimum required by Code in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the May 26, 2021 meeting. Carried 7-0.] Staff Recommends Deferral to the June 9, 2021 Meeting.

This item was deferred during Item VI., approval of the agenda.

f. **Z-20-00311 SPECIAL EXCEPTION WITH VARIANCES**

Zoning District: C-S Town Serving Commercial The application of Bricktop's Palm Beach, applicant, relative to property located at **375 S COUNTY RD**, legal description on file, is described below. Section 134 1109 (14): Modification to previously approved Special Exception with Site Plan Review is being requested for Bricktop's restaurant to add 40 outdoor seats for lunch and dinner in the north courtyard adjacent to the existing restaurant. The additional seating will increase the seating from 150 indoor and patio seats to 190 seats. The current approval allows 52 seats of the 150 seats to be outside on the south patio. Section 134 2176: a variance is being requested to provide zero (0) on-site parking spaces in lieu of the 13 parking spaces that are required for the additional 40 outdoor seats. [Applicant's Representative: Maura Ziska Esq] Staff Recommends Deferral to the June 9, 2021 Meeting to Allow for Further Study of Outdoor Seating Regulations.

This item was deferred during Item VI., approval of the agenda.

- g. **Z-20-00318 REPLAT** Zoning District: R-AA Large Estate Residential The application of BLOSSOM WAY HOLDINGS LLC (GERALD A. BEESON, MANAGER), applicant, relative to property located at **1265 S OCEAN BLVD**, legal description on file, is described below. An application to replat lots 1 through 6 and lot 10 of the Blossom Estate Subdivision, 60 Blossom Way, and 1290 S Ocean Blvd into 2 (two) buildable lots. The proposed replat will abandon in total the Blossom Way right-of-way; abandon the current beach access and dedicate a new 8-ft wide beach access along the north side of the proposed replat; terminate the Limited Access Easement along the east side of S Ocean Blvd which provides access to all of the Blossom Estate platted properties via Blossom Way; and incorporate 60 Blossom Way and 1290 S Ocean Blvd properties into the new Lots 1 and 2 of Blossom Estate subdivision. [Applicant's Representative: Maura Ziska Esq] Staff Recommends Deferral to the June 9, 2021

Meeting as the application is incomplete.

This item was deferred during Item VI., approval of the agenda.

- h. **Z-21-00329 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-A Estate Residential The application of 910 S OCEAN LLC (Tom Campbell), applicant, relative to property located at **910 S OCEAN BLVD**, legal description on file, is described below. 1. Section 134 843(b): Modification to a previously approved request for Site Plan approval to permit construction of a new 17,527 square foot, two story residence on a platted lot with a depth of 128.42 in lieu of the 150 foot minimum required In the R-A Zoning District. The proposed changes to the main house parcel are as follows: the addition of a cooling tower at southwest corner of the property; revision of the driveway and entries to reduce from three curb cuts to two curb cuts; elimination of the swimming pool on the east side of the house; addition of decorative balustrades at the roof level; revisions to floor plans and south façade due to plan changes; elimination of balcony on the west façade; minor adjustment to stonework and window/door configurations; and revision to metal railing design of balconies. Also proposed modifications to the basement enlarging the square footage by 994 square feet to house mechanical equipment. 2. Section 134 2: a variance to allow a point of measurement of 21.5 NAVD in lieu of the 18.34 NAVD maximum allowed for the building height plane calculation for the balustrade detail. 3. Section 134-1610(4) and 134-843(11): a variance to allow lot coverage to be 28.5% in lieu of the 25% maximum allowed when counting the basement walls that extend outside of the main building walls. 4. Section 134-790: Modification to a previously approved request for a special exception to permit construction of a new 500 square foot beach cabana east of South Ocean Boulevard. Modifications include new fenestration, columns, basement and raising finished floor elevation by 2 feet and to lower the site wall to meet the ocean vista requirement. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property.] [The Architectural Review Commission approved the project as presented with a few conditions related to the architecture and landscape. Carried 6-1.]

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

Maura Ziska, attorney for the applicant, discussed the modification to the architectural changes and explained the new variance request for lot coverage. She introduced the project and discussed the approval granted at ARCOM.

Rafael Portuondo, Portuondo Perotti Architects, presented the architectural plans for the new residence.

Zoning Manager Castro provided staff comments.

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

Council Member Crampton asked to see the view of the streetscape. Mr. Portuondo showed the streetscape for the existing home.

Council Member Araskog inquired about the basement below the beach cabana. Mr. Castro responded. Council Member Araskog inquired why 25% lot coverage could not be met. Mr. Castro responded.

Carlos Esteban, Portuondo Perotti Architects, discussed the design for the basement.

Council Member Zeidman did not see the negative for the variance request since the greenspace was still being met.

Mr. Castro stated that the basement was located under the driveway. Mr. Esteban reviewed the architectural plan for the basement.

Motion made by Council Member Crampton and seconded by Council President Zeidman that Special Exception Z-21-00329 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried by unanimously, 5-0.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton that Variance Z-21-00329 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met. Motion carried

4-1, with Council Member Araskog opposed.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton that Site Plan Z-21-00329 be approved based upon the finding that the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11. Motion carried unanimously, 5-0.

- i. **Z-21-00333 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of 04TST101NIGHTINGALE LLC, applicant, relative to property located at **101 NIGHTINGALE TRL**, legal description on file, is described below. Section 134 893(13): The applicant is proposing to construct a 70 square foot one story bathroom addition and two Dutch gables that will be added to the courtyard elevations of the pool cabana and kitchen which will increase the cubic content ratio ("CCR") to 5.24 In lieu of the 5.01 existing CCR and the 3.9 maximum CCR allowed in the R B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to their May 26, 2021, 2021 meeting. Carried 7-0.] Staff Recommends Deferral to the June 9, 2021 Meeting.

This item was deferred during Item VI., approval of the agenda.

Please note: A short break was taken at 11:47 a.m. The meeting resumed at 11:58 a.m.

- j. **Z-21-00336 MODIFIED SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-TS Town Serving Commercial The application of CARRIAGE HOUSE PROPERTIES PARTNERS LLC, A DELAWARE LIMITED LIABILITY COMPANY, applicant, relative to property located at **264 S COUNTY RD & 270 S COUNTY RD**, legal description on file, is described below. Section 134 1109: A request for a special exception with site plan review modification approval to modify a previously approved Club's 264 South County Road property as follows: At 264 South County Road: Modify quantity and size of rooftop mechanical equipment; Modify height of mechanical equipment screen wall; Modify Landscape and Hardscape Design including Landscape Open Space. At 270 South County Road: Modify quantity and size of rooftop mechanical equipment; New mechanical equipment screen wall; Modify Landscape and Hardscape Design including Landscape Open Space; Modify to Front Door & Overhang Design; Modify Door/Window Operation on East Elevation for Emergency Egress; New Concealed Emergency Egress Gate On East Elevation; New Decorative Shutters on

South Elevation; Modify quantity and location of windows on northwest corner of second floor. The following Variances are being requested: At 264 South County Road: 1) Section 134-1607(1): to allow (4) pieces of HVAC equipment at 51 inches in height in lieu of the 48" maximum allowed; 2) Section 134-1607(1): to allow the scrubber at 40 inches in height in lieu of the 36" maximum allowed. At 270 South County Road: Section 134-1607(1): to allow (5) pieces of HVAC equipment at 57 inches in height in lieu of the 48" maximum allowed. 3. Section 134-1113(6): To allow a parapet wall on the south side of the second story to screen proposed new mechanical equipment with a side yard setback of 2.11 feet in lieu of the 11 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 6-1.] [The Landmarks Preservation Commission approved the project as presented with conditions relating to the architecture to return to the May 19, 2021 Landmarks Preservation Commission meeting. Carried 7-0.]

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

Maura Ziska, attorney for the applicant, explained the zoning requests for the proposed project.

Keith Spina, Spina O'Rourke + Partners, discussed the issues of the construction prior to receiving approval.

Nelo Freijomel, Spina O'Rourke + Partners, presented the architectural plans for the proposed project, including the parapet wall, and the requested variances.

Zoning Manager Castro provided background information on this project, and described the variance requests.

Town Attorney Randolph spoke about Mr. Geist's request to test the noise decibels of the equipment.

Director Bergman stated he believed the section on mechanical equipment in the Code should be researched since the new mechanical equipment was getting larger as it became more efficient.

Council President Zeidman called for public comment.

Rene Silvin, Chairman of the Landmarks Preservation Commission, stated that he had been supportive of the project but expressed his dismay that a parapet wall was built larger

than allowed, as well as the two windows on the south side of the 264 S. County Road building were infilled without permission. He was not in favor of supporting any variances until the two filled-in windows were explained.

Council President Zeidman amended her ex parte communication to include that Mr. Silvin also said while he was disappointed in how this came about, he was reasonable and would work toward a resolution.

Council Member Crampton thought the changes proposed were de minimus. He stated he would support the request with the caveat that items were not to be built or changed without approval.

Council Member Cooney thought the building and changing items without approval was unfortunate. He was encouraged that the owners were putting in sophisticated equipment. He thought the proposed changes were reasonable. Mr. Cooney asked the allowable decibel level for this area. Zoning Manager Castro responded it was low.

Council President Pro Tem Lindsay thought the building and changing items without approval was unfortunate. She requested the applicant inform Landmark Commission on the proposed aesthetics.

Zoning Manager Castro commented on the allowable decibel levels which were 64 during the day and 58 at night.

Council Member Araskog inquired about the infilled windows. Mr. Spina confirmed that all of the original windows would remain after the project was complete. Council Member Araskog inquired if any of the equipment could be placed in the courtyard. Mr. Spina stated it could not. Ms. Araskog inquired if any of the equipment could be seen from the street. Mr. Spina responded some could be slightly visible, and had been approved by Landmarks. A discussion ensued. Mr. Spina stated there was no equipment on the roof that could be moved to the courtyard.

Zoning Manager Castro read the language from the Code regarding mechanical equipment.

Mayor Moore stated she depended on the professionals to do their jobs and was not happy that the professionals had to ask for forgiveness rather than permission.

Mr. Silvin agreed with the Mayor's comments and stated everyone had heard all original windows would be in place

when the project was finished and no windows would be infilled without permission.

Motion made by Council Member Crampton and seconded by Council Member Cooney that Variance Z-21-00336 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area, and prior to the issuance of a certificate of occupancy the decibel level shall be checked by the Police Department. Motion carried by unanimously, 5-0.

Motion made by Council Member Crampton and seconded by Council Member Cooney that Special Exception Z-21-00336 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 by unanimously, 5-0.

Motion made by Council Member Crampton and seconded by Council Member Cooney that Site Plan Z-21-00336 be approved based upon the finding that the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11. Motion carried by 4-1, with Council Member Araskog opposed.

2. New Business

- a. **Z-21-00338 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of DAVID & SAMANTHA MILGRAM, applicant, relative to property located at **246 SEASPRAY AVE**, legal description on file, is described below. Section 134-1757: Applicant is requesting the following variances to construct a new 10' x 22' swimming pool: a 5 foot rear yard setback in lieu of the 10 foot minimum required; and a 5 foot west side yard setback in lieu of the 10 foot minimum required. [Applicant's Representative: Maura Ziska Esq]

Ex parte communications were disclosed by Council Members Cooney, Araskog, Crampton, Council President Zeidman,

Council President Pro Tem Lindsay and Mayor Moore.

Maura Ziska, attorney for the owners, explained the zoning requests for the proposed project.

Dustin Mizell, Environment Design Group, presented the architectural plans for the proposed renovation of the pool.

Zoning Manager Castro provided staff comments.

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

Mayor Moore inquired if there was a setback from the power lines at the back of the property. Mr. Mizell responded that would be confirmed. She wanted to make sure that the owner was not creating a safety issue.

Council President Zeidman stated she was sympathetic but was unsure how the Council would handle the hardship.

Council Member Araskog felt the pool could be smaller in width and thought the application should return with a full picture of the pool. Mr. Mizell showed the Town Council a picture of the entire backyard.

Mayor Moore felt the current pool being right next to the house was a safety issue.

Mr. Castro suggested that the pool move closer to the accessory building.

Council President Zeidman felt relief should be provided.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay that Variance Z-21-00338 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried by unanimously, 5-0.

Please note: A lunch break was taken at 1:03 p.m. The meeting resumed at 1:55 p.m.

- b. **Z-21-00339 VARIANCE(S)** Zoning District: C-TS Town Serving Commercial The application of FRISBIE GROUP LLC (ROBERT FRISBIE JR., MANAGING DIRECTOR), applicant, relative to property located at **221 ROYAL POINCIANA WAY, SUITE 1**, legal description on file, is described below. Section 134 1107: Request for a variance to allow a first floor real estate office (Frisbie Group LLC) in Suite 1 of 221 Royal Poinciana Way which is comprised of 2,116 square feet. In addition to the real estate office there will be a retail component showcasing interior decorator items for sale. A variance is being requested to have the proposed real estate office on the first floor of a building located in the C-TS zoning district where office use is only allowed on the second floor if it doesn't meet the special exception criteria that would allow an office on the first floor. [Applicant's Representative: Maura Ziska Esq]

Ex parte communications: Council Member Cooney disclosed he had read the backup and had a meeting at the site with David Frisbee, who advocated for their clients, and read the letter from Paul Leone. Mayor Moore stated she read the backup and letter from Paul Leone. Council President Zeidman read the backup, walked the site with David Frisbee, and read the letter from Paul Leone. Council President Pro Tem Lindsay read the backup, and visited the site, and read the letter from Paul Leone. Council Member Araskog read the backup, visited the site, and read the letter from Paul Leone. Council Member Crampton read the backup and looked at the site.

Maura Ziska, attorney for the applicant, explained the zoning requests for the proposed project.

Jason Skinner, Dailey Janssen Architects, presented the architectural plans to show the portion of the building where the real estate office was proposed, and the surrounding mixed-use area.

Mayor Moore inquired about the items that would be for sale in the office. Ms. Ziska responded. The Mayor stated the retail component made her feel better about the request.

Council President Pro Tem Lindsay inquired about a percentage of the office with retail goods. Ms. Ziska responded.

Jake Leone, Frisbie Group LLC, discussed the retail goods that would be for sale.

Council Member Araskog inquired about the photographs of the surrounding buildings. Mr. Skinner presented photographs of the surrounding properties. Council Member Araskog stated if she were to approve the request, she would want to make sure that the retail items were in the front facing

portion of the space. Mr. Leone stated that they could meet this request.

Council Member Crampton did not have a problem with the request but he did not understand the hardship for the request.

Council President Zeidman agreed with Mr. Crampton. She indicated the reason why this provision was in the Code. She liked the idea of what they wanted to do.

Council Member Cooney thought that the retail facing the Via was better suited for pedestrian traffic.

Zoning Manager Castro provided staff comments.

Mr. Leone stated that there would not be any real estate photographs in the windows.

Council Member Araskog inquired about the hardship. Ms. Ziska discussed the hardship.

Council Member Lindsay agreed with Mr. Cooney that the Via side was more conducive to retail. She inquired about the total square footage. Ms. Ziska responded.

Council Member Araskog did not think she could support the request. She thought this would set a precedent for others.

There were no public comments.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay that Variance Z-21-00339 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area, and the office space shall not exceed 1,346 square feet. Motion carried by 4-1, with Council Member Araskog opposed.

- c. **Z-21-00340 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of RONALD M. ALVAREZ AND ALICE A RUTH, TRUSTEES OF THE B.O.P. TRUST-I DATED 4/3/1998, applicant, relative to property located at **210 ORANGE GROVE RD**, legal description on file, is described below. Applicant is proposing to convert a one story two car

garage into a one story one car garage, and adding 50 square feet of space to the garage for a cabana bath. The following variances are being requested: Section 134-893(9): a rear yard setback of 6.4 feet in lieu of the 10 foot minimum required in the R-B Zoning District. Section 134-2179(b): Applicant is requesting a one car garage in lieu of the requirement of having a two car garage for properties in excess of 75 feet in width. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances 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.]

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

Maura Ziska, attorney for the applicant, provided background for this project and explained the zoning requests for the proposed project. She stated the neighbors had no objections.

Michael Perry, MP Design and Architecture, presented the architectural plans proposed for the renovation and addition to the existing residence.

Zoning Manager Castro provided staff comments regarding the history of this property.

A discussion ensued about the previous approval.

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

Mr. Castro stated that staff would ask for a unity of title to be a condition of approval.

Council President Pro Tem Lindsay inquired if this was a newer or older home. Mr. Perry responded it was a renovation of an older home.

Council Member Crampton inquired about the streetscape for the home. Mr. Perry showed Mr. Crampton photographs of other surrounding homes. Council Member Crampton inquired if staff had received any complaints, to which Michael Perry replied that there were no complaints on the proposed project.

Council Member Araskog inquired about the other two car garages in the area. Mr. Perry responded. Ms. Araskog inquired if the project would be seen from the street. Mr. Perry

responded. Council Member Araskog inquired about the hardship. Ms. Ziska responded.

Council President Zeidman inquired about the setback next to the addition. Mr. Perry provided further clarification.

Motion made by Council Member Cooney and seconded by Council Member Crampton, that Variance Z-21-00340 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried by unanimously, 5-0.

- d. **Z-21-00341 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of GRETCHEN S. JORDAN, AS TRUSTEE OF THE GRETCHEN S. JORDAN 1998 TRUST DATED NOVEMBER 18, 1998, applicant, relative to property located at **273 TANGIER AVE**, legal description on file, is described below. The Applicant is proposing to enclose a 432 square foot balcony on the second floor in the rear of the residence in order to create an office. This will require the following variance to be requested: Section 134-893(13): a cubic content ratio of 4.1 in lieu of 3.9 existing and the 3.93 maximum allowed in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred this project to the May 26, 2021 meeting. Carried 7-0.] Staff Recommends Deferral to the June 9, 2021 Meeting.

This item was deferred during Item VI., approval of the agenda.

- e. **Z-21-00342 VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of THOMAS D'AGOSTINO, applicant, relative to property located at **253 SEMINOLE AVE**, legal description on file, is described below. Section 134-1757: Applicant is requesting the following variances to construct a new 10' x 35' swimming pool: a 5 foot rear yard setback in lieu of the 10 foot minimum required; and a 5 foot west side yard setback in lieu of the 10 foot minimum required. [Applicant's Representative: Maura Ziska Esq]

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

Maura Ziska, attorney for the applicant, explained the zoning requests for the proposed project.

Dustin Mizell, Environment Design Group, presented the architectural plans proposed for the new swimming pool.

Zoning Manager Castro provided staff comments.

Council Member Crampton questioned the hardship. He inquired if there were any complaints received on the application. Ms. Ziska stated she had not received any complaints.

Council Member Araskog expressed concern for the proposed pool. She thought the pool was too big and should be reduced so that the variances were not needed. She did not believe there was a hardship for the application.

Council Member Lindsay agreed with Ms. Araskog. She indicated she had trouble with the west side setback.

Ms. Ziska stated the pool could be reduced by five feet on the west side.

Discussion ensued regarding the setbacks.

Council Member Araskog commented she was trying to minimize the variance requests. She thought the pool was too long, and recommended moving the pool to eliminate one of the variances.

Council President Zeidman inquired if the pool could be moved closer to the home. Mr. Mizell responded.

Mayor Moore felt reasonable compromise had been reached.

Ms. Ziska withdrew the rear yard variance.

Motion made by Council Member Cooney and seconded by Council Member Crampton, that Variance Z-21-00342 shall be approved subject to shortening the west side by 5 feet and moving the pool 4 feet from the house and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried by unanimously, 5-0.

Staff confirmed there were no public comments.

f.Z-21-00343 SPECIAL EXCEPTION WITH SITE PLAN

REVIEW AND VARIANCE(S) Zoning District: R- A Estate Residential The application of 130 ALGOMA LLC (LEE FENSTERSTOCK, MANAGER), applicant, relative to property located at **130 ALGOMA RD**, legal description on file, is described below. Section 134-229, Section 134-329, and Section 134-843(b): Special Exception with Site Plan Review to allow the construction of a new, two-story 6,448.55 square foot residence while preserving the existing one story nonconforming garage on a lot with an area of 15,708 square feet in lieu of the 20,000 square foot minimum required; a lot depth of 142.33 feet in lieu of the 150 foot minimum required; and a lot width of 111.89 feet in lieu of the 125 foot minimum required; all in the R-A Zoning District. The following variances are being requested: 1) Section 134-843(8): to allow the existing east side yard setback to remain at 8.75 feet in lieu of the 15 foot minimum required to keep the existing nonconforming garage. 2) Section 134-843(7): to allow the building height plane setback to be 46.1 feet in lieu of the 48.33 foot minimum setback required. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred this project to the May 26, 2021 meeting. Carried 7-0.] Staff Recommends Deferral to the June 9, 2021 Meeting.

This item was deferred during Item VI., approval of the agenda.

- g. **Z-21-00344 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-B Low Density Residential The application of MICHAEL S. ARLEIN, TRUSTEE OF THE 267 DUNBAR ROAD RTRUST DATED 12/07/20, applicant, relative to property located at **267 DUNBAR RD**, legal description on file, is described below. Section 134-893(c): Site Plan Review to allow the construction of a new one and two story 7,500 square foot single family residence on a non-conforming platted lot which is 98.5 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District. Section 134-893(5): A variance request to allow the construction of a new one and two story 7,500 square foot single family residence with a street side yard setback of 25 feet in lieu of the 30 foot minimum required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission denied this project at their April 28, 2021 meeting. Carried 7-0.] Staff Recommends that the Project Does Not Move Forward Due to a Denial at the Architectural Review Commission Meeting on April 28, 2021.

This item was deferred during Item VI., approval of the agenda.

- h. **Z-21-00345 VARIANCE(S)** Zoning District: R-A Estate

Residential The application of PAUL A. KRASKER, AS TRUSTEE OF THE 720 SOUTH OCEAN BOULEVARD LAND TRUST DATED SEPTEMBER 20, 2020, applicant, relative to property located at **720 S OCEAN BLVD**, legal description on file, is described below. The applicant is requesting approval to renovate and construct additions to the north side of the landmarked residence known as "El Salono" to include a new 486 square foot pool cabana and a 1,159 square foot second and third story addition. The following variances are being requested: 134 843(8): a north side yard setback ranging from 2.6 feet to 5.9 feet for the 2nd and 3rd story additions in lieu of the 15 foot minimum required in the R-A Zoning District. 134- 843(8): a north side yard setback of 4.9 feet for the pool cabana in lieu of the 15 foot minimum required in the R-A Zoning District. 134-843(10): a building height of 26.33 for the proposed 3rd story addition in lieu of the 25 foot maximum allowed in the R-A Zoning District. Section 134-844: A request for variance to construct a 3rd story addition where only two stories is the maximum allowed in the R-A Zoning District under the existing zoning code. [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission deferred this project to the May 19, 2021 meeting. Carried 7-0.] Staff Recommends Deferral to the June 9, 2021 Meeting.

This item was deferred during Item VI., approval of the agenda.

- i. **Z-21-00346 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of PALM BEACH COUNTRY CLUB INC (ROBERT SCHLAGER, PRESIDENT), applicant, relative to property located at **760 N OCEAN BLVD**, legal description on file, is described below. Section 134-890(5): Modification to a previously approved private club which is a special exception use in a residential zoning district by adding a paddle ball court on the Fairview Road property owned by the Palm Beach Country Club. Section 134-1759: A request for Special Exception Approval with Site Plan Review to allow construction of a paddle ball court that will be enclosed and screened by landscaping. (Backboard requires Special Exception Approval). [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred this project to the May 26, 2021 meeting. Carried 7-0.] Staff Recommends Deferral to the June 9, 2021 Meeting.

This item was deferred during Item VI., approval of the agenda.

A break was taken at 3:06 p.m. The meeting reconvened at 3:11 p.m.

IX. ORDINANCES

A. **First Reading**

1. Proposed ordinance to provide a fee modification to all Business Tax Receipts in accordance with State law.

ORDINANCE 04-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 114 Taxation, Article II, Local Business Tax, At Section 114-43 Schedule, So As To Amend The Fees Delineated For Each Business, Profession Or Occupation; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Town Attorney Randolph read Ordinance 04-2021 by title only.

Planning, Zoning & Building Director Bergman stated this was the 5% allowable increase every two years, and would provide \$52,000 in revenue to the Town.

Council Member Araskog inquired if the increase could be moved to next year.

Motion made by Council Member Crampton and seconded by Council Member Cooney to approve Ordinance 04-2021 on first reading. Motion carried unanimously, 5-0.

2. Proposed ordinance to amend Chapter 18 to provide uniform public notice requirements for Architectural Review Commission applications.

ORDINANCE 06-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings And Building Regulations, Article III, Architectural Review, Division 3, Procedure And Requirements; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Director Bergman explained the changes in this and the next two ordinances, which would modify notice requirements, height poles, and remove reference to two types of historic districts not included in the code.

Council Member Crampton commented this was putting things in order and cleaning up administrative procedures and getting rid of non-existent items in the code.

Council Member Araskog discussed the benefits of the virtual

models rather than the physical models.

Town Attorney Randolph read Ordinance 06-2021 by title only.

There were no comments from the public.

Motion made by Council Member Crampton and seconded by Council Member Cooney, to approve Ordinance 06-2021 on first reading. Motion carried unanimously, 5-0.

3. Proposed ordinance to amend Chapter 54 to provide uniform public notice requirements for Landmark Preservation Commission applications.

ORDINANCE 07-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 54, Historical Preservation, Article III, Certificate Of Appropriateness, Division 2, Procedures And Effect; Sections 54-93 And 54-94; And Amending Article IV, Designation Procedure, Section 54-162; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Town Attorney Randolph read Ordinance 07-2021 by title only.

There were no comments from the public.

Motion made by Council Member Cooney and seconded by Council Member Crampton to approve Ordinance 07-2021 on first reading. Motion carried unanimously, 5-0.

4. Proposed ordinance to amend Chapter 134 to provide uniform public notice requirements for Town Council zoning relief applications.

ORDINANCE 08-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article II, Administration, Division 4, Special Exceptions, Variances, And Dimensional Waivers, Sections 134-172 Through 134-174, And At Article III, Site Plan At Section 134-328; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Town Attorney Randolph read Ordinance 08-2021 by title only.

There were no comments from the public.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Ordinance 08-2021 on first reading. Motion carried unanimously, 5-0.

5. Proposed ordinance to amend Chapter 134, Zoning, to modify the use categories of restaurants, bars, and nightclubs and minor modifications to other food and beverage uses in the C-TS, C-WA, C-OPI, C-PC, and C-B districts.

ORDINANCE 12-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article VI, District Regulations, Sections 134-1107, Permitted Uses, By Eliminating “Restaurants, Excluding Formula Restaurants As Defined In Section 134- 2 And Bar/Lounges” As A Permitted Use In The C-TS Zoning District; At Section 134-1109, Special Exception Uses By Adding “Restaurants, Excluding Formula Restaurants As Defined In Section 134-2 And Bars/Lounges” As Special Exception Uses In The C-TS Zoning District; At Section 134-1157, Permitted Uses, By Eliminating “Retail Specialty Foods, Including Incidental Sale Of Prepared Food For Takeout” As A Permitted Use In The C-WA Zoning; At Section 134-1159, Special Exception Uses, By Adding “Retail Specialty Foods, Including Incidental Sale Of Prepared Food For Takeout” As A Special Exception Use In The C-WA Zoning District; At Section 134-1207, Permitted Uses, By Eliminating “Dining Rooms And Drinking Places When Not More Than 15 Percent Of The Gross Floor Area Of The Structure; No Exterior Or External Advertising To Be Permitted” As A Permitted Use In The C-OPI Zoning District; At Section 134-1209, By Adding “Dining Rooms When Not More Than More Than 15 Percent Of The Gross Floor Area Of A Building; No Exterior Or External Advertising Permitted” As A Special Exception Use In The C-OPI Zoning District; At Section 134-1257, Permitted Uses, By Eliminating The Lettering Identifying Permitted Uses And Replacing With Numbering And Eliminating “Dining Rooms And Drinking Places When Not More Than 15 Percent Of The Gross Floor Area Of The Structure; No Exterior Or External Advertising To Be Permitted” And “Retail Specialty Foods, Including Incidental Sale Of Prepared Foods For Takeout” As Permitted Uses In The C-PC Zoning District; At Section 134-1259, Special Exception Uses, By Adding “Dining Rooms When Not More Than 15 Percent Of The Gross Floor Area Of A Building; No Exterior Or External Advertising To Be Permitted” As Special Exception Use In The C-PC Zoning District; At Section 134-1302, Permitted Uses, By Eliminating “Dining Rooms And Drinking Places When Not More Than 15 Percent Of The Gross Floor Area Of The Structure; No Exterior Or External Advertising To Be Permitted” As A Permitted Use In The C-B Zoning District; At Section 134-1304, Special Exception Uses, By Adding “Dining Rooms When Not More Than 15 Percent Of The Gross Floor Area Of A Building; No Exterior Or External Advertising To Be Permitted” As A Special Exception Use In The C-B Zoning District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

Town Attorney Randolph commented this ordinance had been recommended by the LPA.

Town Attorney Randolph read Ordinance 12-2021 by title only.

Zoning Manager Castro requested following the wording “Be Permitted” to insert “and retail specialty foods including the incidental sale of prepared foods for takeout”. Mayor Moore noted a scrivener’s error where the words “more than” were typed twice; therefore, one would be removed. _

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Araskog, to approve Ordinance 12-2021 as amended on first reading. Motion carried unanimously, 5-0.

6. **Discussion of the current codes regarding the automatic removal of architects on both the ARCOM and Landmarks Commissions due to the architects reaching the maximum number of conflicts of interest (five), per calendar year; and possible solutions, including consideration of Draft Ordinances:**

Proposed Amendment to the Town Code to Exempt ARCOM Member Architects from Conflict of Interest Regulations

ORDINANCE 09-2021 An Ordinance Of The Town Council Of The Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings and Building Regulations, Article III, Architectural Review, Division 1, Generally Section 18-170; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Director Bergman discussed the two proposed ordinances regarding the number of conflicts for the architects on ARCOM and LPC. At the last Council discussion it was suggested rather than automatic dismissal when the number of conflicts reached five, that instead would trigger Council review, and Council would have final word on whether an architect should be dismissed. Also, minor projects at ARCOM would not count toward the five conflicts that would trigger a review. Director Bergman advised Ordinance 9 and Ordinance 10 had been revised based on these suggestions, and were ready for first reading.

Council President Zeidman inquired about the exclusion of minor projects. Town Attorney Randolph stated it was the Town Council’s discretion to exclude minor projects.

Town Attorney Randolph read Ordinance 09-2021 by title only.

There was no public comment.

Motion made by Council Member Cooney and seconded by Council Member Crampton, to approve Ordinance 09-2021 on first reading. Motion carried unanimously, 5-0.

7. Proposed Amendment to the Town Code to Exempt Landmarks Preservation Commission Member Architects from Conflict of Interest Regulations

ORDINANCE 10-2021 An Ordinance Of The Town Council Of The Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 54, Historical Preservation, Article II, Landmarks Preservation Commission, Section 54-38(b); Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Town Attorney Randolph read Ordinance 10-2021 by title only.

There was no public comment.

Motion made by Council Member Cooney and seconded by Council Member Crampton, to approve Ordinance 10-2021 on first reading. Motion carried unanimously, 5-0.

X. ANY OTHER MATTERS

a. Discussion on FEMA Fill

Director Bergman discussed the issue of adding fill to building lots for new homes, which created a hodgepodge streetscape. He reported staff had worked with Calvin Giordano and the Planning and Zoning Commission to discuss the issues and solutions for this problem. He presented two different options for determining the appropriate amount of fill for new homes. Option A was based on the crown of road, and the other Option B was based on finished floor elevation, subtracting the crown of the road or vice versa--the lower number subtracted from the higher number, and half of that would be the amount of fill. Director Bergman stated staff felt option B was the best solution. If more than three feet of fill was needed, a waiver would be required for up to four feet. Any fill over four feet would require a variance granted by the Town Council. Staff thought this path forward was a good solution to help control the amount of fill being used in the Town. He described how Miami Beach had addressed this problem. Director Bergman stated that Paul Brazil was working to come up with a solution to retain more than 2 inches of storm water on each lot. Director Bergman stated if acceptable, he would work on ordinances to bring back to Council for approval. He discussed the possibility of zoning incentives for not using any fill on the site.

Council President Pro Tem Lindsay inquired about the current height requirement to build a home. Director Bergman stated it depended on the lot. Council President Pro Tem Lindsay inquired whether staff knew about any homes that were below the basic requirement. Mr. Bergman responded. Council President Pro Tem Lindsay thought it would be beneficial for each homeowner to know their elevation and what flood zone they were in. Director Bergman stated owners could obtain a flood elevation certificate from a surveyor. Council President Pro Tem Lindsay inquired about some of the requirements to obtain a waiver to receive more fill. Director Bergman stated some of the requirements were subjective. Council President Pro Tem Lindsay thought option B was acceptable. She wondered how other low-lying coastal communities were handling the issue.

Council Member Araskog was not in favor of incentives.

Council President Zeidman worked through the policy questions posed by Director Bergman in the backup.

Council Member Cooney inquired about examples of properties that used excessive fill. Mr. Bergman responded.

James Murphy, Assistant Director of Planning, Zoning and Building, discussed the way City of Miami Beach handled the amount of allowable fill.

Council President Pro Tem Lindsay suggested the possibility of looking at this by districts in areas where there were low historic homes and one size would not fit all.

Zoning Manager Castro commented this was a balancing issue and a case by case basis may be best.

Assistant Director Murphy discussed how City of Miami Beach handled the fill in the public and private sectors. They had used the formula described by Director Bergman.

Council Member Crampton commented professional judgement was needed.

Zoning Manager Castro thought if the Town Council could give staff some direction, staff could bring back more detailed options.

Council President Zeidman stated that Option B seemed to be preferred by Council with three feet of fill being the maximum allowed. She asked what the others felt about waivers to go to four feet.

Mayor Moore thought the waivers were important for flexibility but questioned if any of the Town Council would approve the waivers. The Mayor recommended moving the next discussion on the topic to be heard earlier in the meeting.

Council Member Araskog thought some criteria would be necessary if a waiver was created. Town Attorney Randolph responded those were details staff would come back with. Council Member Araskog commented she was good with a waiver for four feet.

Council President Zeidman commented it seemed everyone was good with

a waiver for four feet.

Zoning processes were recommended for any incentives.

Town Attorney Randolph recommended a motion authorizing staff to move forward with this study with Option B and the other comments made today. If that motion carried, he would recommend zoning in progress.

Council President Zeidman called for public comment.

Anne Pepper, 333 Seaspray Avenue, felt everything possible should be done to keep the connection to the street. She described the situation in her neighborhood with varying building heights, and flooding that lasted for days. She felt there should be a prescriptive minimum and from that another option, and to try to push a combination of ways to keep fill limited.

Susan Gary, 229 Onondaga Avenue, thought staff had good recommendations and was in favor of moving forward. Her areas of concern were the waivers and variances, and the large number of variances that were approved by Town Council. She was worried that might happen with waivers.

Council President Pro Tem Lindsay asked if everyone felt there should be incentives for raising the flood elevation by other means than fill and confirmed Council had decided not to use zoning.

Anne Pepper responded to Council President Zeidman that she had not studied options A or B, but felt the goal was to raise only certain portions of the land, with a lesser amount of fill over the whole property, and to have a gradual slope to the road.

Motion made by Council Member and seconded by Council Member Crampton to direct staff to pursue the study of Option B and the discussion held today, and that staff shall return to the Council with an Ordinance in regard to same. Motion carried unanimously, 5-0.

Town Attorney Randolph stated he assumed that at the present time people could exceed the amount of fill contemplated in the study, so Zoning in Progress should be considered in regard to the study Council had authorized, to direct staff not to accept any applications in contravention to the study that was being undertaken or the Ordinance under review. He commented Zoning in Progress needed an expiration date and suggested September unless earlier withdrawn.

Zoning Manager Castro commented it would be impossible to physically build new homes to meet the zoning in progress provisions being provided for without getting variances.

Assistant Director Murphy expressed concern for buildings already in progress and projects that had been deferred. Town Attorney Randolph advised this would only apply to applications made after zoning in progress was instituted. Town Attorney Randolph commented zoning in progress should allow for a waiver for applications in contravention of the study.

Mayor Moore commented this could affect homes being considered at

ARCOM next month. Zoning Manager Castro indicated those would not be affected since this applied only to new applications. Assistant Director Murphy expressed concern that design work might already be completed for applications not yet submitted. Attorney Randolph responded if staff was not anticipating a flood of applications to be submitted, people would see the study being conducted, and zoning in progress should be delayed until this was more refined.

Council President Pro Tem Lindsay asked Assistant Director Murphy how he had handled this in Miami. Assistant Director Murphy responded.

Council Member Araskog asked for a possible timeline for zoning in progress. She wanted something so there could be no more four foot or more fill. Town Attorney Randolph responded zoning in progress did not have to be done until the ordinance was prepared, and there was case law on this so that it was not necessary to establish zoning in progress.

Assistant Director Murphy commented for those applications where design work was already completed but they had not yet applied, they would be required to execute a hold harmless agreement. Attorney Randolph further clarified Assistant Director Murphy's comments.

Council President Pro Tem Lindsay suggested calling Boynton Beach for more ideas.

Zoning Manager Castro indicated since Council gave staff direction to proceed, they could come back with further details.

Town Attorney Randolph advised zoning in progress had not been on today's agenda and it might be better to wait until Council had a more refined study.

Council Member Crampton thought zoning in process would complicate things, and he felt that should be thrown out until there was something concrete to deal with.

Council Member Araskog asked to put zoning in progress on next month's agenda. Council President Zeidman agreed to add it to the next agenda. She stressed that Council and staff were actively working on this issue.

b. Proposed Changes to ARCOM and LPC Designation Manual and Guide and Resolution 54-2021

Laura Groves van Onna, Historic Preservation Planner, presented the revisions to the manual and guide.

Council Member Araskog expressed concern for signage being staff approved. She also recommended limiting staff approvals to 3 per year rather than 3 per six months.

Mayor Moore inquired about the change in docks. Ms. Van Onna responded. Director Bergman spoke about docks, which were regulated by DEP and the Army Corps of Engineers. He added that this did not include marginal docks.

Council Member Crampton stated he would be inclined to approve the item.

Council Member Araskog thought if landscape was added to a dock, it should be approved by the design boards.

Council Member Araskog inquired how the Council felt about signage.

Council President Zeidman announced signage would be brought back.

Council Member Araskog thanked staff for their hard work on this matter.

Ms. Van Onna stated refinement would continue on this document.

Council President Zeidman called for public comment.

Jorge Sanchez, Landscape Architect with SMI Landscape Architecture, stated that green docks were legal, had drainage that runs back into the lot, and would increase property taxes. He thought green docks were ecologically beneficial.

Zoning Manager Castro explained Planning and Zoning Commissioners saw a green dock on a plan he had been using for another purpose and had questions. He stated that FDEP and the Army Corps of Engineers were not aware of the green docks, and were concerned.

Council President Zeidman stated she visited the dock in question.

Resolution 54-2021 was read by Director Bergman.

Motion made by Council Member Araskog and seconded by Council Member Crampton, to approve Resolution 54-2021 with the exception of signage, which would be discussed later. Motion carried unanimously, 5-0.

c. Authorization Declaring Zoning in Progress Regarding Landing Dock and Pier Regulations

Council President Zeidman discussed her visit to a home that had a green dock.

Zoning Manager Castro felt there was a loophole in the Code that allowed a larger dock. He felt the docks should be limited to 25% of the lot size.

Council Member Araskog stated she had asked to place this item on the agenda and discussed the reasons she thought zoning in progress should be declared.

Council Member Crampton thought that while one viewpoint could be

considered a loophole, another view could be improvement. He thought the issue was when Council got to look at these docks, because it seemed owners were taking an end run around Council by going to FDEP or the Corps of Engineers and getting a permit, then coming back and going ahead without any direction from the Town. He felt the town should change the process so that Council would approve these first before going to FDEP of the Corps of Engineers.

Zoning Manager Castro commented FDEP would have to change the process. He discussed another type of submerged dock that could be an issue as well.

Council President Pro Tem Lindsay commented there were many of the submerged docks and people used them for all types of watercraft.

Council President Zeidman called for public comment.

Jorge Sanchez, Landscape Architect with SMI Landscape Architecture, clarified that a pool needed to be at least 10 foot from the bulkhead, unless a variance was granted.

Motion made by Council Member Araskog to declare zoning in progress for the study of the docks while being discussed by the Planning and Zoning Commission, in regard to dock size whether horizontal or vertical, and to direct staff not to accept any applications in contravention of the study or of any ordinance that emanates therefrom, for a period of three months. Motion failed for lack of a second.

d. Discussion on Non-Conforming Lot Change

Director Bergman discussed the applications that came in for special exceptions and/or site plan review were only on the agenda because the lots were non-conforming by today's zoning regulations, and suggested these could be eliminated in the future for single family development, since these lots had been conforming at some point in the past. The language in the zoning code could be simplified to apply to single family development only, if the lot had the same metes and bounds as the original lot, or if it had been developed with a single family structure in the past. This could remove a few items from the agenda each month. Draft language had been provided for consideration.

Council Member Cooney was supportive of staff's suggestions.

Council Member Araskog had some grammatical changes and stated she would send them to staff. She also confirmed that this gave no special consideration and any required variances would not be affected.

Council President Pro Tem Lindsay pointed out the large number of applications the Council reviewed for variances.

Council Member Crampton had a concern for a large house on a small lot that would not need to come to the Town Council. Director Bergman responded.

Council President Pro Tem Lindsay did not want to see a two-story house get approved for a small lot because they didn't need to ask for a variance. Director Bergman responded ARCOM was the entity that would look at the project building, landscaping, and placement of driveway.

Council President Zeidman commented the code should be changed with regard to non-conforming lots.

Town Attorney Randolph commented staff could look at definitive regulations for non-conforming lots.

Zoning Manager Castro explained staff's position.

Council Member Araskog asked about using language she found in the code. Town Attorney Randolph responded the existing code did not allow what she wanted to do, but staff could be directed to make a study, which would require these things to come back to Council, and that was different than Director Bergman's proposal.

Mayor Moore supported staff's suggestion.

Council Member Crampton, Council President Pro Tem Lindsay, and Council Member Araskog were uncomfortable with staff's suggestion.

No action was taken.

e. Discussion on Number of Homes to be Placed Under Consideration For Landmarking Per Year

Council Member Araskog stated she had asked for the item to be placed on the agenda. She said a group of citizens told her they would donate money to add five extra homes to be studied for landmarking.

Town Attorney Randolph thought it was appropriate to add more money to the budget but thought a certain number should not be formalized.

Council Member Araskog asked the maximum everyone would be okay with studying.

Mayor Moore remembered that Council would increase the number from 10 to 20 homes. She felt going to 30 would be too high.

Council President Pro Tem Lindsay remembered that the entire Council was in favor of increasing the budget. She stated she was comfortable increasing the amount to 20 or 25, not 30.

Council Member Cooney discussed the one year when the Council doubled the budget. He thought a budget increase for the next several years was worth entertaining, and going to 20 or 25 properties a year would be a palatable amount.

Council Member Crampton thought 25 homes was a considerable increase.

Mayor Moore commented she was okay with 25.

Ms. Van Onna thought the discussion was timely as this month; the

consultants would be bringing forward new properties to place homes under consideration. With the homes from the historic survey, they were already at capacity of 30, which included 5 spots for property owners to come forward with requests for landmarking.

Town Attorney Randolph stated it was okay to increase the budget to a certain amount, but he thought it was wrong for Council to dictate how many homes should be done in a year. These came about as a result of a commission member or a property owner placing a home under consideration.

Discussion ensued.

Council President Zeidman thought a budget increase to study 20 homes was more appropriate and stated her reasons.

Council President Zeidman called for public comment.

Anne Pepper, 333 Seaspray Avenue., thought the Town Council could show the Town their commitment to preservation by increasing their budget.

Amanda Skier, The Preservation Foundation of Palm Beach, advocated for the landmarks budget to be doubled so that the Town could protect as many homes as possible. She discussed a study by a consultant to help quantify the financial impact of landmarking.

Council Member Araskog asked for clarification on the number of homes they were supporting, which was 20-25.

Rene Silvin, Chairman of the Landmarks Preservation Commission, reminded Council of the past Mayor's hesitation regarding going too fast with this program.

Council Member Araskog clarified the consensus was to double the budget.

Ms. Van Onna questioned the number of homes to be considered.

Town Attorney Randolph clarified they could do as many as they could under the amount budgeted.

Council President Zeidman thanked The Preservation Foundation for earmarking \$35,000 toward education of the public.

f. Zoning in Progress for Outdoor Seating

Town Attorney Randolph commented Director Bergman had put together a draft of an ordinance relating to outdoor seating, which had been under study for some time. He wanted to provide Council with the opportunity to declare zoning in progress regarding outdoor seating and instruct staff not to accept applications for outdoor seating which were in contravention of the study or the draft ordinance.

Council Member Araskog thought it was a good idea to place this under zoning in progress until a new ordinance was in place.

Motion made by Council Member Araskog and seconded by Council Member Crampton, to declare Zoning in Progress and not to accept any application in contravention to the study being done now or to the ordinance until the September 13, 2021 Town Council Meeting. Motion passed unanimously, 5-0.

IX. ADJOURNMENT

The meeting was adjourned at 6:30 p.m. without the benefit of a motion.

APPROVED:

Margaret Zeidman, Town Council President

ATTEST:

Kelly Churney, Administrative Specialist

TOWN OF PALM BEACH

Town Council Meeting on: June 8, 2021

Section of Agenda Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of May 26, 2021.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated June 2, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Minutes of the Architectural Review Commission Meeting of May 26, 2021**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 8, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Approval of the Architectural Commission Meeting Action Minutes of May 26, 2021

Date: June 2, 2021

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of May 26, 2021.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items that were considered at the regularly scheduled meeting of May 26, 2021.

GENERAL INFORMATION

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

Attachment

kmc



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, MAY 26, 2021

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

I. CALL TO ORDER

Mr. Small called the meeting to order at 9:00 a.m. All members participated via Zoom Webinar due to the COVID-19 situation.

II. ROLL CALL

Michael B. Small, Chairman	PRESENT
John David Corey, Vice Chairman	PRESENT
Alexander C. Ives, Member	PRESENT
Maisie Grace, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Jeffrey Smith, Member	PRESENT
Thomas Kirchhoff, Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT
Richard F. Sammons, Alternate Member	PRESENT

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building
James G. Murphy, Assistant Director of Planning, Zoning and Building
Paul Castro, Zoning Manager
Laura Groves van Onna, Historic Preservation Planner
Kelly Churney, Secretary to the Architectural Review Commission
John Randolph, Town Attorney

III. PLEDGE OF ALLEGIANCE

Chairman Small led the Pledge of Allegiance.

IV. **RULES OF ORDER AND PROCEDURE**

Mr. Small thanked the Town Council for allowing the Commission to meet virtually. He thanked staff for their participation in setting up the virtual meeting. Mr. Small stated that the Town Council has notified the Commission that they would be in person for the meetings beginning in June. Mr. Small indicated that all members are encouraged to attend in person if possible. He welcomed Richard Sammons as the new alternate member. He congratulated Fairfax and Sammons on the highly successful seminar, along with the Institute of Classical Architecture and Art.

Mr. Small continued with a brief set of procedures for the meeting.

Mr. Bergman introduced Sarah Pardue, a new Planner in the department.

V. **APPROVAL OF THE MINUTES FROM THE APRIL 28, 2021 MEETING**

Motion made by Mr. Corey and seconded by Mr. Floersheimer to approve the minutes from the April 28, 2021 meeting. Motion carried unanimously.

VI. **APPROVAL OF THE AGENDA**

Mr. Small announced the following changes to the agenda:

Withdrawal of B-013-2021, 216 Tradewind Dr.

Deferral of B-019-2021, 101 Nightingale Trail to the June 23, 2021 meeting

Deferral of B-034-2021, 905 N. Ocean Blvd. to the June 23, 2021 meeting

Deferral of A-035-2021, 190 N. County Road to the June 23, 2021 meeting

Motion made by Ms. Shiverick and seconded by Mr. Kirchhoff to approve the agenda as amended. Motion carried unanimously.

VII. **PROJECT REVIEW**

A. **CONSENT AGENDA OF MINOR PROJECTS**

1. **A-055-2021 Modifications**

Address: 142 Peruvian Ave., P102

Applicant: Robert & Susan Taylor

Professional: Sam Malo & Percy Nunez

Project Description: Removal of two non-street facing doors to be replaced with nano wall of windows/doors.

2. **A-057-2021 Modifications**

Address: 232 Tradewind Dr.

Applicant: 232 Tradewind Rev Trust (Paul Krasker, Trustee)

Professional: Caroline Forrest/MHK Architecture & Planning

Project Description: Minor modifications to existing two story home to include new front door, new garage door, new house color, new shutter color, new doors at east and west elevations not seen from the street.

3. A-058-2021 Modifications

Address: 261 Nightingale Trail

Applicant: 261 Nightingale, LLC

Professional: Harold Smith/Smith and Moore Architects, Inc.

Project Description: changes to previous ARCOM Approval; change cottage style windows to 6/6 doublehung; add detail to stair pickets; add cabana bath door on east elevation; add shutters on north elevation; add grill on north elevation; add outdoor shower; modify pool; miscellaneous hardscape/landscape changes.

4. A-037-2021 Modifications

Address: 1214 N. Ocean Blvd.

Applicant: John & Diane Sculley

Professional: Dustin Mizell/Environment Design Group

Project Description: Modification of the existing driveway by reducing curb cuts from two to one, removal of synthetic turf and change of paving material. New Pergola structure (not visible from the street). Associated landscape and hardscape modifications.

A motion carried at the April meeting to defer the project to the May 26, 2021 meeting at the request of the professional.

5. A-043-2021 Landscape/Hardscape

Address: 150 El Vedado Rd.

Applicant: 150 El Vedado Rd LLC (Tom DelBosco, VP)

Professional: John Lang/Lang Design Group

Project Description: Renovations to existing hardscape, landscape and landscape lighting. Reduce hardscape coverage. Replace existing mixed exotic/ficus hedge on S. County. Add low fountain and spa. Refinish existing painted driveway with white tabby field.

A motion carried at the April meeting to defer the project to the May 26, 2021 meeting to restudy the turf joints at the motor court and the pool deck, as well as provide elevations for all four sides of the property.

6. A-038-2021 Landscape/Hardscape

Address: 1191 N. Lake Way

Applicant: John Copeland and Gianna Biondi

Professional: Keith Williams/Nievera Williams Design

Project Description: Hardscape and landscape improvements for a current renovation project.

Motion made by Ms. Grace and seconded by Mr. Smith to approve the consent agenda as presented. Motion carried unanimously.

B. ITEMS PULLED FROM CONSENT AGENDA

All items were approved on consent.

C. DEMOLITIONS AND TIME EXTENSIONS

1. B-044-2021 Demolition

Address: 228 Via Las Brisas

Applicant: 228 Via Las Brisas, LLC (Dan E. Swanson, Manager)

Professional: SKA Architect + Planner

Project Description: Demolition of all existing structures. Landscape demolition included.

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

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

Pat Segraves, SKA Architect + Planner, presented the proposed demolition plans for the project.

Mr. Small called for public comment.

Jamie Crowley, representing at the owners west of property, stated his client's biggest concern was to keep the perimeter landscaping during the demolition. He also wondered if there would be a screen put in place to protect the neighbors from the dirt and the dust. Mr. Segraves stated he would abide by the rules to protect the neighbors from dirt and dust.

Mr. Small called for staff comment. Ms. Van Onna stated she had no comments at this time.

Mr. Corey thought the perimeter landscaping looked good.

Ms. Shiverick inquired about the condition of the home. Mr. Segraves responded. Ms. Shiverick inquired about the building to replace this home. Mr. Segraves stated he was unaware of the plans at this time.

Mr. Floersheimer inquired about the relocation of the Royal palms, and added upon his site visit, he saw that they had been cut down. Mr. Segraves stated he was unaware of what happened to the Royal palms.

Mr. Sammons was not in favor to demolish homes to have empty lots for speculation.

Mr. Small agreed with Mr. Sammons and thought the house was an attractive home.

Motion made by Mr. Corey and seconded by Mr. Kirchhoff that the proposed demolition of 228 Via Las Brisas has met the conditions listed in Sec. 18-206

of the Town's code of ordinances, and to approve the project as presented with the condition to sod and irrigate the property within 30 days. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

2. B-038-2021 Demolition

Address: 1440 S. Ocean Blvd.

Applicant: 1440 South Ocean Trust (Ronald Kochman, Trustee)

Professional: Dustin Mizell/Environment Design Group

Project Description: Demolition of existing pool house and pool

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

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

Dustin Mizell, Environment Design Group, presented the proposed demolition plans for the pool and the pool house.

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

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Ms. Shiverick supported the demolition request but thought the Volk design of the pool house was very charming.

Mr. Smith thought the professional should photograph the gate to the pool house so that the Town and the Preservation Foundation could have documentation.

Mr. Sammons stated he was sorry to see the loss of the pool house. Mr. Small agreed.

Motion made by Mr. Corey and seconded by Ms. Shiverick that the proposed demolition of 1440 S. Ocean Blvd. has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the project as presented with the condition that photographs will be taken of the gate and provided to the Town and the Preservation Foundation of Palm Beach for documentation, and to sod and irrigate the property within 30 days. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

D. MAJOR PROJECTS – OLD BUSINESS

Please note: The following four projects are new business but were moved to accommodate scheduling issues

1. B-040-2021 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 212 Nightingale Trail and 217 La Puerta Way

Applicant: Mr. & Mrs. William Ingram

Professional: MP Design and Architecture, Inc.

Project Description: Demolition of existing one-story residence at 217 La Puerta Way. A new, one-story guest house with new pool, landscape and hardscape.

Existing two-story residence at 212 Nightingale Trail to remain undisturbed.

ZONING INFORMATION: The applicant owns 212 Nightingale Trail and is under contract to purchase 217 La Puerta in order to combine the two properties to construct a new one-story guest house with a new pool on the La Puerta parcel. The residence at 212 Nightingale will remain as is. Once combined, the lot would have an area of 25,162 square feet and a depth of 251.5 feet and thus the development of the lot is subject to the front and rear yard setbacks in the R-AA District. The following variance is being requested: Section 134-893(7): To allow a new one-story guest house to have a 25 foot street rear yard setback in lieu of the 35 foot minimum required in the R-B Zoning District for lots over 20,000 square feet.

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

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

Maura Ziska, attorney for the purchaser for 217 La Puerta Way, introduced the project and provided an overview of the plans for the two lots. She discussed the zoning relief needed for the guest house to be built and advocated for a positive recommendation to the Town Council.

Michael Perry, MP Design and Architecture, Inc., presented the demolition plans proposed for the one-story residence at 217 La Puerta Way.

Mario Nievera, Nievera Williams Design, presented the landscape and hardscape demolition plans proposed for the one-story residence at 217 La Puerta Way.

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

Mr. Small called for staff comment. Ms. Van Onna stated she had no comments at this time.

Motion made by Mr. Corey and seconded by Ms. Shiverick that the proposed demolition of 217 La Puerta Way has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the project as presented with the condition to sod and irrigate the property within 30 days. Motion

carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Mr. Perry presented the architectural plans for the newly proposed guest house.

Mr. Nievera presented the landscape and hardscape plans for the new guest home.

Ms. Ziska indicated the neighbors that supported the project.

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

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Corey thought the design worked well for the neighborhood. Mr. Corey inquired about the front setbacks of the proposed home versus the neighboring homes. Mr. Perry explained the setback proposed. Mr. Corey indicated that Green Island Ficus is not a native plant, as indicated on the plans. He inquired about the introduction of the four Canary Island Date Palms. Mr. Nievera explained the reason for the proposed palms. Mr. Corey thought the palms on the street side were out of scale and thought the palms should be moved to the interior of the lot.

Mr. Ives was in favor of the front setback variance.

Ms. Grace thought the house was charming and would be a nice addition. She agreed with Mr. Corey on the Date Palms. Ms. Grace also inquired the approval of the unity of title. Ms. Van Onna responded. Ms. Ziska stated that the current owner agreed to file the application to the Commission.

Ms. Shiverick was in favor of the proposed home. She suggested borrowing the design of the shutters from the main home. She was in favor of the palms on the street and thought they would look stately.

Mr. Kirchhoff thought the plan was very nice.

Mr. Floersheimer thought the one story home would work well in the neighborhood. Mr. Floersheimer inquired about the topiaries. Mr. Nievera responded.

Mr. Sammons thought the front portico needed to be restudied. Mr. Sammons thought the windows were too skinny. He also thought the detailing on the loggia needed to be restudied.

Mr. Small thought the house was attractive and would enhance the beauty of the neighborhood. He questioned the front door but stated he would support the project.

Motion made by Ms. Shiverick and seconded by Mr. Smith that implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried unanimously.

A second motion made by Mr. Corey and seconded by Ms. Grace to approve the project as presented with the caveat that the professional restudy the proportions of the front portico, rear portico and front door and to return to the June 23, 2021 meeting. Motion carried 6-1, with Mr. Kirchhoff opposed.

2. B-041-2021 Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 236 Via Las Brisas

Applicant: Esther Carmilani

Professional: MP Design & Architecture

Project Description: A request to enclose two pergola structures with a permanent roof that are currently covered with canvas awnings. One structure is a 137 sq. ft pergola and the other is a 441 sq. ft. pergola.

ZONING INFORMATION: A request to enclose an existing 441 square foot pergola and an existing 137 square foot loggia with permanent roof structures that would require the following variances: 1) Section 134-893(13): A cubic content ratio of 4.48 in lieu of the 4.0 existing and the 3.89 maximum allowed in the R-B Zoning District. 2) Section 134-893(11): A lot coverage of 28.6% in lieu of the 25.7% existing and the 25% maximum allowed in the R-B Zoning District for lots over 20,000 square feet.

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

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

Michael Perry, MP Design & Architecture, presented the architectural plans for the two pergola structures.

Maura Ziska, attorney for the owner, discussed the zoning relief needed for the guest house to be built and advocated for a positive recommendation to the Town Council.

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

Mr. Small called for staff comment. Ms. Van Onna stated she had no comments at this time.

Mr. Corey inquired about the increase of CCR and what caused the increase. Mr. Perry and Ms. Ziska responded. Mr. Corey thought the Town should take a look at this issue. Mr. Corey supported the project.

Mr. Ives thought the variance requests were fine and he supported the project.

Ms. Grace was fine with the smaller pergola but did not support the larger pergola change.

Ms. Shiverick clarified the scope of the project. Mr. Perry responded. Ms. Shiverick supported the project.

Mr. Smith objected to the roof tile material. Mr. Perry stated that the roof tile was approved for the home a month ago.

Mr. Kirchhoff supported the project.

Mr. Floersheimer inquired about the existing condition of the pergola. Mr. Perry responded. Mr. Floersheimer supported the project but expressed concern of a future owner wanting to enclose the structure.

Motion made by Mr. Corey and seconded by Mr. Small that implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried 4-3, with Mses. Grace, Shiverick and Mr. Kirchhoff opposed.

Motion made by Mr. Corey and seconded by Mr. Small that the proposed project at 236 Via Las Brisas has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances and to approve the project as presented. Motion carried 4-3, with Mses. Grace, Shiverick and Mr. Smith opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

3. B-047-2021 New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW WITH VARIANCE(S)

Address: 870 S. Ocean Blvd.

Applicant: 870 South Ocean Blvd, LLC (Todd Glaser, Manager)

Professional: MP Design & Architecture

Project Description: Proposed new 435 SF one story beach cabana, new pool, new landscape and hardscape.

ZONING INFORMATION: Section 134-840: Request for a Special Exception with Site Plan Review to allow construction of a 435 square foot beach cabana (20' x 25') with a 250 square foot pool and a new seawall in the R-A/B-A Zoning District.

Section 134-1474(a): Request for a variance to construct a 435 square foot beach cabana that is on a lot with frontage of 101.53 feet in lieu of the 125 feet required for lot width in the B-A Zoning District for beach area property adjacent to R-A Zoning District.

Section 134-1701 and 62-37: Request for a variance to construct a new 100.5' seawall three feet east of the existing seawall which is east of the Town of Palm Beach bulkhead line 6'2" at the south end and 6'0" at the north end, in lieu of the seawall being placed directly on the bulkhead line. The proposed new seawall will align with the recently-constructed seawall at 880 South Ocean Boulevard.

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

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

Maura Ziska, attorney for the owner, discussed the zoning relief needed for the beach cabana to be built and advocated for a positive recommendation to the Town Council.

Michael Perry, MP Design & Architecture, presented the architectural plans for the new beach cabana.

Christopher Cawley, Christopher Cawley Landscape Architecture, presented the landscape and hardscape plans for the new beach cabana.

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

Mr. Small called for staff comment. Ms. Van Onna stated she had no comments at this time.

Mr. Corey thought the design and siting of the cabana was fine. He also supported the ground covering. Mr. Corey stated he would have liked to have seen a cross section from east to west and stated he could not support the project until he sees that section.

Mr. Ives supported the project.

Ms. Grace suggested changing the site walls so they did not appear as a straight line. She preferred a jagged line of wall. Ms. Grace inquired about the different fenestration proposed. She questioned the need for the number of lanterns proposed for the exterior. She suggested using smaller lanterns.

Ms. Shiverick thought the cabana looked institutional and wondered what was going on with the main home. Mr. Perry responded about the plans for the main home. Ms. Shiverick inquired about the eave detail on the cabana. Mr. Perry stated he would be matching the eave detail of the main home. She agreed with Ms. Grace and preferred the mullions and thought there was too many lanterns.

Mr. Smith inquired about the stone scoring on the cabana. Mr. Perry responded. Mr. Smith inquired about the stone material. Mr. Perry showed the stone material on the main home. He agreed that the divided lights were better and also agreed about the number of lanterns.

Mr. Kirchhoff thought more information was needed to evaluate the project, particularly a survey and wall section. He was not in favor of the eave. He questioned the use of stone on the building. He suggested changes to the fenestration. He agreed about the number of sconces proposed.

Mr. Floersheimer agreed with Mses. Grace and Shiverick about the number of lanterns as well as Mr. Kirchhoff on the window. Mr. Floersheimer thought by moving the wall to the east, more land was trying to be gained. Mr. Floersheimer also thought the floor of the cabana could be lowered by 2-3 feet. Mr. Floersheimer questioned the design of the cabana.

Mr. Sammons inquired about the variance for the project. Mr. Perry and Ms. Ziska responded. Mr. Sammons did not believe there was enough room to build the cabana. Mr. Sammons also questioned the design and details of the cabana. He stated he could not support the project.

Mr. Castro provided staff comments.

Mr. Small inquired about the proposed height of the cabana. Mr. Perry responded. Mr. Small inquired about the width of the proposed cabana. Mr. Perry responded. Mr. Small inquired about the proposed wall in front of the cabana. Mr. Perry responded. Mr. Small stated he shared the concern of Mr. Sammons and thought the water vista needed to be protected.

Motion made by Ms. Grace and seconded by Mr. Corey that implementation of the proposed variances will cause negative architectural impacts to the subject property. Motion carried 6-1, with Mr. Ives opposed.

A second motion made by Ms. Grace and seconded by Ms. Shiverick to deny the project at 870 S. Ocean Blvd as presented, based on the failure to comply with Section 18-205 of the Code, paragraph a (8). Motion carried 6-1, with Mr. Ives opposed.

4. A-048-2021 Landscape/Hardscape
Address: 920 N. Lake Way
Applicant: Jeffrey and Nicola Marcus
Professional: Mario Nievera/Nievera Williams Design
Project Description: Landscape design updates.

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

Mr. Nievera presented the landscape and hardscape plans proposed for the existing residence.

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

Mr. Small called for staff comment. Ms. Van Onna stated she had no comments at this time.

Mr. Corey inquired about the shade trees that were requested. Mr. Nievera responded. He thought the Royal Palms seemed a bit out of scale and recommended Coconut Palms.

Mr. Ives supported the project.

Please note: Mr. Kirchhoff stepped away during this project. It was noted that Mr. Floersheimer voted in his absence.

Motion made by Mr. Floersheimer and seconded by Ms. Grace to approve the project as presented. Motion carried unanimously.

Please note: The Commission took a break at 11:10 a.m. The meeting resumed at 11:20 a.m.

5. B-073-2020 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 1015 S. Ocean Blvd.

Applicant: 1015 South Ocean Boulevard LLC (Maura Ziska)

Professional: Harold Smith/Smith and Moore Architects

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

A motion carried at the December meeting to defer the project to the January 27, 2021 at staff's request.

ZONING INFORMATION: 1) Section 134-840: Special Exception with Site Plan Review to allow the construction of an 11,031 square foot two-story residence on a non-conforming lot that is 97.97 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning District.

2) Section 134-843(a)(5): A request for a variance to allow the proposed residence to have a front setback of 16 feet 7.5 inches in lieu of the 35 foot minimum required in the R-A Zoning District.

3) Section 134-843(a)(9): A request for a variance to allow the proposed residence to have a rear setback of 2 feet 7 inches in lieu of the 15 foot minimum required in the R-A Zoning District.

4) Section 134-843(a)(6)b: A request for a variance to allow the proposed residence to have an Angle of Vision of 133.74 degrees in lieu of the 120 degrees maximum allowed in the R-A Zoning District. 5) Section 134-843(a)(7): A request for a variance to have a building height plane setback ranging as close to the front property line as 16.8 feet (one story element) to 29.25 feet (two-story element) in lieu of the minimum 35 foot (one story element) to 47.6 foot (two-story element)

required by Code in the R-A Zoning District.

A motion carried at the January meeting to defer the project to the February 24, 2021 meeting for a restudy of the project in accordance with the comments of the

Commissioners. A motion carried at the February meeting to defer the project to the March 24, 2021 meeting at the request of the professional. A motion carried at the March meeting to defer the project to the April 28, 2021 meeting to address the comments of the Commissioners, which included comments regarding the requested variances, the massing on the south end and the beach cabana. A motion carried at the April meeting to defer the project to the May 26, 2021 meeting to restudy the massing, the east fenestration, the beach loggia and the requested variances.

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

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

Mr. H. Smith presented the changes made to the design since the last meeting. He presented the architectural plans proposed for the new home.

Steve West, Parker Yannette Design Group, presented the landscape and hardscape modifications proposed for the new residence.

Maura Ziska, attorney for the owner, explained the new zoning requests and advocated for a positive recommendation to the Town Council.

Mr. Small called for public comment.

Frank Lynch, attorney for the neighbors at 1020 S. Ocean Blvd., expressed concern for the larger home to be built than the previous home.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Corey thought the zoning information was not clear and should be made clear at the beginning of the meeting. Mr. Corey tried to clarify the current variance requests. Ms. Ziska responded. Mr. Corey thought the changes by the professional at each meeting were small and minor tweaks to the home. He did not believe the house worked well with the established character, he thought the home was too close to the road, questioned the design for the area, questioned the fenestration and added that he could not support the project.

Mr. Ives thought the design was static but thought the professional has made an honest effort. He thought the Commission should be professional and fair to the applicant. He believed the Commission should move the project.

Ms. Grace thought the Commission has been very clear to the applicant. She also stated she spoke to the professional about providing a deed restriction to protect the beach vista. She was in favor of the open loggia design, and was in favor of

the way the broke up the mass on the north end of the home. She felt that the east side, guest portion looked like a large block and wondered if the mass could be broken.

Ms. Shiverick thought that the owner and architect have made changes at the direction of the Commission. She still felt the design was too similar for the area.

Mr. Smith thought that the changes made have not been enough and could not support the project.

Mr. Kirchhoff was in favor of the previous design and stated he was ready to approve the project at the last meeting. He was not in favor of the loggia. He thought the project should be moved.

Mr. Floersheimer stated he always in favor of the type of architecture but did believe it was too large for the lot. Mr. Floersheimer inquired about the length of the home that needed a variance. Mr. H. Smith responded.

Mr. Sammons thought the home should have been denied on the first application. He did not believe the home was charming. He thought the home was massive and hideous.

Mr. Small thought the Commission have been honest, patient and cooperative with the review of the project. He did not believe the changes have met the concerns of the Commissioners. Mr. Small thought the home should be changed to be less massive and much smaller. He stated he could not support the project.

Mr. Corey thought the Commission has been clear in their direction.

Motion made by Mr. Corey and seconded by Ms. Shiverick that implementation of the proposed variances will cause negative architectural impacts to the subject property. Motion carried 6-1, with Mr. Ives opposed.

A second motion made by Mr. Corey and seconded by Mr. Kirchhoff to deny the project at 1015 S. Ocean Blvd. as presented, based on the failure to comply with Section 18-205 of the Code, paragraph a (1) and (8). Motion carried 5-2, with Mr. Ives and Ms. Grace opposed.

6. B-013-2021 Demolition/New Construction

Address: 216 Tradewind Dr.

Applicant: DGLPB, LLC (Richard True, Managing Member)

Professional: Kevin Asbacher/Asbacher Architecture

Project Description: Demolish an existing two-story residence and construct a new two-story Island Colonial residence and swimming pool with final landscape and hardscape.

A motion carried at the February meeting to approve the demolition of the existing home. A second motion carried to defer the project to the March 24, 2021 meeting in accordance with the comments of the Commissioners, which related to the massing of the proposed home and the number of curb cuts proposed. A motion carried at the March meeting to defer the project to the April 28, 2021 meeting to address the comments of the Commissioners, which included comments regarding the massing of the home, the study of splitting some of the guest rooms into a guest house, the fenestration and the balconies on the front façade.

Please note: This project was withdrawn at the Approval of the Agenda, Item VI.

7. B-019-2021 Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 101 Nightingale Trail

Applicant: 04TST101 Nightingale LLC (Brian Libman, Manager)

Professional: Brooks & Falotico Associates, LLP

Project Description: Exterior alterations and interior renovations to two-story single family residence; revised fenestration on all elevations; reframe portions of existing roof to accommodate new fenestration height and replace existing roof tiles; renovate entry portico, frame for second floor roof deck, and face with coquina; new Dutch gables at courtyard elevations; renovate pool terrace and incorporate new retaining walls; remove existing driveway and install new hardscape and landscape.

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

A motion carried at the March meeting to defer the project to the April 28, 2021 meeting to address the comments of the Commissioners, which included the identity and character of the home, the front entry, the fenestration, the shutters, the balconies and glass railings. A motion carried at the April meeting to defer the project for one month, to the May 26, 2021 meeting, to restudy the gables, fenestration and in accordance with the comments of the Commission.

Please note: This project was deferred to the June 23, 2021 meeting at the Approval of the Agenda, Item VI.

8. B-024-2021 Demolition/New Construction

Address: 240 Mockingbird Trail

Applicant: Lee Fensterstock

Professional: Patrick Segraves/SKA Architect + Planner

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

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

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

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

Lee Fensterstock, managing member of ownership group, discussed the changes that had been made to meet the comments of the Commissioners. He further explained why he believed the project should be approved.

Pat Segraves, SKA Architect + Planner, presented the architectural modifications made to the proposed home since the last meeting.

Chris Simon, Nievera Williams Design, stated that there had been no changes to the landscape and hardscape since the last meeting.

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

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Corey thought that the design had been changed in accordance with the comments from the Commissioners. He thought some tweaks could still be made but added he would support the project.

Mr. Ives thought the house was fine but thought it lacked individuality and uniqueness.

Ms. Grace questioned the front balcony and door design and thought maybe a single window would look better. She agreed with Mr. Ives that the house was very common. She suggested using the garage to add some distinctive character.

Ms. Shiverick agreed with the other Commissioners and thought the home lacked some charm. She preferred the previous railing on the front of the home. She thought the garage needed some restudy.

Mr. Kirchhoff thought the front entry proportions were incorrect and the home needed some folly. He added that he could not support the project.

Mr. Sammons agreed with Mr. Kirchhoff and thought the portico needed a restudy. He thought the flat roof was indicative of a sign that the house is too big. He thought the house lacked some uniqueness.

Mr. Small agreed with the other Commissioners. He recommended a complete restudy or a denial.

Mr. Segraves explained the changes that he made at the direction of the Commission.

Mr. Fensterstock thought the home was not similar to the homes on the street.

Mr. Corey thought that the Commission had given clear direction on their concerns.

Motion made by Mr. Corey and seconded by Mr. Kirchhoff to defer the project for one month, to the June 23, 2021 meeting for a restudy of the home design. Motion carried 6-1, with Ms. Shiverick opposed.

Please note: The Commission took a lunch break at 12:30 p.m. The meeting resumed at 1:00 p.m. Ms. Grace returned at 1:03 p.m.

B-028-2021 Additions/Modifications

Address: 214 Dunbar Rd.

Applicant: 214 Dunbar, LLC (William Georgas, Member)

Professional: SKA Architect + Planner

Project Description: Renovation and addition to existing one story house and cabana in Regency style. Addition of 925 sq. ft. Final landscape and hardscape included.

A motion carried at the April meeting to approve the project as presented with a restudy of the proportions of the portico, which would return to the May 26, 2021 meeting.

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

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

Pat Segraves, SKA Architect + Planner, presented the architectural modifications for the pediment and column details.

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

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Corey thought the proportions were studied and worked well. He questioned the lack of proportions for the entablature.

Ms. Grace was in favor of the project.

Motion made by Mr. Corey and seconded by Ms. Shiverick to approve the project as presented. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

9. B-030-2021 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW WITH VARIANCE(S)

Address: 267 Dunbar Rd.

Applicant: Michael S. Arlein, Trustee of the 267 Dunbar Road Trust

Professional: SKA Architect + Planner

Project Description: Demolition of existing two-story house. New construction of one and two story contemporary house, approx. 7500 sq. ft. Final landscape and hardscape included.

A motion carried at the April meeting to defer the project to the May 26, 2021 meeting because of an erroneous demolition report and to allow the professional to return with a proper construction screening plan in accordance with the Code. A second motion carried to deny the new construction plan.

ZONING INFORMATION: Section 134-893(c): Site Plan Review to allow the construction of a new one and two story 7,500 square foot single family residence on a non-conforming platted lot which is 98.5 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District. Section 134-893(5): A variance request to allow the construction of a new one and two story 7,500 square foot single family residence with a street side yard setback of 25 feet in lieu of the 30 foot minimum required in the R-B Zoning District.

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

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

Pat Segraves, SKA Architect + Planner, presented the architectural plans proposed for the demolition of the existing home.

Mr. Small confirmed that the home was not on the list to be landmarked. Mr. Segraves provided confirmation.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape plans proposed for the demolition of the existing home.

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

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Corey inquired what the applicant preferred between option 1 and option 2. Mr. Williams responded that he would prefer option 2. Mr. Corey stated he would prefer option 1.

Mr. Ives and Ms. Grace thought the plan was fine and deferred to the applicant to which option they preferred.

Motion made by Ms. Shiverick and seconded by Ms. Grace that the proposed demolition of 267 Dunbar Road has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the project as presented with the condition to sod and irrigate the property within 30 days. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

10. B-031-2021 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW WITH VARIANCE(S)

Address: 130 Algoma Rd.

Applicant: 130 Algoma, LLC (Lee Fensterstock)

Professional: SKA Architect + Planner

Project Description: Demolition of existing one story house while preserving existing garage and finish floor. New construction of two story classical house, approx. 6,448 sq. ft. Final landscape and hardscape.

A motion carried at the April meeting to defer the demolition for one month, to the May 26, 2021 meeting, to allow the Commissioners to receive a proper demolition report and landscape demolition plan. A second motion carried at the April meeting to defer the entire project, including the new construction, to the May 26, 2021 meeting.

ZONING INFORMATION: Section 134-229; Section 134-329 and Section 134-843(b): Special Exception with Site Plan Review to allow the construction of a new two story 6,448.55 square foot residence while preserving the existing one story nonconforming garage on a lot with an area of 15,708 square feet in lieu of the 20,000 square foot minimum required; a lot depth of 142.33 feet in lieu of the 150 foot minimum required; and a lot width of 111.89 in lieu of the 125 foot minimum required; all in the R-A Zoning District. The following variances are being requested: 1) Section 134-843(8): to allow the existing east side yard setback to remain at 8.75 feet in lieu of the 15 foot minimum required to keep the existing non-conforming garage. 2) Section 134-843(7): to allow a building height plane setback to be 46.1 feet in lieu of the 48.33 foot minimum setback required.

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

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

Daniel Clavijo, SKA Architect + Planner, presented the architectural plans proposed for the demolition of the existing home.

Mr. Small confirmed that the home was not on the list to be landmarked. Mr. Clavijo provided confirmation.

Chris Simon, Nievera Williams Design, presented the landscape and hardscape plans proposed for the demolition of the existing home.

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

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Motion made by Mr. Corey and seconded by Ms. Grace that the proposed demolition of 130 Algoma Road has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the project as presented with the condition to sod and irrigate the property within 30 days. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Maura Ziska, attorney for the owner, explained the current zoning relief needed with the current application. She advocated for a positive recommendation to the Town Council.

Mr. Clavijo presented the architectural plans proposed for the new residence.

Mr. Simon presented the landscape and hardscape plans proposed for the new residence.

Lee Fensterstock, owner, addressed some of the concerns outlined by neighbor Sandy Rogers.

Mr. Small called for public comment.

Jason Mankoff, attorney representing 142 Via Palma, thanked the owner for eliminating the previous variance requested.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Corey thought the house sat well on the lot. He thought the style was fine but thought it lacked some charm and character. He suggested maybe adding some character in the landscaping as well. He asked for clarity on the front door material.

Mr. Segraves stated that the glass door design would return to the Commission.

Mr. Corey also suggested lowering the height on the second floor.

Mr. Ives agreed with Mr. Corey and thought the home needed more charm and identity. He thought the landscaping plan needed some character as well.

Ms. Grace thought the neighboring homes had charm, while the proposed was cold, lacked charm and identity. She also agreed that the second floor could be reduced.

Ms. Shiverick did not find the design to have any interest, charm, or pizzazz. She thought the home was a cookie cutter home. She recommended a complete and total redesign.

Mr. Kirchhoff agreed that the house could use some charm. He questioned the balcony railing design, the banding above the garage doors, and the banding detail around the home.

Mr. Floersheimer thought the topography of the land could have been used to come up with a different design of the garage. He thought the height of the home could be reduced. He noticed the muntin pattern on the three doors on the south elevation could be restudied. Mr. Clavijo responded. Mr. Floersheimer inquired about a concrete wall on the western side of the property to prevent or catch runoff. Mr. Clavijo responded.

Mr. Castro provided staff comments. A discussion ensued about the point of measurement for the building height plane.

Motion made by Ms. Shiverick and seconded by Mr. Corey to defer the project for one month, to the June 23, 2021 meeting, for a restudy in

accordance with the comments from Mr. Castro and the Commissioners, to include style, floor height and garage orientation. Motion carried unanimously.

A short discussion ensued about the motion and the redesign going forward.

Please note: Mr. Sammons returned to the meeting at 2:03 p.m.

11. B-032-2021 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 273 Tangier Ave.

Applicant: Gretchen Jordan

Professional: Bridges, Marsh & Associates, Inc.

Project Description: Proposal of a one room second floor addition in place of an existing upper terrace and changes to existing fenestration.

A motion carried at the April meeting to defer the project to the May 26, 2021 meeting for a restudy, the addition and front door in particular.

ZONING INFORMATION: The Applicant is proposing to enclose a 432 square foot balcony on the second floor in the rear of the residence in order to create an office. This will require the following variance to be requested: Section 134-893(13): a cubic content ratio of 4.1 in lieu of 3.9 existing and the 3.93 maximum allowed in the R-B Zoning District.

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

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

Mark Marsh, Bridges, Marsh & Associates, Inc., presented the architectural modifications proposed for the existing residence.

Maura Ziska, attorney for the owner, discussed the zoning request needed and advocated for a positive recommendation to the Town Council.

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

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Ms. Grace preferred the existing front door rather than the proposed front door. She expressed concern for the proposed garage doors and thought they stood out. She also expressed

Ms. Shiverick preferred the window layouts proposed. She was in favor of the project and supported the CCR variance.

Mr. Kirchhoff questioned the fenestration as well as the garage door design. He stated he would support the project.

Mr. Floersheimer agreed with Mr. Kirchhoff.

Mr. Small also agreed with Mr. Kirchhoff on the proposed garage doors.

Mr. Corey suggested using a standard five panel, horizontal garage door.

Motion made Mr. Corey and seconded by Ms. Shiverick that implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried unanimously.

A second motion made by Mr. Corey and seconded by Mr. Kirchhoff that the proposed project at 273 Tangier Avenue has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances and to approve the project as presented with the condition that a horizontal five panel garage door is to be used. Motion carried 6-1, with Ms. Grace opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

At this time, the next project was moved to this position in the agenda at the request of the Chairman.

12. B-043-2021 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW WITH VARIANCE(S)

Address: 160 Chilean Ave.

Applicant: Lisa Paolozzi

Professional: M. Mark Marsh/Bridges, Marsh & Associates, Inc.

Project Description: Addition to and remodel of existing one story residence with new pool, landscape and hardscape.

ZONING INFORMATION: Section 134-229, Section 134-329 and Section 134-893(b): Special Exception with Site Plan Review to allow the renovation of an existing one story residence by demolishing more than 50% cubic footage on a lot with a width of 50 feet in lieu of the 100 foot minimum required and an area of 8,000 square feet in lieu of the 10,000 square foot minimum required in the R-B Zoning District. Additionally, the applicant is proposing to construct one story additions totaling 950 square foot that will require the following variances to be requested: Section 134-893(7): to allow a 4.7 foot east side yard setback in lieu of the 12.5 foot minimum required in the R-B Zoning District. Section 134-893(7): to allow a 5.2 foot west side yard setback in lieu of the 12.5 foot minimum required in the R-B Zoning District.

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

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

Mark Marsh, Bridges, Marsh & Associates, Inc., presented the architectural modifications proposed for the existing residence.

Maura Ziska, attorney for the owner, discussed the zoning request needed and advocated for a positive recommendation to the Town Council.

Sean Allen, Nievera Williams Design, presented the landscape and hardscape plans proposed for the existing residence.

Mr. Small called for public comment.

Ben Mullaly, 155 Peruvian Avenue, expressed many concerns about the proposed project.

Messrs. Marsh and Allen responded to Mr. Mullaly's comments.

Mr. Small called for staff comment. Mr. Castro and Ms. Van Onna provided staff comments.

Mr. Corey inquired if a pool could be installed with the power lines are overhead. Mr. Castro responded. Mr. Corey understood the challenges with this home. He questioned the additions of the wings on the north and south. He questioned the pool location as well. He suggested working in the master bedroom in the main house and possibly adding a guest home in the rear of the home.

Mr. Ives liked the design and stated he would support the variances.

Ms. Grace thought the project was attractive and was happy the home was being renovated, rather than demolished. She recommended the owner works with the neighbor.

Ms. Shiverick suggested using a white trim, rather than black. She agreed with Ms. Grace's comments. She liked Ms. Van Onna's suggestion on the front door. Mr. Marsh responded. She was intrigued by Mr. Corey's idea of a guest house.

Mr. Smith had concern for the installation of the underground electricity so close to the home. Mr. Smith expressed concern of the extension of the flat roof to the street.

Mr. Kirchhoff liked the fact that the house would be saved. He questioned the functionality of the equipment yard and enclosure.

Mr. Allen stated that the power lines are 10 feet from the proposed new pool location.

Mr. Floersheimer appreciated the owners saving the home and keeping it a one story. He discussed the sewer line that ran through the property. He questioned the skylights and roof ridge structure and whether it reflected the Palm Beach style.

Mr. Small expressed concern for the dormer or roof windows proposed and thought they were a distraction. He questioned the pool design and the need for variances.

Motion made by Ms. Shiverick and seconded by Ms. Grace to defer the project for one month, to the June 23, 2021 meeting, for restudy based on the comments from the neighbors and the Commissioners, specifically addressing the power line situation, the lighting, and the dormer window design. Motion carried unanimously.

Please note: A short break was taken at 3:03 p.m. The meeting resumed at 3:15 p.m.

13. B-033-2021 Additions/Modifications

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

Address: 760 N. Ocean Blvd.

Applicant: Palm Beach Country Club (Maura Ziska)

Professional: Ronald Rickert II/Intelae, LLC

Project Description: Addition of a Padel court to the south-central area of the property.

A motion carried at the April meeting to defer the project to the May 26, 2021 meeting due to lack of presentation materials.

ZONING INFORMATION: Section 134-890(5): Modification to a previously approved private club in a residential zoning district by adding a Padel ball court on the Fairview Road property owned by the Palm Beach Country Club. Section 134-1759: A request for Special Exception Approval with Site Plan Review to allow construction of a Padel ball court that will be enclosed and screened by landscaping.

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

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

Mario Nievera, Nievera Williams Design, presented the landscape and hardscape plans proposed for the Padel ball court.

Maura Ziska, attorney for the owner, presented the plans for proposed Padel court.

Mr. Small inquired if the court would be lighted, to which Ms. Ziska replied that it would not be lighted.

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

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Corey inquired about the Green Buttonwood hedge on Fairview and the proposed height of the hedge. Mr. Nievera responded. Mr. Corey thought the court was harsh and could not support the request.

Mr. Ives stated he thought the request was fine.

Ms. Grace questioned why the landscaping was not directly next to the court. Without that coverage, she stated she could not support the request.

Ms. Shiverick thought this would be well screened and supported the request.

Mr. Smith confirmed that the court would be screened and then screened around the street as well. Mr. Nievera provided confirmation. Mr. Smith suggested providing a deed restriction for the hedges. Mr. Smith stated he would support the request.

Mr. Kirchhoff agreed with Mr. Smith.

Mr. Floersheimer thought this request was acceptable since it was screened on all four sides.

Mr. Small thought the setting was compatible for the request.

Motion made by Ms. Shiverick and seconded by Mr. Smith to approve the project as presented. Motion carried 5-2, with Ms. Grace and Mr. Corey opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

14. B-034-2021 Additions/Modifications

Address: 905 N. Ocean Blvd.

Applicant: 905 N. Ocean LLC (Maura Ziska)

Professional: LaBerge and Menard

Project Description: Guest house addition and new landscape/hardscape.

A motion carried at the April meeting to defer the project to the May 26, 2021 meeting for restudy, particularly how the home fits onto the lot.

Please note: This project was deferred to the June 23, 2021 meeting at the Approval of the Agenda, Item VI.

E. MAJOR PROJECTS – NEW BUSINESS

1. B-036-2021 Modifications

Address: 201 Ocean Terrace

Applicant: Scott Goodwin

Professional: John Melhorn/Thomas Melhorn

Project Description: Alterations to façade and roof color; replacement of entry door; relocation of two screened openings on east façade; one window relocation on west façade; alteration to glazing on north façade; alteration to landscape and hardscape; removal of pergola; replacement of sconces; replacement of in kind railing.

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

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

Mr. Melhorn presented the architectural modifications proposed for the existing residence.

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

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

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Corey suggested removing some of the hardscape around the pool. He liked the rest of the landscaping. He was not in favor of the front door change as well as the nano doors.

Mr. Ives stated he supported the project.

Ms. Grace inquired about the design of the steel door. Mr. Melhorn responded. Ms. Grace stated she preferred the straight picket railing over the Chippendale railing. Ms. Grace was not in favor of the color change. She also preferred the existing fenestration over the proposed fenestration on the north elevation.

Ms. Shiverick liked the newly, proposed front door. She also was in favor of the simplification of the property. She recommended using steel doors for the sliders

so that they matched the front door. Mr. Melhorn explained the material to be used on the rear sliders.

Mr. Smith stated he could not support the front door change but would support the rear fenestration changes.

Mr. Kirchhoff agreed with Ms. Shiverick with the landscaping changes. He was not in favor with the fenestration changes but provided some suggestions for the change. He liked the change in the railing but did not prefer the Chippendale design.

Mr. Floersheimer stated he thought the Chippendale railing and the glass door were in conflict with each other. He was not in favor of the glass doors on the north elevation. He suggested adding mullions on the glass doors. Mr. Melhorn showed an alternate elevation, which had mullions on the doors.

Mr. Sammons thought the proposed front door was too much of a departure for the design style of the home. He stated he could not support the large sliding doors on the north elevation either. He questioned the proportions of the sliding doors. He also objected to the black roof material proposed.

Mr. Small thought the proposed conflicted with the existing and stated he could not support the project.

Motion made by Mr. Corey and seconded by Ms. Grace to defer the project for one month, to the June 23, 2021 meeting, for a restudy in accordance with the comments of the Commissioners. Motion carried unanimously.

2. B-039-2021 Demolition/New Construction

Address: 200 Bahama Lane

Applicant: 200 Bahama Lane, LLC (Maura Ziska)

Professional: SKA Architect + Planner

Project Description: Demolition of existing one story house. New construction of two story classical style house, approx. 5,856 sq ft. Final landscape and hardscape included.

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

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

Pat Segraves, SKA Architect + Planner, presented the architectural demolition plans proposed for the existing residence.

Mr. Small asked for confirmation that the existing home was not on a list to be landmarked. Mr. Segraves provide confirmation

Andres Paradelo, Paradelo Burgess Design Studio, presented the landscape and hardscape plans proposed for the demolition of the existing home.

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

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Corey inquired about any landscaping on the east and west sides that was worth salvaging to help with screening the property. Mr. Paradelo responded.

Motion made by Mr. Corey and seconded by Ms. Shiverick that the proposed demolition of 200 Bahama Lane has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the project as presented with the condition to sod and irrigate the property within 30 days. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

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

Mr. Paradelo presented the landscape and hardscape plans proposed for the new residence.

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

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Corey thought the proposed home was wrong and unsuccessful for the street. Mr. Corey suggested breaking up the mass of the home, perhaps using dormers. He thought the landscaping was too robotic. Mr. Corey suggested a complete restudy of the entire project.

Mr. Ives agreed with Mr. Corey. He thought the design was static and lacked individuality. Mr. Ives suggested looking at Clarence Mack when revisiting the design. He also thought the landscaping was static as well.

Ms. Grace believed that the proposed home did not fit in the streetscape. She believe the home needed to be smaller with more character.

Ms. Shiverick agreed and thought this home was too large. She thought the home did not belong on the street.

Mr. Smith suggested moving into the Bermuda style. He thought the home was too large and bulky.

Messrs. Kirchhoff, Sammons, Floersheimer and Small agreed with the other Commissioners.

Motion made by Mr. Corey and seconded by Mr. Ives to defer the project for two months, to the July 28, 2021 meeting, for an entire restudy. Motion carried unanimously.

3. B-037-2021 Demolition

Address: 1080 S. Ocean Blvd.

Applicant: Todd Glaser

Professional: LaBerge & Menard Inc.

Project Description: Demolition of existing residence.

A motion carried at the April meeting to defer the project to the May 26, 2021 meeting to return with a landscape plan that shows the proper screening during the demolition and new construction.

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

Richard Sammons inquired if he would need to recuse himself for the project. Town Attorney Randolph weighed in on the issue. Mr. Sammons stated he would not recuse himself but also would not comment on the project.

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

Christopher Cawley, Christopher Cawley Landscape Architecture, presented the landscape and hardscape plans proposed for the demolition of the existing residence.

Mr. Small confirmed that the home was not on the list to be landmarked. Mr. Cawley provided confirmation.

Daniel Menard, LaBerge & Menard, presented the architectural plans proposed for the demolition of the existing residence.

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

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Corey thanked the professional for addressing the neighbor's concern on the west.

Ms. Shiverick thought it was a shame to see the Belford Schoumate design demolished.

Katherine Eyre, 112 Kings Road, asked for confirmation that screening would be provided during the demolition, higher than six feet on their side of the property.

Mr. Cawley stated he would provide a 12 foot screening fence.

Motion made by Ms. Grace and seconded by Mr. Kirchhoff that the proposed demolition of 1080 S. Ocean Blvd. has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the project as presented with the condition to sod and irrigate the property within 30 days. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

4. B-042-2021 New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW WITH VARIANCE(S)

Address: 1080 S. Ocean Blvd.

Applicant: Todd Glaser

Professional: LaBerge & Menard Inc.

Project Description: New two story home with pool cabana. House will have clay barrel tile roof, smooth stucco painted Manchester tan.

ZONING INFORMATION: Section 134-843(b): Request for Site Plan Review to allow the construction of a 9,485 square foot two-story, single family residence on a non-conforming platted lot that is 17,567 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District.

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

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

Christopher Cawley, Christopher Cawley Landscape Architecture, presented the landscape and hardscape plans proposed for the new residence.

Mr. Small called for public comment.

Katherine Eyre, 112 Kings Road, asked for confirmation that the pool orientation is north to south. Mr. Cawley provided this confirmation. Ms. Eyre inquired if there would be a generator and where it would be located. Mr. Cawley responded. Ms. Eyre inquired about the height of the current home as well as the proposed home. Ms. Menard responded.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Corey was in favor of the asymmetrical design. He also was in favor of the landscaping plan. He liked the colors and the roof material. Mr. Corey wondered if there was any way to break the ridge across S. Ocean and provide prominence to the front entrance. He also suggested breaking the ridge above the garage element. He recommended removing the chimneys. He questioned the Coconut Palm on the northeast corner and suggested making it a Date Palm.

Mr. Ives agreed with Mr. Corey and liked his idea of giving prominence to the front entrance. He thought the design was a bit heavy. He suggested adding some lightness and flow, possibly in the materials to be used. He thought a revisit to the columns on the interior courtyard was necessary.

Ms. Grace liked Mr. Corey's suggestion. She stated she liked the inspiration photos that the professional provided. She questioned the fenestration proposed as they were very symmetrical. She suggested adding some more character in the fenestration. She wondered if the colors in the inspiration photos could be achieved in the proposed home.

Ms. Shiverick thought the design was intriguing. She thought the corner entrance appeared clunky. She suggested looking at the inspiration photo with the rounded entrance. She agreed with removing the chimneys as well as revisiting the columns in the rear of the home. She thought the home had a lot of potential.

Mr. Smith thought there were too many balconies on the home. He agreed with the removal of the chimneys. He agreed with the break on the ridge at the garage section of the house. He provided guidance on the quoins on the garage wing. He thought the columns on the loggia needed to be restudied as well as the style of the garage doors.

Mr. Kirchhoff liked the oval entry. He thought the site plan was a bit scattered and suggested some refinement. He thought the arched top doors on the east were conflicting to the sliding doors on the west side. He agreed with the suggestion to break up the roof line and remove the balcony elements from the entrance.

Mr. Floersheimer stated he looked forward to seeing the revisions as this home had the originality that the Commission has been requesting.

Mr. Small agreed with Mr. Floersheimer. He thanked the professional for the video shown. He also thanked the professional for the design style chosen. He shared the comments for the corner entry, the rear loggia, and the orientation of the garage doors.

Motion made by Mr. Corey and seconded by Mr. Ives to defer the project for one month, to the June 23, 2021 meeting, in accordance with the comments of the Commissioners. Motion carried unanimously.

5. B-045-2021 Additions

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 230 N. Ocean Blvd.

Applicant: 230 North Ocean Trust (Maura Ziska, Trustee)

Professional: Portuondo-Perotti Architects

Project Description: Addition of two garden pergolas to rear yard.

ZONING INFORMATION: Section 134-893(13). A request for a variance to add two pergola structures located in the back yard totaling 619.6 square feet which will result in a cubic content ratio ("CCR") of 4.395 In lieu of 4.14 existing CCR and the 4.15 maximum CCR allowed in the R-B Zoning District.

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

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

Maura Ziska, attorney for the owner, discussed the zoning relief needed for the pergolas and advocated for a positive recommendation to the Town Council.

John Lang, Lang Design Group, presented the architectural plans for the proposed pergolas.

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

Mr. Small called for staff comment. Ms. Van Onna stated she had no comments at this time.

Ms. Grace thought the trellis appeared to be open.

Ms. Shiverick inquired about the coverage of the trellis. Mr. Lang responded.

Mr. Kirchhoff suggested to adding a roof on to the trellis next to the home. Mr. Lang responded.

Motion made by Ms. Grace and seconded by Ms. Shiverick to approve the project as presented. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

A second motion made by Ms. Grace and seconded by Mr. Corey that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously.

*Please note: The meeting stopped at 5:44 p.m. on May 26, 2021. The meeting resumed at *:59 a.m. on May 27, 2021. Upon roll call, Messrs. Corey and Ives. Mr. Sammons arrived 9:02 a.m.*

6. B-046-2021 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW WITH VARIANCE(S)

Address: 1540 S. Ocean Blvd.

Applicant: 1540SOcean LLC (Maura Ziska)

Professional: Roger Janssen/Dailey Janssen Architects

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

ZONING INFORMATION: Section 134-843(b): Request for a Special Exception with Site Plan Review to allow the construction of a 10,284 square foot two-story, single family residence on a non-conforming platted lot that is 16,151 square feet in area in lieu of the 20,000 square foot minimum required; 145.53 feet In depth in lieu of the 150 foot minimum depth required; and 112.53 feet in width in lieu of the 125 foot minimum depth required in the R-A Zoning District. Section 134-2: a variance to allow a point of measurement of 21.42 ft NAVD in lieu of the 18.87 ft NAVD maximum allowed for the building height plane calculation.

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

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

Mr. Janssen presented the architectural plans for the proposed demolition of the existing two-story property.

Dustin Mizell, Environmental Design Group, presented the landscape and hardscape plans proposed for the existing site.

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

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Floersheimer thought the home was in poor shape. He inquired about the removal of a site wall. Mr. Mizell responded.

Motion made by Ms. Shiverick and seconded by Ms. Catlin that the proposed demolition of 1540 S. Ocean Blvd. has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the project as presented

with the condition to sod and irrigate the property within 30 days. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Mr. Janssen presented the architectural plans proposed for the new residence.

Mr. Mizell presented the landscape and hardscape plans proposed for the site and new residence.

Mr. Janssen addressed the concerns indicated in a letter from several neighbors.

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

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Lindsay DuGan, 114 Ocean View, expressed concern for their protection during the demolition of the existing property. She requested a 12-foot-high screening fence.

Ms. Grace she thought the house needed to fit into the S. Ocean Blvd. streetscape. She did not believe the proposed home fit into the area. She thought the area would lose its identity with the proposed home. She thought the home was busy with many windows and shutters. She inquired about the floor heights of the home. Mr. Janssen responded. She thought there were many lanterns around the garage door. She inquired about the number of homes on Ocean View that had double curb cuts.

Ms. Shiverick thought the home was a little tall and too big. She felt the height plan variance could be eliminated. She inquired about the existing number of curb cuts on the property. Mr. Janssen responded. She thought maybe the eastern most curb cut could be eliminated. She thought the house was a bit busy, particularly on the windows over the front door and the windows over the door on the eastern elevation. She expressed concern for the plate glass windows needed to be reduced. She thought the louvered panels above the front door should be painted white, rather than blue.

Mr. Smith thought this was a cute house but thought it looked like a mansion. He agreed the house looked a little busy. He thought one of the curb cuts should be eliminated as well as the variance.

Mr. Kirchhoff was in favor of the home. His only concern was possibly too much glass on the ocean side. He also believed there may be too much landscape lighting.

Ms. Catlin thought the home fit into the area. She agreed with Ms. Shiverick's suggestion to reduce the number of windows. She liked the transoms around the plate glass windows. She supported both curb cuts on the site for safety reasons. She inquired if the proposed height would put them ahead the upcoming FEMA changes. Mr. Janssen responded. She was in favor of the style of the home.

Mr. Floersheimer thought the fenestration could be restudied as well as the variance could be eliminated. He inquired about the height of the home in relationship to the requirements of DEP. Mr. Janssen responded.

Mr. Sammons questioned the need for the height plan variance. Mr. Sammons thought the style of the home could lend itself to smaller buildings. He suggested that the style could be changed to a Mediterranean style. He thought the fenestration could be reduced and restudied. He suggested a restudy of the balcony features.

Mr. Small appreciated the elimination of the curb cut on S. Ocean Blvd. He supported the two curb cuts on Ocean View. He believed there was too much glass on the home. He also believed that the variance could be eliminated. He did believe the style of the home was in harmony with the neighborhood.

Motion made by Ms. Grace and seconded by Ms. Shiverick to defer the project for one month, to the June 23, 2021 meeting, in accordance with the comments from the Commissioners, particularly relating to size, fenestration, curb cuts, style and the requested variance. Motion carried unanimously.

7. B-048-2021 New Construction

Address: 224 S. Ocean Blvd.

Applicant: Armen Manoogian

Professional: Jose A. Gonzalez/Gonzalez Architects

Project Description: Proposed work includes the construction of a new 836 square foot, one story detached, four car garage and driveway. Also, the siding and all trim of the existing adjacent guest house will be repainted to match the main house.

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

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

Mr. Gonzalez presented the architectural plans proposed for the new garage.

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

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Ms. Grace stated she has enjoyed the changes to the property over the last several years. She supported the integration of the additional property into the main property. However, she was not in favor of the current proposal. She questioned the roof line of the garage structure. She thought the windows on the garage doors emphasized the horizontality of the structure. She suggested a different roof line and different windows. Mr. Gonzalez responded.

Ms. Shiverick was in favor of the restoration of the property. She preferred the hip roof over the gable roof. She suggested using three over three windows in the garage. She suggested the hedge in front of the garage should be higher. She inquired about the columns in the colonnade. Mr. Gonzalez responded.

Mr. Smith thought the scale of the garage was too large. He suggested that the garage should be subservient to the home. He also thought the garage should be staggered to break up the mass and roof line. Mr. Smith thought the garage was too tall and too massive. Mr. Gonzalez responded.

Mr. Kirchhoff agreed with Mr. Smith. He liked the hip roof suggestion but thought three garage doors would be more appropriate, with more wall between the doors. He added that he believed more space should be given between the main residence and the garage structure. He applauded the owner for saving the guest home.

Ms. Catlin greatly appreciated the preservation of the home to the west. She liked the colonnade but questioned the connection to the main home. She thought the garage was big and boxy and did not enhance the main structures. She was in favor of the garage behind the hedge. She believed the garage was too massive.

Mr. Floersheimer thanked the owner for saving the home to the west. He thought the unity of title brought the main home into compliance. His concern was that the garage doors lined up with the main home. He believed that this made the buildings seemed massive. He preferred the hip roof design. He agreed with Mr. Smith's suggestion to lower the structure. He suggested the colonnade should be reconfigured to allow the garage to be moved and staggered. Mr. Gonzalez responded.

Mr. Sammons thought the garage doors facing the street were inappropriate. He thought more imagination should be giving to the design. He suggested rotating the garage and engaging the columns of the colonnade with the garage structure.

Motion made by Mr. Floersheimer and seconded by Ms. Shiverick to defer the project for one month, to the June 23, 2021 meeting, in accordance with the comments of the Commissioners, with a specific request to bring a view of the colonnade from the south. Motion carried unanimously.

F. MINOR PROJECTS – OLD BUSINESS

1. A-048-2020 Modifications

Address: 230 Atlantic Ave.

Applicant: Linda Saligman

Professional: Kyle B. Fant/Bartholemew + Partners

Project Description: Interior and exterior remodel as defined in the November and December ARCOM meeting. Present new front elevation and pergola in the rear.

Motion carried at the November meeting to defer the project to the December 18, 2020 meeting for a restudy in accordance with the comments from the Commissioners, which many questioned the proposed changes to the front façade. A motion carried at the December meeting to defer the project to the January 27, 2021 meeting to address the comments of the Commissioners, particularly relating to the recommendations on the landscape plan, lanterns, garage doors and front entrance design. A motion carried at the January meeting to defer the project to the February meeting at the request of the professional. A motion carried at the February meeting to defer the project to the March meeting due to lack of presentation materials submitted. A motion carried at the March meeting to defer the project to the April 28, 2021 meeting for a restudy of the front entrance design, window configuration and garage doors. A motion carried at the April meeting to defer the project at the request of the professional.

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

Mr. Fant presented the architectural modifications proposed for the existing residence.

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

Mr. Small called for staff comment. Ms. Van Onna stated she had no comments at this time.

Ms. Grace thought the lanterns on the front door were too large. She also suggested to remove the lanterns over the garage doors.

Ms. Shiverick agreed with Ms. Grace.

Mr. Kirchhoff agreed with Ms. Grace.

Ms. Catlin was in favor of the larger front door.

Mr. Floersheimer thought the lanterns at the front door were too large.

Motion made by Ms. Grace and seconded by Ms. Catlin to approve the project as presented with the condition that the front lanterns adjacent to the

door were changed to smaller lanterns as well as the elimination of the lanterns above the garage doors. Motion carried unanimously.

2. A-024-2021 Modifications

Address: 226 Oleander Ave.

Applicant: J & J Realty

Professional: Dustin Mizell/Environment Design Group

Project Description: Previously approved driveway design to be modified.

Associated hardscape and landscape improvements.

A motion carried at the April meeting to approve the project as presented with the professional to return at the May 26, 2021 meeting with a sample of the cast stone and the gravel material.

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

Mr. Mizell presented the material samples proposed for the cast stone and gravel.

Mr. Small inquired about the glass balcony on the second floor. Mr. Mizell stated that the balcony had been previously staff approved. Ms. Van Onna stated she did not believe the balcony had been staff approved.

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

Mr. Small called for staff comment. Ms. Van Onna stated she had no comments at this time.

Ms. Grace thought the balcony should be removed. She was not in favor of the gravel proposed as it was looked more commercial.

Ms. Shiverick inquired about the location of the gravel material. Mr Mizell responded and explained his reason for the material choice. Ms. Shiverick suggested pavers with turf in between the pavers.

Mr. Castro stated staff could not find any approval or permit for the balcony.

Mr. Kirchhoff was not in favor of the gravel. He suggested an alternate material.

Ms. Catlin was not opposed to the gravel but not the color. She suggested using turf.

Mr. Floersheimer was in favor of Ms. Shiverick's suggestion of the combination of grass and pavers.

Mr. Sammons was not in favor of the color of the gravel. He suggested brick or coquina.

Mr. Small was in favor of Ms. Shiverick's suggestion of the combination of grass and pavers.

Motion made by Ms. Catlin and seconded by Ms. Shiverick to defer the project for one month, to the June 23, 2021 meeting, for a restudy of the materials. Motion carried unanimously.

3. A-035-2021 Landscape/Hardscape

Address: 190 N. County Rd.

Applicant: Temple Emanuel of Palm Beach, Inc. (Steven Horowitz, President)

Professional: Chuck Yannette/Parker Yannette Design Group, Inc.

Project Description: Landscape enhancements along north side of building to include replacing 6 Black Olive trees with 6 native Royal Palms and 2 Medjool Date Palms as well as shrub replacements.

A motion carried at the April meeting to defer the project to the May 26, 2021 meeting for a restudy of the project in accordance with the comments of the Commissioners, in particular the material choice.

Please note: This project was deferred to the June 23, 2021 meeting at the Approval of the Agenda, Item VI.

G. MINOR PROJECTS – NEW BUSINESS

1. A-044-2021 Modifications

Address: 2800 S. Ocean Blvd.

Applicant: J.V. Associates (P.B.) LLC (Mohamed Elbanna, GM)

Professional: Leo A. Daly

Project Description: Existing terrace reconfiguration, removal of fountain, window/door replacement in the first and second floors, and the additions of five windows to the third floor.

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

Anette Lyons-Evans, Leo A. Daly, presented the architectural modifications proposed for the building.

Tiffany May, Leo A. Daly, presented the landscape modifications proposed for the site.

Mr. Small inquired if the professional had colored renderings of the changes in the windows. Ms. Lyons-Evans responded and showed the changes in elevation.

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

Mr. Small called for staff comment. Ms. Van Onna stated she had no comments at this time but asked Mr. Castro to confirm he did not have any zoning concerns. Mr. Castro responded.

Ms. Grace expressed concern for the proposed color for the planter caps.

Ms. Shiverick inquired if only one elevation of windows were changing. Ms. Lyons-Evans responded. She stated she would have preferred a colored rendering of the changes. Ms. Shiverick asked for confirmation that the change in the windows would match the change that occurred in 2019. Ms. Lyons-Evans responded.

Mr. Kirchhoff shared Ms. Shiverick's concern that the windows would not look the same and it was hard to see what the windows. He also inquired about the paint color for the planter cap. Ms. Lyons-Evans responded.

Ms. Catlin wanted to see a rendering of the front of the building.

Mr. Floersheimer requested that the professional return with photographs and renderings for all four sides of the building and of the proposed changes.

Mr. Small believed that not enough information had been received to make a determination.

Ms. Lyons-Evans inquired if they could get a contingent approval on submitting additional renderings of the proposed windows.

Brad Garven, Leo A. Daly, stated the building color was not changing and would be happy to provide a rendering of the windows.

Motion made by Mr. Floersheimer and seconded by Ms. Shiverick to partially approve the project with the reconfiguration of the terrace area as submitted and the professional will submit additional information on the window changes to staff who will confer with Ms. Shiverick on the approval. Motion carried 6-1, with Ms. Grace opposed.

2. A-049-2021 Modifications

Address: 249 Seabreeze Ave.

Applicant: Elizabeth and Joseph Berger

Professional: Mario Nievera/Nievera Williams Design

Project Description: Proposed west PPL and rear north PPL site walls. Proposed pedestrian gate along rear north PPL. Proposed landscape changes along north and west PPL. Proposed hardscape changes around pool and for rear terraces.

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

Sean Allen, Nievera Williams Design, presented the landscape and hardscape modifications proposed for the site.

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

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Kirchhoff inquired about the materials for the gate proposed. Mr. Allen responded. Mr. Kirchhoff was not in favor of the gate.

Ms. Catlin was not thrilled with the project.

Mr. Floersheimer was not in favor of the proposed gate. He thought a better material could be used. He asked for more information on the proposed dog shower. Mr. Allen responded.

Mr. Sammons was not in favor of the proposed gate and thought it was too minimalistic for Palm Beach.

Motion made by Ms. Shiverick and seconded by Mr. Kirchhoff to approve the project as presented, with a new gate design and the details of the dog shower and fountain to return to the June 23, 2021 meeting. Motion carried 6-1, with Mr. Floersheimer opposed.

VIII. **UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)**

1. Public

Aimee Sunny, Preservation Foundation of Palm Beach, stated she would be sending the Commission a survey, which would gather their opinions on challenges that the Commission routinely faces. She added this information would be used to put together a training for realtors.

2. Staff

Mr. Bergman stated that Jeffrey Smith declared a conflict for his project at 1118 N. Lake Way at the April 28, 2021 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Bergman stated that Thomas Kirchhoff declared a conflict for his project at 102 Flagler Drive at the April 28, 2021 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Bergman discussed the first reading approval of Ordinance 06-2021, which detailed changes to the notice requirements as well as added in a requirement for story poles and the option of 3-D virtual models.

Mr. Bergman discussed the first reading approval of Ordinance 09-2021, which detailed changes for the architects on the Commission and their conflicts of interest.

He added one change was that minor projects would not contribute to the number of conflicts accrued.

Mr. Bergman asked the Commission for their recommendation on S-tile roof material. After some discussion, the consensus was to continue the practice that S-tile requests would be reviewed by the Commission and not by staff, unless the S-tile would be used in a repair of less than 50% of a roof. In this case, it would be able to be reviewed by staff.

Mr. Bergman stated that ORS was reviewing artificial turf and would be making a recommendation on when it could be used in the Town.

Mr. Bergman discussed the upcoming hybrid meetings for June, July and August. Mr. Small confirmed that an alternate member would be voting if they constituted a quorum. Town Attorney Randolph confirmed this would be the case. There was some discussion on which Commissioners would be voting in the hybrid meeting.

3. Commission

Ms. Grace suggested making the draft minutes available to the architects. Ms. Churney stated that the architects have access to the draft minutes as well as the audio of the meeting. She inquired about changing the zoning information with each agenda. Assistant Director Murphy discussed the upcoming changes, with respect to the agenda as well as upcoming staff memos.

Mr. Floersheimer discussed the number of projects that requested variances as well as the number of variances granted. He questioned why the number was so prevalent. Town Attorney Randolph stated this issue was a Town Council issue, not an ARCOM issue. Mr. Bergman stated he would be discussing Code Review with the Town Council.

IX. **ADJOURNMENT**

Motion made by Mr. Floersheimer and seconded by Ms. Catlin to adjourn the meeting at 12:06 p.m. on Thursday, May 27, 2021. Motion carried unanimously.

The next meeting will be held on Wednesday, June 23, 2021 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully Submitted,

Michael B. Small, Chairman
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: June 8, 2021

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 055-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Award of a Sole Source Contract to ROK Technologies for GIS Configuration and Implementation for an Annual Contract Amount of \$52,973 and a Five Year Award of \$264,865 based on Satisfactory Performance and Budget Funding and Establish a Project Budget of \$285,000.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated May 21, 2021, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 055-2021**
- ▣ **Proposal**
- ▣ **Sole Source Letter**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 8, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Resolution to Approve the Award of a Sole Source Contract to ROK Technologies for GIS Configuration and Implementation cost of \$15,000, an Annual Contract Amount of \$52,973 and a Five Year Award of \$264,865 and Establish a Project Budget of \$295,000, **Resolution No. 055-2021**

DATE: May 21, 2021

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the Award of a Sole Source Contract to ROK Technologies for GIS Configuration and Implementation cost of \$15,000 and an Annual Contract Amount of \$52,973 equating to a Five Year Award of \$264,865 and Establish a Project Budget of \$295,000.

WHY THIS ACTION IS REQUIRED NOW

The GIS Infrastructure is a critical element to the Town. The move to a cloud environment will provide greater flexibility in managing the software as the existing servers are running a non-supported operating system and as a result does not allow the installation of critical software patches for the ESRI/ArcGIS software. Since these servers are running on a non-supported operating system, the Town is on timeline with FDLE to upgrade or replace these servers (deadline is end of July 2021).

ROK Technology will maintain and support the new Cloud servers (perform upgrades, patches, backups, etc.), reducing staff time on routine maintenance as well as reduced storage space allocated to GIS data storage and backups.

GENERAL INFORMATION

The Town IT Division has been discussing moving the existing ESRI/GIS on premise solution out to the AWS Cloud with services being performed by ROK Technologies for almost a year.

ROK Technologies is a cloud-based GIS Hosting service that deploy and manage GIS softwares & infrastructure. The mapping product currently integrates into the Town website which allows users to perform query and analysis of our current GIS data. ROK has 20 years of experience, also

been recommended by our ERP solution provider. Tyler Technologies, as the vendor of use for any integration with Tyler's land management software.

PROCUREMENT METHODOLOGY

Town Purchasing secured a Sole Source letter from ROK Technologies. Additional outreach was also conducted to other municipalities that have transitioned to ROK Technologies to ensure satisfaction with vendor performance and pricing.

The ROK Team has over 75 combined years of experience in the design, maintenance, and optimization of cloud-based GIS solutions. GoMaps is a proprietary software which was first developed and designed by ROK Technologies. Town staff verified this through an internet search. No other company produces this product nor does any other vendor sell this product for ROK Technologies. In addition, GoMaps houses all of our GIS data for Planning and Zoning information which can be view on-line 24/7.

FUNDING/FISCAL IMPACT

Funding for the initial cost of the GIS cloud based solution will be from the available PZB GIS budget and future costs will be budgeted in the IT program..

IT REVIEW

This item has been reviewed by the IT Division 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.

Attachments

cc: Jim Palmer, Acting Division Director, IT Division

RESOLUTION NO. 055-2021

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
AUTHORIZING THE AWARD OF A SOLE SOURCE
CONTRACT TO ROK TECHNOLOGIES FOR GIS
CONFIRGURATION AND IMPLEMENTATION FOR AN
ANNUAL CONTRACT AMOUNT OF \$52,973 AND A FIVE YEAR
AWARD OF \$264,865 BASED ON SATISFACTORY
PERFORMANCE AND BUDGET FUNDING AND ESTABLISH A
PROJECT BUDGET OF \$285,000.**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 055-2021 Authorizing the Award of a Sole Source Contract to ROK Technologies for GIS Configuration and Implementation for an Annual Contract Amount of \$52,973 and a Five Year Award of \$264,865 based on Satisfactory Performance and Budget Funding and Establish a Project Budget of \$285,000.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8th day of June, 2021.

Danielle H. Moore, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk

1 Carriage Lane Suite B-201 | p 888-898-3404 | f 843.225-1813 | info@roktech.net



THE TOWN OF PALM BEACH AWS, GIS Managed Services Agreement

Service Level Agreement 2021-2022

Version 2 | March 31, 2021

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1 Introduction

Businesses today are faced with the growing challenge of supporting end-user access to complex applications from a variety of locations, devices, and methods. Coupled with the fact that all organizations today require "Enterprise-Class" computing functionality, internal IT resources are pushed to their limits, often struggling to meet the service levels demanded by the business.

To help THE TOWN OF PALM BEACH address these diverse needs, ROK Technologies provides GIS Managed Services Agreements that offer a flexible suite of extended maintenance and premium support offerings designed to:

- Proactively reduce the risks of costly downtime
- Ease resource and skillset constraints
- Simplify management
- Optimize system performance
- Improve productivity, security, compliance, and return on investment

This Managed Services Agreement dated March 31, 2021 will provide THE TOWN OF PALM BEACH ("THE TOWN OF PALM BEACH") with access to trained and certified experts that can help thoroughly resolve pressing issues in a timely fashion and, thereby, aid THE TOWN OF PALM BEACH in achieving its business objectives. In this manner, THE TOWN OF PALM BEACH gains the benefit of a single point of accountability.

With fixed cost and flexible options for GIS Managed Services, ROK Technologies provides consistency and ensures THE TOWN OF PALM BEACH is receiving the optimal benefit from its investments. ROK Technologies is honored that THE TOWN OF PALM BEACH has chosen to invest in an ROK Technologies and is committed to helping THE TOWN OF PALM BEACH maintain the health and efficiency of its valuable IT resources.

2 Reactive Support

Reactive Support provides the services necessary to respond to and resolve support incidents reported by THE TOWN OF PALM BEACH as they arise. ROK's goal is to quickly resolve incidents before they significantly affect business continuity. Typical incidents include, but are not limited to, the following:

- A system down condition in which system operation is disrupted or severely hampered
- Poor system performance that is impeding system and application operation
- Loss of connectivity to internal networks or Internet services
- An inability to access data residing on an external storage device

The scope and terms of ROK's Reactive Support services are described below in the following sections.

2.1 Scope of Service

The scope of ROK's Reactive Support services includes the tracking and management of customer-reported incidents, diagnosis and remediation of reported incidents, and assistance with system changes to the AWS environment and the installed Esri Commercial off-the-shelf software ("Esri COTS"). The specific tasks associated with these activities are as follows:

2.1.1 Incident Tracking

1. Receive and respond to incidents reported by the THE TOWN OF PALM BEACH in accordance with the service levels defined later in this document.
2. Record and track each incident in ROK's ticket management system.
3. Periodically report the current status of the incident to designated THE TOWN OF PALM BEACH personnel.
4. Communicate the steps taken to ultimately resolve the incident.

2.1.2 Problem Diagnosis and Remediation

1. Collect information from the THE TOWN OF PALM BEACH regarding the nature of the incident, the circumstances under which the incident occurred, and its current and potential impact.
2. Investigate potential causes of the incident and diagnose the root cause where possible, drawing upon currently installed diagnostic tools as required.
3. Identify potential remedies for the incident based on the results of problem diagnosis.
4. Apply and test possible fixes in a systematic fashion until the incident is resolved or otherwise closed.
5. Engage vendor support as required to assist in troubleshooting and resolution and continue to manage the incident through to completion.

2.1.3 Configuration Assistance

1. Collect information from THE TOWN OF PALM BEACH regarding the scope of the change requested, the motivation for the change, and the expected results.
2. Investigate the potential impact of the change, in terms of desired results and unintended consequences.
3. Determine the steps necessary to implement the change while mitigating risk.
4. Recommend a course of action to THE TOWN OF PALM BEACH.
5. Upon authorization by THE TOWN OF PALM BEACH, implement changes in accordance with the plan of action.
6. Record the change in accordance with THE TOWN OF PALM BEACH's change management processes.

2.1.4 Esri COTS Application Upgrades and Patches

1. Upon request ROK's Managed Services Team will upgrade and configure Esri COTS to the desired version. Additionally, upon request, ROK's Managed Services will install critical and optional patches as they are released.
 - a. ROK will communicate critical upgrade and patching opportunities for Esri COTS. If desired, both parties will work to schedule a day and time to complete the upgrade and/or patching that limits disruption of service.
2. Upon request, ROK's Managed Services will install and configure new Esri COTS as desired by THE TOWN OF PALM BEACH. Managed Services hours will be consumed for this effort.

2.1.5 Customer Support

1. Customer Support: Tickets can be submitted 24hrs a day, 7 days a week via the THE TOWN OF PALM BEACH portal which will be provided after execution of contract. Support tickets can also be called in 24hrs a day, 7 days a week via the toll-free number which will be provided after execution of contract.
2. Coverage Hours: Live Support is available 8am to 8pm EST. Support taking place after 8pm EST is subject to an uplift charge of 20% + hourly rate.

2.2 Terms of Coverage

ROK Technologies shall provide a combined 10 hours of reactive and proactive hour each month beginning upon completion of THE TOWN OF PALM BEACH's migration and expiring 12 months. As such, THE TOWN OF PALM BEACH shall be invoiced monthly per THE TOWN OF PALM BEACH's request.

ID	Item(s)	Qty	Additional Details
1	Reactive Support	5	Invoiced monthly

Reactive Support hours shall be invoiced on a monthly basis in the amount described. At the conclusion of a given calendar quarter these hours will be reviewed and can be adjusted to accommodate the changing needs over time.

3 Proactive Support

Proactive Support includes the administrative services necessary to maintain the supported equipment in working condition and protect the data stored thereon. The primary goal of ROK's Proactive Support is to reduce the risk of system failure and to mitigate the impact of unplanned outages should they arise. ROK Technologies shall render these services continuously over the life of the engagement, with most tasks occurring on a periodic basis with predetermined frequency. The scope, deliverables, and terms of ROK's Proactive Support services are described below in the following sections.

3.1 Scope of Service

The scope of ROK's Proactive Support and specific tasks associated with these activities are as follows:

3.1.1 *Dedicated THE TOWN OF PALM BEACH Success Manager*

ROK's primary goal is to provide THE TOWN OF PALM BEACH with flawless service, becoming an extension of THE TOWN OF PALM BEACH's technical team of experts. Serving as THE TOWN OF PALM BEACH's single point of contact, THE TOWN OF PALM BEACH's THE TOWN OF PALM BEACH Success Manager's primary responsibilities shall include:

- Understanding THE TOWN OF PALM BEACH's business needs
- Managing THE TOWN OF PALM BEACH's ROK Technologies entitlements
- Accelerating the delivery of ROK's Technical Services
- Proactively scheduling the delivery of THE TOWN OF PALM BEACH's Proactive Support services outlined in section 3.2, "Proactive Support Terms of Coverage"
- Quarterly business review (QBR)

3.1.2 *Proactive Support Services*

THE TOWN OF PALM BEACH shall receive a combined 32 hours of Proactive and Reactive Support per month. These hours shall be consumed toward (but not limited to) the completion of the tasks outlined in section "Proactive Support Activities".

3.1.2.1 Proactive Support Activities

ROK Technologies will provide resources skilled in the planned activities on the given month to come to help accomplish the objectives outlined during the planning session. THE TOWN OF PALM BEACH and ROK Technologies realize these objectives will vary and change from month-to-month based on the current business needs and objectives. The ROK Technologies CSM will work with THE TOWN OF PALM BEACH prior to resource scheduling to ensure proper skillset alignment to the current need. Note: Scheduling is subject to resource availability.

- **OS Updates and Patches** | ROK's Managed Services takes care of all your OS patching activities to help keep your resources current and secure. When updates or patches are released from your OS vendors our team applies them in a timely and consistent manner to minimize the impact on your business. Critical security patches are applied as needed, while others are applied based on the patch schedule you request.
- **Incident Management** | ROK Managed Services monitors the overall health of your infrastructure resources and handles the daily activities of investigating and resolving alarms or incidents. Committed to a 2 hr maximum response time, in the event of an instance failure, our team would take appropriate action to help minimize or avoid service interruption.
- **Back Up and Retention** | **BACKUP FREQUENCY:**

Back Up and Retention Duration		
Frequency	Time	Retention Duration
Daily	Every 12 hours	2 Weeks
SQL Server		
Frequency	Time	Retention Duration
Daily	4 times daily	2 Weeks

- **Security Management** | ROK protects your information assets to help keep your Cloud infrastructure secure. With anti-malware protection, intrusion detection, and intrusion prevention systems, ROK's Team manages security policies per stack, and can quickly recognize and respond to any intrusion.

3.1.2.2 Customer Support

1. Customer Support: Tickets can be called in 24hrs a day, 7 days a week via the toll-free number which will be provided after execution of contract. Tickets may also be submitted any time via email or from the Customer Service Portal. Contact emails and Customer Service Portal information will be provided following execution of contract.
- 2.
3. Coverage Hours: Live Support is available 8am to 5pm EST M-F ("Support Hours"). Support taking place outside of these hours is subject to an uplift charge of the hourly rate + 20%.

- a. Customer Service Portal (“Portal”): ROK will provide to Client unlimited access to Portal support. Client will report Malfunctions by accessing the Portal and creating a service ticket or by sending an email to a dedicated support email address. A member of ROK’s Support Staff (“Support Staff”) will be assigned and Client will be contacted within in a timeframe defined by the severity of the Malfunction. If the Support Staff member handling a request is unable to provide adequate assistance to Client for such requests hereunder, ROK will supply one or more alternative Support Staff members who are able to respond to the request to Client’s reasonable satisfaction.
- b. Telephone Support Service: ROK will provide to Client unlimited access to 24/7 Telephone Support (“Telephone Support”) via a toll-free number. Client will report Malfunctions by calling the Telephone Support number. A member of the Support Staff will be assigned to the Malfunction, and Client will be contacted within the timeframe defined by the severity of the Malfunction. In the event a Malfunction is reported outside of Support Hours, the on-duty Support Staff will be assigned and will contact Client within sixty (60) minutes of the original call. If the Support Staff member handling a certain request is unable to provide adequate assistance to Client for such requests hereunder, ROK will supply one or more alternative Support Staff members who are able to respond to the request to Client’s reasonable satisfaction.

3. *Severity of Malfunctions.* ROK will correct Malfunctions as provided herein. “Malfunction” shall mean a failure by the Services to operate as required by this Agreement. The definitions of the Malfunction Severity classifications are as follows:

- a. Severity Level 1: A problem which renders the Services inoperative, causes a significant and ongoing interruption to the end-user’s business activities or causes a loss or corruption of data, where either the entire company or large groups of users are affected.
- b. Severity Level 2: A problem which causes the Services to be intermittently inoperative, disrupted or malfunctioning and which materially interferes with Client’s use of the Services, for the entire company or large groups of users.
- c. Severity Level 3: A problem which causes the Services not to function in accordance with applicable specifications, for small groups or individual users, but which causes only a minor impact on Client’s use of the Services and for which an acceptable circumvention is available.
- d. Severity Level 4: Any general questions and issues pertaining to the Services and all Malfunctions which are not included in the other Malfunction classifications.

4. *Correction of Malfunctions.* ROK will correct Malfunctions as provided herein. “Malfunction” shall mean a failure by the Services to operate as required by this Agreement. The definitions of the Malfunction classifications are as follows:

- a. Report of Malfunction. With respect to a report of any Malfunction, Client personnel making such a report will describe to the Support staff the Malfunction in reasonable detail and the circumstances under which the Malfunction occurred or is occurring and will, based upon the criteria of the Severity Definition, classify the Malfunction as a Severity Level 1, 2, 3 or 4 .

- b. **Critical Malfunctions.** If a Severity Level 1 or 2 Malfunction (each, a “Critical Malfunction”) cannot be corrected to Client’s reasonable satisfaction through communication with the Support staff within two (2) hours after ROK receives the description of the Malfunction, ROK will: (1) escalate the problem to additional members of Support Staff and ROK's Client Success Manager; (2) take and continue to take the actions which will most expeditiously resolve the Critical Malfunction; (3) provide a report to Client of the steps taken and to be taken to resolve the problem, the progress to correction, and the estimated time of correction, and update that report every two (2) hours until the Critical Malfunction is resolved.
- c. **ROK's Level of Effort.** ROK will work continuously until any Critical Malfunction, of which a correction or workaround has not been achieved, has been resolved. Additionally, if a correction or workaround to a Critical Malfunction has not been achieved within two (2) days ROK will work continuously, during normal ROK working hours, try to resolve any Severity Level 1 or 2 Malfunction. Upon request of the Client, work will continue beyond normal working hours and is subject to an uplift charge of hourly rate + 20%. ROK and Client will mutually agree upon a schedule within which to resolve any Severity Level 3 or 4 Malfunction. If Client requests ROK to resolve a Level 3 or 4 Malfunction beyond normal working hours, an uplift charge of the hourly rate + 20% will be applied.
- d. **Action Required from ROK.** For a Critical Malfunctions, ROK will work to provide an immediate correction, which will then be promptly implemented for Client to test. For a Severity Level 3 or 4 Malfunction, ROK will provide a correction as promptly as reasonably achievable, and will seek to establish with Client a mutually agreed schedule for the correction to be provided.

3.2 Proactive Support Terms of Coverage

ROK Technologies shall provide the Proactive Services described below for a period of 12 month(s) beginning Upon completion of THE TOWN OF PALM BEACH’s migration.

ID	Item(s)	Qty.	Additional Details
1	THE TOWN OF PALM BEACH Success Manager	1	Continuous throughout the period
2	Proactive Support Services	5	Monthly Proactive Support delivery hours

Proactive Support hours shall be invoiced on a monthly basis in the amount described. At the conclusion of a given calendar year these hours will be reviewed and can be adjusted to accommodate the changing needs over time.

Instances in which Services or Downtime resolution is not reached the following will apply:

Service/Activity	Service Level	Service Level Credit
Availability of the Services	Failure to comply with the Customer Support requirements outlined in section 3.1.7.	10% of the monthly charge for the month of the failure.
Restore Time	In the event of unscheduled downtime caused by ROK Technologies, the system shall be restored and fully operational within four (4) hours. If the event is caused by an employee of Client, ROK will work to restore the environment within the 4-hour window and will communicate the action plan and updates to Client throughout the restoration. No penalty to ROK will be applied if downtime is caused by an employee of Client.	Should the action caused by ROK and lead to downtime in excess of 4 hours, Client shall receive credit for 10% of the monthly charge for the month of the failure.

4 Assumptions

ROK's delivery of the services defined by this Agreement is based on the assumptions described below. Any deviation from these assumptions might impact the scope of services to be provided and associated fees:

1. ROK Technologies shall primarily render Reactive Support services remotely, while making use of current technologies that provide remote access and control of the supported systems where available.
2. THE TOWN OF PALM BEACH shall permit the use of remote access technologies that enable ROK Technologies to render services remotely.

5 Managed Services Billing Information

This is 1 year(s) agreement, to be billed monthly. The billing amount for THE TOWN OF PALM BEACH Managed Services Agreement shall be based on the services described in the table below. This agreement shall begin on May 1, 2021 and end of April 31, 2022.

Item(s)	Term	Cost per month / Pay as you go
GIS Managed Cloud Services: AWS Infrastructure 3 – Citrix Seat 8 Hours of Managed Services per month	1 month	\$4,414.41
Annual total		\$52,972.92

Pricing based solely on the Cloud environment outlined in Section 10. Infrastructure needs will be reviewed ongoing. Should THE TOWN OF PALM BEACH require a change in resources that differ from those listed, ROK Technologies, will work with THE TOWN OF PALM BEACH to determine the hardware changes needed, and the associated costs/savings. Payments are due 30 days from receipt of invoice Non-payment after 60 days will result in suspension of service.

5.1 Billing Terms

The following terms shall govern the determination of fees associated with this Agreement:

1. Reactive and Proactive Support usage is reviewed quarterly. Any overages are billed at a rate of \$250 per hour after each calendar quarter at the hourly rate(s) associated with this Agreement.
2. After-hours work shall be subject to the uplifts described in section 2.1.4, "Coverage Hours".
3. Terms of payment are Net 30 Days. Late fees will be applied on invoices greater than sixty (60) days from the date invoiced and can result in suspension of service.

6 Scheduling

As part of these offerings, ROK Technologies will conduct proactive scheduling with THE TOWN OF PALM BEACH. As scheduling changes arise, THE TOWN OF PALM BEACH shall contact ROK Technologies one (1) to two (2) weeks in advance where possible. The ROK Technologies Technical Operations Team will make a best effort to accommodate special requests.

7 Change Control Policy

As ROK Technologies and THE TOWN OF PALM BEACH collaborates on this Managed Services Agreement, it is possible that either party will find reasons to change the scope of this Agreement. In the event that THE TOWN OF PALM BEACH would like to discuss the addition or subtraction of specified, agreed upon services, THE TOWN OF PALM BEACH will submit a Service Request to ROK. THE TOWN OF PALM BEACH' ROK Technologies Account Manager will make contact within one (1) business day to review or schedule a review of this request.

8 Disclaimers

ROK Technologies is not responsible for THE TOWN OF PALM BEACH's loss of data. Any warranty or service contract does not cover infection of any THE TOWN OF PALM BEACH system with a virus. All work necessary for ROK Technologies to remove a virus will be billed to THE TOWN OF PALM BEACH. Work performed under a service contract is governed by the terms of said service contract.

9 Acceptance

This Service Level Agreement dated July 6, 2020. This SLA, constitutes the full agreement ("Agreement") between ROK and THE TOWN OF PALM BEACH for the services described herein.

The undersigned parties acknowledge their acceptance of this Agreement and the terms and conditions described herein. Furthermore, the undersigned parties certify that they are authorized representatives of their respective companies with full authority to sign this SLA and enter into this Agreement on behalf of their respective organizations.

Services	Price
GIS Managed Cloud Services <i>includes all managed services outlined, AWS hardware, and VDI</i>	\$4,414.41 month
Annual Cost of Service	\$52,972.92

Contract Terms: _____

Payment Option: Monthly _____

Accepted By:

ROK Technologies, LLC

THE TOWN OF PALM BEACH

Signature



Signature

Printed Name

Alexandra Coleman

Printed Name

Title

EVP Business Development

Title

Date

3/31/2021

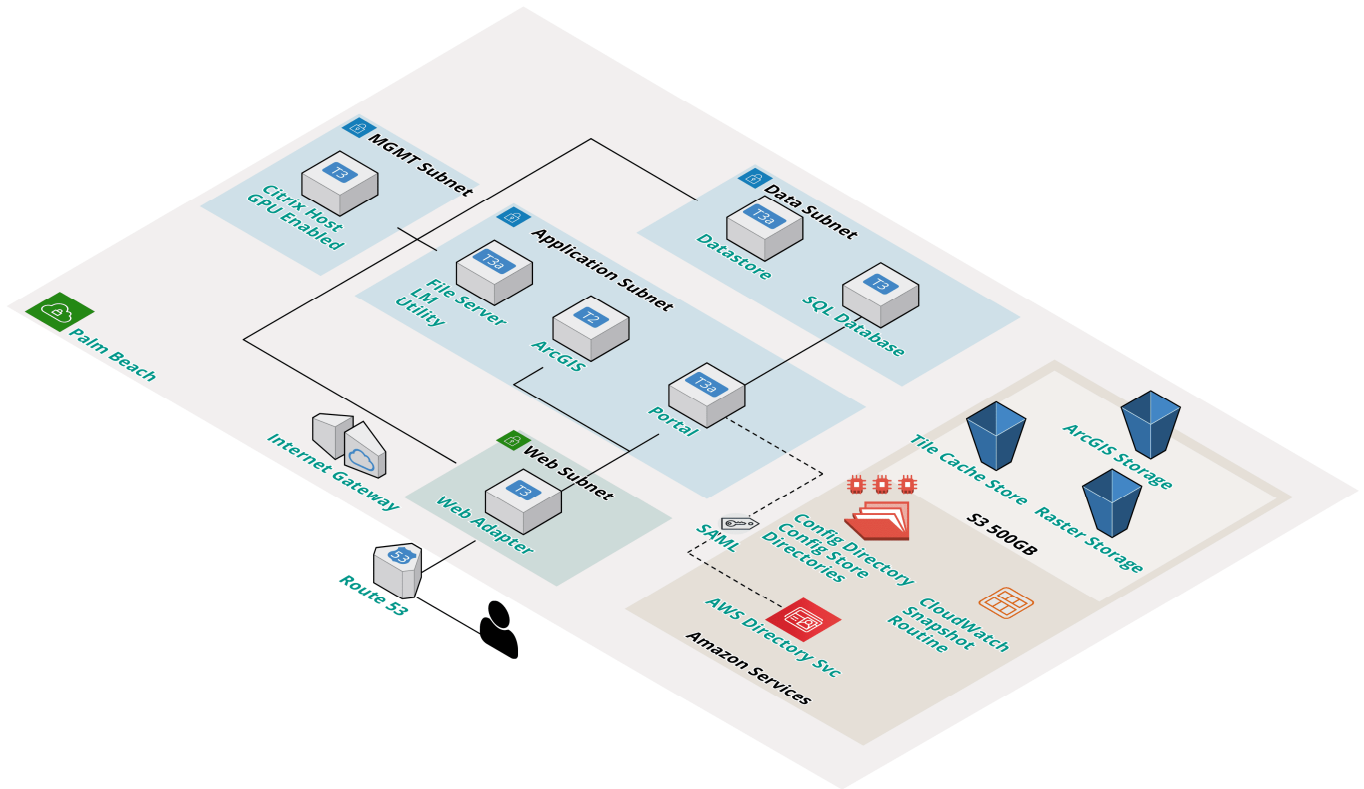
Date

10 Supported Environment

Infrastructure needs will be reviewed ongoing. Should THE TOWN OF PALM BEACH require additional resources beyond those listed, ROK Technologies, will work with THE TOWN OF PALM BEACH to determine the additional hardware needed and the associated costs.

AWS Cloud Environment

Server Type	Instance	Description
ArcGIS Server	1	4 CPUs 16 GB RAM
Portal	1	4 CPUs 16 GB RAM
Datastore	1	4 CPUs 16 GB RAM
SQL	1	4 CPUs 16 GB RAM
File Server	1	2 CPUs 8 GB RAM
Web Server	1	2 CPUs 4 GB RAM
Citrix Host	1	8 CPUs 32 GB RAM
Citrix Seats for ArcGIS Pro	3	
	Storage	
Application Servers	3	150 GB General Purpose SSD
SQL Data	1	250 GB General Purpose SSD
SQL Logs	1	100 GB General Purpose SSD
File Server	1	300 GB General Purpose SSD
S3 Storage	1	1 TB
Citrix Host	1	200 GB General Purpose SSD



11 Service Level Agreement Support Matrix

SLA Response Time Definition				
	1st response	2nd response	follow/update	final
1 - Critical	< 1 hour	< 2 hrs from 1st response	every 2 hrs until closed	closed
2 - High	< 1 hour	< 2 hrs from 1st response	< 2 hrs from 2nd response*	closed
3 - Medium	≤ 4 hours	≤ 8 hours	as needed*	≤16 hours closed
4 - Low	≤ 8 hours	as needed*	questions/feedback	≤16 hours closed
Hours are defined by normal 8-5 day			*a solution and time line will be agreed upon with the client	

SLA Severity Definition				
Severity - Affected users	Business impact			
	High - problems that render services	Medium - causes services to be intermittent or	Low- causes the services not to function in	None - general questions and

	<i>inoperative, causes significant interruption, or data loss</i>	<i>disrupted, which interferes with business</i>	<i>accordance specs, with only minor impact</i>	<i>issues, and other lesser malfunctions</i>
High Severity - whole company is affected	1 - Critical	2 - High	3 - Medium	3 - Medium
Medium Severity - departments or large group of users affected	1 - Critical	2 - High	Level 4 - Low	4 - Low
Low Severity - one or a small group is affected	2 - High	3 - Medium	4 - Low	4 - Low



Notice of Intent to Award a Sole Source Procurement

Subject: Purchase of ROK Technologies cloud based GIS Hosting Service

Document Number: NTS-20-038-MC

Date: September 29, 2020

Written Response Due: October 6, 2020

Time: 2:00 PM EST

E-mail Address: bids@citynmb.com

This is not a Request for Proposals and there is no solicitation available. The proposed contract action is for product or services for which the City intends to negotiate and award with only one source under the authority of the City of North Miami Beach City Code Section 3-4.8. Any responses received as a result of this Notice of Intent shall be considered solely for the purpose of determining whether to conduct a competitive procurement. Responses will not be considered as proposals, bids, or quotes.

The City of North Miami Beach, Florida intends to negotiate a Sole Source procurement:

Request Department/Office: NMB Water

Product and/or services to be purchased: GIS hosting service that deploys and manages GIS software and infrastructure.

Anticipated Cost: \$203,020 for 2 years

Sole Source Justification: ROK Technologies is the sole source provider of GoMaps, and the ROK Managed Cloud Environment with accelerated managed services.

Active to be Taken: Interested firms or individuals may identify their interest and capability to respond to the requirement by submitting in writing their name, address, point of contact, telephone number, email, and a statement regarding capability to provide the specified procurement per the attached specifications. Interested firms will be considered only if they respond with clear and convincing documentation that they are capable of meeting or exceeding the requirements stated herein. All responses received within seven (7) calendar days after the date of publication of this synopsis will be reviewed by the City. A determination by the Chief Procurement Officer & sourcing Buyer II not to compete this proposed action based on the responses to this notice is solely within the discretion of the Chief Procurement Officer.

All responses must be in writing and returned to ATTN: City of North Miami Beach, 17011 NE 19th Ave., Suite 315, North Miami Beach, FL 33162 by: e-mail to bids@citynmb.com. Note the number of the Sole Source Information inquiry on documentation.



SOLE SOURCE REQUEST FORM

PROCUREMENT MANAGEMENT DIVISION

TO: Esmond Scott
City Manager

VIA: Donna Rockfeld, CPPB
Chief Procurement Officer

FROM: Jafeth Baez, P.E., Director of NMB Water

Via) Whitney Padole - Assistant Project Manager- NMB Water

DATE: 9/22/2020

RE: Use of ROK Technologies as Sole Source Providers of AWS/GIS Cloud-hosting Services

Annual Expenditure not to Exceed: \$ 203,020 Vendor # 519963

Section 3-4.5 Exemptions for Bidding, Purchase of the following materials and services shall be exempt from the bidding process and subject to the spending limitations provided in subsection 3-3.14, unless otherwise provided by State law: a. Sole source purchases. Sole-source supplies and services, such as unique, patented, or franchised supplies or services, are exempt if the Purchasing Agent determines, after conducting a good faith review of available sources, that the particular supply or service is available from only one (1) source.

Sole Source Justification: 3-4.8 Sole Source Purchasing. Department heads may recommend purchase of a part, commodity, or service from a sole source supplier after a reasonable search has been made to find other suppliers. The recommendation shall include a written justification documenting the potential vendors contacted, and the results. The Purchasing Agent shall either confirm the lack of additional suppliers or inform the Department of potential suppliers.

ROK Technologies is a cloud-based GIS Hosting service that deploy and manage GIS softwares & infrastructure. The mapping product currently integrates into our city website allow users to perform query and analysis of our current GIS data. ROK has 20 years of experience, also been recommended by our ERP solution provider, Tyler Technologies, as the vendor of use for any integration with Tyler's land management software. A letter of Sole Source regarding Esri's suite of software offerings in the cloud, plus provide custom-designed architecture and ongoing maintenance and support to public and private sector, ROK currently hosts our GoMap data, Cityworks, InforMap, Harris Billing Application and ArcGIS applications as well as the mapping services for Cityworks and possibly Energov's permitting software in the future.

Approved

Date

Donna Rockfeld, CPPB, Chief Procurement Officer (Up to \$25,000)

Esmond Scott, City Manager (Up to \$50,000)

Purchases exceeding \$50,000.00 will be placed on the next Commission Agenda pending Procurement review.



PROCUREMENT EXPLANATION MEMO

PROCUREMENT MANAGEMENT DIVISION

TO: Esmond Scott
City Manager

VIA: Donna Rockfeld, CPPB
Chief Procurement Officer

FROM: Jafeth Baez, PE, MSCE
Name
Director of NMB Water
Title/Department

DATE: 8/13/2020

RE: Use of ROK Technologies as Sole Source Providers of AWS/GIS Cloud-hosting Services

Fiscal Amount not to Exceed: \$ 203,020

Vendor # 519963

Purpose (How does it align with City NMB Strategic Plan?):

Our Mapping, Permitting, and CIS (Customer Integrated System) data currently and securely resides in ROK's cloud-hosting system, located in Virginia. This includes our GoMap data, Cityworks/mapping services, InforMap, Harris Billing Application and ArcGIS applications. They have provided custom designed architecture and ongoing maintenance and support to public and private sector. The use of this vendor has allowed us to be a high performing City organization providing exceptional customer service.

Background:

The ROK Team has over 75 combined years of experience in the design, maintenance, and optimization of cloud-based GIS solutions. GoMaps is a proprietary software which was first developed and designed by ROK Technologies. City of NMB staff verified this through an internet search. No other company produces this product nor does any other vendor sell this product for ROK Technologies. In addition, GoMaps houses all of our GIS data for Planning and Zoning information which can be view on-line 24/7.

Recommendation:

Currently the City has four major applications hosted on ROK's system. They are GIS, CIS, Permitting, and Asset Management (Cityworks). These applications affect the City's Utility, Finance, Permitting, and Public Works divisions. If we were to discontinue use of the ROK system the cost of designing and annually maintaining an in-house system would significantly exceed the amount ROK has quoted the City. It is City staff's recommendation to remain with ROK Technologies Cloud-Hosting system,

Fiscal Impact / Account Number(s):

410900-533540

Contact Person(s):

Deya Manzanares - Asst. to the Public Utilities Director, or Whitney Padote - Assistant Project Manager- N

Jafeth Baez
Director of North Miami Beach Water
City of North Miami Beach
17011 NE 19 Avenue, 3rd Floor
North Miami Beach, FL 33162

ROK Technologies, LLC (ROK) is pleased to present this Service Level Agreement to North Miami Beach Water to provide ROK Managed Cloud Hosting Services. This agreement outlines the Cloud Environment and Ongoing Management that will be provided by ROK Technologies, LLC for North Miami Beach Water.

Infrastructure and Services

Annual Managed Cloud Hosting Costs

Your ROK Managed Cloud Environment Includes:

- ArcGIS Server 4 cpu / 16gb RAM 200 GB disk
- Portal / Datastore 4 cpu / 20gb RAM 500 GB disk
- Webserver 2 cpu / 4gb ram 60 GB disk
- SQL Server 4 cpu / 16gb RAM 300 GB disk (including SQL licensing)
- 7 Virtualized ArcGIS Desktop users + 3 Harris Finance users
- 2 AWS Performance Workspaces
- 50 Citrix Seats
- Upgraded CityWorks server
- ROK's Managed Services - Accelerate(8 Hours/Month)

ROK's Accelerate Managed Services includes the following support for your Cloud environment.

Monthly Reporting and Cost Analysis | 8 hours of Live Support per month | RDMS Utilization Reports | Web Traffic Reporting | Server Monitoring and Management | Right Sizing Hardware Assets | OS Updates and Patches | Application Server Upgrades and Patches | VDI Application Patches (ArcGIS Desktop / Pro) | Full Stack Optimization and Management

Additional live support can be purchased hourly @ a rate of \$250 per hour

Services	Costs
ROK's AWS Managed Cloud Environment with Accelerate Managed Services	\$101,509.92

Total Costs Year 1	\$101,509.92
Total Costs Year 2	\$101,509.92

****Not to exceed \$203,019.84 for the total 2 year contract without prior approval and change orders/addendums.**

**Annual Hosting Costs are due no more than 7 days prior to the contract year start date. All hosting costs are estimates and are subject to change should the environment exceed the specifications and use outlined in this agreement. If the costs change, ROK will notify North Miami Beach Water and alert them to the overages. North Miami Beach will have 30 days in which to pay the increased amount owed. All One-time fees will be invoiced 50% upon start and 50% upon completion are due 30 days from invoice date.*

This Agreement is subject to the ROK Terms of Service Agreement.

Agreement Start Date: _____ Agreement Type: Annual _____ Monthly _____

Agreement End Date: _____

ROK Technologies, LLC

By: _____

Signature of person signing

VP, Sales & Marketing

Print name and title of person signing

9/22/2020

Date

CLIENT: _____

By: _____

Signature of person signing

Print name and title of person signing

Date

ROK Terms of Service Agreement

This Terms of Service Agreement, together with the Service Level Agreement, Acceptable Use Policy, any other documents referenced herein and any amendments signed between the parties (collectively, this "Agreement") is made between ROK Technologies, LLC, a South Carolina limited liability company ("ROK") and City of North Miami Beach (collectively "you" or "your" or "I") is effective November 1, 2020 (the "Effective Date"). The Effective Date of Completion is October 31, 2022.

BY EXECUTING AND DELIVERING THE TERMS OF SERVICE AGREEMENT, YOU EXPRESSLY AGREE TO AND CONSENT TO BE BOUND BY ALL THE TERMS OF THIS AGREEMENT.

1. Definitions

"Acceptable Use Policy" or **"AUP"** means the ROK Acceptable Use Policy as of the date you sign the Agreement, as such policy may be amended from time to time by ROK.

"Business Day" means 8:00 a.m. – 5:00 p.m. Monday through Friday, United States eastern time, excluding federal public holidays in the United States.

"Confidential Information" means all information disclosed by one of us to the other, whether before or after the effective date of the Agreement, that the recipient should reasonably understand to be confidential, including: (i) for you, all information transmitted to or from, or stored on, the ROK cloud system, (ii) for ROK, unpublished prices and other terms of service, server configuration designs, and other proprietary information or technology, and (iii) for both of us, information that is marked or otherwise conspicuously designated as confidential. Information that is developed by one of us on our own, without reference to the other's Confidential Information, or that becomes available to one of us other than through violation of the Agreement or applicable law, shall not be "Confidential Information" of the other party.

"Fees" means the Setup Fees, Service Fees, Recurring Fees, and Non-Recurring Fees.

"Non-Recurring Fees" mean those fees set forth in the Agreement that are due when and if a Service is utilized, such as additional bandwidth used by you during the term of this Agreement.

"PII" mean Personal Identifiable Information.

"Recurring Fees" mean those fees set forth in the Agreement that are due on a recurring basis throughout the term of this Agreement.

"Service Fees" means the applicable billing fees for the services described in the scope of work.

"Service Commencement Date" means that date upon which you are given access by ROK to begin using the Services. **"Service Level Agreement"** means the ROK Service Level Agreement; as such agreement may be amended from time to time by ROK.

"Services" means those services requested by you and provided by ROK as set forth in the Agreement.

"Setup Fees" mean those fees set forth in the Agreement that are due and represent the initial fees necessary to initially set up and configure the Services.

"Support" means the telephone and other technical support provided by ROK about the Services.

2. ROK Obligations

Subject to your compliance with all the terms and conditions of this Agreement, ROK shall provide the Services and Support to you during the term of this Agreement in accordance with the commitments made in the Service Level Agreement and in accordance with applicable law.

3. Your Obligations

You agree to do each of the following: (i) comply with applicable law and the Acceptable Use Policy; (ii) pay when due the fees for the Services; (iii) use reasonable security precautions in light of your use of the Services, including encrypting any PII transmitted to or from, or stored on, the ROK Services you use; (iv) cooperate with ROK's reasonable investigation of outages, security problems, and any suspected breach of the Agreement; (v) keep your billing contact and other account information up to date; and (vi) immediately notify ROK of any unauthorized use of your account or any other breach of security.

4. Fees

Your initial invoice may include any Setup Fees and the pro-rated portion of the Recurring Fees from the Service Commencement Date until expiration of the Recurrence Period. Thereafter, ROK will invoice you in advance for the Recurring Fees and in arrears for the Non-Recurring Fees at the beginning of each month.

5. Payments

Payment for Services is due within thirty (30) days of your receipt of the invoice. Any amount not paid when due will bear late payment interest at the rate of 1.5% per month from five (5) days after the due date until paid. You shall be liable for all costs and expenses incurred by ROK in collecting amounts that are past due, including reasonable attorneys' fees.

You must notify ROK in writing of any disputed Fees within sixty (60) days of the invoice date for such Fees. If you do not notify ROK within such period, you have waived any right to dispute such amounts, either directly or indirectly or as a set-off, or defense in any action or efforts to collect amounts due to ROK. The notice must include the invoice number in dispute, the item(s) and amount(s) disputed and a complete description of the basis for your withholding payment. Notice of any dispute does not release you from the obligation of paying any remaining balance of the invoice under the terms specified.

Upon resolution of the dispute, ROK will apply a credit to Fees due from you or you will pay the total amount outstanding referenced in the dispute. Any disputed charge resolved in ROK's favor shall be liable to accrue late payment fees beginning ten (10) days after the resolution of the dispute.

6. Suspension of Services

You acknowledge and agree that ROK may suspend providing the Services to you, in whole or in part, without liability if (i) you fail to pay the Fees due ROK for a period of sixty (60) days after the date of your receipt of the invoice, (ii) you are in violation of the Acceptable Use Policy, (iii) you fail to reasonably cooperate with ROK's investigation of any suspected breaches of this Agreement, (iv) ROK reasonably believes that the servers hosting the Services have been accessed or manipulated by a third party without your or ROK's consent, (v) ROK reasonably believes that suspension of the Services is necessary to protect the ROK environment generally, or (vi) ROK is obligated to suspend Services via subpoena, court order or otherwise as required by law. ROK may restrict access to your data stored on ROK's servers during any suspension. We will give you reasonable notice of a suspension under this paragraph and a chance to cure the grounds on which the suspension is based, unless we determine, in our reasonable commercial judgment, that a suspension on shorter or contemporaneous notice is

necessary to protect ROK or its other customers from imminent and significant operational or security risk. In the event of any suspension of Services pursuant to subsections (i), (ii) or (iii), you shall pay ROK a reconnection fee of \$150.00 as a condition of reactivation of the Services, in addition to full payment of the balance due on the account, including late payment interest, if any. IN THE EVENT ROK TAKES ANY ACTION PURSUANT TO THIS SECTION, IT SHALL HAVE NO LIABILITY TO YOU OR ANYONE CLAIMING BY OR THROUGH YOU. Nothing herein shall preclude ROK from pursuing other remedies available by statute or otherwise permitted by law.

7. Termination for Convenience

Termination for convenience of this Agreement prior to the Effective Date of Completion, must be in writing. If we terminate your service for nonpayment or other default before the end of the Agreement, or if you terminate your service for any reason other than what is outlined in Section 8 below, you will be subject to an Early Termination Fee. The Early Termination Fee will be equal to 50% of the remainder of the Agreement. Termination of the Agreement within sixty (60) days of the Effective Date of Completion will be subject to an Early Termination Fee equal to the remainder of the Agreement. Early Termination Fee is calculated based from the date of termination to the Effective Date of completion and is prorated to the day. The Early Termination Fee is not a penalty, but rather a charge to compensate us for your failure to satisfy the Agreement on which your rate is based. AFTER THE EFFECTIVE DATE OF COMPLETION, THE AGREEMENT SHALL AUTOMATICALLY RENEW ON A MONTH-TO-MONTH BASIS UNTIL EITHER PARTY GIVES NOTICE PURSUANT TO THE TERMINATION PROVISION BELOW.

8. Termination for Breach without limiting your right to early termination

Pursuant to Section 7, you may terminate this Agreement in the event of a material breach by ROK upon no less than fifteen (15) days' prior written notice and opportunity to cure such material breach. Without limiting ROK's rights to suspend the Services pursuant to Section 6, ROK may terminate this Agreement in the event of a material breach by you upon no less than fifteen (15) days' prior written notice and opportunity to cure such material breach. Notwithstanding the foregoing, ROK may terminate this Agreement immediately if you violate the Acceptable Use Policy, whether you subsequently cure such violation. Expiration or termination of this Agreement shall not relieve your requirement to pay Fees for Services provided prior to the effective date of termination.

9. Migration and Deletion of Data Upon termination of Services

Content and any other data shall be deleted if notice is not received within 30 days of termination. If notice is received, data may be migrated at your expense, including charges for time and materials at ROK's standard hourly rates, and only after payment of storage fees for the period subsequent to termination.

10. Maintenance

ROK may from time to time conduct routine tests, maintenance, upgrade, or repair on any part of the network, and ROK shall use commercially reasonable efforts to give you prior notice thereof. You acknowledge that there may be instances where it is not practicable for ROK to give notice of a disruption, for example, in the event of an emergency, and ROK shall be entitled to disrupt the Services to conduct restoration and remedial works without prior notice.

11. Unauthorized Access to Your Data or Use of the Services

ROK is not responsible to you for unauthorized access to your data or the unauthorized use of the Services unless the unauthorized access or use results from ROK's failure to meet its security obligations stated in the Agreement. You are responsible for the use of the Services by any employee of yours, any person to whom you have given access to the Services, and any person who gains access to your data or the Services because of your failure to use reasonable security precautions, even if you did not authorize such use.

12. Confidential Information

Each party will safeguard and keep confidential all Confidential Information of the other and will return the other's Confidential Information upon request, except to the extent further retention of such Confidential Information is necessary for a party to perform any post-termination obligations or exercise any post-termination rights under this Agreement. Each party agrees to safeguard the other's Confidential Information using measures that are equal to the standard of performance used by the Non-Disclosing party to safeguard its own Confidential Information of comparable value, but in no event less than reasonable care. Neither party will use any Confidential Information of the other party for any purpose except to implement its rights and obligations under this Agreement and as otherwise expressly contemplated by this Agreement; provided, however, that if any party or its representatives is requested or required to disclose any Confidential Information by a subpoena or court order, that party will promptly notify the other party (unless prohibited by such subpoena or order) of such request or requirement so that the other party may seek an appropriate protective order or other appropriate relief and/or waive compliance with provisions of this Agreement, and if, in the absence of such relief or waiver hereunder, any party or its representative are, in the opinion of its counsel, legally compelled to disclose Confidential Information, then that party may disclose so much of the Confidential Information to the person compelling disclosure as is, according to such opinion, required, without liability hereunder.

13. Limited Warranty

ROK represents that it shall provide the Services in compliance with its Service Level Agreement. EXCEPT FOR THIS WARRANTY, ROK AND ITS LICENSORS DISCLAIM ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, RELATING TO THE SERVICES, INCLUDING WITHOUT LIMITATION ANY IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PURPOSE, TITLE, AND NON-INFRINGEMENT, OR ARISING FROM A COURSE OF DEALING, USAGE, OR TRADE PRACTICE. ROK SPECIFICALLY DISCLAIMS ANY WARRANTY THAT THE OPERATION OF THE SERVICE WILL BE UNINTERRUPTED OR ERROR FREE. FURTHER, ROK MAKES NO REPRESENTATIONS OR WARRANTIES WHATSOEVER, AND SHALL HAVE NO LIABILITY WHATSOEVER, WITH RESPECT TO THE ACCURACY, DEPENDABILITY, PRIVACY, SECURITY, AUTHENTICITY, OR COMPLETENESS OF DATA TRANSMITTED OVER THE INTERNET, OR ANY INTRUSION, VIRUS, DISRUPTION, LOSS OF COMMUNICATION, LOSS OR CORRUPTION OF DATA, OR OTHER ERROR OR EVENT CAUSED OR PERMITTED BY OR INTRODUCED THROUGH THE INTERNET OR THE SERVERS UPON WHICH THE SERVICES ARE PROVIDED. YOU ARE SOLELY RESPONSIBLE FOR IMPLEMENTING ADEQUATE FIREWALL, PASSWORD, AND OTHER SECURITY MEASURES TO PROTECT YOUR SYSTEMS, DATA, AND APPLICATIONS FROM UNWANTED INTRUSION, WHETHER OVER THE INTERNET OR BY OTHER MEANS.

14. Limitation of Liability

EXCEPT FOR ROK'S GROSS NEGLIGENCE OR WILFUL MISCONDUCT, AND ITS LICENSOR'S EXCEPT TO THE EXTENT SET FORTH IN THE SERVICE LEVEL AGREEMENT, ROK SHALL HAVE NO LIABILITY SHOULD THERE BE ANY DELAY IN THE PROVISION OF THE SERVICE. ROK AND ITS LICENSORS SHALL NOT BE LIABLE FOR ANY SPECIAL, INCIDENTAL, CONSEQUENTIAL, EXEMPLARY, PUNITIVE, OR OTHER INDIRECT DAMAGES, OR FOR LOST PROFITS OR LOST DATA ARISING OUT OF THE USE OR INABILITY TO USE THE SERVICES OR ANY DATA SUPPLIED THEREWITH OR ANY FAILURE OR DELAY IN DELIVERING THE SERVICES, EVEN IF ROK HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. YOU ACKNOWLEDGE AND AGREE THAT UNDER NO CIRCUMSTANCE SHALL ROK ASSUME ANY LIABILITY OR RESPONSIBILITY TO YOU FOR SUSPENSION OF SERVICE TO THE EXTENT PERMITTED BY THIS AGREEMENT

15. Indemnification

ROK shall defend, indemnify and hold you, your affiliates or any of your or their respective employees, agents or suppliers, harmless from and against any and all costs, liabilities, judgments, actions, losses and expenses

(including, but not limited to, reasonable attorneys' fees and fees of experts) (collectively, "Losses") arising out of any threatened or actual claim, suit, action, arbitration or proceeding (collectively, "Claims") by any third party arising out of or relating to (i) ROK's gross negligence or willful misconduct or (ii) a claim that the Services as provided by ROK under this Agreement infringe upon the United States patent or copyright of a third party; provided that (a) you give ROK prompt written notice of the claim, (b) you permit ROK sole control over the defense and settlement of the claim, and (c) you reasonably cooperate with ROK in the defense and/or settlement of the claim. You shall defend, indemnify and hold ROK, its affiliates or any of its respective employees, agents or suppliers, harmless from and against any and all Losses arising out of or relating to (i) your gross negligence or willful misconduct or (ii) your violation of the Acceptable Use Policy or the law; provided that (a) ROK gives you prompt written notice of the claim, (b) ROK permits you sole control over the defense and settlement of the claim, and (c) ROK reasonably cooperates with you in the defense and/or settlement of the claim. Your obligation under this Section 15 include claims arising out of acts or omissions by your employees, users and any other person who gains access to the Services because of your failure to use reasonable security measures.

16. Ownership of Intellectual Property

Software; Hardware and IP Addresses Each of us shall retain all rights, title, and interest in and to each party's respective intellectual property rights, including without limitation, all patents, inventions, trademarks, copyrights, and trade secrets. Any intellectual property used, developed, or otherwise reduced to practice in providing the Services to you shall be the sole and exclusive property of ROK and/or its licensors, unless we specifically agree in writing otherwise. You acknowledge and agree that you do not acquire any ownership interest in any of the servers or other hardware used to provide the Services hereunder. Similarly, we do not acquire any ownership interest in the content or data that you store on the servers or transmit via the Services. You acknowledge and agree that third-party software and hardware are used in the provision of Services. Accordingly, you agree to abide by the terms and conditions of any end user licenses or other agreements relating to the use of such hardware or software. You acknowledge and agree that any IP addresses that ROK may assign to you regarding the Services are registered to and owed by ROK and upon any expiration or termination of this Agreement, you agree to release and cease using any such IP addresses.

17. Miscellaneous

a. Non-Solicitation

During the term of this Agreement and for a period of one (1) year thereafter, you shall not solicit or hire the services of any employee or subcontractor of ROK without the prior written consent of ROK.

b. Force Majeure.

ROK shall not be deemed to be in breach of this Agreement and shall have no liability hereunder if its obligations are delayed or prevented by any reason of any act of God, war, terrorism, fire, natural disaster, accident, riots, acts of government, shortage of materials or supplies, failure of any transportation or communication system, non-performance of any of your agents or your third-party providers (including, without limitation, the failure or performance of common carriers, interchange carriers, local exchange carriers, internet service providers, suppliers, subcontractors) or any other cause beyond its reasonable control.

c. Notice of Claim and Filing of Suit.

You must present any claim in writing to ROK within a reasonable time, and in no event longer than sixty (60) days after the event for which the claim is presented so as to permit the parties to attempt to resolve the claim. All applicable statute of limitations as established by law shall apply.

d. Notices.

Except to the extent that notices may be sent by electronic mail as specifically set forth in this Agreement, notices under this Agreement will be sufficient only if (i) mailed by certified or registered mail, return receipt requested, (ii) sent by internationally recognized overnight carrier or (iii) personally delivered. Notices shall be deemed delivered upon receipt by the other party. Notices to you shall be sent to the mailing address associated with your account. Notices to ROK shall be sent to ROK Technologies, LLC., 1 Carriage Lane #B201, Charleston, SC 29407 Attn: Legal. Either party may change their notices address by written notice to the other party.

e. Survival.

The provisions of Sections 1, 11, 12, 13, 14, 15 and 16 shall survive any termination or expiration of this Agreement.

f. Authority; Assignment.

You acknowledge that you have the authority to enter into this Agreement on behalf of your company and that you may authorize other individuals to purchase additional services. This Agreement binds any of your authorized users, as well as your successors, and assigns.

This Agreement may not be assigned by you without the prior written consent of ROK, which shall not be unreasonably withheld or delayed.

g. Governing Law; Jurisdiction.

This Agreement is governed by the laws of the State of Florida excluding its conflicts of laws principles and venue shall be proper and shall lie exclusively in the Superior Court of Miami-Dade County.

h. General

This Agreement, together with the Service Level Agreement, Acceptable Use Policy, any other documents referenced herein and any amendments signed between the parties, constitutes the entire understanding between ROK and you with respect to subject matter hereof. Terms and conditions as set forth in any purchase order which differ from, conflict with, or are not included in this Agreement, shall not become part of this Agreement unless specifically accepted by ROK in writing.

i. Scope of Services

ROK will provide you with application development services as mutually agreed upon and described in the attached Statement of Work. The parties may use this Agreement for multiple Statements of Work. Each Statement of Work must reference this Agreement.

Statements of Work will be written documents setting forth at a minimum:

- A complete, sufficiently-detailed description of the types of development services to be rendered;
- The applicable billing rates for the development services to be rendered (Services Fees); and
- Any additional terms and conditions to which the parties may agree.

The parties contemplate that it may be desirable to make changes to the Statement(s) of Work. Before performing any work associated with any such change, a written Change Order shall set forth the necessary revisions to the Statement(s) of Work, and the parties, shall agree in writing that such work constitutes a change from the original Statement of Work, as amended, and that they further agree to the change provisions set forth in the Change Order. Each Change Order shall be numbered serially and executed by you and ROK

Executive Staff of yours and ROK and will review the status of the Services, Statement(s) of Work, Change Orders, invoices and estimates as may be required. A written status report will be produced regarding the review. You and ROK agree to execute and maintain copies of these status reports.

Service Level Agreement

This Service Level Agreement (the "SLA") is an integral part of your agreement with ROK Technologies, LLC, a South Carolina limited liability company ("ROK") for the provision of services (collectively the "Services") set forth on the ROK Terms of Service Agreement.

This SLA defines the terms of our responsibility with respect to the Services that we provide (the "Service Commitments") and your remedies if we fail to meet these Service Commitments. This SLA and the refunds set forth herein (the "Service Credits") represent ROK's sole obligation and your sole remedy for our failure to meet such Service Commitments. The Service Commitments under this SLA are as follows:

Network Uptime

ROK guarantees 99.9% network uptime for our public Internet network, excluding scheduled maintenance. Notwithstanding the foregoing, you recognize that the internet is comprised of thousands upon thousands of autonomous systems that are beyond the control of ROK. This SLA and the 99.9% Network Uptime Service Commitment cover the provision of access by ROK to the global internet "cloud". Routing anomalies, asymmetries, inconsistencies, and failures of the Internet outside of the control of ROK can and will occur, and such instances shall not be considered any failure of the 99.9% Network Uptime Service Commitment. ROK proactively monitors network uptime. The results of these monitoring systems shall provide the sole and exclusive determination of network uptime

Infrastructure Uptime

ROK guarantees that the critical infrastructure systems will be available 99.9% of the time in each month, excluding scheduled maintenance. Critical infrastructure systems include all power and HVAC infrastructure, including UPS, PDU and cabling. Critical infrastructure systems do not include any software or services running on a server, nor do they include any server hardware. ROK proactively monitors infrastructure availability. The results of these monitoring systems shall provide the sole and exclusive determination of infrastructure availability.

Host Uptime

ROK guarantees the functioning of all server hosts, including compute, storage, and hypervisor. If a server host fails, we guarantee that restoration or repair will be complete within one hour of problem identification. If a server migration is required because of server host degradation, we will notify you at least 24 hours in advance of beginning the migration, unless we determine, in our reasonable judgment, that we must begin the migration sooner to protect your server data. Either way, we guarantee that the migration will be complete within three hours of the time that we begin the migration. ROK proactively monitors host uptime. The results of these monitoring systems shall provide the sole and exclusive determination of host uptime.

Backup Responsibility

ROK performs database backups nightly as part of this agreement. Static web applications are backed up on a weekly basis.

ROK may modify any aspect of this SLA upon thirty (30) days' prior notice. Should you wish to terminate this Agreement because of such modification, you may do so by sending a notice of termination via an email to sales@roktch.net any time prior to the effective date of such modification and no Early Termination Fees will apply. Absent such termination notice, the modified SLA shall apply from the effective date for as long as you continue to retain Services from ROK.

Acceptable Use Policy

This Acceptable Use Policy (the "Policy" or "AUP") is an integral part of your agreement with ROK Technologies, LLC, a South Carolina limited liability company ("ROK") for the provision of services (collectively the "Services") set forth on the ROK Terms of Service Agreement.

This Policy is designed to help protect ROK's customers from irresponsible and/or illegal activities. The Policy is a non-exclusive list of the actions prohibited by ROK, and ROK reserves the right to modify the Policy at any time, effective upon notice to you. ROK reserves the sole and absolute right to interpret, apply, define, and implement this Policy.

Illegal Use

Any use of ROK Services in a manner which is defined or deemed to be statutorily illegal is a direct violation of ROK's AUP. This includes, but is not limited to: death threats, terroristic threats, threats of harm to another individual, multi-level marketing scheme, "Ponzi schemes", invasion of privacy, credit card fraud, racketeering, defamation, slander, and other common illegal activities.

Export Regulations

You represent and warrant that you are not on the United States Department of Treasury, Office of Foreign Asset Controls list of Specially Designated National and Blocked Persons and are not otherwise a person to whom ROK is legally prohibited to provide the Services. You may not use the Services for the development, design, manufacture, production, stockpiling, or use of nuclear, chemical or biological weapons, weapons of mass destruction, or missiles, in a country listed in Country Groups D: 4 and D: 3, as set forth in Supplement No. 1 to the Part 740 of the United States Export Administration Regulations, or as otherwise prohibited by law, nor may you provide administrative access to the Service to any person (including any natural person or government or private entity) that is located in or is a national of any country that is embargoed or highly restricted under United States export regulations.

Offensive Content

You may not use any ROK Service to distribute content or links to content that ROK reasonably believes:

- Constitutes, depicts, fosters, promotes, or relates in any manner to adult content, including, without limitation, child pornography, bestiality, or nonconsensual sex acts;
- Is excessively violent, incites violence, threatens violence, or contains harassing content or hate speech;
- Is unfair or deceptive under the consumer protection laws of any authority, including chain letters and pyramid schemes;
- Is defamatory or violates a person's privacy;

- Creates a risk to a person's safety or health, creates a risk to public safety or health, compromises national security or interferes with an investigation by law enforcement;
- Improperly exposes trade secrets or other confidential or proprietary information of another person;
- Is intended to assist others in defeating technical copyright protections;
- Infringes on another person's copyright, trade, or service mark, patent, or other property right;
- Promotes illegal drugs, violates export control laws, relates to illegal gambling or illegal arms trafficking;
- Is otherwise illegal or solicits conduct that is illegal under laws applicable to you or to ROK;
- Is otherwise malicious or fraudulent, or may result in retaliation against ROK by offended recipients; or
- Is intended to harass or threaten.

Child Pornography

ROK has a zero-tolerance policy on child pornography and related sites. The hosting of child pornography or related sites or contact information is in direct violation of federal law and ROK's AUP.

Denial of Service

ROK absolutely prohibits the use of services or network services for the origination or control of denial of service ("DoS") attacks or distributed denial of service ("DDoS") attacks. Any relation to DoS or DDoS type activity is a direct violation of ROK's AUP.

Server Abuse

Any attempts to undermine or cause harm to an ROK server or subscriber of ROK is strictly prohibited including, but not limited to:

- Logging into a server or account that you are not authorized to access;
- Accessing data or taking any action to obtain services or information not intended for you or your use without the consent of the owner;
- Tampering, hacking, modifying, or otherwise corrupting or breaching security or authentication measures without proper authorization;
- Transmitting material that contains viruses, Trojan horses, worms, time bombs, cancelbots or other computer programming routines or engines with the intent or effect of damaging, destroying, disrupting, or otherwise impairing a computer's functionality or the operation of the ROK's systems;
- Monitoring data or traffic on any network or system without the express authorization of the owner of the system or network;
- Interfering with, intercepting, or expropriating any system, data, or information which you do not have the right to access; and
- Interfering with service to any user, host or network including, without limitation, by means of overloading, "flooding," "mailbombing," or "crashing" any computer system.

You agree that we may quarantine or delete any data stored on the ROK network if the data is infected with a virus, or is otherwise corrupted, and has the potential to infect or corrupt the network or other customers' data that is stored on the network.

IRC

We do not allow IRC, Egg Drops, BNC, or IRC bots to be operated on our servers or network. Files with references to IRC or any likeness thereof are prohibited. Also, any program that acts like an IRC server or that provide chat functions that run as background processes are not allowed.

Proxies

We do not allow proxy servers of any kind, whether for personal or business use. Files with references to any proxy or likeness thereof are prohibited.

Game Servers

We do not allow game servers (dedicated game server programs) of any kind.

Fraudulent Activities

ROK prohibits utilizing dedicated services or network services for fraudulent activities. Participation in fraudulent activities is in direct violation of state and federal law and ROK's AUP.

Distribution of Malware

ROK prohibits the storage, distribution, fabrication, or use of malware including virus software, root kits, password crackers, adware, keystroke capture programs and other programs normally used in malicious activity; provided, however, programs used in the normal ordinary course of business are deemed acceptable. As an example, a security company hosting at ROK analyzes the latest root kit for new security analysis/software.

Phishing

ROK strictly prohibits any activity associated with phishing or systems designed to collect personal information (name, account numbers, user names, passwords, etc.) under false pretense. Splash pages, phishing forms, email distribution, proxy email or any relation to phishing activities will result in immediate removal.

HYIP or Ponzi Schemes

High Yield Investment Plans or Ponzi schemes with the intent to defraud end users are illegal and not allowed on the network. This includes hosting, linking, and/or advertising via email websites or schemes designed to defraud.

You may not attempt to probe, scan, penetrate or test the vulnerability of an ROK system, subsystem, or network or to attempt to breach security or authentication measures, whether by passive or intrusive techniques, without ROK's express written consent.

IP Address Usage

You may only use IP addresses assigned to you by ROK about your ROK Services. You agree that if the ROK IP addresses assigned to your account are listed on an abuse database, you will be in violation of this AUP, and ROK may take reasonable action to protect its IP addresses, including suspension and/or termination of your Service, regardless of whether the IP addresses were listed because of your actions.

Bulk Mail

You may not use any ROK Service to send Bulk Mail. "Bulk Mail" means email messages of similar content that are sent to more than two hundred and fifty (250) recipients. Attempts to circumvent this restriction by breaking up bulk email over time, using multiple accounts, or other means will be a violation of this restriction. A mail message sent to other users within your domain names hosted on the ROK system is not considered Bulk Mail.

Unsolicited Mail

You may not send unsolicited email. Email is unsolicited if you have no pre-existing relationship with the recipient, unless the recipient has published or otherwise provided his or her email address in a manner which implies consent to receive the email. You may not send email of any kind to a person who has indicated that they do not wish to receive it. Any such email shall comply with all laws and regulations, including without limitation, the CAN SPAM Act.

Message Source

You may not obscure the source of your email in any manner, including by intentionally omitting, forging, or misrepresenting messages headers or return addresses.

Email Abuse Complaints

Complaints from email recipients and third-party abuse agencies (e.g. SpamHaus or Spamcop) shall be deemed proof of the facts stated therein unless you provide compelling evidence to the contrary. ROK shall have the right to terminate your mail service if we receive excessive or repeated complaints from your email recipients, regardless of whether you are in breach of this AUP or are otherwise at fault.

UseNet SPAM

The use of dedicated services to send, receive, forward, or post UseNet unsolicited email or posts is a direct violation of ROK's AUP. This includes UseNet services located within the ROK network or unrelated third-party networks.

Contact Information Filed with Domain Name Registrar

You must have valid and current information on file with your domain name registrar for any domain hosted on the ROK network. You agree that if you register a DNS record or zone on ROK managed or operated DNS servers or services for a domain of which you are not the registrant or administrative contact according to the registrar's WHOIS system, that, upon request from the registrant or administrative contact according to the registrar's WHOIS system, ROK may modify, transfer, or delete such records or zones

You, the customer, acknowledge that to facilitate efficient server management, inventory, and related activities, the ROK servers may include an ROK administrative account and password and/or an ROK daemon. All reasonable precautions are made by ROK to maintain the security of these tools and the privacy of client data. You will not tamper, hinder, delete or in any way change the functioning of these tools.

Disclosure to Law Enforcement

Occasionally, ROK is required by law to submit customer information to law enforcement officials when presented with a valid subpoena or order from a court or governmental entity. Information requested is disclosed as directed pursuant to the subpoena or order. ROK utilizes great care in keeping customer information safe and private and will only release information have described in the subpoena order. ROK will notify customer of the information request to the extent permitted by the subpoena or order.

Reporting Violation of the Acceptable Use Policy

ROK accepts reports of alleged violations of this AUP via techops@ROK-us.com. Reports of alleged violations must be verified and include name, contact information, IP address, and description of the violation. ROK owes no duty to third parties reporting alleged violations; provided, however, ROK will use commercially reasonable efforts to review all verified third-party reports and will take appropriate actions.



1 CARRIAGE LANE STE. B-201
CHARLESTON, SC 29407
(888)898-3404

Disclaimer: ROK retains the right, at its sole discretion, to refuse new service to any individual, group, or business. ROK also retains the right to discontinue service to customers with excessive and/or multiple repeated violations. No credit will be available under ROK's Service Level Agreement for interruptions of service resulting from AUP violation.

IN WITNESS WHEREOF, the parties hereto have caused this ROK Terms of Service Agreement to be executed on their behalf by their respective representatives, each such representative having been first duly authorized so to act, as of the date and year first herein above written.

City of North Miami Beach

ROK Technologies, LLC.

By: _____

By: _____

Name _____

Name: Alex Coleman

Title _____

Title: VP of Sales/Marketing

Date _____

Date: 9/22/2020

TOWN OF PALM BEACH

Town Council Meeting on: June 8, 2021

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 056-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$164,360 to Applied Technology & Management, Inc., for Town-wide 2021 Annual Physical Surveys, and Establishing a Physical Monitoring Budget of \$175,000.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated May 19, 2021, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 056-2021**
- ▣ **ATM Proposal**
- ▣ **Terraquatic Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 8, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Approve a Purchase Order for 2021 Annual Physical Surveys
Resolution No. 056-2021

DATE: May 19, 2021

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 056-2021 approving a purchase order to Applied Technology & Management, Inc. (ATM), in the amount of \$164,360 and establishing a project budget of \$175,000 to complete the Town-wide Annual Physical Surveys.

GENERAL INFORMATION

Physical monitoring of the Town's beaches is essential for coastal management. Physical monitoring provides engineers and regulators the necessary information to track the performance of previously constructed coastal projects and to design permissible storm protection and erosion control projects in the future.

The physical monitoring procedure includes surveying both above the water (topographic), and below the water (bathymetric). Each year the Town performs surveys starting from a given point on land with a known horizontal position and vertical elevation established by the Florida Department of Environmental Protection (FDEP). Horizontal and vertical data is collected from this given point, perpendicular to shore, and out to a specific depth offshore. Using this data, a cross section of each beach profile can be drawn which follows the movement of sand within the profile.

For the past thirteen (13) annual events, the Town has tasked an engineering consultant to provide a Town-wide analysis of physical monitoring surveys, comparing the newly collected data with the previously collected data. The analysis is compiled into a report that is provided to the Town. This "Sediment Budget" report assists the Town with keeping track of the sand currently within the coastal system of the Town limits.

During the Beach Management Agreement (BMA) process, FDEP and other BMA participants noticed the benefits of the “Sediment Budget” report. The monitoring program of the BMA shoreline was developed using the “Sediment Budget” report as a guide. This BMA monitoring program now includes the tasks previously performed for the “Sediment Budget” report and has slightly expanded the scope to meet the regional approach of the BMA.

The scope of work prepared by both ATM and Terraquatic, Inc. is sufficient to complete the fieldwork and the data reporting to prepare the required BMA annual “Sediment Budget” report and the annual BMA analysis. The 2021 physical monitoring scope includes a presentation to both the Shore Protection Board in January 2022 and the annual BMA meeting, at a date to be determined by FDEP later this calendar year.

FUNDING/FISCAL IMPACT

Town Council approved the FY21 Coastal Management Program Budget which includes sufficient funds for all related tasks within ATM’s May 17, 2021 Annual Beach Physical Monitoring Proposal.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachment

cc: Jane La Clainche, Director of Finance
Robert Weber, Coastal Program Manager
Dean Mealy, Purchasing Manager

RESOLUTION NO. 056-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF \$164,360 TO APPLIED TECHNOLOGY & MANAGEMENT, INC., FOR TOWN-WIDE 2021 ANNUAL PHYSICAL SURVEYS, AND ESTABLISHING A PHYSICAL MONITORING BUDGET OF \$175,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order to Applied Technology & Management, Inc. (ATM), in the amount of \$164,360 for Town-wide 2021 Annual Physical Surveys, and establishes a Physical Monitoring Budget of \$175,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 8th day of June 2021.

Danielle H. Moore, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk



May 17, 2021

Rob Weber
Coastal Program Manager
Public Works Department
P.O. Box 2029
Palm Beach, FL 33480-2029

RE: 2021 Town Wide Annual Beach Physical Monitoring and Beach Management Project Proposal

Dear Mr. Weber:

Please find attached our proposal for the above referenced project. This effort will be conducted with primary support provided by Terraquatic, Inc. (TER) for surveys and Aerial Cartographics of America (ACA) for aerial photography. Their proposal is provided as an attachment to this letter in addition to ATM's cost summary.

This Work Order, when executed, shall be incorporated in and become an integral part of the Agreement for professional services between the Town of Palm Beach (TOWN), Florida and Applied Technology & Management (CONSULTANT), hereafter referred to as the Agreement.

Introduction

At the request of the TOWN, the CONSULTANT shall provide coastal surveying, analysis and reporting services to support 2021 Town-wide physical monitoring efforts. The physical monitoring field surveys will be conducted by a sub-contractor (TER) in close coordination with the CONSULTANT under a separate (attached) Scope. This Scope includes all efforts required to collect and analyze physical monitoring survey data consistent with the Beach Management Agreement (BMA). This proposal includes a storm response survey task though it is acknowledged that this task is not specifically authorized under the annual monitoring and would be initiated only on an as needed basis as directed by the TOWN.

This effort will be conducted on a Time and Materials Not to Exceed Basis at rates consistent with the CONSULTANT's General Services Agreement with the TOWN.



Scope of Services

The following is a description of the Scope of Services to be provided under this Work Proposal. The CONSULTANT shall provide the following services:

Task 1 – Beach Profiles, Bathymetric Surveys and Aerial Photography

Survey data will be collected as defined within the proposal letter from TER dated May 14, 2021 (included in whole by reference). ATM will coordinate survey execution and provide QA/QC of all survey data prior to submission to the Town. Survey tasks include the collection of profile data north of the Lake Worth Inlet in addition to Town-wide beach profile surveys and aerial photography. Effort includes intermediate lines in the vicinity of Clarke Avenue and the Sloan's Curve area to support ongoing analysis in these areas.

Task 1 Deliverable: ATM will submit task deliverables to the Town as defined within the proposal letter from TER dated May 14, 2021.

Task 2 – Town-Wide Physical Monitoring Analysis

Under this task, the CONSULTANT shall perform Town-wide physical monitoring data analysis and reporting efforts consistent with previous annual monitoring efforts, the Beach Management Agreement (BMA) and TOWN Staff consultation. This will include the evaluation of erosion and accretion trends along the extent of the TOWN's beaches. The CONSULTANT will update the TOWN's sediment budget in a manner consistent with previous studies and provide a summary of shoreline and volumetric performance. No specific geomorphic change plots will be prepared. The analysis will include volumetric changes for beach area north of Lake Worth Inlet including the expanded settling basin. Results of this analysis will be presented in tables and figures suitable for inclusion within the annual Town-wide report. Results of the study will be presented at the BMA annual update meeting and to the Shore Protection Board.

Task 2 Deliverable: Results of this analysis will be summarized within an annual physical monitoring report and PowerPoint document which will be presented to the Shore Board and at the BMA annual status update meeting.

The CONSULTANT will submit a draft report to the TOWN within 90 days of data receipt from TER. Upon receipt of comments from the TOWN regarding the draft report, ATM will incorporate these comments into the document and submit the final report to the TOWN.

Compensation

This effort will be conducted on a Time and Materials Not to Exceed Basis for a total cost of **\$164,360**. Task costs are summarized below and a detailed cost breakdown is provided as an attachment.



Table 1
Cost Breakdown by Task

	Task Description and Breakdown	ATM Total Labor	Sub-consultant*	Internal Direct Expenses*	Total Task Budget
Task 1	Physical Monitoring Surveys and Aerial Photography				
1.1	Physical Monitoring Surveys (Beach Profiles)	\$1,430	\$73,000	\$0	\$74,430
1.2	Aerial Photography (2 Events)	\$1,040	\$44,000	\$0	\$45,040
	Total Cost - Task 1	\$2,470	\$117,000	\$0	\$119,470
Task 2	Town-Wide Survey Analysis and Reporting				
2.1	Physical Monitoring Survey Analysis	\$27,810	\$0	\$0	\$27,810
2.2	Report and Exhibit Preparation and Presentation	\$16,830	\$0	\$250	\$17,080
	Total Cost - Task 2	\$44,640	\$0	\$250	\$44,890
	Total Task Order Costs	\$47,110	\$117,000	\$250	\$164,360

Project Schedule

Physical monitoring surveys will be conducted (weather permitting) within the July to August timeframe or as directed by Town Staff. The physical monitoring report will be provided to the Town within 90 days of receipt of the survey data by ATM.

Should you have any questions regarding this proposal, please feel free to contact me at your convenience.

Sincerely,

Applied Technology & Management, Inc.



Michael G. Jenkins, Ph.D., P.E.
Coastal Engineering Principal

cc: Terraquatics, Inc. (TER)



Terraquatic, Inc.
6836 Bayshore Drive
Lantana, Florida 33462



May 14, 2021

Mike Jenkins
Project Manager
Applied Technology & Management
2047 Vista Parkway, Suite 201
West Palm Beach, FL 33411

RE: Professional Surveying & Mapping Services
202110 Annual Beach Monitoring Survey
Aerial Photography & Onshore/Offshore Profiles
Town of Palm Beach, Florida
Proposal 21-1252

Dear Mr. Jenkins,

In accordance with your request, Terraquatic, Inc. (TI) is pleased to provide the following cost proposal for professional surveying services pertaining to the above referenced project. The scope of work shall be based upon that provided via e-mail May 13, 2021 and summarized as follows:

Summary:

Ninety-nine (99) onshore/offshore profiles including nine (9) shore-parallel profiles. Aerial photography shall be acquired concurrently with the profile surveys, weather conditions permitting. Beach onshore and offshore profile surveys and the aerial photography acquisition shall be in accordance with the Monitoring Standards for Beach Erosion Control Projects prepared by the Department of Environmental Protection. The survey will be scheduled once a notice to proceed has been awarded. In addition to the profiles this proposal shall include collecting aerial photography of the survey area. Aerial photography shall be collected twice a year, one concurrent with the onshore / offshore profiles, and six-months following the annual survey, Spring 2022.

Surveyor shall provide supervision, field / office support staff and equipment to perform the scope of work described, herewith. All work shall be conducted to the highest level of industry standards and under the responsible charge of a Professional Surveyor and Mapper registered in the State of Florida. All work shall meet or exceed the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers in Chapter SJ-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Horizontal datum shall be in feet, relative to the Florida State Plane Coordinate System, East Zone, North American Datum (NAD), 83/90. The vertical datum shall be in feet, relative to the North American Vertical Datum, 1988 (NAVD, 88).

Task 1 Onshore / Offshore Profiles

Onshore and offshore profiles shall be conducted along Ninety-three (93) profiles and three (3) shore-parallel profiles. The historical, additional intermediate and shore parallel profiles are defined as follows:

- Onshore / offshore profiles extending from FDEP Range Monument R-68 to R-135 **(68-Profiles)**
- Intermediate profiles at R-73.5, R-74.5, R-76.5 and R-77.5, R-110.5, R-111.5, R-112.5, R-113.5, R-114.5, R-115.5, R-116A, R-116B, R-116C, R-117A, R-117B, R-117C, R-118A, R-118B, R-118C, R-119.5, R-120.5 and R-121.5 **(22 Profiles)**. The alignment and location of the intermediate lines shall be provided by ATM.

- Intermediate profiles at the Breakers per H&M Scope, specifically R-93+601.6, R-94+406.5, R-94+708.7, R-94+1008.4, R-94+1308.0, R-95+316.2, R-95+412.7, R-96+224.7 and R-96+429.7 **(9 Profiles)**
- Nine (9) shore-parallel profiles, three (3) between R-93 and R-97 and six (6) between R-111 and R-122 (Phipps Park Borrow Area). Alignment of these lines shall be provided by ATM.

Profile Control

In accordance with the Specifications, TI will verify the horizontal and vertical position of all found and used monuments for the survey. Horizontal and vertical positions will be verified via Real-Time Kinematic GPS procedures. In the event vertical obstructions prohibit the use of GPS, conventional methodologies will be employed. Historic profile control shall be consistent with that found and published by the FDEP, Bureau of Beaches & Coastal Systems (BBCS). Intermediate profile control and alignment of parallel profiles shall be provided by the client.

Profile Data Collection

Onshore and offshore profile data shall be collected consistent with the scope of services provided.

Onshore Profiles

Profile data shall be collected along historic or established azimuths as described for Task 1, above. Elevations along each profile shall be collected using either conventional methods or using real-time kinematic GPS. Data points shall be collected at not greater than twenty-five (25') foot intervals along each profile and at all grade breaks (greater than 6") and material changes. Onshore profiles shall extend seaward to a distance to ensure a minimum of fifty-feet (50') of overlap with the offshore profile data. The profiles shall extend landward from the sandy beach to the first barrier, such as dense vegetation, seawall, house or structure, roadway or other structure.

Offshore Profiles

Offshore profile data shall be collected at the R-monuments and intermediate points described in Task 1, above. Additional offshore profile data shall be collected along shore-parallel transects at the Breakers (R-93 to R-97) and Phipps Park Borrow Area (R111 to R122). Bathymetric profile data at R-monuments and intermediate points shall be extend seaward minimum distance of 3000 feet from the shoreline or to -40 feet (NAVD), whichever is further offshore.

Bathymetric data shall be collected using an automated hydrographic system comprised of a survey launch equipped with a marine grade sounder, differential global positioning system and computer-based navigation / data collection system. The sounder shall be calibrated via bar checks prior to the start of the survey. Real-Time Kinematic (RTK) GPS shall be utilized to account for tidal variations and sea conditions during the course of data collection.

Data Processing and Final Deliverables

Upon completion of field survey activities, data will be edited and reduced to the project datum and translated to an X,Y,Z, ASCII format for submittal to the BBCS. In addition, and in accordance with the scope of services provided, the following deliverables will be provided:

1. Survey report / monument control report certified by a Professional Surveyor and Mapper.
2. Copies of field books and data collection files, as applicable. (hardcopy and PDF format)
3. Description of all monuments and TBM's used for the survey, including identification, stamping, coordinates, elevations and profile azimuths. Control description shall be provided in both hardcopy and digital formats (ASCII and Excel)
4. Final profile data in ASCII X,Y,Z format and FDEP distance / depth format with, associated header records

Terraquatic, Inc.
6836 Bayshore Drive
Lantana, Florida 33462



5. ASCII raw data file in XYZ format
6. Plan / profile charts in AutoCAD .dwg format
7. Plan / profile charts in hardcopy format (24"x 36"), four (4) copies
8. Metadata files

Fee Schedule

Total lump sum fee for Task One, Onshore / Offshore Profile Survey, 2021 event, including field data collection, data processing and preparation of final deliverables shall be \$73,000.00.

Task Two: Aerial Photography

Aerial photography shall be acquired by GPI Geospacial, Inc. (or similar) from R-68 to R-135 plus five hundred (500) feet past monuments. The scope of work shall be consistent with prior aerial surveys conducted by ACA. Work shall be done in accordance with Section 02100 Environmental Aerial Acquisition Specifications included as part of the Specifications. This scope of services shall encompass two (2) separate flights and deliverables. The first flight (Event 1) shall follow the schedule for the onshore / offshore profile surveys by TI, which shall commence in August of 2020 and the second flight (Event 2) shall be in the Spring of 2021.

The following scope of work for the aerial photography was provided by the client:

Flight

After authorization to fly by Surveyor, ACA will accomplish the 1"=660' scale color aerial flight utilizing a precision aerial camera to obtain negatives suitable for the preparation of raster imagery per your specifications. Fresh AGFA x 100 film will be used on this project.

Photo Lab

Process the aerial negatives.

Control Targets

Surveyor will provide ground control support and control information to ACA (or similar) as required for the project. Two (2) GPS base stations will be established collecting one second data on ground control points during aerial flight in accordance with the Specifications.

Analytical Triangulation

ACA will triangulate the color aerial photography to expand the horizontal control to each corner of the image file. This process is a cost-effective alternative to targeting each image corner. A report will be furnished.

Raster Imagery

ACA will scan the color film diapositives at a 21-micron scan rate. Photogrammetric software will be used to geo-reference the raster imagery. Imagery will be supplied in AutoCAD DWG, format and TIFF / TFW on CD-ROM disks with a 0.4-foot pixel resolution. Imagery will also be provided in a compressed .jpeg format by ACA.

Accuracies

The raster image files will meet or exceed an accuracy of one half of one percent of the distance measured along the controlled alignment.

Raster Plotting

Upon receipt of sheet layout specifications, ACA (or similar) will utilize the color raster image files to prepare the raster image plots with R-monuments superimposed.

Terraquatic, Inc.
6836 Bayshore Drive
Lantana, Florida 33462



Deliverable, Per Flight Date:

1. One (1) set of 1" = 100' scale color raster image files as specified above.
2. Reports and Metadata files.
3. File compression.

Fee Schedule:

Total lump sum fee for Task Two, Aerial Photography including field data collection, data processing and preparation of final deliverables shall be as follows:

- June/July 2021 Flight \$22,000.00 Estimated cost
- Spring 2022 Flight \$22,000.00 Estimated cost

Task Three: Before and After Storm Profile Surveys

As required TI shall acquire post-storm profile data to document beach and nearshore changes that may have occurred as a result of the passing storm event. The two (2) areas include the Phipps Park reach from R-116 to R-127, including intermediates R-116 (A, B, C), R-117 (A, B, C) and R-118 (A, B, C) for a total of 21 profiles and the Mid-Town reach from R-89 to R-102 (14 profiles). Storm event surveys shall encompass onshore and offshore profile data collection following the scope and protocol described above for the monitoring surveys, Task 1.

Fee Schedule:

Total fees for Task Three survey efforts shall be as follows:

- Phipps Park: R-116 to R-127, including intermediates, (21 profiles)
 - o Onshore / Offshore profiles: \$ 17,820.00 per survey event
- Mid-Town Area: R-89 to R-102 (14 profiles)
 - o Onshore / Offshore profiles: \$ 11,880.00 per survey event

We appreciate the opportunity to provide this proposal.

Sincerely,
Terraquatic, Inc.

A handwritten signature in blue ink, appearing to read "Kenneth C. Jackson".

Kenneth C. Jackson, PSM
Terraquatic, Inc.

By signing below, I APPROVE AND ACCEPT this letter as a legal contract and I have read and agree to the payment terms as set forth above.

By: _____ Date: _____
(Authorized Signature)

(Typed or print name) Title: _____

TOWN OF PALM BEACH

Town Council Meeting on: June 8, 2021

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 057-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$220,755 to Coastal Eco-Group, Inc., for the 2020 FDEP BMA Cell-Wide Monitoring Reporting and 2021 Mid-Town Regulatory Required Biological Monitoring, and Establishing a Biological Monitoring and Reporting Phase Budget of \$230,000.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated May 20, 2021, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 057-2021**
- ▣ **Coastal Eco Group Inc. Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 8, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Approve a Purchase Order for 2020 FDEP BMA Cell-Wide Monitoring Reporting and 2021 Mid-Town Regulatory Required Biological Monitoring
Resolution No. 057-2021

DATE: May 20, 2021

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 057-2021 approving a purchase order to Coastal Eco-Group, Inc. (CEG), in the amount of \$220,755 to complete the State of Florida Department of Environmental Protection (FDEP) Beach Management Agreement (BMA) required 2020 Palm Beach Island Cell-Wide Biological Monitoring reporting and complete the 2021 Mid-Town regulatory required biological monitoring, and establish a monitoring and reporting phase budget of \$230,000.

GENERAL INFORMATION

Coastal Eco-Group, Inc. (CEG), and their sub-consultant, Tetra Tech, Inc., have together performed the majority of the biological monitoring for the Town since 2009. These firms worked together with FDEP and the BMA participants to develop a biological monitoring program for the BMA that was acceptable to all applicable parties.

The CEG 2020 scope of work approved by Town Council in June 2020 included only the field tasks that are required to meet regulatory obligations under the BMA. The fieldwork was conducted within a 90-day extension granted to the consultant by the Town's Purchasing Division in order to complete the required time sensitive field work. Authorizations for reporting expenditures is now being requested comprehensively with 2021 tasks because the RFQ 2020-24 solicitation for Marine Resource Assessment & Monitoring continuing services was completed.

The 2021 CEG tasks include nearshore environmental resources mapping, and both benthic and sedimentation analyses, to satisfy post-construction regulatory requirements for the Mid-Town Beach Nourishment Project, as well as the overall BMA reporting of Town-wide biological monitoring data. This includes the overall reporting of data that is to be collected by Coastal Protection Engineering, LLC (CPE). CPE and CEG both have Professional Services Agreements with the Town to perform these services. Like CEG, CPE staff have experience with the various monitoring efforts associated with the BMA. However, the BMA reporting has been exclusively performed by CEG and having CEG continue this task is helpful to the regulatory agencies for consistency and presentation.

Staff is working with FDEP staff to identify any potential State cost-sharing for this regionally beneficial work effort. The Town has been successful in previous years with obtaining State cost-sharing for annual required biological monitoring work.

FUNDING/FISCAL IMPACT

The Coastal Protection Fund includes sufficient funds to accomplish the annual regulatory required scope of work as proposed by both CEG and Coastal Protection Engineering, LLC.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachments

cc: Jane Le Clainche, Director of Finance
Robert Weber, Coastal Program Manager
Dean Mealy, Purchasing Manager

RESOLUTION NO. 057-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF \$220,755 TO COASTAL ECO-GROUP, INC., FOR THE 2020 FDEP BMA CELL-WIDE MONITORING REPORTING AND 2021 MID-TOWN REGULATORY REQUIRED BIOLOGICAL MONITORING, AND ESTABLISHING A BIOLOGICAL MONITORING AND REPORTING PHASE BUDGET OF \$230,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order to Coastal Eco-Group, Inc. (CEG), in the amount of \$220,755 for the 2020 annual FDEP BMA cell-wide biological Monitoring reporting and 2021 Mid-Town regulatory required biological monitoring, and establishing a biological monitoring and reporting phase budget of \$230,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 8th day of June 2021.

Danielle H. Moore, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk



Coastal Eco-Group, Inc.

665 SE 10th St. Suite 104
Deerfield Beach, FL 33441
(954)591.1219 Phone • (954)653-2981 Fax
www.coastaleco-group.com

May 19, 2021

Mr. Robert Weber, Coastal Program Manager
Town of Palm Beach Public Works Department
951 Old Okeechobee Road
West Palm Beach, FL 33401

Re: Proposal for the 2021 regulatory hardbottom monitoring/report required by the BMA for the 2020 Mid-Town Beach Nourishment Project and creation of the 2020 hardbottom map based on December 2020 aerial photography/development of the 2020 annual BMA report

Dear Mr. Weber:

Coastal Eco-Group is pleased to provide the Town of Palm Beach with the following proposal for the 2021 regulatory hardbottom monitoring for the 2020 Mid-Town Beach Nourishment Project based on the requirements of the Florida Department of Environmental Protection (FDEP) Beach Management Agreement (BMA). This scope also includes development of the 2020 BMA annual report and creation of the 2020 hardbottom map from aerial photography dated December 2020. This proposal is being submitted to the Town on a Time and Materials – Not to Exceed basis for the services as described herein.

The scope and cost estimate contained herein have been collaboratively developed by professionals from the Coastal Eco-Group team. Teaming partners include Tetra Tech, Inc. and Nova Southeastern University. Ms. Cheryl Miller will serve as Project Manager and Principal Scientist for this effort.

This proposal has been divided into two tasks by calendar year. Task 1 is creation of the 2020 hardbottom map based on digitization of exposed hardbottom in aerial photography dated December 2020 and development of the 2020 cell-wide BMA monitoring report (includes regulatory Year 5 post-construction monitoring for Mid-Town and BMA transect/station monitoring for variability assessment). Task 1 includes participation and presentation in one public meeting for the BMA. Task 2 is the 2021 regulatory monitoring for the 2020 Mid-Town Beach Nourishment Project and data analyses/report preparation of the 2021 Immediate Post-construction report. The 2021 report generated under Task 2 will include evaluation of potential project-related effects of the Mid-Town Beach Nourishment Project relative to variability documented at the BMA transects (data/report to be provided by others) in the evaluation of potential project-related effects. Mid-Town is the only project with project monitoring for regulatory assurance in the BMA.

The specific scope of work to be implemented is described in the BMA, Appendix B– Cell-Wide Monitoring and Mitigation Plans. Language repeated directly from the BMA cell-wide monitoring plan is shown in italics below.

Task 1. Creation of the 2020 Cell-wide BMA Hardbottom Map, statistical data analyses, and 2020 annual cell-wide report

Work performed under Task 1 involves digitization of exposed hardbottom in aerial photography dated December 1, 2020 using ArcGIS, following the standards used to develop the Town’s historic hardbottom GIS database in the BMA. The minimum mapping unit is 8 sq. ft. Two rounds of QA-QC will be performed on the shapefiles to minimize interobserver variability in hardbottom interpretation and ensure compliance with the Town’s historic map standards. A final hardbottom map of the entire BMA cell will be created, and the map will be used to generate the 2020 report figures.

Aerial photo survey and analysis of hardbottom distribution

Biannual aerial photography will be used to map the hardbottom along the BMA area twice a year and will serve as a data comparison for the in situ nearshore hardbottom edge mapping work in the summer. Having the additional aerial photo survey during the winter months will provide information on seasonal variability of hardbottom exposure. Department approved aerial photographic methods will be employed to collect aerial photography sufficient for analysis and delineation of hardbottom distribution within the cell. The acreage of exposed hardbottom in the specified zones of the cell area will be estimated and followed by a field verification of the outlined hardbottom areas, specifically on the shoreward edge (through the hardbottom edge mapping, as described in B.2.c.ii. below) and then the hardbottom will be digitally mapped using GIS. The acreage of exposed hardbottom in the specified zones of the cell area will be based primarily on aerial imagery that may be adjusted using diver observations conducted as close as possible to the imagery flight.

2020 Cell-wide BMA monitoring report

The 2020 survey data deliverable was completed under a previous task order with the Town. The remaining 2020 tasks to be performed are point count analysis of the benthic data from the two offshore hardbottom stations, data analyses and statistical treatment, and development of the 2020 annual cell-wide report. The final report will include the December 2020 hardbottom distribution maps described above with the summer 2020 diver-mapped hardbottom edge survey as an overlay; sediment analyses including bar graphs depicting sediment patch data and average sediment depths at transects and cross-shore zones; benthic community analyses and change, and statistical analyses. All data treatment and statistical analyses will be conducted according to the BMA cell-wide monitoring plan as described under Task 2 below.

The 2020 annual monitoring summary presenting the 2020 survey results, interpretations, trends, and comparison to the 2014/15 baseline survey data will be submitted within 90 days of the Notice to Proceed. The final report will be submitted as a PDF file to the FDEP and the Town.

Task 2. Mid-Town Beach Nourishment Project 2021 Immediate Post-Construction Regulatory Hardbottom Monitoring and Report Development

Nearshore hardbottom edge survey

The nearshore hardbottom edge adjacent to the Mid-Town project area (FDEP control monument R-87 south to R-105) will be mapped by divers. The nearshore hardbottom edge is defined as the western border of exposed hardbottom areas, or the position of the landward most visible border between sand and hardbottom defined by emergent biota. Survey mapping methods are compliant with the BMA cell-wide monitoring plan for mapping of the nearshore hardbottom edge.

A two-person dive team (one scuba diver/one snorkeler) will follow the nearshore edge; one diver will follow the edge on the bottom and collect digital video documentation while the snorkeler on the surface pushes a float with a SP60 GNSS receiver directly above the diver on bottom. The SP60 GNSS Receiver transmits continuous, corrected positions to an XDL Rover 2 radio on the survey vessel. These positions are transmitted to a handheld tablet on the vessel via Bluetooth technology. This system allows the dive team to map the hardbottom edge untethered to the vessel. The positions are simultaneously viewed and stored as a shapefile in ArcPad on the tablet during the field survey.

The hardbottom video and relief characterization points will be georeferenced in the field. The video diver will take periodic relief measurements along the hardbottom edge. The snorkeler will signal to the vessel to record a GPS point at the location of each relief measurement, and each point will be assigned a number, which is then relayed back to the diver on bottom. Coordinates will also be taken to georeference the video record; the snorkeler will signal the boat at the beginning of each video segment, and a coordinate will be recorded. In the office, navigational data collected from the vessel-based mapping system will be imported into ArcGIS 10.7.1 and exported as a single line shapefile containing numerous line segments. Relief measurements will be exported as a separate point shapefile. The final video record will be georeferenced with the video reference points, and the video will be hyperlinked in the attribute table of the GIS point shapefile. An ArcMap document with video hyperlinks will be submitted to the FDEP and Town on an external hard drive.

Permanent Transects

Table 1a provides a list of the regulatory Mid-Town transects with transect lengths from the 2014 survey, and Table 1b provides the transects updrift (R-88), downdrift (R-104) and within the Mid-Town beach nourishment project area (R-94, R-95 natural, and R-93 ext.) that will be surveyed with the Mid-Town regulatory transects during the 2021 survey. Table 2 provides the Mid-Town sediment transects.

Table 1a. Town of Palm Beach Mid-Town Regulatory Transects

Transect	Transect length (m)	Pre-Construction Survey
R-90	200	12/16/2014
R-91	200	12/16/2014
R-92	200	12/15/2014
R-93	200	12/15/2014
R-95 Breaker's (Artificial)	185	12/17/2014
R-97	75.2	12/15/2014
R-98	94	12/15/2014
R-99	95	12/16/2014
R-100	117	12/16/2014
R-101	107.3	12/16/2014

Table 1b. Town of Palm Beach Mid-Town Regulatory Transects

Transect	Length (m)	Date of Installation	Baseline Survey Date
R-88	172	10/30/2014	12/17/2014
R-93 ext.	3	10/17/2014	12/15/2014
R-94	281	10/29/2014	12/17/2014
R-95 Breaker's Natural	60	10/22/2014	12/17/2014

Table 2. Town of Palm Beach Mid-Town Sediment Transects

Transect	Length of Transect (m)	Pin Locations	Sand Trough Locations
T14	200	0m (EB), 10m (EB), 50m (SR), 100m (EB), 145m (SR), 188m (SR), 200m (LR)	148 m - 188 m
T13	200	0m (LR), 70m (LR), 100m (EB), 140m (SR), 200m (LR)	150 m - 190 m
T9	194	0m (LR), 20m (SR), 50m (SR), 77m (SR), 177m (SR), 194m (LR)	80 m - 170 m
T8	56	0m (LR), 10m (LR), 56m (LR)	-
T7	62	0m (LR), 12m (LR), 48m (SR), 62m (LR)	-
T6	83	0m (LR), 12m (LR), 50m (SR), 83m (LR)	-
T5	78	0m (LR), 10m (LR), 50m (SR), 78m (LR)	-
T4	90	0m (LR), 10m (LR), 50m (SR), 90m (LR)	-

BMA ENVIRONMENTAL MONITORING SURVEY METHODS

Transect Survey Methodology

During the monitoring event, the transect shall be set up (plotted) by a diver extending a measuring tape the distance of the transect, with each end secured to the end of the transect by a permanent pin. Sediment measurements shall be made, a video survey shall be conducted, and benthic quadrat sampling shall occur along the transect to measure the types and distribution of the benthic communities, as well as the relief and sedimentation features of the hardbottom. The sediment measurements shall be the first data collection event to occur following set up of the transect in order to have the least sediment disturbance. Video data and benthic quadrat surveys will follow sediment measurements. Transects include all data collections listed below, unless specified to be “sedimentation only” transects. If “sedimentation only” transects are specified, only that protocol shall be utilized.

Sediment Measurements: Line Intercept and Sediment Depth Measurements.

In order to track changes in sediment cover over and across the hardbottom within the cell, line intercept and sediment depth measurements will be conducted along each transect. These surveys shall be conducted first, after the transect is set up, in order to measure undisturbed sediments. These surveys provide documentation of sediment cover and movement over the hardbottom, as well as information about where sediment accumulation is occurring over hardbottom.

- i. Interval sediment depth measurements document sediment movement and dynamics within each transect. Sediment depth shall be measured and recorded to the nearest centimeter, at every other meter mark (0m, 2m, 4m, etc.). For the measurement, a stainless-steel ruler, graduated in centimeters (0 cm to 30 cm), shall be pressed through the sediments until the ruler reaches surface of hard substrate or totally immersed in sand. Sand thickness of less than 0.5 cm will be recorded as 0, more than 0.5 cm but equal or less than 1 cm will be recorded as 1cm, etc. Measurements greater than 30 cm will be recorded as >30 cm. Measurements shall follow the entire length of the transect excluding sand patches over 0.5m that would be recorded in the line intercept survey, as described below. Measurements would be recorded in a table printed in waterproof paper, labeled in 2m increments with the transect number. For reporting purposes, results will be summarized in a Microsoft Excel format spreadsheet. Annual reports shall include average sediment depths for each transect, the entire monitoring area, and for zones 0-30m; 30m-60m; 60m- 100m; and 100m -150 (200) m, or more detailed if necessary.*
- ii. The line-intercept survey would be used to document larger areas of uninterrupted sand (patches and troughs over 0.5m measured width along the transect). Sediment dynamics within the monitoring area are characterized by changes in dimensions of such sand patches. The western and eastern edge of each sand patch/trough will be recorded during the line-intercept survey.*

Sediment depth will be measured at one point, in the middle of the patch, if the patch is 0.5 m to 1.5 meters wide, and at three points if the patch width is over 1.5 m (0.5m from each edge into the patch and in the middle of the patch). For reporting purposes, patches will be graphically

displayed in a bar graph of each transect for the comparison of their dynamics over time.

Video Surveys of Transects

The video survey of the transect serves as an archived data set for reference or resolution of unclear data from the quadrat and sediment surveys. As mentioned above and prior to the survey, a measuring tape should be extended along the length of the transect, in order to clearly mark the location along the transect in meters for accurate video reference. The video of hardbottom along each transect will be taken using a digital camera, with the videographer swimming at a rate no faster than five (5) meters per minute and holding the camera at a height of forty (40) centimeters above the hardbottom. A convergent laser guidance system shall be utilized to indicate the precise height of the camera at 40 cm from the bottom. Prior to commencement and at the end of each transect line documentation, an underwater display containing the transect number, depth, and date will be videotaped and integrated directly onto the digital video record; additionally, a 360° panoramic view will be recorded both at the beginning and at the end of each transect from the elevation of about 1m above bottom and at the angle about 30° to the horizon. Geographic Positioning System (GPS) navigational coordinates (Florida State Plane Coordinate System, East Zone NAD 83) of the video transect locations will be overlaid on recent aerial photography and included in the project monitoring reports.

Quadrat Data Collection Along Transects

Benthic communities and their habitats will be characterized quantitatively using the quadrat method, which samples quadrat areas of habitat at certain points along a transect. The intent of the sampling is to sample the same quadrat areas in each annual survey to be able to document changes in communities over time.*

*The northeast corner of the quadrat will align with a particular meter mark of transect, and a nail will be installed to mark the location of this meter mark, in order to facilitate repeat sampling of the same quadrat in successive surveys. Quadrats shall be plotted avoiding areas of sand cover. Enough quadrats must be used to sample a 10 m² sampling area for each 150 meters of transect. Quadrats 1.0 m² or 0.5m² in size can be used to sample the hardbottom community along each transect to make at least 10 m² sampling area per transect** (if the larger quadrat sizes are selected, fewer samples will be required). Quadrats will be distributed along the transect to have at least 2.5m² to 3.5m² sampling area (enough to characterize) for the following zones 0-30m; 30m-60m; 60m- 100m; 100m to 150m (or up to 200m if longer) and 200m- 300m (or up to 400m if longer).*

Quadrat monitoring includes the following measurements:

- i. Hardbottom relief measurements;*
- ii. Species documentation (this shall include functional groups including algae and benthic sessile organisms, % cover of these groups if >1%, and octocorals and stony coral specific measurements);*
- iii. Sediment depth; and*
- iv. Percent cover by sediments*

Datasheets will have a standardized layout similar to that used in BEAMR (Baron and Lybolt, 2006), and will simplify data collection and entry for statistical treatment.

Visual estimates of percent cover of all sessile benthos shall be pooled to 15 major functional groups. Functional groups are: sediments, macroalgae**, turf algae***, encrusting red algae****, sponges, hydroids, octocorals, scleractinian corals, tunicates, bare hard substrate, zoanthids, hydrocorals Millepora sp., sessile worms (including wormrock, Phragmatopoma spp.), bivalves, and bryozoans. Each functional group is given a percent cover value (0-100%, with a minimum of 1%; if less than 1%, the functional group or a species is simply listed) and the total cover of all functional groups is 100%. The macroalgae percent cover will be characterized by total cover, and percent cover by the dominant macroalgae (if a particular species/genus has >5% cover). All other macroalgae will be also identified at least to the genus level and listed. The quadrat in situ method is limited to organisms that can be visually recorded and identified in the field, similarly to all other non-invasive and non-consumptive methods of sampling.*

Each colony of octocoral and scleractinian coral will be identified, as well as the maximum height for octocorals, and the width for scleractinian corals will be measured to the nearest centimeter. The smallest size recorded is one (1) centimeter; for colonies less than one (1) centimeter the record would be <1cm. Octocorals will be identified to at least the genus level, and scleractinian corals will be identified to the species level. Abnormal conditions of each colony will be recorded (e.g., bleaching, disease, predation, etc.).

In addition to the species being recorded within the quadrats, all species of benthic invertebrates (identified to at least genus level) will be recorded within a 1 meter belt.

** Sediments characterized by circling of the descriptor, or giving short additional characterization (e.g., rubble, or circled descriptor sand and then + shell hash, etc.)*

*** Macroalgae include fleshy macroalgae and geniculate calcareous algae, e.g. Halimeda); non-geniculate calcareous branching red algae write separately*

**** Turf algae include all algae with thallium less than 10mm and forming dense cover*

***** Encrusting red algae recorded separately for non-calcareous and calcareous (% + %)*

Data Analyses and Report Development

Preparation of the 2021 survey data deliverables (Microsoft Access database of monitoring data, Excel summary sheets, and electronic library of raw monitoring data (scanned field datasheets), GIS shape files, photos and video will be conducted according to the requirements of the BMA cell-wide monitoring plan. The 2021 Mid-Town data will be entered into the BMA Access database with two rounds of QAQC review of all entered data. The 2021 Mid-Town data will be exported and summarized in individual Excel spreadsheets. The survey data deliverable shall be submitted to the FDEP and the Town on an external hard drive. Data analyses and statistical treatment will be conducted according to the below.

Data Analysis and Product Development

Quantitative data on the major benthic biological components, e.g., percent cover, abundance, distribution by size, and species lists as well as a statistical evaluation and comparison (paired

or multiple) of the data collected along the permanent transects will help to determine the amount of the hardbottom type and ecological functions over time. This will determine if the ecological functions of the hardbottom habitat are impacted by a beach nourishment project. This database would facilitate efficient QA/QC operations, data management, and will also be filed to a uniform GIS database. The results of these analyses will be included in the yearly reports due to the Department. The following are required.

- i. Multivariate Benthic Community Analyses and Univariate Analyses of Physical Habitat Data. A table of hardbottom types (according to the classification system for the BMA) will be maintained annually to evaluate and track the changes in communities over time. It will be used to determine 1) if the amount of each type of hardbottom is being maintained over time and the natural variability of the fluctuations of that type; and 2) if a loss is due to a project. Unanticipated project induced impacts will initiate compliance and enforcement action. Once natural variation can be conclusively determined within the cell, this information could be utilized for better resource management in future regulatory actions.
- ii. Statistical Tests. The following includes a list of suggested statistical tests to be performed with each single survey dataset to compare between annual surveys as well as between annual survey and the Habitat Map of Hardbottom:
 - a. Percent Cover - Benthic Functional Groups. The simplest and one of the most effective statistical comparisons is provided by the estimations of % changes in cover, biodiversity, size class distribution, area of distribution, sediment cover, and sediment thickness. Changes expressed in percentages provide the clearest picture of the changes occurring in the hardbottom communities as a result of each nourishment or natural event. These results are to be presented in tabulated and graphical form. It is also important to understand that the statistical significance of change in the absolute value of a parameter or in %, does not necessarily reflect a critical threshold e.g. in sediment accumulation that can change the character of hardbottom community; such thresholds can be identified only experimentally.
 - b. Similarity Analyses.
 - i. Non-Parametric Statistics using PRIMER-E (v6) (Clark and Gorley, 2006), such as the following listed below:
 - a. Similarity matrix – Bray-Curtis and/or Euclidean Distance similarity matrices display similarity between samples for further analysis. This should be calculated between every pair of samples.
 - b. Cluster analysis with Similarity Profile (SIMPROF) – Simple agglomerative, hierarchal clustering which creates a dendrogram from a similarity matrix to display significant differences.
 - c. MDS ordination – A complex numerical algorithm based on a similarity matrix among samples (transects). This constructs a “map” of the samples which attempts to satisfy all the conditions imposed by the rank similarity matrix.

- d. Analysis of Similarity (ANOSIM) – Operate on a resemblance matrix and carry out an approximate analogue of the standard univariate 1- and 2-way ANOVA tests. Allows for the test of the null hypothesis that there are no assemblage differences between groups of samples specified by the factors. Generates a histogram and provides R-statistic and p-values.*
 - e. Similarity of Percentage (SIMPER) – Looks at the role of individual taxa in contributing to the separation (dissimilarity) between two groups of samples (e.g., Artificial vs. Natural).*
 - f. Second Stage Analysis (2STAGE) – Gives a succinct summary in a 2-d picture of the relationship between the multivariate sample patterns under various choices (e.g., a disturbance in the temporal patterns of controls vs. impact could be detected by a 2STAGE analysis). This includes resemblance, MDS and ANOSIM.*
- ii. *Parametric Statistics such as the following listed below:*
- a. T-test – used to determine significant differences based on average percent cover, density, richness, etc. Paired, homoscedastic, and heteroscedastic. Provides p-value to compare to pre-determined alpha.*
 - b. ANOVA – A test of the statistical significance of the differences among the mean scores of two or more groups on one or more variables. In the event scores differ, non-parametric ANOVA or a generalized linear model may be utilized to account for the nature of this data.*
 - c. Shannon Diversity Index (H') – Measures diversity in categorical data. It is simply the information entropy of the distribution, treating species as symbols and their relative population sizes as the probability.*
 - d. Pielou's Evenness Index (J') – A measure of biodiversity which quantifies how equal the populations are numerically. Based on Shannon Diversity Index.*

The 2021 report for the Mid-Town Beach Nourishment Project will include hardbottom distribution maps based on interpretation of 2021 aerial photography (GIS shape files provided by others) with the summer 2021 diver-mapped hardbottom edge survey as an overlay; sediment analyses including bar graphs depicting sediment patch data and average sediment depths of transects and cross-shore zones; benthic community analysis and change, and statistical analyses. All data treatment and statistical analyses will be conducted according to the BMA cell-wide monitoring plan described above. The final report presenting the 2021 Mid-Town hardbottom survey results, interpretations, and comparison to the 2014/15 baseline survey data and 2021 BMA transect data (provided by others) in the evaluation of potential project-related effects will be submitted within 120 days of the completion of the 2021 survey. The final report will be submitted as a PDF file to the Town and FDEP.

Mr. Robert Weber

Proposal for 2021 Mid-Town Monitoring/2020 Hardbottom Map and Annual Report

May 19, 2021

Page 10

The commencement dates of the surveys will be reported to the FDEP approximately 7 days prior to beginning the work effort, and the FDEP will be notified of survey completion. Following data collection, all field sheets will be checked for completeness and accuracy, and all edge mapping files will be displayed in GIS and reviewed to ensure that there are no data gaps. All field sheets will be scanned to PDF for submittal to the Department with the data deliverable for the survey. All photos and videos will be downloaded, reviewed, and labeled by date/location. All data will then be saved onto an external hard drive for submittal to the Town.

The total estimated cost of Task 1 (2020 aerial hardbottom map and 2020 annual BMA report) is **\$102,188**. The total cost of Task 2 (2021 Mid-Town Immediate Post-construction Regulatory Monitoring and 2021 report) is **\$118,567**. All work will be completed on a Time & Materials – Not to Exceed basis.

Thank you for the opportunity to work with the Town of Palm Beach. Please contact me at 954-591-1219 or via email at cmiller@coastaleco-group.com if you have any questions regarding this proposal.

Sincerely,



Cheryl L. Miller

President, Principal Scientist

Coastal Eco-Group, Inc.

TOWN OF PALM BEACH

Town Council Meeting on: June 8, 2021

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 058-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$146,160 to Coastal Protection Engineering, LLC, for the 2021 FDEP BMA Cell-Wide Annual Biological Monitoring, and Establishing a Biological Monitoring Phase Budget of \$156,000.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated May 25, 2021, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 058-2021**
- ▣ **Coastal Protection Engineering**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 8, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

FROM: Dean Mealy II, CPPO, Town Purchasing Manager

RE: Approve a Purchase Order for 2021 FDEP BMA Cell-Wide Annual Biological Monitoring
Resolution No. 058-2021 - Negotiated Savings of \$50,000

DATE: May 25, 2021

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 058-2021 approving a purchase order to Coastal Protection Engineering, LLC (CPE), in the amount of \$146,160 to complete the State of Florida Department of Environmental Protection (FDEP) Beach Management Agreement (BMA) required 2021 Palm Beach Island Cell-Wide Biological Monitoring, and establish a monitoring and reporting phase budget of \$156,000.

GENERAL INFORMATION

CPE is one of two firms that have professional services agreements from RFQ 2020-15. CPE and Coastal Eco-Group will be performing all of the State and Federal regulatory required biological monitoring to satisfy the obligations under the FDEP Beach Management Agreement and the U.S. Army Corps of Engineers permits.

The CPE comprehensive scope of work, dated May 24, 2021, includes the BMA required tasks. These tasks include aerial delineation of hardbottom, nearshore environmental resources edge mapping, and both benthic and sedimentation data collection and analyses. Project-related monitoring will be performed by Coastal Eco-Group, Inc. The work and reporting by CPE will be done together with the additional biological monitoring by CEG.

Staff is working with FDEP staff to identify any potential State cost-sharing for this regionally beneficial work effort. The Town has been successful in previous years with obtaining State cost-sharing for annual required biological monitoring work.

FUNDING/FISCAL IMPACT

The Coastal Protection Fund includes sufficient funds to accomplish the annual regulatory required scope of work as proposed by both CPE and Coastal Eco-Group, Inc.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachments

cc: Jane Le Clainche, Director of Finance
Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager

RESOLUTION NO. 058-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF \$146,160 TO COASTAL PROTECTION ENGINEERING, LLC, FOR THE 2021 FDEP BMA CELL-WIDE ANNUAL BIOLOGICAL MONITORING, AND ESTABLISHING A BIOLOGICAL MONITORING PHASE BUDGET OF \$156,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order to Coastal Protection Engineering, LLC (CPE), in the amount of \$146,160 for the 2021 annual FDEP BMA cell-wide annual biological monitoring, and establishing a biological monitoring phase budget of \$156,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 8th day of June 2021.

Danielle H. Moore, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk



COASTAL PROTECTION ENGINEERING

5301 N. FEDERAL HWY, SUITE 335

BOCA RATON, FL 33487

561-565-5100

May 24, 2021

Sent via Email

Mr. Robert Weber, Coastal Program Manager
Town of Palm Beach Public Works Department
951 Old Okeechobee Road
West Palm Beach, Florida 33401
Submitted via email to:

Re: Proposal for the 2021 FDEP Beach Management Agreement Cell-Wide Hardbottom Monitoring and 2021 Hardbottom Map

Dear Mr. Weber,

This proposal is being provided to the Town of Palm beach (Town) for Coastal Protection Engineering LLC (CPE) to provide professional environmental services in support of the Beach Management Agreement (BMA) annual monitoring and reporting. This proposal has been divided into two tasks that will result in the creation of the 2021 BMA Hardbottom Map and production of the 2021 BMA Annual Hardbottom Monitoring Report.

Scope of Services

The scope of services outlined below will include creation of the 2021 hardbottom map based on delineation of exposed hardbottom in aerial photography and nearshore edge mapping of the entire BMA cell, participation in one public meeting, biological monitoring of transects and offshore stations, data analysis, and reporting required by the BMA. The specific scope of work to be implemented is described in the BMA, Appendix B– Cell-Wide Monitoring and Mitigation Plans. Language repeated directly from the BMA is shown in italics.

Task 1. 2021 Hardbottom Mapping and Creation of 2021 BMA Hardbottom Map

Task 1 includes digitization of exposed hardbottom from aerial photographs, in situ hardbottom edge mapping, and development of the 2021 BMA hardbottom map.

Aerial Delineation of Exposed Hardbottom. Exposed hardbottom will be digitized from one set of 2021 aerial photography (Town’s boundaries) provided by the Town using ArcGIS, including inter-observer QA-QC, following the standards used to develop the Town’s historic hardbottom GIS database in the BMA. The area south of the Town’s boundaries will be digitized using aerial imagery from the County-wide aerial photographs, if acceptable.

In situ Nearshore Hardbottom Edge Mapping. The nearshore hardbottom edge from R-76 to R-87 and from R-110 to R-151 will be mapped by divers. The hardbottom edge in the Mid-Town Project area between R-87 and R-106 will be mapped by others (under separate contract) and the resulting shapefiles will be provided to CPE for inclusion in BMA cell-wide maps. The nearshore hardbottom edge is defined as the western border of exposed hardbottom areas, or the position of the landward most visible border



between sand and hardbottom defined by emergent biota. A two-person dive team will follow the nearshore edge while towing a buoy with a survey-grade DGPS, which transmits continuous positions to ArcGIS or HYPACK hydrographic survey software on board the survey vessel with correction from a U.S. Coast Guard Navigational Beacon. The divers will follow the inshore contour of the hardbottom-sand interface. The buoy shall be on the shortest possible tether, such that the buoy is directly over the diver. In areas where the nearshore edge is located in the intertidal/subtidal zone, the nearshore edge will be mapped by qualified biologists using a handheld Trimble Geo 7x DGPS (or comparable) system. The biologists will carry the DGPS unit as they walk/wade around the hardbottom features at the sand/rock interface. The DGPS unit shall collect data every second during edge mapping. Photographs will be taken when it is not possible to record video. Survey mapping methods are compliant with the BMA cell-wide monitoring plan for mapping of the nearshore hardbottom edge.

During the edge mapping, divers will take periodic relief measurements or assign a relief category along segments with obvious changes in relief along the hardbottom edge. The coordinates of each relief point will be recorded by signaling to the vessel to take a GPS position. The relief features will be included in the geodatabase and BMA maps. As conditions allow, digital video will be recorded to document the nearshore edge for descriptive analysis of relief, benthic communities, and sediment condition. The camera system is integrated with DGPS and provides an overlay of the coordinates on the video screen. The final video record will be hyperlinked to the hardbottom edge shapefile in GIS.

2021 BMA Hardbottom Map. The delineation of exposed hardbottom from the 2021 aerial photographs and the in situ hardbottom edge mapping will be used to generate the final 2021 BMA hardbottom map. A geodatabase with relief points, hardbottom edge, and hyperlinked video files will also be submitted to the Florida Department of Environmental Protection (FDEP) and the Town on an external hard drive.

Task 1 corresponds to the BMA requirements as presented below in italics.

Aerial Photo Survey and Analysis of Hardbottom Distribution

Biannual aerial photography will be used to map the hardbottom along the BMA area twice a year and will serve as a data comparison for the in situ nearshore hardbottom edge mapping work in the summer. Having the additional aerial photo survey during the winter months will provide information on seasonal variability of hardbottom exposure. Department approved aerial photographic methods will be employed to collect aerial photography sufficient for analysis and delineation of hardbottom distribution within the cell. The acreage of exposed hardbottom in the specified zones of the cell area will be estimated and followed by a field verification of the outlined hardbottom areas, specifically on the shoreward edge (through the hardbottom edge mapping, as described in B.2.c.ii. below) and then the hardbottom will be digitally mapped using GIS. The acreage of exposed hardbottom in the specified zones of the cell area will be based primarily on aerial imagery that may be adjusted using diver observations conducted as close as possible to the imagery flight.

Task 2. BMA Biological Monitoring (Transects and Offshore Stations) and Annual Data Analysis/ Report Development

Task 2 includes biological monitoring of the BMA transects and offshore stations, along with data analysis and report development of the 2021 Annual Hardbottom Monitoring Report.

BMA Biological Monitoring – Transects and Offshore Stations. CPE will monitor the BMA transects, offshore stations, and Mid-Town transect extensions as shown in Table 1. If exposed hardbottom is observed seaward of the BMA transects listed in Table 1 during the 2021 survey, the transects will be extended to the length of exposed hardbottom, and sediment depth and line intercept monitoring will be performed across the full cross-shore extent of the hardbottom. The seaward end of exposure in 2021 will be marked with a 6-inch PK nail, and DGPS coordinates will be recorded. The BMA biological monitoring corresponds to the BMA requirements as presented below in italics.

Table 1. BMA transects, offshore stations, and Mid-Town BMA extensions to be monitored in 2021.

Transect	Length (m)	Date of Installation	Baseline Survey Date
R-80.5	150	6/22/2015	8/13/2015
R-83	156.8	6/22/2015	7/16/2015
R-90 ext.	82	10/20/2014	12/16/2014
R-91 ext.	108	10/3/2014	12/16/2014
R-92 ext.	125.6	10/17/2014	12/15/2014
Station R-92	22	6/22/2015	7/16/2015
Station R-94	22	6/22/2015	7/16/2015
R-103	151	10/29/2014	12/17/2014
R-113	2.2	10/30/2014	12/18/2014
R-115	15.5	10/30/2014	12/18/2014
R-116	29.5	10/30/2014	12/18/2014
R-132	117	10/30/2014	12/18/2014
R-133	143	10/30/2014	12/18/2014
R-136	137	6/19/2015	7/16/2015
R-139	67	6/19/2015	7/16/2015
R-142	125.5	6/19/2015	7/15/2015
R-145	157.4	6/19/2015	7/15/2015

Environmental Monitoring Survey Methods

During the monitoring event, the transect shall be set up (plotted) by a diver extending a measuring tape the distance of the transect, with each end secured to the end of the transect by a permanent pin. Sediment measurements shall be made, a video survey shall be conducted, and benthic quadrat sampling shall occur along the transect to measure the types and distribution of the benthic communities, as well as the relief and sedimentation features of the hardbottom. The sediment measurements shall be the first data collection event to occur following set up of the transect in order to have the least sediment disturbance. Video data and benthic quadrat surveys will follow sediment measurements. Transects include all data

collections listed below, unless specified to be “sedimentation only” transects. If “sedimentation only” transects are specified, only that protocol shall be utilized.

Sediment Measurements: Line Intercept and Sediment Depth Measurements.

In order to track changes in sediment cover over and across the hardbottom within the cell, line intercept and sediment depth measurements will be conducted along each transect. These surveys shall be conducted first, after the transect is set up, in order to measure undisturbed sediments. These surveys provide documentation of sediment cover and movement over the hardbottom, as well as information about where sediment accumulation is occurring over hardbottom.

- i. Interval sediment depth measurements document sediment movement and dynamics within each transect. Sediment depth shall be measured and recorded to the nearest centimeter, at every other meter mark (0m, 2m, 4m, etc.). For the measurement, a stainless-steel ruler, graduated in centimeters (0 cm to 30 cm), shall be pressed through the sediments until the ruler reaches surface of hard substrate or totally immersed in sand. Sand thickness of less than 0.5 cm will be recorded as 0, more than 0.5 cm but equal or less than 1 cm will be recorded as 1cm, etc. Measurements greater than 30 cm will be recorded as >30 cm. Measurements shall follow the entire length of the transect excluding sand patches over 0.5m that would be recorded in the line intercept survey, as described below. Measurements would be recorded in a table printed in waterproof paper, labeled in 2m increments with the transect number. For reporting purposes, results will be summarized in a Microsoft Excel format spreadsheet. Annual reports shall include average sediment depths for each transect, the entire monitoring area, and for zones 0-30m; 30m-60m; 60m- 100m; and 100m -150 (200) m, or more detailed if necessary.*
- ii. The line-intercept survey would be used to document larger areas of uninterrupted sand (patches and troughs over 0.5m measured width along the transect). Sediment dynamics within the monitoring area are characterized by changes in dimensions of such sand patches. The western and eastern edge of each sand patch/trough will be recorded during the line-intercept survey.*

Sediment depth will be measured at one point, in the middle of the patch, if the patch is 0.5 m to 1.5 meters wide, and at three points if the patch width is over 1.5 m (0.5m from each edge into the patch and in the middle of the patch). For reporting purposes, patches will be graphically displayed in a bar graph of each transect for the comparison of their dynamics over time.

Video Surveys of Transects

The video survey of the transect serves as an archived data set for reference or resolution of unclear data from the quadrat and sediment surveys. As mentioned above and prior to the survey, a measuring tape should be extended along the length of the transect, in order to clearly mark the location along the transect in meters for accurate video reference. The video of hardbottom along each transect will be taken using a digital camera, with the videographer swimming at a rate no faster than five (5) meters per minute, and holding the camera at a height of forty (40) centimeters above the hardbottom. A convergent laser guidance system shall be utilized to indicate the precise height of the camera at 40 cm from the bottom. Prior to commencement and at the end of each transect line documentation, an underwater display containing the transect number, depth, and date will be videotaped and integrated directly onto the digital video record; additionally, a 360° panoramic view will be recorded both at the beginning and at the end of

each transect from the elevation of about 1m above bottom and at the angle about 30° to the horizon. Geographic Positioning System (GPS) navigational coordinates (Florida State Plane Coordinate System, East Zone NAD 83) of the video transect locations will be overlaid on recent aerial photography and included in the project monitoring reports.

Quadrat Data Collection Along Transects

Benthic communities and their habitats will be characterized quantitatively using the quadrat method, which samples quadrat areas of habitat at certain points along a transect*. The intent of the sampling is to sample the same quadrat areas in each annual survey to be able to document changes in communities over time.

The northeast† corner of the quadrat will align with a particular meter mark of transect, and a nail will be installed to mark the location of this meter mark, in order to facilitate repeat sampling of the same quadrat in successive surveys. Quadrats shall be plotted avoiding areas of sand cover. Enough quadrats must be used to sample a 10 m² sampling area for each 150 meters of transect. Quadrats 1.0 m² or 0.5m² in size can be used to sample the hardbottom community along each transect to make at least 10 m² sampling area per transect** (if the larger quadrat sizes are selected, fewer samples will be required). Quadrats will be distributed along the transect to have at least 2.5m² to 3.5m² sampling area (enough to characterize) for the following zones 0-30m; 30m-60m; 60m- 100m; 100m to 150m (or up to 200m if longer) and 200m-300m (or up to 400m if longer).

Quadrat monitoring includes the following measurements:

- i. Hardbottom relief measurements;
- ii. Species documentation (this shall include functional groups including algae and benthic sessile organisms, % cover of these groups if >1%, and octocorals and stony coral specific measurements);
- iii. Sediment depth; and
- iv. Percent cover by sediments

*Benthic quadrat surveys are subject to revision and development of finer details prior to implementation.

** Statistical analysis of data collected during the Habitat Mapping will assist in estimation of the sampling area for particular type of community.

† The southwest corner of the quadrats aligns with the transect meter mark. An additional pin is installed at the northeast corner of the quadrat.

Datasheets will have a standardized layout similar to that used in BEAMR (Baron and Lybolt, 2006), and will simplify data collection and entry for statistical treatment.

Visual estimates of percent cover of all sessile benthos shall be pooled to 15 major functional groups. Functional groups are: sediments*, macroalgae**, turf algae***, encrusting red algae****, sponges, hydroids, octocorals, scleractinian corals, tunicates, bare hard substrate, zoanthids, hydrocorals *Millepora* sp., sessile worms (including wormrock, *Phragmatopoma* spp.), bivalves, and bryozoans. Each functional group is given a percent cover value (0-100%, with a minimum of 1%; if less than 1%, the functional group or a species is simply listed) and the total cover of all functional groups is 100%. The macroalgae percent cover will be characterized by total cover, and percent cover by the dominant macroalgae (if a particular species/genus has >5% cover). All other macroalgae will be also identified at least to the genus level and

listed.

The quadrat in situ method is limited to organisms that can be visually recorded and identified in the field, similarly to all other non-invasive and non-consumptive methods of sampling.

Each colony of octocoral and scleractinian coral will be identified, as well as the maximum height for octocorals, and the width for scleractinian corals will be measured to the nearest centimeter. The smallest size recorded is one (1) centimeter; for colonies less than one (1) centimeter the record would be <1cm. Octocorals will be identified to at least the genus level, and scleractinian corals will be identified to the species level. Abnormal conditions of each colony will be recorded (e.g., bleaching, disease, predation, etc.).

In addition to the species being recorded within the quadrats, all species of benthic invertebrates (identified to at least genus level) will be recorded within a 1 meter belt.

** Sediments characterized by circling of the descriptor, or giving short additional characterization (e.g., rubble, or circled descriptor sand and then + shell hash, etc.)*

*** Macroalgae include fleshy macroalgae and geniculate calcareous algae, e.g. Halimeda); non-geniculate calcareous branching red algae write separately*

**** Turf algae include all algae with thallium less than 10mm and forming dense cover*

***** Encrusting red algae recorded separately for non-calcareous and calcareous (% + %)*

Data Analysis and Report Development. Preparation of the FDEP data deliverables (Microsoft Access database, Excel spreadsheets of monitoring data, and electronic library of raw monitoring data (scanned field datasheets), GIS shapefiles, photographs and video files will be conducted according to the requirements of the BMA cell-wide monitoring plan. The 2021 BMA data will be entered into an Access database with two rounds of QAQC review of all entered data. The data will be exported and summarized in individual Excel spreadsheets. The survey data deliverable shall be submitted to the FDEP and the Town on an external hard drive. Data analyses and statistical treatment will be conducted according to the BMA requirements as presented below in italics.

The 2021 BMA Annual Report will include hardbottom distribution maps based on interpretation of 2021 aerial photography (Mid-Town GIS shapefiles provided by others) with the summer 2021 diver-mapped hardbottom edge survey as an overlay; sediment analyses including bar graphs depicting sediment patch data and average sediment depths of transects and cross-shore zones; benthic community analysis and change, and statistical analyses. All data treatment and statistical analyses will be conducted according to the BMA cell-wide monitoring plan described below. The final report presenting the annual hardbottom survey results, interpretations, and comparison to the 2014/15 baseline survey data in the evaluation of potential project-related effects will be submitted within 120 days of the completion of the 2021 survey. The final report will be submitted as a PDF file to the Town and FDEP.

The commencement dates of the surveys will be reported to the FDEP approximately 7 days prior to beginning the work effort. All raw data (including shapefiles, copies of field data sheets, video and still photos) shall be provided to the FDEP in electronic format upon completion of the survey.

Data Analysis and Product Development

Quantitative data on the major benthic biological components, e.g., percent cover, abundance, distribution by size, and species lists as well as a statistical evaluation and comparison (paired or multiple) of the data collected along the permanent transects will help to determine the amount of the hardbottom type and ecological functions over time. This will determine if the ecological functions of the hardbottom habitat are impacted by a beach nourishment project. This database would facilitate efficient QA/QC operations, data management, and will also be filed to a uniform GIS database. The results of these analyses will be included in the yearly reports due to the Department. The following are required.

- i. Multivariate Benthic Community Analyses and Univariate Analyses of Physical Habitat Data. A table of hardbottom types (according to the classification system for the BMA) will be maintained annually to evaluate and track the changes in communities over time. It will be used to determine 1) if the amount of each type of hardbottom is being maintained over time and the natural variability of the fluctuations of that type; and 2) if a loss is due to a project. Unanticipated project induced impacts will initiate compliance and enforcement action. Once natural variation can be conclusively determined within the cell, this information could be utilized for better resource management in future regulatory actions.
- ii. Statistical Tests. The following includes a list of suggested statistical tests to be performed with each single survey dataset to compare between annual surveys as well as between annual survey and the Habitat Map of Hardbottom:
 - a. Percent Cover - Benthic Functional Groups. The simplest and one of the most effective statistical comparisons is provided by the estimations of % changes in cover, biodiversity, size class distribution, area of distribution, sediment cover, and sediment thickness. Changes expressed in percentages provide the clearest picture of the changes occurring in the hardbottom communities as a result of each nourishment or natural event. These results are to be presented in tabulated and graphical form. It is also important to understand that the statistical significance of change in the absolute value of a parameter or in %, does not necessarily reflect a critical threshold e.g. in sediment accumulation that can change the character of hardbottom community; such thresholds can be identified only experimentally.
 - b. Similarity Analyses.
 - i. Non-Parametric Statistics using PRIMER-E (v6) (Clark and Gorley, 2006), such as the following listed below:
 - a. Similarity matrix – Bray-Curtis and/or Euclidean Distance similarity matrices display similarity between samples for further analysis. This should be calculated between every pair of samples.
 - b. Cluster analysis with Similarity Profile (SIMPROF) – Simple agglomerative, hierarchal clustering which creates a dendrogram from a similarity matrix to display significant differences.
 - c. MDS ordination – A complex numerical algorithm based on a similarity matrix among samples (transects). This constructs a “map” of the samples which attempts to satisfy all the conditions imposed by the rank similarity matrix.

- d. *Analysis of Similarity (ANOSIM) – Operate on a resemblance matrix and carry out an approximate analogue of the standard univariate 1- and 2-way ANOVA tests. Allows for the test of the null hypothesis that there are no assemblage differences between groups of samples specified by the factors. Generates a histogram and provides R-statistic and p-values.*
 - e. *Similarity of Percentage (SIMPER) – Looks at the role of individual taxa in contributing to the separation (dissimilarity) between two groups of samples (e.g., Artificial vs. Natural).*
 - f. *Second Stage Analysis (2STAGE) – Gives a succinct summary in a 2-d picture of the relationship between the multivariate sample patterns under various choices (e.g., a disturbance in the temporal patterns of controls vs. impact could be detected by a 2STAGE analysis). This includes resemblance, MDS and ANOSIM.*
- ii. *Parametric Statistics such as the following listed below:*
- a. *T-test – used to determine significant differences based on average percent cover, density, richness, etc. Paired, homoscedastic, and heteroscedastic. Provides p-value to compare to pre-determined alpha.*
 - b. *ANOVA – A test of the statistical significance of the differences among the mean scores of two or more groups on one or more variables. In the event scores differ, non-parametric ANOVA or a generalized linear model may be utilized to account for the nature of this data.*
 - c. *Shannon Diversity Index (H') – Measures diversity in categorical data. It is simply the information entropy of the distribution, treating species as symbols and their relative population sizes as the probability.*
 - d. *Pielou's Evenness Index (J') – A measure of biodiversity which quantifies how equal the populations are numerically. Based on Shannon Diversity Index.*

Cost Estimate

CPE proposes to provide these services as detailed in Attachment 1 on a Time and Materials basis with the support of our subcontractor Aptim Environmental & Infrastructure, LLC (APTIM) for an estimated Not-To-Exceed amount \$146,160.00 to be performed in accordance with this proposal and Professional Services Agreement (PSA) 2020-24 between the Town of Palm Beach and CPE. The compensation for services rendered under this proposal will be based on the Rate Schedule of the PSA as shown in Attachment 1. Although this proposal is detailed by separable items and estimated by specific staff and categories, it is anticipated that some work elements will exceed the estimate while others fall below the estimate to complete. Our staff and sub-consultant will be used as needed to achieve the scope of services and to meet the stated objectives and timelines within the proposed budget. Should the Town desire additional services beyond this scope, CPE will be available to discuss adjustments as appropriate.



Thank you for the opportunity to serve the Town of Palm Beach. If you have any questions, please feel free to contact me directly at 561-632-1210.

Sincerely,

A handwritten signature in blue ink that reads "Stacy E. Buck".

Stacy Buck

Senior Marine Biologist

Coastal Protection Engineering LLC

Mobile: 561-632-1210

sbuck@coastalprotectioneng.com

Cc: Lindino Benedet, PhD, CPE
Thomas Pierro, PE, D.CE., CPE



COASTAL PROTECTION ENGINEERING
 5301 N. FEDERAL HWY, SUITE 335
 BOCA RATON, FL 33487
 561-565-5100

Attachment 1

CPE Cost Proposal

Town of Palm Beach
 2021 BMA Monitoring

CPE Cost Proposal		LABOR			MATERIALS	SUBCONTRACTOR
		Principal Coastal Scientist Hours	Senior Marine Biologist Hours	Jr. Coastal Scientist Hours	Equipment & Insurance diver/day	APTIM Cost
Task 1	Aerial Delineation		128			\$ 4,000.00
	Hardbottom Edge Mapping		65	36	6	\$ 14,031.82
	Map	1	40			\$ 4,000.00
	Public Meeting	1	24			\$ -
Task 2	Transect Monitoring and Offshore Stations		56		8	\$ 21,916.36
	Data Entry and Raw Data Submittal		76			\$ 8,796.36
	Data Analysis and Annual Report	4	100			\$ 3,854.55
TOTAL		6	489	36	14	\$ 56,599.09
RATE		\$ 285.00	\$ 159.00	\$ 100.00	\$ 60.00	\$ 1.10
COST		\$ 1,710.00	\$ 77,751.00	\$ 3,600.00	\$ 840.00	\$ 62,259.00
		LABOR	\$ 83,061.00			
		MATERIALS	\$ 840.00			
		SUBCONTRACTOR	\$ 62,259.00			
		TOTAL	\$ 146,160.00			



Town of Palm Beach
2021 BMA Monitoring

APTIM Cost Proposal		LABOR				EQUIPMENT						MATERIALS	
		Marine Biologist II Hours	Marine Biologist I Hours	Boat Captain Hours	GIS Operator Hours	Survey Boat (24 ft Privateer) miles	Trimble DGPS days	Hypack days	Underwater Seadrop Integrated Camera days	Underwater Camera days	SCUBA tanks days	Gator week	Equipment & Insurance diver/day
Task 1	Aerial Delineation	40											
	Hardbottom Edge Mapping	60		36		3	5	3	3	2	36	1	3
	Map	40											
Task 2	Transect Monitoring and Offshore Stations	96	48	48		4	4	4		4	48	12	
	Data Analysis and Raw Data Submittal	68	8		24								
	Annual Report	40			4								
TOTAL		264	56	84	108	7	9	7	3	6	84	1	15
RATE \$		\$ 86.36	\$ 65.45	\$ 72.73	\$ 100.00	\$ 718.18	\$ 377.27	\$ 236.36	\$ 27.27	\$ 29.09	\$ 17.27	\$ 540.00	\$ 60.00
COST		\$ 22,800.00	\$ 3,665.45	\$6,109.09	\$ 10,800.00	\$ 5,027.27	\$ 3,395.45	\$ 1,654.55	\$ 81.82	\$ 174.55	\$ 1,450.91	\$ 540.00	\$ 900.00
		LABOR	\$ 43,374.55										
		EQUIPMENT	\$ 11,784.55										
		MATERIALS	\$ 540.00										
		TOTAL	\$ 55,699.09										

TOWN OF PALM BEACH

Town Council Meeting on: June 8, 2021

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 059-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town of Palm Beach Master Fee Schedule by Increasing Parking Placard and Metered Parking Fees, and Providing an Effective Date.

Presenter

Jane Le Clainche, Director of Finance

ATTACHMENTS:

- ▣ **Memorandum Dated May 27, 2021, from Jane Le Clainche, Director of Finance**
- ▣ **Resolution No. 059-2021**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 8, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Jane Le Clainche, Finance Director

RE: Proposed Changes to Fees and Regulations for Placard and Metered Parking Spaces
Resolution No. 059-2021

DATE: May 27, 2021

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 059-2021 adopting revised fees for placard and metered parking.

GENERAL INFORMATION

Parking meter and placard fees were last increased in 2019. At that time, most meter fees were raised from \$2/hour to \$3/hour. The South Ocean Blvd and Phipps Ocean Park meters remained at \$5 which has been the rate since 2011.

Resolution No. 059-2021

Approval of Resolution No. 059-2021 will increase two parking related fees, including the following:

1. Fees for the parking placard program will increase by 20%, as outlined below for the various options available for purchase.

1 Month Placard
Current: \$115
Proposed: \$138

6 Month Placard
Current: \$540
Proposed: \$648

4 Month Placard
Current: \$385
Proposed: \$462

12 Month Placard
Current: \$1,010
Proposed: \$1,212

2. Fees for “metered” parking in \$3/hour locations will increase to \$4/hour. Related to metered parking, effective July 1, 2021, except for the Royal Palm Way/Recreation Center Lot which will remain at \$3/hour. On the following page are the current metered parking areas within the Town and the proposed changes to fees.

Bradley Place (100 Block)

Current: \$3/hour

Proposed: \$4/hour

Royal Palm Way (100 Block)

Current: \$3/hour

Proposed: \$4/hour

Royal Palm Way/Recreation Center Lot

Current: \$3/hour

Proposed: \$3/hour (NO CHANGE)

Lake Drive South (300 Block)

Current: \$3/hour

Proposed: \$4/hour

Peruvian (200 and 300 Blocks)

Current: \$3/hour

Proposed: \$4/hour

Sunrise (100 Block)

Current: \$3/hour

Proposed: \$4/hour

Phipps Ocean Park (South Lot)

Current: \$5/hour

Proposed: \$6/hour

Phipps Ocean Park (North Lot)

Current: \$5/hour

Proposed: \$6/hour

South Ocean Blvd (Mid-Town Beach)

Current: \$5/hour

Proposed: \$6/hour

**100 Blocks of Brazilian, Australian,
Chilean, Peruvian and Hammon**

Current: \$5/hour

Proposed: \$6/hour

FUNDING/FISCAL IMPACT

The fee increases are anticipated to increase parking revenues by approximately \$400,000.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Carolyn Stone, Assistant Town Manager
Department Directors

RESOLUTION NO. 059-2021

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF PALM BEACH, PALM BEACH COUNTY, FLORIDA,
AMENDING THE TOWN OF PALM BEACH MASTER FEE
SCHEDULE BY INCREASING PARKING PLACARD AND
METERED PARKING FEES, AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS; the Town Council has adopted the Town of Palm Beach Master Fee Schedule,
and;

WHEREAS; Town staff has proposed revisions to the fees relating to the parking placard
program and metered parking spaces, and

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

Section 1. The Master Fee Schedule for parking placards shall be revised to read as
follows:

Parking Placard Fee	\$138 for a 1 month period
	\$462 for a 4 month period
	\$648 for a 6 month period
	\$1,212 for a 12 month period

Section 2. The Master Fee Schedule for \$3/hour metered parking spaces at the current rate
shall be revised to \$4/hour. The Royal Palm Way/Recreation Center Lot will remain at
\$3/hour.

Section 3. The Master Fee Schedule for \$5/hour metered parking spaces at the current
rate shall be revised to \$6/hour.

Section 4. The adopted fees shall become effective on July 1, 2021.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of
Palm Beach assembled this 8th day of June, 2021.

Danielle H. Moore, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: June 8, 2021

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 060-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting an Amendment to the Town of Palm Beach Retirement System Investment Policy Statement; Providing for Repeal of Conflicting Resolutions; and Providing an Effective Date.

Presenter

Jane Le Clainche, Director of Finance

ATTACHMENTS:

- ▣ **Memorandum Dated May 27, 2021, from Jane Le Clainche, Director of Finance**
- ▣ **Resolution No. 060-2021**
- ▣ **Investment Policy**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 8, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jane Le Clainche, Finance Director

Re: **Resolution No. 060-2021**
Amendments to the Town's Investment Policy for the Retirement System

Date: May 27, 2021

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 060-2021 adopting the amendments to the Town's Investment Policy for the Retirement System.

BOARD OR COMMISSION RECOMMENDATION

The Retirement Board of Trustees unanimously voted at the May 14, 2021 meeting, to recommend that the Town Council approve the revision to the Town's Investment Policy for the Retirement Trust, which adds the asset class Alternatives to broaden the categorical definition of Hedge Fund and also adds an asset class for Liquid Reserves at a 2% target allocation to provide additional latitude, and modifies the Global Macro Allocation from an allocation of 5% to 3%.

GENERAL INFORMATION

Retirement Board of Trustees are recommending revising the investment policy to reflect the revised asset allocation targets and additional asset class. The changes to the Investment Policy are shown below and shown in section II of the attached Investment Policy.

Asset Class	Target	Range	Benchmark Index
Domestic Equity	35%	30% - 40%	Russell 3000
International Equity	20%	15% - 25%	MSCI-ACWI ex US
<i>Total Equity</i>	<i>55%</i>	<i>45% - 65%</i>	
Broad Market Fixed Income	12.5%	10% - 25%	BB-Barclays Aggregate.
Non-Core Fixed Income ¹	5%	0% - 10%	BB-Barclays Multiverse
<i>Total Fixed Income</i>	<i>17.5%</i>	<i>10% - 25%</i>	
Real Estate Core / Value-Added Real Estate ¹	10%	0% - 20%	NFI-ODCE Fund Index (EW)
Alternatives Hedge Fund²	5%	0% - 15%	Strategy Index ²

Global Macro Allocation ²	3—5%	0% -15%	Strategy Index ²
Pvt. Equity ²	7.5%	0% -15%	S & P 500 + 3%
<i>Total Non-Traditional Assets</i>	<i>27.5%</i>	<i>0% - 35%</i>	
<i>Total Liquid Reserves</i>	<i>2.0%</i>	<i>0%-10%</i>	<i>90-Day T-Bill</i>

Liquid reserves is being added as an asset class to provide additional latitude for holding cash for future distributions. The asset class Hedge Fund is being redefined as Alternative Investments. Redefining the asset class nomenclature allows for utilization of a more broadly defined scope of prospective investment opportunities. The objective of the asset class remains the same, which is to provide for risk management and overall return enhancement through diversification. An Alternative Investment may include, but is not limited to, private equity, venture capital, hedge funds, real estate, focused strategy, and other assets that do not fall into one of the conventional equity/fixed income/cash categories.

TOWN ATTORNEY REVIEW

The Investment Policy and Resolution No. 060-2021 have been drafted by the Retirement Board's Legal Counsel, Janice Rustin with Lewis Longman and Walker.

FUNDING/FISCAL IMPACT

There is no fiscal impact related to these changes.

Jll

cc: Retirement Board of Trustees
Dave West, Andco Consulting

RESOLUTION NO. 060-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE TOWN OF PALM BEACH RETIREMENT SYSTEM INVESTMENT POLICY STATEMENT; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Trustees of the Town of Palm Beach Retirement System adopted a revised Investment Policy Statement at its meeting on May 14, 2021; and,

WHEREAS, the revised Investment Policy Statement is subject to the approval of Town Council in accordance with the Section 82-57 of the Code of Ordinances of the Town of Palm Beach; and,

WHEREAS, the Town Council desires to approve the proposed revised Investment Policy Statement for the Town of Palm Beach Retirement System.

NOW THEREFORE, the Town Council of the Town of Palm Beach, Palm Beach County, Florida hereby resolves:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The Town of Palm Beach Retirement System Investment Policy Statement attached hereto as Exhibit "A", is hereby approved and adopted.

Section 3. This Resolution hereby repeals all resolutions in conflict herewith.

Section 4. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8th day of June, 2021.

Danielle H. Moore, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk

EXHIBIT “A”

TOWN OF PALM BEACH RETIREMENT SYSTEM

INVESTMENT POLICY STATEMENT

I. PURPOSE OF INVESTMENT POLICY STATEMENT

The Pension Board of Trustees (“Board”) maintains that an important determinant of future investment returns is the expression and periodic review of the Town of Palm Beach Retirement System (“the Retirement System”) investment objectives. To that end, the Board has adopted this statement of Investment Policy and directs that it applies to all assets under their control.

In fulfilling their fiduciary responsibility, the Board recognizes that the retirement system is an essential vehicle for providing income benefits to retired participants or their beneficiaries. The Board also recognizes that the obligations of the Retirement System are long-term and that investment policy should be made with a view toward performance and return over a number of years. The general investment objective is to obtain a reasonable total rate of return - defined as interest and dividend income plus realized and unrealized capital gains or losses - commensurate with the Prudent Investor Rule and any other applicable ordinances and statutes.

Reasonable consistency of return and protection of assets against the inroads of inflation are paramount. However, interest rate fluctuations and volatility of securities markets make it necessary to judge results within the context of several years rather than over short periods of five years or less.

The Board will employ investment professionals to oversee and invest the assets of the Retirement System. Within the parameters allowed in this document and their agreements with the Board, the investment management professionals shall have investment discretion over their mandates, including security selection, sector weightings and investment style.

The Board, in performing their investment duties, shall comply with the state statute on fiduciary duty (section 112.656, Florida Statutes), and fiduciary standards set forth in Employee Retirement Income Security Act of 1974 (ERISA) at 29 U.S.C. s. 1104(a) (1) (A) – (C). In case of conflict with other provisions of law authorizing investments, the investment and fiduciary standards set forth in this section shall prevail.

II. TARGET ALLOCATIONS

In order to provide for a diversified portfolio, the Board has engaged investment professional(s) to manage and administer the fund. The investment manager(s) are responsible for the assets and allocation of their mandate only and may be provided an addendum to this policy with their specific performance objectives and investment criteria.

The Board has established the following asset allocation targets for the total fund:

Asset Class	Target	Range	Benchmark Index
Domestic Equity	35%	30% - 40%	Russell 3000
International Equity	20%	15% - 25%	MSCI-ACWI ex US
Total Equity	55%	45% - 65%	
Broad Market Fixed Income	12.5%	10% - 25%	BB-Barclays Aggregate.
Non-Core Fixed Income ¹	5%	0% - 10%	BB-Barclays Multiverse
Total Fixed Income	17.5%	10% - 25%	
Real Estate Core / Value-Added Real Estate ¹	10%	0% - 20%	NFI-ODCE Fund Index (EW)
Alternatives Hedge Fund²	5%	0% -15%	Strategy Index ²
Global Macro Allocation ²	3-5%	0% -15%	Strategy Index ²
Pvt. Equity ²	7.5%	0% -15%	S & P 500 + 3%
Total Non-Traditional Assets	27.5%	0% - 35%	
Total Liquid Reserves	2.0%	0%-10%	90-Day T-Bill

Note: Allocation to Pvt. Equity shall be based on invested capital.

1. Absent of a full allocation, all or a portion of the target allocation will remain in domestic fixed income with the corresponding allowable range adjustment around the revised domestic fixed income target.

2. Absent of a full allocation, all or a portion of the target allocation will remain in domestic equity with the corresponding allowable range adjustment around the revised domestic equity target.

3. The "strategy index" for alternative assets is defined as the most appropriate index, combination of indices, or absolute return target for the investment(s) in question. The strategy index will be determined at the time of engagement based on the specific investment's long-term objective, prospectus, and/or governing documents and reflected in performance evaluation reports.

The Board of Trustees, with assistance from the Consultant, will monitor the aggregate asset allocation of the portfolio, and will rebalance to the target asset allocation based on market conditions. If at the end of any calendar quarter, the allocation of an asset class falls outside of its allowable range, barring extenuating circumstances such as pending cash flows or allocation levels viewed as temporary, the asset allocation will be rebalanced into the allowable range. To the extent possible, contributions and withdrawals from the portfolio will be executed proportionally based on the most current market values available. The Board does not intend to exercise short-term changes to the target allocation.

The Office of the Town Finance Director is authorized to move funds as required within the existing investment structure and its established investments as required for the maintenance of the target allocation, and for the management of Retirement System Cash Flow.

III. INVESTMENT PERFORMANCE OBJECTIVES

The following performance measures will be used as objective criteria for evaluating the effectiveness of the Investment Managers.

A. Total Portfolio Performance

1. The performance of the total portfolio will be measured for rolling three and five year periods. The Target Index for the Retirement System is defined in the TARGET ASSET ALLOCATION table including within this policy.
2. On a relative basis, it is expected that the total portfolio performance will rank in the top 50th percentile of the appropriate peer universe over three and five-year time periods.
3. On an absolute basis, the objective is that the return of the total portfolio will equal or exceed the actuarial earnings assumption as scheduled (effective with the September 30, 2016 actuarial valuation, the assumed rate of investment return will be decreased to 7.4 %, and will further decrease by 10 basis points each year thereafter until the assumed rate reaches 7.0% effective with the September 30, 2020 actuarial valuation. Effective with the September 30, 2021 actuarial valuation, the assumed rate of investment return will be decreased 20 basis points to 6.80%, with a further decrease of 20 basis points each year thereafter until the assumed rate reaches 6.0% effective with the September 30, 2025 actuarial valuation). The assumed rate of return will provide inflation protection by meeting Consumer Price Index plus at least 3%.

B. Equity Performance

The combined equity portion of the portfolio, defined as common stocks and convertible bonds, is expected to perform at a rate at least equal to the respective indices indicated in the target allocation table. Individual components of the equity portfolio will be compared to the specific benchmarks defined in each Investment Manager addendum. All portfolios are expected to rank in the top 50th percentile of the appropriate peer universe over three and five-year time periods.

C. Fixed Income Performance

The overall objective of the fixed income portion of the portfolio is to add stability and liquidity to the total portfolio. The fixed income portion of the portfolio is expected to perform at a rate at least equal to the respective indices indicated in the target allocation table. Individual components of the equity portfolio will be compared to the specific benchmarks defined in each Investment Manager addendum. All portfolios are expected to

rank in the top 50th percentile of the appropriate peer universe over three and five-year time periods.

D. Real Estate Performance

The overall objective of the real estate portfolio of the portfolio, if utilized, is to add diversification and another stable income stream to the total fund. The real estate portion of the total fund, defined as core, open ended private real estate, is expected to perform at a rate at least equal to the NFI-ODCE Fund Index (EW) and rank in the top 50th percentile of the appropriate peer universe over 5-year time periods.

E. Alternative and Other Non-Traditional Asset Performance

The overall objective of the alternative and/or "other asset" portion of the portfolio, if utilized, is to reduce the overall volatility of the portfolio and enhance returns. This portion of the fund will be benchmarked as outlined in the manager addendum.

IV. INVESTMENT GUIDELINES

A. Authorized Investments

Pursuant to the investment powers of the Board of Trustees as set forth in the Florida Statutes and local ordinances, the Board of Trustees sets forth the following investment guidelines and limitations:

1. Equities:
 - a. Must be traded on a national exchange or electronic network; and
 - b. Not more than five percent (5%) of the Retirement System's assets, at the time of purchase, shall be invested in the common stock, capital stock or convertible stock of any one issuing company, nor shall the aggregate investment in any one issuing company exceed 5% of the outstanding capital stock of the company; and
 - c. Additional criteria may be outlined in the manager's addendum.
2. Fixed Income:
 - a. All directly held fixed income investments shall have a rating of in the Top Four ratings classifications as reported by a major credit rating service; and
 - b. The value of bonds issued by any single corporation shall not exceed 5% of the total fund; and
 - c. Additional criteria may be outlined in the manager's addendum.
3. Money Market:
 - a. The money market fund or STIF options provided by the Retirement System's custodian; and
 - b. Have a minimum rating of Standard & Poor's A1 or Moody's P1.
4. Pooled Funds:

Investments made by the Board may include pooled funds. For purposes of this policy pooled funds may include, but are not limited to, mutual funds, commingled funds, exchange-traded funds, limited partnerships and private equity. The asset classification of the fund will be based upon its investment objective and may be interpreted consistent with the Florida Department of Management Services Division of Retirement. Pooled funds may be governed by separate documents which may include investments not expressly permitted in this Investment Policy Statement. In the event of investment in a pooled fund, the Board will adopt the prospectus or governing policy of the pooled fund as referenced in an addendum to this Investment Policy Statement.

B. Trading Parameters

When feasible and appropriate, all securities shall be competitively bid. Except as otherwise required by law, the most economically advantageous bid shall be selected. Commissions paid for purchase of securities must meet the prevailing best-execution rates. The responsibility of monitoring best price and execution of trades placed by each manager on behalf of the Retirement System will be governed by the Portfolio Management Agreement between the Retirement System and the Investment Managers.

C. Limitations

All directly held equity and fixed income securities must be readily marketable. Commingled funds must be independently appraised at least annually.

D. Absolute Restrictions

No investments shall be permitted in;

1. Any investment not specifically allowed as part of this policy.
2. Illiquid investments, as described in Chapter 215.47, Florida Statutes.

V. COMMUNICATIONS

- A. On a monthly basis, the custodian shall supply an accounting statement that will include a summary of all receipts and disbursements and the cost and the market value of all assets.
- B. On a quarterly basis, the Investment Managers shall provide a written report affirming compliance with the security restrictions of Section IV (as well as any provisions outlined in the Investment Manager's addendum). In addition, the Investment Managers shall deliver a report each quarter detailing the Retirement System's performance, forecast of the market and economy, portfolio analysis and current assets of the Retirement System. Written reports shall be delivered to the Board within 30 days of the end of the quarter. A copy of the written report shall be submitted to the person designated by the Town, and shall be

available for public inspection. The Investment Managers will provide immediate written and telephone notice to the Board of any significant market related or non-market related event, specifically including, but not limited to, any deviation from the standards set forth in Section IV or their Investment Manager addendum.

- C. If the Fund owns investments, that complied with section IV at the time of purchase, which subsequently exceed the applicable limit or do not satisfy the applicable investment standard, such excess or noncompliant investments may be continued until it is economically feasible to dispose of such investment in accordance with the prudent man standard of care, but no additional investment may be made unless authorized by law or ordinance. An action Retirement System outlining the investment 'hold or sell' strategy shall be provided to the Board immediately.
- D. The Investment Consultant shall evaluate and report on a quarterly basis the rate of return net of investment fees and relative performance of the Retirement System.
- E. The Board will meet periodically to review the Investment Consultant performance report. The Board will meet with the investment manager and appropriate outside consultants to discuss performance results, economic outlook, investment strategy and tactics and other pertinent matters affecting the Retirement System on a periodic basis.
- F. At least annually, the Board shall provide the Investment Managers with projected disbursement needs of the Retirement System so that the investment portfolio can be structured in such a manner as to provide sufficient liquidity to pay obligations as they come due. To this end the Investment Managers should, to the extent possible, attempt to match investment maturities with known cash needs and anticipated cash-flow requirements.

VI. COMPLIANCE

- A. It is the direction of the Board that the Retirement System assets are held by a third party custodian, and that all securities purchased by, and all collateral obtained by the Retirement System shall be properly designated as Retirement System assets. No withdrawal of assets, in whole or in part, shall be made from safekeeping except by an authorized member of the Board or their designee. Securities transactions between a broker-dealer and the custodian involving purchase or sale of securities by transfer of money or securities must be made on a "delivery vs. payment" basis to insure that the custodian will have the security or money in hand at conclusion of the transaction.
- B. The investment policy shall require all approved institutions and dealers transacting repurchase agreements to execute and perform as stated in the Master Repurchase Agreement. All repurchase agreement transactions shall adhere to the requirements of the Master Repurchase Agreement.
- C. At the direction of the Board operations of the Retirement System shall be reviewed by independent certified public accountants as part of any financial audit periodically required. Compliance with the Board's internal controls shall be verified. These controls have been designed to prevent losses of assets that might arise from fraud, error, or misrepresentation

by third parties or imprudent actions by the Board or employees of the Retirement System sponsor, to the extent possible.

- D. The Board acknowledges the importance of continuing education for the Trustees. Education will be provided on an on-going basis by the Fund's actuary, attorney, custodian, investment manager(s), consultant and administrator. In addition, the Trustees are encouraged to attend educational conferences in connection with their duties and responsibilities.
- E. With each actuarial valuation, the Board shall determine the total expected annual rate of return for the current year, for each of the next several years and for the long term thereafter. This determination shall be filed promptly with the Department of Management Services, the Retirement System's sponsor and the consulting actuary.
- F. The proxy votes must be exercised for the exclusive benefit of the participants of the Retirement System. Each Investment Manager shall provide the Board with a copy of their proxy voting policy for approval. On a regular basis, at least annually, each manager shall report a record of their proxy vote.

VII. CRITERIA FOR INVESTMENT MANAGER REVIEW

The Board wishes to adopt standards by which judgments of the ongoing performance of a portfolio manager may be made.

- Four (4) consecutive quarters of relative under-performance verses the benchmark index.
- Three (3) year trailing return below the top 50th percentile within the appropriate peer group and under performance verses the benchmark index.
- Five (5) year trailing return below the top 50th percentile and under performance verses the benchmark index.
- Three (3) year downside volatility greater than the index (greater than 100), as measured by down market capture ratio.
- Five (5) year downside volatility greater than the index (greater than 100), as measured by down market capture ratio.
- Style consistency or purity drift from the mandate.
- Management turnover in portfolio team or senior management.
- Investment process change, including varying the index or benchmark.
- Failure to adhere to the IPS or other compliance issues.
- Investigation of the firm by the Securities and Exchange Commission (SEC).
- Significant asset flows into or out of the company.
- Merger or sale of firm.
- Fee increases outside of the competitive range.

- Servicing issues – key personnel stop servicing the account without proper notification.
- Failure to attain a 60% vote of confidence by the Board.

Nothing in this section shall limit or diminish the Board’s right to terminate the manager at any time for any reason.

VIII. APPLICABLE TOWN ORDINANCES

If at any time this document is found to be in conflict with the Town Ordinances or applicable Florida Statutes, the Ordinances and Statutes shall prevail.

IX. REVIEW AND AMENDMENTS

It is the Board’s intention to review this document at least annually subsequent to the actuarial report and to amend this statement to reflect any changes in philosophy, objectives, or guidelines. In this regard, the Investment Manager's interest in consistency in these matters is recognized and will be taken into account when changes are being considered. If, at any time, the Investment Manager feels that the specific objectives defined herein cannot be met, or the guidelines constrict performance, the Board should be notified in writing. By initialing and continuing acceptance of this Investment Policy Statement, the Investment Managers concur with the provisions of this document. By signing this document, the Chairman attests that this policy has been recommended by the Investment Consultant, reviewed by the Retirement System’s legal counsel for compliance with applicable law, and approved by the Board of Trustees.

X. FILING OF THE INVESTMENT POLICY

Upon adoption by the Board, the investment policy shall be promptly filed with the Florida Department of Management Services, the Town, and the Retirement System’s actuary. The effective date of the Investment Policy shall be the 31 days following the filing date with the Town.

For the Town of Palm Beach Retirement System
Daniel Stanton, Chairman

Date

Approved as to form and legal sufficiency:

Janet Rustin
Counsel to the Board of Trustees

Date

TOWN OF PALM BEACH

Town Council Meeting on: June 8, 2021

Section of Agenda

Consent - Other

Agenda Title

Request to Sunset County Budget Taskforce

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated May 28, 2021, from Jay Boodheshwar, Deputy Town Manager**
- ▣ **Resolution No. 55-10**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 8, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Request to Sunset County Budget Task Force

Date: May 28, 2021

STAFF RECOMMENDATION

Staff recommends Town Council sunset the work of the County Budget Task Force and dissolve said board, as provided for in Section 3 of Resolution No. 55-10.

GENERAL INFORMATION

The County Budget Task Force was created in 2010 via Resolution No. 55-10 for the purposes of monitoring the Palm Beach County budget and encouraging fiscal responsibility by County Officials. The Task Force was also responsible for advising the Town Council on issues relating to the Palm Beach County budget, with one such issue being the recently approved penny surtax.

In light of the fact that this body has not met for at least the last 3 years and most of the members are no longer able to serve, staff is recommending the Task Force be dissolved, as provided for in Section 3 of Resolution No. 55-10. Said section states that “the Task Force shall be dissolved at such time as the Town Council determines that the Task Force has completed its work.”

If Council is in agreement with the recommendation, staff will bring county-related budget issues directly to the Council for review, at which time Council could provide direction or refer issues to the Finance & Tax Committee to study and make recommendations.

Attachment

cc: John C. Randolph, Town Attorney

RESOLUTION NO. 55-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF A COUNTY BUDGET TASK FORCE TO REVIEW THE PALM BEACH COUNTY BUDGET FOR THE 2010/2011 FISCAL YEAR; TO ENCOURAGE FISCAL RESPONSIBILITY BY COUNTY OFFICIALS; AND TO MAKE RECOMMENDATIONS TO THE TOWN COUNCIL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, approximately 25% of the tax bill of residents of the Town of Palm Beach for fiscal year 2010 is distributed to Palm Beach County for the operation of Palm Beach County government; and

WHEREAS, Town of Palm Beach taxpayers are paying approximately \$58 million to Palm Beach County in fiscal year 2010; and

WHEREAS, the Town Council believes that in Palm Beach County budget governance must be prudent and restrained and elected officials must review past decisions for sustainability without large future tax increases; and

WHEREAS, the Town Council desires to appoint a County Budget Task Force to monitor the Palm Beach County budget and to encourage fiscal responsibility by County officials; and

WHEREAS, the purpose of this task force, in addition to reviewing the Palm Beach County budget and encouraging fiscal responsibility by County officials, will be to advise the Town Council in regard to issues relating to the Palm Beach County budget.

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

Section 1. The Town Council hereby creates a County Budget Task Force for the purposes of monitoring the Palm Beach County budget and to make recommendations in regard to same.

Section 2. The County Budget Task Force shall consist of not more than seven (7) members. The Mayor shall serve as a member and Chair of the Task Force and shall appoint an additional member. The remaining five (5) members shall be appointed by the Town Council. Appointees are required to be registered electors in the Town. The initial appointees by this resolution are as follows:

Mayor Jack McDonald

Tim Moran (Appointed by Mayor Jack McDonald)

Stuart Shulman (Appointed by David A. Rosow)

Bruce McAllister (Appointed by Gail Coniglio)

Jere Zenko (Appointed by William J. Diamond)

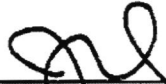
Bobbi Horwich (Appointed by Richard M. Kleid)

Erica Elliott (Appointed by Robert N. Wildrick)

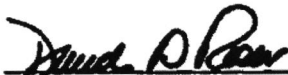
Section 3. The first meeting of the County Budget Task Force shall be held prior to June 11, 2010. The Task Force shall meet as frequently as necessary to accomplish their intended purpose. The term of office of the members of the Task Force shall cease and the Task Force shall be dissolved at such time as the Town Council determines that the Task Force has completed its work.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of
the Town of Palm Beach assembled this 11th day of May, 2010.



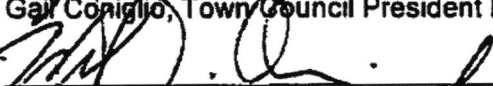
Jack McDonald, Mayor



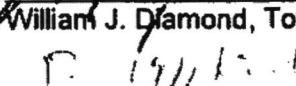
David A. Rosow, Town Council President



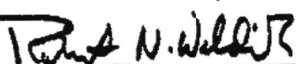
Gail Coniglio, Town Council President Pro Tem



William J. Diamond, Town Council Member



Richard M. Kleid, Town Council Member



Robert N. Wildrick, Town Council Member



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TOWN OF PALM BEACH

Town Council Meeting on: June 8, 2021

Section of Agenda

Committee Reports

Agenda Title

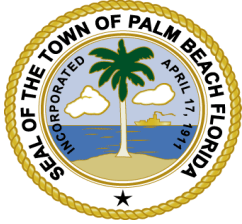
Report of the Ordinances, Rules and Standards Committee Meeting Held on May 20, 2021.

Presenter

Julie Araskog, Chair

ATTACHMENTS:

- ▣ **May 20, 2021, ORS Committee Report**
- ▣ **Letter Dated June 2, 2021, from Laurel Baker, Palm Beach Chamber of Commerce**



TOWN OF PALM BEACH

Town Clerk's Office

REPORT OF THE ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING HELD ON THURSDAY, MAY 20, 2021

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Standards and Rules (ORS) Committee meeting was called to order on Thursday, May 20, 2021, at 9:30 a.m. via Zoom. On roll call all committee members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Araskog led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Ms. Araskog requested item no. V.B.3 Review of Truck Study Report be deferred to a future committee meeting to receive further direction from Council. Deputy Town Manager Jay Boodheshwar stated the reason behind sending this item to Council in June before ORS studies the issue is to have Town Council discuss and make recommendations on the different options available to regulate truck traffic in the Town, so ORS is not studying possible alternatives that the Council does not want to implement. The consultant and Public Works staff will provide a presentation and will be available for questions at the June Council meeting.

Ms. Araskog added Native Plantings ordinance under ANY OTHER MATTERS. She explained that this item was inadvertently removed from the ORS agenda. The Town Council had directed the Committee to study the native plantings ordinance, the definition of native, what manual or guide should be used as far as natives and study the requirements – 35% vs. 25%.

Motion was made by Member Cooney and seconded by Chair Araskog to approve the agenda as amended. On roll call, the Motion passed unanimously.

IV. COMMUNICATIONS FROM CITIZENS - None

V. REGULAR AGENDA

A. Old Business

1. An overview of the discussion of the Review of Chapter 42 of the Town Code, Relative to Construction Hours
Jay Boodheshwar, Deputy Town Manager

Mr. Boodheshwar provided an historical overview of the previous Committee discussions regarding construction hours. Year-round residents expressed a need for more consistency to provide enjoyment of their property throughout the summer months.

In 2018, modifications to the Town Code were made to provide more consistency on a year-round basis in terms of dealing with construction hours, days of the week and time of day due to the Town becoming a less seasonal community. Changes included an earlier end of the summer construction season (the Monday prior to Thanksgiving) and consistency in the hours permitted for construction and landscape work. The biggest change was prohibiting outdoor construction during the summer months and only allowing quiet interior work on Saturday to mirror in-season regulations. An additional hour was added to construction hours Monday through Friday to offset the change.

Chair Araskog discussed the issues of noise associated with indoor and quiet work such as slamming of doors, talking loudly outside, constant movement, parking, etc. that was taking away the quiet enjoyment of peoples' property and complaints she receives. Mr. Boodheshwar agreed with Ms. Araskog that interior quiet doesn't always mean quiet because people have to get to the job site, there is back and forth inside and outside of the property to get tools and what not, which adds to the outdoor noise. There was also discussion about violations on Saturdays involving noisy outside work, and it was agreed that the Town does not have the ability to police all sites at all times. It is too hard to make everyone comply on Saturdays.

The Committee and Staff discussed the amount of construction in Town and so many streets having multiple projects, which has been a major noise issue hurting our residents' quiet enjoyment of their property.

Mr. Boodheshwar discussed a few options pertaining to the idea of partitioning the Town geographically but expressed concern that any of these could be problematic in terms of enforcement and education. He began the discussion of different suggestions in relation to having rules for different areas of Town i.e. North of Worth Avenue and South of Worth Avenue or alternate rules on alternate weekends. He stated that this would be very difficult to implement and communicate to everyone.

During the meeting, reminded the committee that this is meant to be a session to talk about many ideas. He recommended uniformity because it is easier to communicate and enforce.

Option 1: Different rules for bigger lots for RA and RAA lots, because the homes were farther apart than in RB and would diminish noise. The Committee did not recommend this option because Ms. Araskog thought lots in those areas can be close together and Mr. Cooney thought this could be problematic for both code enforcement and builders to understand. He stated consistency is key.

Option 2: Allow a specific amount of interior work hours on Saturdays according to the area, maybe north of a certain street and then afternoon hours south of another street or alternating weekends in different areas. This was not recommended by staff. The Committee agreed and did not recommend this option as it would be confusing and hard to enforce.

Option Three: A complete ban on Saturdays and starting daily construction hours one hour earlier to offset the time lost as recommended by John David Corey. The Committee liked this option but did not recommend adding an hour in the morning due to the issues Wayne Bergman discussed. (Please refer to the subsection Morning Issues discussed after this section.)

Discussion ensued about adding an hour of quiet work to the end of current weekday construction hours. There was concern with ending at 7 p.m. out of season, but agreement that 6 pm in season might be a good trade-off to eliminate Saturday work hours.

Ms. Araskog suggested the Committee recommend to Council that all Saturday work hours be eliminated and that an additional hour be given in-season for quiet work only at the end of the workday Monday through Friday. Mr. Cooney agreed with the suggestion despite the fact that we are adding an hour to in-season, which seemed counter-intuitive.

Option 4: No work on Saturdays to occur in the high season- January through March- when the Town is at peak population and bustling and add back the hours during the work week outside of those three months.

Ms. Araskog stated that while the builders do not want to take more time to finish their projects, most residents prefer Saturdays off, even if it means additional time for the construction period. The Committee discussed presenting to Council no Saturdays either in season or out of season. Ms. Araskog and Mr. Cooney agreed that the residents must come first.

Mr. Boodheshwar felt he had enough direction. Ms. Araskog stated that the residents might go for the addition of one hour for quiet work from 6- 7 PM in the Summer to gain their quiet Saturdays, so at least we should use it as a discussion point but stated her preference is what the Committee originally proposed.

Option 5: Planning, Zoning and Building Director Wayne Bergman discussed the option of mitigating the loss of 3 hours of Saturday Construction throughout the

course of the year by adding them to the duration of the building permit. Mr. Boodheshwar calculated a loss of 156 hours [or 19.5 days], if an additional hour was added Monday through Friday in and out of season. Director Bergman recommended to modify the permit duration period to add the 156 hours back into the permit time.

Ms. Araskog and Mr. Cooney agreed this was a very good option. [This will go back to ORS for further study.]

PUBLIC COMMENT

John David Corey, 426 Australian Avenue, recommended no Saturday work in Town and suggested an additional hour for work during the week. He believes within reason the Council must speak for the residents and that it should be consistent throughout the year. Residents he spoke with think Saturday work should be prohibited. He also discussed the issues people have calling code about a neighbor and how difficult that is for everyone. We do not want our residents to have to police the neighborhood. He discussed large amounts of traffic with trucks coming on the Island in the morning. He asked that we please err on the side of the quiet enjoyment of the residents. He discussed that even condos do not allow work on Saturdays.

Susan Gary, 229 Onondaga Avenue, agreed with Mr. Corey's suggestion regarding no Saturday construction work year-round for many of us who live here full time. She also agreed with everything being uniform and simple. She stated they currently have 6 construction sites within Onondaga, Laurie Lane, North Lake Way and Debra Lane. John Corey's idea to give an extended hour is good, she said, but there is a lot of noise. I would like to see less construction.

Mrs. Gary also inquired if anonymous reporting can be set up for Code Enforcement. Ben Alma reported that the State of Florida recently passed a law that no code enforcement unit in the State of Florida may accept anonymous complaints except ones that were deemed life threatening. Whoever calls will be in the record as the complainant, but one can call for someone else.

MODIFYING THE CODE TO PREVENT MORNING NOISE

A separate issue arose during these conversations. Mr. Bergman stated that during the weekdays he noticed workers arriving at 7 a.m. and construction activity beginning at 7:30. He reiterated that the code is written to allow setup time between 8:00 and 9:00 a.m., which is quiet work only such as getting materials, tools and crew together and getting organized. In reality, he said the majority of the sites are very active before 8:00 a.m.

Ms. Araskog stated that it is very disturbing if workers are arriving before 8:00 a.m. as that one of the complaints from residents is the slamming of doors and other

noise early in the morning. She thought the hours [ordinance] could be changed, so workers cannot not arrive before 7:45 a.m.

Ms. Araskog inquired as to the type of code enforcement available at that hour and stated that we need to find a way to stop this activity before 8 am. She stated that residents are construction weary and the Town is under siege. She recommended the Council find a way to regulate these activities so residents can have quiet enjoyment of their property.

Mr. Boodheshwar responded that if violations are occurring and code enforcement is notified of these violations, proactive or reactive enforcement can be carried out by the code enforcement officers.

Ben Alma, Code Enforcement Manager, responded to Mr. Boodheshwar's query regarding the hours for the code enforcement officers, he explained during turtle season the first code enforcement officer starts at 6:00 a.m. (6:30 a.m. during the off season) and his primary duty is turtle violations; the second officer starts at 7:00 a.m. One officer works from Monday to Friday and the other from Tuesday through Saturday.

Discussion ensued regarding the allowable hours for arriving on site for quiet work. Mr. Boodheshwar stated that the Code does not legislate when workers arrive at the site. He stated that the requirement is no work can begin before 8:00 a.m. and from 8-9:00 a.m. it is quiet work (no heavy equipment or construction related noises).

Ms. Araskog suggested that we have a time of arrival for sites, be it 8 am or 7:45 a.m. and more strongly define what quiet work means. No moving around the site, getting out of the cars, loud music, cell phones- that they must stay quiet in the cars. Mr. Cooney agreed. He does not want builders to have to ask for time extensions, but the concern of residents has got to come first.

Mr. Cooney stated that while it is uncomfortable calling code on neighbors, sometimes it had to be done. He asked for the appropriate number to call. The response: Code violations can be reported by calling the Police Department at 561-838-5454.

Ms. Araskog stated that more people call her to call code, because they do not want to call themselves. They do not want their names involved or to hurt their relationship with their neighbor.

Mr. Boodheshwar recommended no workman on site prior to 7:30, but suggested we converse with the trades on this suggestion. There could be language added to the code that before 8am no work shall begin for any set up or work, not be on the cells outside and no slamming of doors. Jay said he would play with some language for the Committee.

UPDATE ON NEW SATURDAY SITE MONITORS

In addition to Construction Hours, an update was given by Mr. Boodheshwar in regard to enforcement on Saturdays. Contract Site Monitors are now monitoring sites on Saturday, which was a direct response to the discussion last month regarding complaints of violations on the weekend and the lack of Town staff available to ensure workers on the sites are in compliance with the quiet work. He reported that there were no violations, but there were concerns mostly related to cleaning up and the screening of the sites that the monitor was able to clear up. He said that having a site monitor on Saturdays has been productive and effective and will be continued. The site monitor will also report any code violations to Code Enforcement.

Mr. Bergman also pointed out that having the site monitor on Saturdays was an excellent suggestion and with periodic reports, staff will be able to find out what kind of violations are taking place on Saturdays.

There was a consensus to move the monitor from Saturday to weekday evenings if Saturdays were eliminated. Mr. Alma stated the code officers go home at 3:00 or 3:30. and that the bulk of Code issues are in the morning and early afternoon. Discussion ensued about using the Site Monitor for afternoons and evening.

B. New Business

1. Discussion Regarding Regulations Pertaining to the use of Synthetic Turf *Wayne Bergman, Director of Planning, Zoning and Building*

Ms. Araskog stated more and more residents are using synthetic turf. It appears many are adding it without getting permits and are in violation of the Town's landscape requirements. She believes many new and current residents do not understand the laws, so part of today's meeting will be educating the public and discussing if the Town needs a specific synthetic turf ordinance. She supports an ordinance incorporating the specifications and limitations of many other municipalities that have synthetic turf regulations, including permit and maintenance requirements, color, percentage of water permeability, height specifications, certain backing, and that they be lead free.

She explained that some people believe synthetic turf is better for the environment because it does not have to be watered, require noisy lawnmowers, or the use of pesticides. She quoted an article from the Coastal Star, citing an Ocean Ridge Commissioner's comments. He stated that experts reported UF does not consider it to be Florida Friendly or environmentally acceptable, and that, "Experts said it holds in heat and raises the temperature of neighborhoods, it allows microscopic petroleum pollutants to seep into the soil and water tables, it kills the beneficial bacteria and micro-organisms underneath, it collects animal feces..."

Mr. Boodheshwar reported that Mr. Bergman and he have been in contact with an Ocean Ridge Commissioner who contacted them over a year ago about an ordinance regarding synthetic turf. He explained that Palm Beach does not directly regulate the use of synthetic turf and thought we should use the Ocean Ridge Ordinance as a reference. Mr. Boodheshwar stated the Town requires a permit for its installation and it is not counted toward our landscape requirements. He also referenced information in the ARCOM designation manual.

Ms. Araskog stated that she found and studied about ten (10) municipalities (including Miami, Coral Gables, Ocean Ridge and Surfside) that had specific Ordinances relating to synthetic turf.

Mr. Bergman added that this subject appears only in the ARCOM Project Designation manual. Staff receives quite a few requests for artificial turf. Staff sends them to ARCOM, whose commissioners always struggle with these requests. He agreed with Chair Araskog's comments in that synthetic turf has a lot of problems.

Mr. Bergman discussed the Ocean Ridge Ordinance. He considers it to be a very good and thorough ordinance that lays out all of the parameters. He stated that from a zoning standpoint, the biggest challenges for ARCOM are the locations where the artificial turf could be used and whether this type of material should be treated as a pervious or impervious surface. Ocean Ridge treats it as 100% pervious, but he thinks we have a different expectation in our Town. He agreed there should be some regulation in place and that if this is something that can be seen from the street, the front or the public right of way, it should be heavily regulated.

Ms. Araskog spoke regarding the environmental concerns of synthetic vs. real turf. She spoke about her personal experience with synthetic turf. She would not recommend it, because it began to smell like plastic, heated up to an unbearable temperature, must be hosed off constantly and did not attract the birds, frogs and butterflies that she now sees on the grass since she replaced her synthetic turf. She has lived the difference. She agrees with other municipalities that do not include it in their landscape requirements. We are a very green town, she said, and it is not landscaping if it is synthetic. She said half of our beauty comes from our landscaping and our nature; therefore she is against synthetic turf for our Town.

Mr. Cooney stated he had never been keen on synthetic turf and the green space requirements are important to the harmony of our Community. He sees it in Town whether it is supposed to be there or not and has noticed its popularity. He stated there were people who liked it because it looks good in shady places. He does not know the balance that is needed. He said that although it was a plastic and petroleum product, folks are leery of children and chemicals.

Ms. Araskog discussed the native options for shady areas, organic treatment for landscape and grass, and the need for educating the public on the different options

to replace and issues with synthetic turf. If parents are worried about chemicals, she would not want children playing on this. Looking at this as a whole, Ms. Araskog recommended that landscapers, contractors and the companies that are common synthetic turf installers be notified by the Town as to our requirements.

Mr. Cooney recommended the public be educated. Mr. Cooney stated that people are paving their yards in the eyes of the zoning code.

Ms. Araskog and Mr. Cooney agreed the public needs to understand that they need a permit to install it and it does not count towards our landscape requirements. Member Cooney hoped the Garden Club might help with education.

Mr. Boodheshwar agreed it should not be counted as open landscape. He spoke regarding the different components: aesthetics, drainage (to not cause issues) and environmental piece (sustainability) to be addressed in the ordinance.

Ms. Araskog read an article “*Environmental Impacts of Artificial versus Natural Turf Grass*” from The Sod University regarding chemicals, volatile organic compounds and suspected carcinogens which are associated with some health effects. It stated that choosing natural grass can help to reduce exposure to chemicals and potential health concerns and that environmental concerns associated with artificial turf include loss of wild habitat, contaminated runoff and migration of synthetic materials that are harmful to aquatic life. The article included a study that found an example of synthetic turf reaching 160 degrees.

Ms. Araskog spoke about the Ficus Benjamina movement after the education the Town and others did as recommended by Bobbie Lindsay and the Garden Club.

Mr. Bergman clarified that a resident must go to ARCOM, be approved and receive a permit to put synthetic turf in their yard. Anyone who has not received such approval or permit is in violation of the zoning code.

Committee members requested that staff return to the next meeting with draft language for the ordinance, include different ordinances from the various municipalities in the backup, and also invite members of the Garden Club and Susan (Lerner) from the Preservation Foundation to take part in the discussion. Ms. Araskog suggested maybe bringing someone from UF when this item goes to the Council. Ms. Araskog and Mr. Cooney agreed that this is not natural and should not count towards landscape requirements.

2. Discussion Regarding Landscape Buffers *Wayne Bergman, Director of Planning, Zoning and Building*

Mr. Bergman stated he had been working on this for the past two (2) years and gave the historical perspective of the issue. Language in the Town Code did not provide enough criteria for this to be turned over to Code Enforcement as a violation. This

issue was taken to Town Council in November 2019, and it was agreed to be forwarded to ORS for action. After a long discussion at the ORS meeting on January 9, 2020, staff was directed to propose changes to Chapter 66 section 236 and return to the Committee. Due to the pandemic, ORS did not meet.

He stated that Complaints from residents and neighbors show a disturbing trend that some property owner will receive approval from ARCOM or Landmarks to build their project, receive Certificate of Occupancy and shortly thereafter, remove large amounts of perimeter landscape buffering, sometimes replacing with something else or nothing at all.

ARCOM has been very concerned that approved landscape plans were later modified or changed without their involvement or knowledge. Our Town Attorney agrees that additional language is needed in the Code, so that such a violation can be enforced by Code Enforcement. Mr. Bergman stated the added changes would include language requiring approval from ARCOM or Landmarks to remove perimeter landscaping over a certain height or within certain linear feet of side or rear property lines.

Ms. Araskog recommended a few changes to the proposed ordinance. New language was proposed by staff and agreed upon by Staff and the Committee.

Mr. Cooney thought it important that staff can approve reasonable changes. If someone wanted to replace a buffer with something of similar height and thickness, they should not have to hire a landscaper to go to ARCOM. Wayne recommended the ARCOM designation manual be cited and confirmed there is a clause allowing staff to approve something similar or greater.

After further discussion and suggestions regarding changes to the language at Sec. 66-236, staff was directed to prepare an Ordinance for first reading at the June town council meeting.

Review of Truck Study Report
Paul Brazil, Director of Public Works

This item was deferred to the next Committee meeting.

VI. ANY OTHER MATTERS

1. Ordinance Relating to Native Plants

Ms. Araskog stated this item was inadvertently missed on last month's agenda and requested that staff add it to the next agenda. She mentioned several items to be discussed: increasing the native requirement from 25% to 35%; defining native species; and evaluating the best manual or guide to identify Florida natives. Mr. Boodheshwar confirmed this would be added. He stated the other pending items to

be studied are height limitations of vegetation adjacent to neighboring structures and noise allowances in residential areas.

It was agreed that the next meeting date will be Thursday, July 1, 2021 at 9:30 a.m.

VII. ADJOURNMENT

The ORS Committee meeting of May 20, 2021 adjourned at 11:30 a.m. with a Motion made by Member Cooney and seconded by Chair Araskog. On roll call, the Motion passed unanimously.

Julie Araskog, Chair

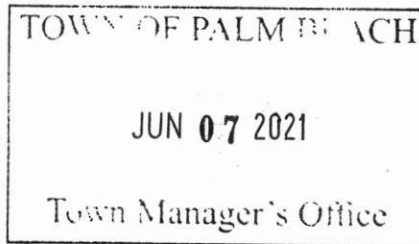
Queenester Nieves, CMC, Town Clerk

Date

June 2, 2021



Mayor & Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480



RE: Saturday Work

For a town that was built by free enterprise industrialists and applauds the accomplishments of those Fortune 500 leaders as residents, the current issue of stopping labor on interior works on Saturdays is difficult to understand.

The chamber has 63 member companies that would be adversely impacted by this move. Free enterprise encourages labor, supports the efforts of those who are willing to work and who take pride in their contributions. The economy may be booming for some, but for those hourly workers, having additional work denied them can be devastating.

Interior work, whether painting, delivering goods, installing drapes or washing windows cannot disturb the comfort and convenience of residents in a resort community, many of whom travel in the summer months.

The chamber would encourage careful reconsideration of this move inasmuch as it runs counter to the free enterprise system of America.

Sincerely,

A handwritten signature in dark ink, appearing to read "L. M. [unclear]".

palm beach chamber of commerce, inc.

400 royal palm way, suite 106, palm beach, fl 33480 www.palmbeachchamber.com

561.655.3282

executive board

roy assad, chair
human capital group

david renna, vice-chair
the breakers palm beach

caroline harless, treasurer
the harless group

laurel baker, ceo & secretary
palm beach chamber of commerce

board of directors

christian angle
christian angle real estate

ashley berry
vita nova

greg etimos
brewster allen wichert insurance

rob frisbie
the frisbie group

chadi irani
the palm beach post & shiny sheet

debra vasilopoulos
first horizon bank

kirk blouin, ex officio
town of palm beach

harvey e. oyer, III
historian

monique classen
director of membership

sandy coto
member engagement

TOWN OF PALM BEACH

Town Council Meeting on: June 8, 2021

Section of Agenda

Regular Agenda - Old Business

Agenda Title

COVID-19 Update

Kirk W. Blouin, Town Manager

a. Report on COVID-19 Infections, Hospitalizations and Vaccinations

Darrel Donatto, Fire Rescue Chief

b. RESOLUTION NO. 061-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Concurring with the Request of the Town's Chief of Police, to Extend the Chief's Declaration of the Existence of a State of Emergency Within the Corporate Limits of the Town to July 13, 2021, Unless Earlier Terminated by the Chief of Police, at Which Time the Town Council Will Address the Need for any Extension of the Declaration of Emergency; Providing for an Effective Date.

Presenter

ATTACHMENTS:

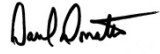
- **a. Memorandum Dated June 7, 2021, from Darrel Donatto, Fire Rescue Chief**
- **b. Resolution No. 061-2021**



Town of Palm Beach Fire-Rescue



TO: Kirk Blouin, Town Manager

FROM: Darrel Donatto, Fire Rescue Chief 

SUBJECT: June 2021 Update on COVID-19 pandemic

DATE: June 7, 2021

To sum up the change in perspective over the past month for COVID-19 it would be safe to say that COVID-19 is no longer viewed as the crisis of the day, but more so something that we must live with each day.

With vaccination rates above 50%, and a known natural immunity rate of another 10% plus, the number of new infections per day both in the Town and the County has dropped significantly, as has the percent of positivity.

The seven-day moving average for the percent of positivity in Palm Beach County is currently 2.99%.

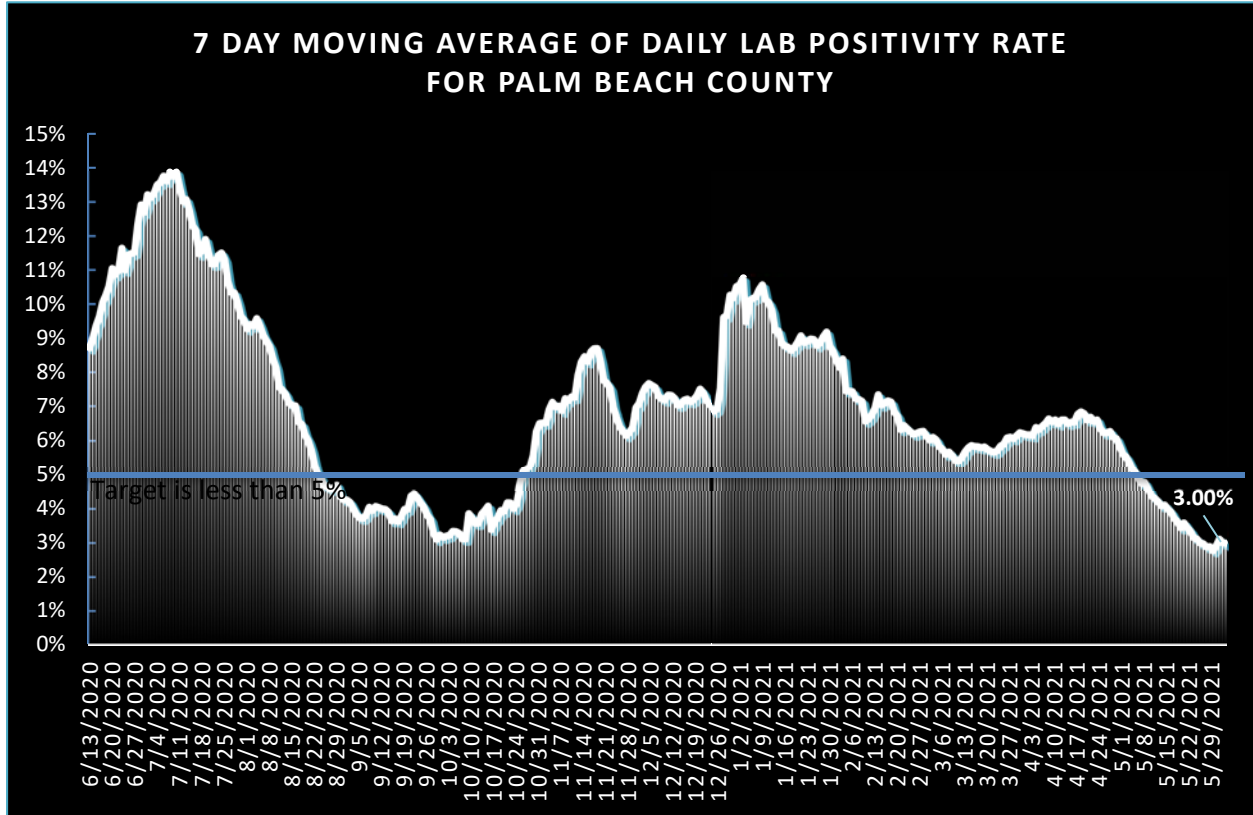
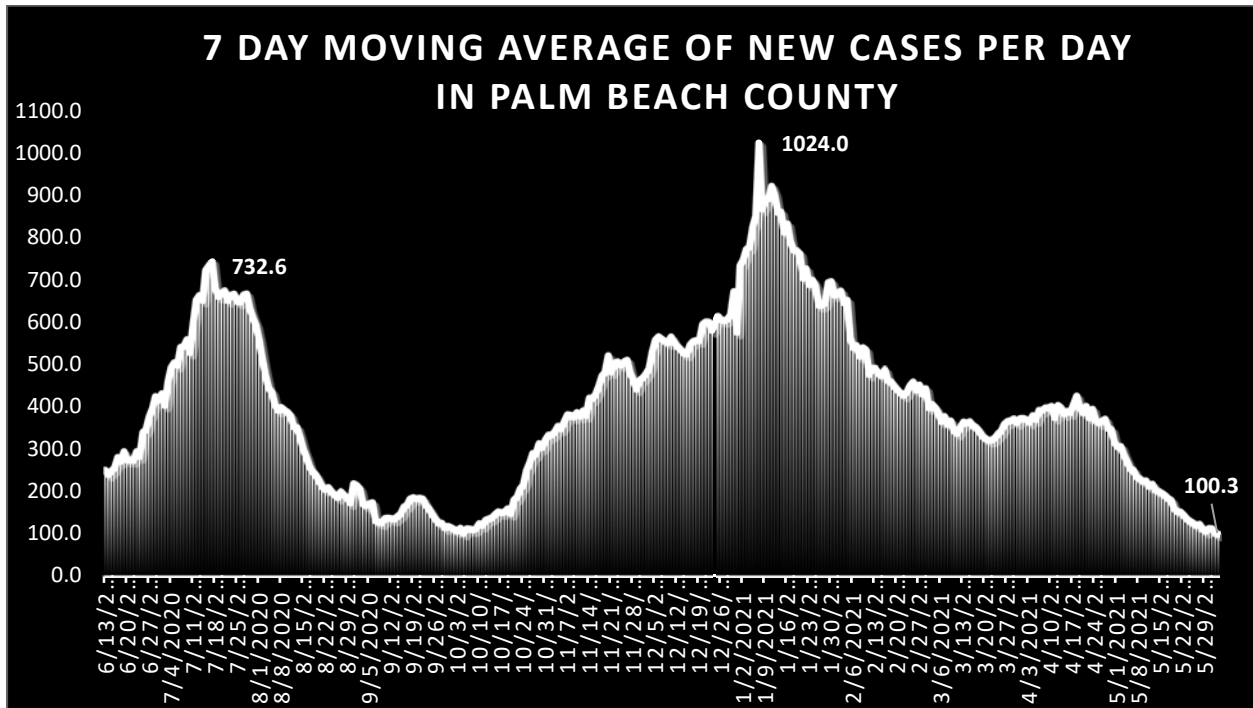
The seven-day moving average of new cases per day in Palm Beach County is now 100. The median age of new COVID-19 cases is 32, and currently, there are only 102 COVID-19 occupied hospital beds within Palm Beach County.

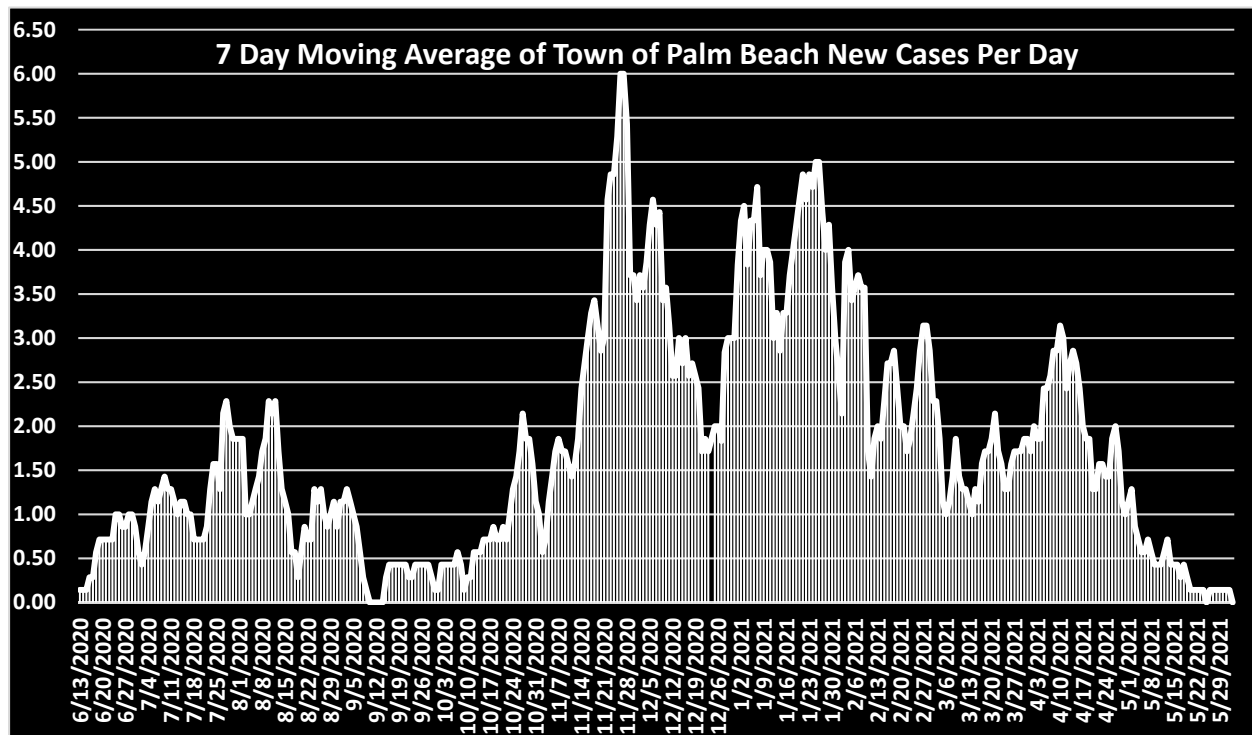
The seven-day moving average of the number of new cases per day in the Town of Palm Beach has been moving between .14 and zero over the past two weeks. The season has come to an end, and more and more people have left Town for the summer months. With fewer people in Town and a highly vaccinated population, we do not expect the numbers in the Town to rise dramatically at least through the summer.

Vaccine efforts have primarily been transitioned over to private providers, and vaccines are widely available at numerous locations.

The State Department of Emergency Management has decreased its update calls with Counties to once a week. The Florida Health will be updating its infections and mortality data on its online COVID-19 dashboard weekly instead of daily. And Palm Beach County has transitioned its unified COVID-19 efforts over to the Health Department and the Health Care District.

It would be incorrect to say that COVID-19 is no longer a threat. Those unvaccinated are still at risk of getting ill, being hospitalized, or worse yet, dying from COVID-19. For those who have been vaccinated, the threat is all but gone for today. We should still be concerned about future variants. We should still be concerned about the duration of natural and vaccine immunity. And, we should be prepared to deal with COVID-19 as another health malady for the foreseeable future.





RESOLUTION NO. 061-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA CONCURRING WITH THE REQUEST OF THE TOWN'S CHIEF OF POLICE, TO EXTEND THE CHIEF'S DECLARATION OF THE EXISTENCE OF A STATE OF EMERGENCY WITHIN THE CORPORATE LIMITS OF THE TOWN TO JULY 13, 2021, UNLESS EARLIER TERMINATED BY THE CHIEF OF POLICE, AT WHICH TIME THE TOWN COUNCIL WILL ADDRESS THE NEED FOR ANY EXTENSION OF THE DECLARATION OF EMERGENCY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 2019 Novel Coronavirus Disease (COVID-19) is a severe, acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, the World Health Organization (WHO) has declared a pandemic related to COVID-19; and

WHEREAS, the Center for Disease Control and Prevention (CDC) has declared the potential public health threat posed by COVID-19 as "high", both in the United States and throughout the world; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order 20-51, declaring that appropriate measures to control the spread of COVID-19 in the State of Florida are necessary, and therefore directed that a Public Health Emergency be declared in the State of Florida; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52, declaring a State of Emergency in the State of Florida regarding the COVID-19 pandemic; and

WHEREAS, the President of the United States has declared a State of Emergency for the Country to address the public health threat to the United States of America as a result of COVID-19; and

WHEREAS, a threat of impact from COVID-19 exists throughout the corporate limits of the Town of Palm Beach and elsewhere; and

WHEREAS, COVID-19 poses a danger to life and the economic well-being of Palm Beach residents; and

WHEREAS, the Chief of Police of the Town of Palm Beach, pursuant to the authority of Section 58-41 of the Town Code of Ordinances, has declared a state of emergency exists within the corporate boundaries of the Town; and

WHEREAS Florida Statute Section 870.042 provides that the designated official, in this case the Chief of Police, has the authority to exercise the emergency powers conferred in Sections 870.041 through 870.047 of the Florida Statutes; and

WHEREAS, Section 870.047, Florida Statutes, provides for the duration and termination of a State of Emergency and provides that the emergency declaration shall terminate at the end of the period of seventy-two (72) consecutive hours unless prior to the end of the seventy-two (72) hour period, the declaration of emergency has been terminated; and

WHEREAS, any extension of the seventy-two (72) hour time limit must be accomplished by request from the public official and the concurrence of the Town Council by duly enacted resolution in regular or special session; and

WHEREAS, the Town Council approved Resolution No. 122-2020 on November 10, 2020, granting the Chief of Police's request that the seventy-two (72) hour time limit be extended to December 8, 2020; and

WHEREAS, the Town Council approved Resolution No. 145-2020 on December 8, 2020, granting the Chief of Police's request that the declaration of emergency be extended to January 12, 2021; and

WHEREAS, the Town Council approved Resolution No. 008-2021 on January 12, 2021, granting the Chief of Police's request that the declaration of emergency be extended to February 9, 2021; and

WHEREAS, the Town Council approved Resolution No. 021-2021 on February 9, 2021, granting the Chief of Police's request that the declaration of emergency be extended to March 2, 2021; and

WHEREAS, the Town Council approved Resolution No. 030-2021 on March 2, 2021, granting the Chief of Police's request that the declaration of emergency be extended to April 13, 2021; and

WHEREAS, the Town Council approved Resolution No. 038-2021 on April 13, 2021, granting the Chief of Police's request that the declaration of emergency be extended to May 11, 2021; and

WHEREAS, the Town Council approved Resolution No. 045-2021 on May 11, 2021, granting the Chief of Police's request that the declaration of emergency be extended to June 8, 2021; and

WHEREAS, the Chief of Police has requested that the time limit for the declaration of emergency be extended again to July 13, 2021, unless earlier terminated by the Chief of Police.

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

Section 1. The request of the Chief of Police to further extend the time period for the

declaration of emergency is hereby granted.

Section 2. The declaration of emergency shall remain in effect until July 13, 2021, unless earlier terminated by the Chief of Police, at which time the Town Council will address the need for any extension of the declaration of the emergency.

Section 3. During this period of time, the Chief of Police has the authority to extend or amend any of the emergency measures declared in the initial declaration of emergency as provided by the terms of Florida Statute Section 870.045.

Section 4. This resolution shall take effect upon execution. A copy of this Resolution shall be filed in the office of the Town Clerk and delivered to the appropriate news media and by posting on the Town's website.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8th day of June, 2021.

Danielle H. Moore, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: June 8, 2021

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town-wide Undergrounding Project

Patricia Strayer, Town Engineer

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

b. RESOLUTION NO. 062-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order and Awarding a Contract to Burkhardt Construction, Inc. for Phase 3 North Undergrounding Milling and Resurfacing in the Amount of \$457, 029 and Establish a Project Budget of \$515,000.

Presenter

ATTACHMENTS:

- ▣ **a. Review of Project and Dashboard, Summary of Project Status**
- ▣ **b. Memorandum dated May 22, 2021, from Dean Mealy, Purchasing Manager**
- ▣ **b. Resolution No. 062-2021**
- ▣ **b. Sitework Bid and Analysis**
- ▣ **b. Guaranteed Maximum Price**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 8, 2021

TO: Mayor & Town Council
VIA: Kirk W. Blouin, Town Manager
VIA: Paul Brazil, Public Works Director
FROM: Patricia Strayer, Town Engineer
RE: Utility Undergrounding Project Status Report
DATE: May 21, 2021

I. COMMUNICATIONS:

A. Community Meetings:

Coffee with the Crew meetings are postponed until further notice.

B. Significant Postal Mail or E-mail

No significant mail or emails this month.

II. PROGRESS SUMMARY:

Overall Town-wide Construction Progress. Seven (7) of 15 construction zones are either complete or in progress/funded for construction, inclusive of Phases 1N, 1S, 2N, 2S, 3N, 3S and 4N.

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 58% complete.
- Drilling continues with FPL equipment being set. Currently drilled up to Mar-A-Lago and will continue drilling north of this construction zone. The crews are now contacting properties along N. Ocean Blvd and the side streets.

Phase 3 North Construction:

From Osceola Way to the north-side of La Puerta Way

- Phase 3 North, the project is 95% complete.
- FPL energizing and conversions are complete.
- ATT & Comcast conversions are complete.
- Pole removal begins in early June.

Phase 3 South:

From S. Ocean Blvd & S. County Road to the alleyway south of Worth Ave.

- Phase 3 South construction is 25% complete.
- All easements have been verbally committed except one.
- One chicane remains.

Phase 4 North:

From south-side of La Puerta Way to north-side of List Road.

- Construction for Phase 4 North is 19% complete.
- All chicanes have been eliminated.
- All easements have been granted.

Phase 4 South:

From Peruvian Ave. north to Royal Palm Way & the Town Docks.

- Design is 97% complete.
- 59 of 64 easements are recorded or verbally approved.
- Easement acquisition is behind schedule – Master Plan start was May 2020.
- All right-of-way equipment locations were marked the first week in April.
- Plans have been submitted to CMAR in April for bid process.

Phase 5 North:

From Country Club Road to Southland Road.

- Design is 85% complete.
- 68 of 85 (80%) easements are recorded or verbally approved.
- 8 Demonstration chicanes are installed. At this time there are 10 chicane's that may be required, but we are very close on resolving 2 of them so we did not install the demonstration chicanes.
- Plans have been given to the Construction Manager to prepare for bidding. This will be a low bid contract to meet FEMA Grant requirements.
- Start of construction planned for September 2021.

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 85% complete.
- 64 of 72 (89%) easements are recorded or verbally approved.
- Plans have been given to the Construction Manager to prepare for bidding. This will be a low bid contract to meet FEMA Grant requirements.
- Start of construction planned for September 2021.

Phase 6 North:

From Chateaux Drive & Kawama Lane to the south-side of Plantation Road.

- Design is 27% complete and on schedule.
- 4 of 55 (7%) easements approved.

Phase 6 South:

Seaspray Ave. to the south of Royal Poinciana Way.

- Design is 26% complete and on schedule.
- 7 of 98 (7%) easements approved.

Phase 7 North:

Palm Beach Country Club north to the south side of List Road.

- Design is 14% complete and on schedule.
- Easement acquisition has not started.

Phase 7 South:

Atlantic Ave. north to Via Los Incas & Sanford Ave.

- Design is 14% complete and on schedule.
- Easement acquisition has not started.

Phase 8:

Royal Poinciana Way north to Everglade Ave.

- Design is 11% complete and on schedule.
- Easement acquisition has not started.

III. FINANCIAL SUMMARY:

A. FEMA Grant Update:

- Burkhardt Construction grant consultant, LaConte Engineering, has completed the review of the Town's solicitation documentation (Negometrix) and has submitted suggestions to the Purchasing Department staff for their review and approval.
- Verified with FEMA/FDEM that the Town does not need to include Davis Bacon nor Copeland Anti-Kickback provisions in their solicitation. Davis Bacon was not included in the suggested changes and the Copeland Anti-Kickback requirement can be eliminated if the Town has no objection.
- The Town is required to provide the solicitation to FEMA/FDEM 15 days prior to publication for review and comment. Typically, comments will be provided within three-days.
- Requested an update on the status of the requested (and approved) grant modification but still have not received a response from FEMA/FDEM.

B. Project Budget Summary:

There are no significant changes since the last report. Updates include processing of vendor pay applications for design, direct material purchases, and work performed in active phases. The full Underground Utility Project Financial Report is provided within your backup package with the summary page attached.

cc: Jane LeClainche, Finance Director
Kevin Schanen, Kimley-Horn & Associates

**Underground Utility Project Budget
Project Financial Summary
May 31, 2021**

Expenditures	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 1	\$ 12,620,000	\$ 12,910,000	\$ 12,824,617	\$ 12,890,445	100.5%
Phase 2	\$ 9,170,000	\$ 13,470,000	\$ 12,907,271	\$ 8,229,857	63.8%
Phase 3	\$ 10,910,000	\$ 15,400,000	\$ 16,016,430	\$ 7,070,947	44.1%
Phase 4	\$ 10,370,000	\$ 15,220,000	\$ 6,886,311	\$ 2,489,967	36.2%
Phase 5 (Includes \$8.5 Million FEMA Grant Offset)	\$ 14,090,000	\$ 11,694,645	\$ 1,698,543	\$ 1,335,130	78.6%
Phase 6	\$ 16,820,000	\$ 20,800,000	\$ 1,885,264	\$ 573,954	30.4%
Phase 7	\$ 11,730,000	\$ 15,910,000	\$ 1,583,331	\$ 317,753	20.1%
Phase 8	\$ 12,300,000	\$ 14,500,000	\$ 1,378,643	\$ 214,158	15.5%
Total Project Costs To Date	\$ 98,010,000	\$ 119,904,645	\$ 55,180,411	\$ 33,122,211	60.0%
Other Costs Associated Directly with the Project (Page 8)	\$ 570,000	\$ 980,414	\$ 980,414	\$ 928,901	94.7%
Grand Total of Costs Related to Project	\$ 98,580,000	\$ 120,885,059	\$ 56,160,825	\$ 34,051,112	60.6%
Debt Service and Related Debt Issuance Costs (Page 8)			\$ 9,699,369	\$ 8,213,419	84.7%
Total Other Costs Outside Underground Budget (Page 8)			\$ 1,343,876	\$ 2,236,530	166.4%
Grand Total of All Costs Related to the Project	\$ 98,580,000	\$ 120,885,059	\$ 57,504,701	\$ 36,287,642	63.1%

Total Project Budget - Opinion of cost for construction	\$ 120,885,059
% Budgeted/Encumbered To Date Project Costs	46.46%
% Spent to Date - Project Costs	28.17%

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments	\$ -	\$ 18,323,570	0.0%
Assessment Revenue	\$ 17,580,000	\$ 17,171,846	97.7%
Commercial Paper	\$ -	\$ -	0.0%
Town Owned Property Prepaid Assessments	\$ 2,797,291	\$ 2,797,291	100.0%
Interest on Assessment Escrow	\$ -	\$ 396,389	0.0%
Interest	\$ 1,312,000	\$ 2,363,465	180.1%
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	\$ 2,333,333	46.7%
FPL		\$ 450,246	0.0%
FEMA Grant	\$ 8,500,000	\$ -	0.0%
Other			
Kevin McGann - CO #9	\$ -	\$ 34,900	0.0%
Donations - Civic Association	\$ 49,250	\$ 49,250	100.0%
Transfer from (307) Fund CIP	\$ 760,200	\$ 760,200	100.0%
Transfer from (001) General Fund - PM Salary	\$ 574,450	\$ 519,450	90.4%
Total Project Revenues	\$ 106,272,087	\$ 114,898,733	108.1%

Underground Utility Project Budget
Phase 1 Project Costs
May 31, 2021

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Project Engineering					
Task 2.1 - Detailed Design North End	590,000		472,063	472,063	100.0%
Task 2.2 - Detailed Design South End	740,000		619,411	619,411	100.0%
Task 2.3 - Permitting Assistance			17,790	17,790	100.0%
Task 2.4 - Bid Phase Assistance			42,166	42,166	100.0%
Task 2.5 - Meetings - Design Phase			125,399	125,383	100.0%
Subtotal Design Phase	\$ 1,330,000	\$ 1,280,000	\$ 1,276,829	\$ 1,276,813	100.0%
Construction Costs					
Phase 1 North Construction					
Preconstruction			\$ 19,720	19,720	100.0%
Burkhardt Construction			\$ 3,598,144	3,598,144	100.0%
Street Light Conversion			\$ 26,273	117,749	448.2%
Change Order for AT&T and Comcast Conduit			\$ 371,201	371,201	100.0%
Other Change orders			\$ 130,415	130,415	100.0%
Utility Design Costs			\$ 15,595	15,595	100.0%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 476,776	483,548	101.4%
Construction Engineering (KH)			\$ 230,532	205,818	89.3%
	\$ 4,210,000	\$ 4,930,000	\$ 4,868,657	\$ 4,942,190	101.5%
Phase 1 South Construction					
Preconstruction			\$ 22,200	22,200	100.0%
Whiting Turner Construction			\$ 4,450,977	4,450,977	100.0%
Change Order for AT&T and Comcast Conduit			\$ 125,147	125,147	100.0%
Other Approved Change Orders			\$ 12,749	12,749	100.0%
Utility Design Costs			\$ 33,013	33,013	100.0%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 1,374,193	1,362,028	99.1%
Construction Engineering (KH)			\$ 316,498	316,396	100.0%
	\$ 6,800,000	\$ 6,350,000	\$ 6,334,777	\$ 6,322,510	99.8%
Easement Recording Fees			\$ 740	740	100.0%
Legal Costs/Easement Acquisition - Jones Foster	\$ 280,000	\$ 350,000	\$ 301,359	\$ 306,723	101.8%
Legal Sketch and Description - Easements			34,000	33,215	97.7%
Easement Abandonment			\$ 8,256	8,256	100.0%
Total Phase 1 Costs	\$ 12,620,000	\$ 12,910,000	\$ 12,824,617	\$ 12,890,445	100.5%

Underground Utility Project Budget
Phase 2 Project Costs
May 31, 2021

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 2 Design					
Kimley Horn					
Task 1.1 Phase 2 North Design	335,000		\$ 281,304	\$ 281,304	100.0%
Task 1.2 Phase 2 South Design	400,000		\$ 335,353	\$ 335,353	100.0%
Task 1.3 Permitting Assistance North and South			\$ 12,674	\$ 12,674	100.0%
Task 1.4 Bid Phase Assistance North and South			\$ 40,565	\$ 40,565	100.0%
Task 1.6 Meetings North and South			\$ 136,617	\$ 129,348	94.7%
Total Phase 2 Design	\$ 735,000	\$ 807,000	\$ 806,513	\$ 799,244	99.1%
Construction Costs					
Phase 2 North Construction					
Preconstruction			\$ 35,000	31,970	91.3%
Burkhardt Construction			\$ 4,015,865	4,013,700	99.9%
Approved Change Orders			\$ -	-	
FPL Design Cost			\$ 11,759	1,350	11.5%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost				\$ 4,582	
Utility Costs (FPL, Comcast, AT&T)			\$ 496,307	\$ 496,307	100.0%
FPL - Additional Vista Switches				\$ 54,938	
Street Light Conversion			\$ 19,186	\$ 19,186	100.0%
Construction Engineering (KH)			\$ 248,121	\$ 246,227	99.2%
Total Phase 2 North Construction	3,800,000	5,020,000	\$ 4,831,238	\$ 4,873,260	100.9%
Phase 2 South Construction	-				
Preconstruction			\$ 35,000	33,400	95.4%
Burkhardt Construction			\$ 6,494,596	1,921,216	29.6%
Approved Change Orders			\$ -		
FPL Design Cost			\$ 13,330	14,200	106.5%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 5,000	\$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			\$ 200,000	\$ 123,948	62.0%
Street Light Conversion			\$ 20,000	\$ 19,268	96.3%
Construction Engineering (KH)			\$ 282,973	\$ 221,988	78.4%
Total Phase 2 South Construction	4,435,000	7,424,000	\$ 7,055,899	\$ 2,343,602	33.2%
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	\$ 19,939	91.8%
Advertising				\$ 1,101	
Jones Foster - Legal			\$ 25,000	\$ 23,933	95.7%
Postage			\$ -	\$ 544	
Recording Costs			\$ 3,605	\$ 3,316	92.0%
Easement Abandonment			\$ 6,870	\$ 8,496	123.7%
Total Easement Acquisition Costs	200,000	219,000	\$ 213,622	\$ 213,751	100.1%
Total Phase 2 Costs	\$ 9,170,000	\$ 13,470,000	\$ 12,907,271	\$ 8,229,857	63.8%

Underground Utility Project Budget
Phase 3 Project Costs
May 31, 2021

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 3 Design					
Kimley Horn					
Task 1.1 Phase 3 North Design	\$ 325,000		\$ 280,189	\$ 280,189	100.0%
Task 1.2 Phase 3 South Design	\$ 535,000		\$ 486,333	\$ 486,323	100.0%
Task 1.3 Permitting Assistance			\$ 13,739	\$ 13,739	100.0%
Task 1.4 Bid Phase Assistance			\$ 36,834	\$ 36,834	100.0%
Task 1.5 Meetings			\$ 77,411	\$ 76,626	99.0%
Total Phase 3 Design	\$ 860,000	\$ 895,000	\$ 894,505	\$ 893,710	99.9%
Construction Costs					
Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000			
Preconstruction			\$ 24,580	\$ 24,580	100.0%
Construction - Burkhardt			\$ 4,042,171	\$ 3,665,850	90.7%
Approved Change Orders					
FPL Design Cost			\$ 12,850	\$ 1,350	10.5%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 3,128	\$ 3,128	100.0%
FPL Construction			\$ 87,101	\$ 87,101	100.0%
Street Light Conversion			\$ 4,249	\$ 4,249	100.0%
Utility Costs (Comcast & ATT)			\$ 409,387	\$ 409,387	100.0%
Construction Engineering (KH)			\$ 236,976	\$ 218,166	92.1%
Daniella Construction - Nightingale/LaPuerta - Townwide portion			\$ 243,470	\$ 243,470	100.0%
FPL Nightingale/LaPuerta - Townwide Portion			\$ 74,900	\$ 74,900	100.0%
Comcast Nightingale/LaPuerta - Townwide Portion			\$ 8,885	\$ 8,885	100.0%
AT&T Nightingale/LaPuerta Townwide Portion			\$ 30,555	\$ 30,555	100.0%
Total Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000	\$ 5,183,252	\$ 4,776,620	92.2%
Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000			
Preconstruction			\$ 8,029,385	424,250	5.3%
Construction					
Approved Change Orders					
FPL Construction			\$ 562,000	562,905	100.2%
FPL Design Cost			\$ 11,359	6,950	61.2%
FPL - 101 El Brillo				10,875	
ATT Design and Construction Cost			\$ 425,000	5,000	1.2%
Comcast Design and Construction Cost			\$ 195,128	3,128	1.6%
Construction Engineering (KH)			\$ 322,540	40,359	12.5%
Total Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000	\$ 9,545,412	\$ 1,053,466	11.0%
Easement Acquisition/Abandonment	\$ 260,000	\$ 330,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1 Easement Assistance North and South			\$ 273,390	\$ 271,663	99.4%
Legal Advertising				\$ 1,076	
Easement Amendment			\$ 49,285	\$ 49,198	99.8%
<i>Surveys</i>					
Task Legal Sketch South			\$ 37,436		0.0%
Jones Foster - Legal			\$ 25,000	\$ 21,018	84.1%
Recording Costs				\$ 4,194	
Easement Abandonment			\$ 8,150	\$ 1,244	
Total Easement Acquisition Costs	\$ 260,000	\$ 330,000	\$ 393,261	\$ 347,150	88.3%
Total Phase 3 Costs	\$10,910,000	\$15,400,000	\$ 16,016,430	\$ 7,070,947	44.1%

Underground Utility Project Budget
Phase 4 Project Costs
May 31, 2021

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 4 Design					
Kimley Horn					
Task 1.1 Phase 4 North Design	\$ 402,000		\$ 312,317	312,317	100.0%
Task 1.2 Phase 4 South Design	\$ 413,000		\$ 451,284	451,284	100.0%
Task 1.3 Permitting Assistance			\$ 14,468	11,574	80.0%
Task 1.4 Bid Phase Assistance			\$ 37,899	22,739	60.0%
Task 1.6 Meetings			\$ 77,911	77,383	99.3%
Total Phase 4 Design	\$ 815,000	\$ 894,000	\$ 893,879	875,298	97.9%
Construction Costs					
Phase 4 North Construction	4,605,000	6,275,000			
Preconstruction			\$ 22,270	22,270	100.0%
Construction			\$ 5,043,010	1,023,313	20.3%
Approved Change Orders					
FPL BCE			\$ 91,543	91,543	100.0%
FPL Design Cost			\$ 12,757		
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)			\$ 324,309	27,098	8.4%
Total Phase 4 North Construction	\$ 4,605,000	\$ 6,275,000	\$ 5,493,889	1,172,351	21.3%
Phase 4 South Construction	4,710,000	7,640,000			
Preconstruction			\$ 34,800	17,400	50.0%
Construction					
Approved Change Orders					
FPL Design Cost			\$ 13,160	1,350	10.3%
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 South Construction	\$ 4,710,000	\$ 7,640,000	\$ 47,960	26,878	56.0%
Easement Acquisition/Abandonment	\$ 240,000	\$ 411,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance (KH)			\$ 280,270	280,254	100.0%
Easement Assistance (KH) -- Switches			\$ 67,747	67,231	99.2%
Easement Assistance (KH)			\$ 59,369	24,692	41.6%
<i>Surveys</i>					
Legal Sketch			\$ 38,230	37,842	99.0%
Legal Sketch - Switches			\$ 4,967		
Jones Foster - Legal				5,421	
Recording Costs					
Easement Abandonment					
Total Easement Acquisition Costs	\$ 240,000	\$ 411,000	\$ 450,583	415,440	92.2%
Total Phase 4 Costs	\$ 10,370,000	\$ 15,220,000	\$ 6,886,311	2,489,967	36.2%

Underground Utility Project Budget
Phase 5 Project Costs
May 31, 2021

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	\$ 520,000		\$ 454,210	\$ 363,368	80.0%
Task 1.2 Phase 5 South Design	\$ 600,000		\$ 606,951	\$ 503,769	83.0%
Task 1.3 Permitting Assistance North/South			\$ 17,100		0.0%
Task 1.4 Bid Phase Assistance North/South			\$ 37,899		0.0%
Task 1.6 Meetings North/South			\$ 77,911	\$ 72,792	93.4%
Total Phase 5 Design	\$ 1,120,000	\$ 1,195,000	\$ 1,194,071	\$ 939,929	78.7%
Construction Costs					
Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000			
Preconstruction			\$ 59,100	14,385	24.3%
Construction					
Utility Costs (FPL, Comcast, AT&T)					
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 16,223	17,573	108.3%
Construction Engineering (KH)					
Total Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000	\$ 80,323	\$ 36,958	46.0%
Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000			
Preconstruction			\$ 59,100	14,385	24.3%
Construction					
Utility Costs (FPL, Comcast, AT&T)					
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 19,283	20,633	107.0%
Construction Engineering (KH)					
Total Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000	\$ 83,383	\$ 40,018	48.0%
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	\$ 70,909	87.4%
Surveys					
Legal Sketch			\$ 41,080	\$ 26,469	64.4%
Jones Foster - Legal					
Recording Costs				\$ 2,311	
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 330,000	\$ 365,000	\$ 340,766	\$ 318,225	93.4%
FEMA Grant		\$ (8,465,355)			
Total Phase 5 Costs	\$14,090,000	\$11,694,645	\$ 1,698,543	\$1,335,130	78.6%

Underground Utility Project Budget
Phase 6 Project Costs
May 31, 2021

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 6 Design					
Kimley Horn					
Task 1.1 Phase 6 North Design	\$ 420,000		\$ 475,019	\$ 175,757	37.0%
Task 1.2 Phase 6 South Design	\$ 940,000		\$ 826,551	\$ 264,496	32.0%
Task 1.3 Permitting Assistance North/South			\$ 17,694		0.0%
Task 1.4 Bid Phase Assistance North/South			\$ 35,938		0.0%
Task 1.6 Meetings North			\$ 84,791	\$ 41,638	49.1%
Total Phase 6 Design	\$ 1,360,000	\$ 1,440,000	\$ 1,439,993	\$ 481,892	33.5%
Utility and Construction Costs					
Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 15,868	15,868	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000	\$ 15,868	\$ 15,868	100.0%
Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 19,394	19,394	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000	\$ 19,394	\$ 19,394	100.0%
Easement Acquisition/Abandonment	\$ 400,000	\$ 447,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 351,594	\$ 55,725	15.8%
<i>Surveys</i>					
Legal Sketch			\$ 58,415	\$ 653	1.1%
Jones Foster - Legal				\$ 422	
Recording Costs				\$ -	
Easement Abandonment					
Total Easement Acquisition Costs	\$ 400,000	\$ 447,000	\$ 410,009	\$ 56,800	13.9%
Total Phase 6 Costs	\$ 16,820,000	\$ 20,800,000	\$ 1,885,264	\$ 573,954	30.4%

Underground Utility Project Budget
Phase 7 Project Costs
May 31, 2021

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 7 Design					
Kimley Horn					
Task 1.1 Phase 7 North Design	\$ 450,000		\$ 492,488	\$ 172,371	35.0%
Task 1.2 Phase 7 South Design	\$ 480,000		\$ 630,830	\$ 138,783	22.0%
Task 1.3 Bid Phase Assistance North and South			\$ 35,938		0.0%
Task 1.4 Meetings North and South			\$ 77,616	\$ 693	0.9%
Total Phase 7 Design	\$ 930,000	\$ 1,237,000	\$ 1,236,872	\$ 311,846	25.2%
Utility and Construction Costs					
Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost					
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000	\$ -	\$ -	0.0%
Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost					
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000	\$ -	\$ -	0.0%
Easement Acquisition/Abandonment	\$ 280,000	\$ 348,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 346,459	\$ 5,622	1.6%
Surveys					
Legal Sketch					
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs				\$ 285	
Total Easement Acquisition Costs	\$ 280,000	\$ 348,000	\$ 346,459	\$ 5,907	1.7%
Total Phase 7 Costs	\$ 11,730,000	\$ 15,910,000	\$ 1,583,331	\$ 317,753	20.1%

Underground Utility Project Budget
Phase 8 Project Costs
May 31, 2021

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 8 Design					
Kimley Horn					
Task 1.1 Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,029,017	\$ 164,643	16.0%
Task 1.2 Permitting Assistance			\$ 17,694		0.0%
Task 1.3 Bid Phase Assistance			\$ 14,430		0.0%
Task 1.4 Meetings			\$ 89,778	\$ 346	0.4%
Total Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,150,919	\$ 164,989	14.3%
Utility and Construction Costs					
Phase 8 Construction	\$ 10,990,000	\$ 13,107,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost					
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 8 North Construction	\$ 10,990,000	\$ 13,107,000	\$ -	\$ -	0.0%
Easement Acquisition/Abandonment	\$ 300,000	\$ 242,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 227,724	\$ 49,135	21.6%
<i>Surveys</i>					
Legal Sketch					
Jones Foster - Legal					
American Acquisition Group					
Temp Services				\$ 34	
Recording Costs					
Total Easement Acquisition Costs	\$ 300,000	\$ 242,000	\$ 227,724	\$ 49,169	21.6%
Total Phase 8 Costs	\$ 12,300,000	\$ 14,500,000	\$ 1,378,643	\$ 214,158	15.5%

Underground Utility Project Budget
Other Project Costs
May 31, 2021

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	
Community Outreach	\$ 282,519	\$ 219,003	77.5%
Peer Review Study - Patterson & Dewar (\$50,000 Offsetting Revenue)	\$ 100,000	\$ 100,000	100.0%
Total Other Project Costs	\$ 980,414	\$ 928,901	94.7%

Debt Service and Related Debt Issuance Costs

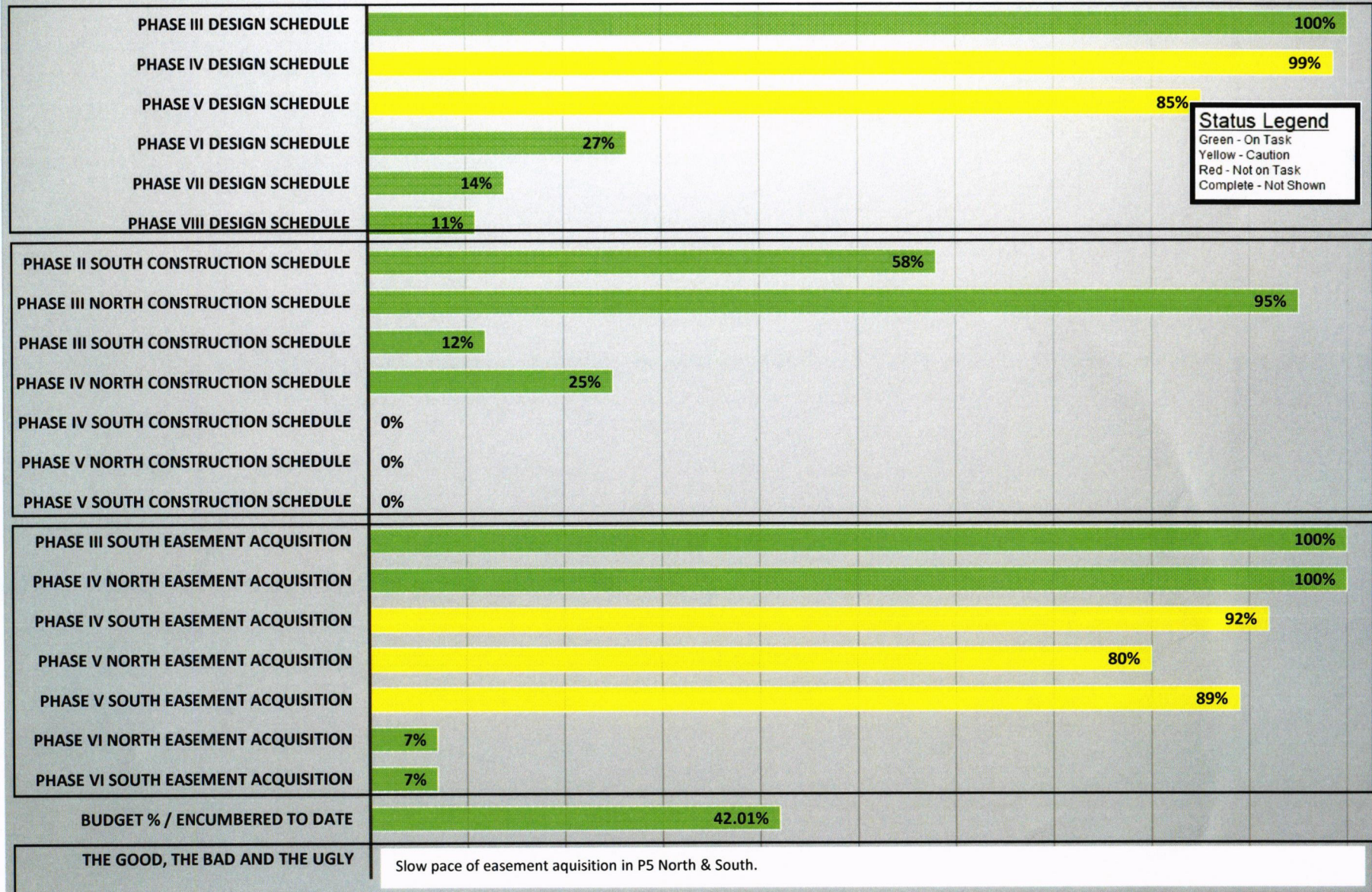
	Budget	Actual	% Expended
Commercial Paper Issuance Cost		\$ 195,366	
Commercial Paper Fees		\$ 52,252	
Commercial Paper Interest		\$ 243,096	
GO Bond Closing Costs 2018		\$ 488,271	
GO Bond Closing Costs 2021	\$ 202,169	\$ 202,380	100.1%
GO Bond Debt Service	\$ 9,497,200	\$ 7,032,056	74.0%
Total Debt Service and Related Debt Issuance Costs	\$ 9,699,369	\$ 8,213,419	84.7%

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		\$ 606,882	
PBT Real Estate v TPB		\$ 174,496	
Gardner, Bist Bowden, Bush (Shef Wright)		\$ 24,799	
Temp Services - Easement acquisition	\$ 80,000	\$ 105,646	132.1%
Project Manager - Pay and benefits	\$ 599,707	\$ 505,631	84.3%
Telecommunications Consultant	\$ 89,000	\$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	\$ 35,000	\$ 23,735	67.8%
Total Related Costs Outside of the Budget	\$ 1,343,876	\$ 2,236,530	166.4%

Town of Palm Beach - Underground Utility Project Dashboard - April 2021

0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%



Status Legend

Green - On Task
Yellow - Caution
Red - Not on Task
Complete - Not Shown

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 8, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: H. Paul Brazil, Director of Public Works

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Approve a Purchase Order and Award a Change Order to Burkhardt Construction, Inc. for the Phase 3 North Undergrounding Milling and Resurfacing in the Amount of \$457,029 and Establishing a Project Budget of \$515,000
Resolution No. 062-2021

DATE: May 22, 2021

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 062-2021 approving a purchase order and award a change order to Burkhardt Construction, Inc. for the Phase 3 North Undergrounding milling and resurfacing in the amount of \$457,029 and establish a project budget of \$515,000.

WHY THIS ACTION IS REQUIRED NOW

Milling and resurfacing the roads impacted by the Town-wide Undergrounding is scheduled immediately after each phase is completed. Phase 3 poles will be removed during June and July. Therefore, paving of Phase 3 North should begin at least by August.

GENERAL INFORMATION

The Town established a pavement management plan in 2017. The intent of the Pavement Management Program was to prioritize the roads within the Town and initiate a milling and resurfacing program. Once the Town-wide Undergrounding of Utilities Program was initiated, staff realized that nearly every street in the Town would be impacted by this program. Therefore, the Town established a pavement management plan to follow the undergrounding construction. At the conclusion of each phase, after the poles are removed, the roads in each phase are milled and resurfaced. Because the Town is coordinating with Florida Public Utilities (FPU) and the City of West Palm Beach, the Town shares the cost of the paving with these utilities. In Phase 3 North, FPU has committed to paying 40% of the cost for milling and resurfacing.

PROCUREMENT METHODOLOGY

During the first two (2) phases, the Town used an existing contract with All County via a County contract. The Town had been permitted to piggyback their established contract. While the results of the work was acceptable, there were several areas All County was required to rework. Milling and resurfacing roads in a phase of undergrounding typically takes two (2) to three (3) full weeks. The work impacts the residents for a short period of time, however, coordinating with the residents for access to their homes as well as the garbage and landscaping pickup is significant.

Staff decided to utilize our Construction Manager at Risk to bid this work and to oversee the construction. This will ensure that the construction is coordinating directly with the residents and it will provide more oversight of the construction that Town staff has been able to provide. Staff has compared the resulting GMP with the last two (2) All County proposals and there is no increase in cost to get this additional oversight. Staff believes this will provide a better final product for the residents.

FUNDING/FISCAL IMPACT

Funding for the paving will be from the Capital Improvement Fund.

PUBLIC WORKS REVIEW

This item has been reviewed by the Public Works and approved as recommended.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachment

cc: Paul Brazil, P.E. Public Works Director
Patricia Strayer, P.E., Town Engineer

RESOLUTION NO. 062-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A CHANGE ORDER AND AWARDING A CONTRACT TO BURKHARDT CONSTRUCTION, INC. FOR PHASE 3 NORTH UNDERGROUNDING MILLING AND RESURFACING IN THE AMOUNT OF \$457,029 AND ESTABLISH A PROJECT BUDGET OF \$515,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 0XX-2021 approving a change order and award a contract to Burkhardt Construction, Inc. for the Phase 3 North Undergrounding Milling and Resurfacing in the amount of \$457,029 and establish a project budget of \$515,000.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8th day of June, 2021.

Danielle H. Moore, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk

TOWN OF PALM BEACH

TOPB Phase 3 North Undergrounding - Milling and Resurfacing

SITEWORK BID ANALYSIS

5/19/2021

Owner:

TOWN OF PALM BEACH PUBLIC WORKS
Public Works and Engineering Dept
951 Old Okeechobee Road
West Palm Beach, FL 33401

Designer:

N/A

Plans:

Townwide Undergrounding Phase 3 - North
Sheets C3.02 through C3.21 Colored Work Areas Provided by BCI

Location:

La Puerta Way - Partial Mill and Resurface
Nightingale Trail - Partial Mill and Resurface
Mockingbird Trail
Palmo Way
Kenlyn Road
Merrain Road
N. Lake Way - From Osceola Way through La Puerta Way
N. Ocean Way - From Merrain Road to Nightingale Road
N. Oeam Blvd. - From Ocean Terrace to 30' South of La Puerta Way
Town of Palm Beach, FL

Sub Bid Due Date:

5/14/2021

Addenda:

Addendum #1

Description		Quantity	U/M	J.W.Cheatham		Ranger Construction Industries		BIG "D" PAVING CO., INC.		HARDRIVES, INC.	
				UNIT PRICE		UNIT PRICE		UNIT PRICE		UNIT PRICE	
Sanitary Sewer (20-29000) Furnish and Install Storm and/or Sanitary Sewer Manhole Ring and Covers per TOPB Standards - Include demo existing ring and cover, necessary brick/mortar work, asphalt demo and asphalt patching, and MOT as necessary for installation of new ring and cover		13	EA		\$ 19,500.00		\$ 14,300.00		\$ -		\$ 12,870.00
				\$ 1,500.00	\$ 19,500.00	\$ 1,100.00	\$ 14,300.00	\$ -	\$ 990.00	\$ 12,870.00	
ASPHALT (20-23100) Mill Existing Asphalt 1 in. and Overlay SP-9.5 Including Tack Mill Existing Asphalt 1 in. and Overlay SP-9.5 Including Tack - 100' Length Areas Nightingale and La Puerta Asphalt Leveling Per Ton Install Water Valve Box Riser Rings (Per COWPB Standards) As Necessary		25700	SY		\$ 308,540.00		\$ 360,620.00		\$ 446,150.00		\$ 340,400.00
				\$ 10.30	\$ 264,710.00	\$ 12.20	\$ 313,540.00	\$ 14.50	\$ 372,650.00	\$ 9.50	\$ 244,150.00
		1100	SY	\$ 10.30	\$ 11,330.00	\$ 13.80	\$ 15,180.00	\$ 35.00	\$ 38,500.00	\$ 59.50	\$ 65,450.00
		200	TN	\$ 150.00	\$ 30,000.00	\$ 150.00	\$ 30,000.00	\$ 150.00	\$ 30,000.00	\$ 154.00	\$ 30,800.00
				\$ 2,500.00	\$ 2,500.00	\$ 1,900.00	\$ 1,900.00	\$ 5,000.00	\$ 5,000.00		\$ -
STRIPING & SIGNAGE (20-27000) Temp to Perm Striping Skip Yellow Thermoplastic With Necessary RPM's (N. Ocean Blvd) Double Yellow Thermoplastic With Necessary RPM's (N. Lake Way) 24 in. White Thermoplastic Striping Stop Bars Blue RPMs For Fire Hydrants White RPMs For FPL Transformers and Switch Gear		1	LS		\$ 15,722.50		\$ 12,867.50		-		-
				\$ 3,000.00	\$ 3,000.00	\$ 2,060.00	\$ 2,060.00		-		-
		2150	LF	\$ 1.65	\$ 3,547.50	\$ 1.25	\$ 2,687.50		-		-
				\$ 2.75	\$ 5,775.00	\$ 2.60	\$ 5,460.00		-		-
		16	EA	\$ 150.00	\$ 2,400.00	\$ 100.00	\$ 1,600.00		-		-
				\$ 500.00	\$ 500.00	\$ 530.00	\$ 530.00		-		-
		1	LS	\$ 500.00	\$ 500.00	\$ 530.00	\$ 530.00		-		-
									-		-
Total Direct Construction Cost Base Bid					\$ 343,762.50		\$ 387,787.50		\$ 446,150.00		\$ 353,270.00
ADD ALTERNATE #1 - STORE EQUIPMENT NIGHTLY AT 265 PALMO WAY ADD Additional Cost to Transport and Store Equipment at 265 Palmo Way for Each Night		1	LS		\$ 15,000.00		\$ 4,700.00		\$ 19,000.00		\$ -
				\$ 15,000.00	\$ 15,000.00	\$ 4,700.00	\$ 4,700.00	\$ 19,000.00	\$ 19,000.00		\$ -
Total Direct Construction Cost Base Bid Plus Add Alternate #1					\$ 358,762.50		\$ 392,487.50		\$ 465,150.00		\$ -
ADD ALTERNATE #2 - DEMOBILIZE AND REMOBILIZE DAILY ADD Additional Cost to Demobilize Off The Island and Remobilize Daily		1	LS		\$ 30,000.00		\$ 12,000.00		\$ 38,000.00		\$ 46,200.00
				\$ 30,000.00	\$ 30,000.00	\$ 12,000.00	\$ 12,000.00	\$ 38,000.00	\$ 38,000.00	\$ 46,200.00	\$ 46,200.00
Total Direct Construction Cost Base Bid Plus Add Alternate #2					\$ 373,762.50		\$ 399,787.50		\$ 484,150.00		\$ 399,470.00
ADD ALTERNATE #3 - COMPLETE MILLING AND RESURFACING OF NIGHTINGALE AND LA PUERTA ADD Mill Existing Asphalt 1 in. and Overlay SP-9.5 Including Tack (Nightingale and La Puerta) DELETE Mill Existing Asphalt 1 in. and Overlay SP-9.5 Including Tack - 100' Length Areas Nightingale and La Puerta ADD 24 in. White Thermoplastic Striping Stop Bars (Nightingale and La Puerta) ADD Blue RPMs For Fire Hydrants (Nightingale and La Puerta) ADD White RPMs For FPL Transformers and Switch Gear (Nightingale and La Puerta)		6820 -1100	SY SY	\$ 10.30 \$ 10.30	\$ 70,246.00 \$ (11,330.00)	\$ 12.20 \$ 13.80	\$ 83,204.00 \$ (15,180.00)	\$ 14.50 \$ 35.00	\$ 98,890.00 \$ (38,500.00)		\$ - \$ - \$ -
		4	EA	\$ 150.00	\$ 600.00	\$ 100.00	\$ 400.00		\$ -		\$ -
		1	LS	\$ 100.00	\$ 100.00	\$ 175.00	\$ 175.00		\$ -		\$ -
		1	LS	\$ 100.00	\$ 100.00	\$ 60.00	\$ 60.00		\$ -		\$ -
Total Direct Construction Cost Base Bid Plus Add Alternate #3					\$ 403,478.50		\$ 456,446.50		\$ 506,540.00		\$ -

Town of Palm Beach

TOPB Phase 3 North Undergrounding - Milling and Resurfacing

SITEWORK BID FORM

Guaranteed Maximum Price

FROM:

J.W.Cheatham, LLC
7396 Westport Place
West Palm Beach, FL 33413

OWNER:

Town of Palm Beach Public Works
951 Old Okeechobee Road
West Palm Beach, FL 33401

DESIGNER

N/A

PROJECT:

TOPB Phase 3 North Undergrounding - Milling and Resurfacing

PLANS:

Townwide Undergrounding Phase 3 - North
Sheets C3.02 through C3.21 Colored Work Areas Provided by BCI

LOCATION:

La Puerta Way - Partial Mill and Resurface
Nightingale Trail - Partial Mill and Resurface
Mockingbird Trail
Palmo Way
Kenlyn Road
Merrain Road
N. Lake Way - From Osceola Way through La Puerta Way
N. Ocean Way - From Merrain Road to Nightingale Road
N. Ocean Blvd - From Ocean Terrace to 30' South of La Puerta Way
Town of Palm Beach, FL

RECEIVED



By CJ at 8:13 AM, 5/14/21

PROPOSAL DATE:

5/14/2021

ADDENDA:

Addendum #1



Town of Palm Beach TOPB Phase 3 North Undergrounding - Milling and Resurfacing

SITEWORK BID FORM

Prepared by Burkhardt Construction, Inc.

Submitted By:

J.W.Cheatham, LLC
7396 Westport Place
West Palm Beach, FL 33413

0
0
0

Item Description	Quantity	U/M	Unit Price	Amount
Sanitary Sewer (20-29000) Furnish and Install Storm and/or Sanitary Sewer Manhole Ring and Covers per TOPB Standards - Include demo existing ring and cover, necessary brick/mortar work, asphalt demo and asphalt patching, and MOT as necessary for installation of new ring and cover	13	EA	\$1,500.00	\$19,500.00
ASPHALT (20-23100) Mill Existing Asphalt 1 in. and Overlay SP-9.5 Including Tack Mill Existing Asphalt 1 in. and Overlay SP-9.5 Including Tack - 100' Length Areas Nightingale and La Puerta Asphalt Leveling Per Ton Install Water Valve Box Riser Rings (Per COWPB Standards) As Necessary	25700 1100 200 1	SY SY TN LS	\$10.30 \$10.30 \$150.00 \$2,500.00	\$264,710.00 \$11,330.00 \$30,000.00 \$2,500.00
STRIPING & SIGNAGE (20-27000) Temp to Perm Striping Skip Yellow Thermoplastic With Necessary RPM's (N. Ocean Blvd) Double Yellow Thermoplastic With Necessary RPM's (N. Lake Way) 24 in. White Thermoplastic Striping Stop Bars Blue RPMs For Fire Hydrants White RPMs For FPL Transformers and Switch Gear	1 2150 2100 16 1 1	LS LF LF EA LS LS	\$3,000.00 \$1.65 \$2.75 \$150.00 \$500.00 \$500.00	\$3,000.00 \$3,547.50 \$5,775.00 \$2,400.00 \$500.00 \$500.00
Total Direct Construction Cost Base Bid				\$343,762.50
ADD ALTERNATE #1 - STORE EQUIPMENT NIGHTLY AT 265 PALM WAY ADD Additional Cost to Transport and Store Equipment at 265 Palmo Way for Each Night	1	LS	\$15,000.00	\$15,000.00
Total Direct Construction Cost Base Bid Plus Add Alternate #1				\$358,762.50
ADD ALTERNATE #2 - DEMOBILIZE AND REMOBILIZE DAILY ADD Additional Cost to Demobilize Off The Island and Remobilize Daily	1	LS	\$30,000.00	\$30,000.00
Total Direct Construction Cost Base Bid Plus Add Alternate #2				\$373,762.50
ADD ALTERNATE #3 - COMPLETE MILLING AND RESURFACING OF NIGHTINGALE AND LA PUERTA ADD Mill Existing Asphalt 1 in. and Overlay SP-9.5 Including Tack (Nightingale and La Puerta) DELETE Mill Existing Asphalt 1 in. and Overlay SP-9.5 Including Tack - 100' Length Areas Nightingale and La Puerta ADD 24 in. White Thermoplastic Striping Stop Bars (Nightingale and La Puerta) ADD Blue RPMs For Fire Hydrants (Nightingale and La Puerta) ADD White RPMs For FPL Transformers and Switch Gear (Nightingale and La Puerta)	6820 -1100 4 1 1	SY SY EA LS LS	\$10.30 \$10.30 \$150.00 \$100.00 \$100.00	\$70,246.00 \$(11,330.00) \$600.00 \$100.00 \$100.00
Total Direct Construction Cost Base Bid Plus Add Alternate #3				\$403,478.50

RECEIVED



By CJ at 8:13 AM, 5/14/21

Town of Palm Beach

TOPB Phase 3 North Undergrounding - Milling and Resurfacing

SITework BID FORM

Guaranteed Maximum Price

RECEIVED



By Marc at 9:14:55 AM, 5/14/2021

FROM:

RANGER CONSTRUCTION INDUSTRIES

OWNER:

Town of Palm Beach Public Works

951 Old Okeechobee Road
West Palm Beach, FL 33401

DESIGNER

N/A

PROJECT:

TOPB Phase 3 North Undergrounding - Milling and Resurfacing

PLANS:

Townwide Undergrounding Phase 3 - North
Sheets C3.02 through C3.21 Colored Work Areas Provided by BCI

LOCATION:

La Puerta Way - Partial Mill and Resurface
Nightingale Trail - Partial Mill and Resurface
Mockingbird Trail
Palmo Way
Kenlyn Road
Merrain Road
N. Lake Way - From Osceola Way through La Puerta Way
N. Ocean Way - From Merrain Road to Nightingale Road
N. Ocean Blvd - From Ocean Terrace to 30' South of La Puerta Way
Town of Palm Beach, FL

PROPOSAL DATE:

5/14/2021

ADDENDA:

Addendum #1



Town of Palm Beach TOPB Phase 3 North Undergrounding - Milling and Resurfacing SITEWORK BID FORM Prepared by Burkhardt Construction, Inc.		Submitted By: RANGER CONSTRUCTION INDUSTRIES 0 0 0 0 0 0			
Item Description		Quantity	U/M	Unit Price	Amount
Sanitary Sewer (20-29000) Furnish and Install Storm and/or Sanitary Sewer Manhole Ring and Covers per TOPB Standards - Include demo existing ring and cover, necessary brick/mortar work, asphalt demo and asphalt patching, and MOT as necessary for installation of new ring and cover		13	EA	\$1,100.00	\$14,300.00
ASPHALT (20-23100) Mill Existing Asphalt 1 in. and Overlay SP-9.5 Including Tack Mill Existing Asphalt 1 in. and Overlay SP-9.5 Including Tack - 100' Length Areas Nightingale and La Puerta Asphalt Leveling Per Ton Install Water Valve Box Riser Rings (Per COWPB Standards) As Necessary		25700 1100 200 1	SY SY TN LS	\$12.20 \$13.80 \$150.00 \$1,900.00	\$313,540.00 \$15,180.00 \$30,000.00 \$1,900.00
STRIPING & SIGNAGE (20-27000) Temp to Perm Striping Skip Yellow Thermoplastic With Necessary RPM's (N. Ocean Blvd) Double Yellow Thermoplastic With Necessary RPM's (N. Lake Way) 24 in. White Thermoplastic Striping Stop Bars Blue RPMs For Fire Hydrants White RPMs For FPL Transformers and Switch Gear		1 2150 2100 16 1 1	LS LF LF EA LS LS	\$2,060.00 \$1.25 \$2.60 \$100.00 \$530.00 \$530.00	\$2,060.00 \$2,687.50 \$5,460.00 \$1,600.00 \$530.00 \$530.00
Total Direct Construction Cost Base Bid					\$387,787.50
ADD ALTERNATE #1 - STORE EQUIPMENT NIGHTLY AT 265 PALM WAY ADD Additional Cost to Transport and Store Equipment at 265 Palmo Way for Each Night		1	LS	\$4,700.00	\$4,700.00
Total Direct Construction Cost Base Bid Plus Add Alternate #1					\$392,487.50
ADD ALTERNATE #2 - DEMOBILIZE AND REMOBILIZE DAILY ADD Additional Cost to Demobilize Off The Island and Remobilize Daily		1	LS	\$12,000.00	\$12,000.00
Total Direct Construction Cost Base Bid Plus Add Alternate #2					\$399,787.50
ADD ALTERNATE #3 - COMPLETE MILLING AND RESURFACING OF NIGHTINGALE AND LA PUERTA ADD Mill Existing Asphalt 1 in. and Overlay SP-9.5 Including Tack (Nightingale and La Puerta) DELETE Mill Existing Asphalt 1 in. and Overlay SP-9.5 Including Tack - 100' Length Areas Nightingale and La Puerta ADD 24 in. White Thermoplastic Striping Stop Bars (Nightingale and La Puerta) ADD Blue RPMs For Fire Hydrants (Nightingale and La Puerta) ADD White RPMs For FPL Transformers and Switch Gear (Nightingale and La Puerta)		6820 -1100 4 1 1	SY SY EA LS LS	\$12.20 \$13.80 \$100.00 \$175.00 \$60.00	\$83,204.00 \$(15,180.00) \$400.00 \$175.00 \$60.00
Total Direct Construction Cost Base Bid Plus Add Alternate #3					\$456,446.50

RECEIVED



By Marc at 9:15:03 AM, 5/14/2021

Town of Palm Beach

TOPB Phase 3 North Undergrounding - Milling and Resurfacing

SITework BID FORM

Guaranteed Maximum Price

RECEIVED



By Marc at 9:26:22 AM, 5/14/2021

FROM:

BIG D PAVING COMPANY, INC.
6622 WALLIS ROAD
WEST PALM BEACH, FL 33413
561-697-2443

OWNER:

Town of Palm Beach Public Works
951 Old Okeechobee Road
West Palm Beach, FL 33401

DESIGNER

N/A

PROJECT:

TOPB Phase 3 North Undergrounding - Milling and Resurfacing

PLANS:

Townwide Undergrounding Phase 3 - North
Sheets C3.02 through C3.21 Colored Work Areas Provided by BCI

LOCATION:

La Puerta Way - Partial Mill and Resurface
Nightingale Trail - Partial Mill and Resurface
Mockingbird Trail
Palmo Way
Kenlyn Road
Merrain Road
N. Lake Way - From Osceola Way through La Puerta Way
N. Ocean Way - From Merrain Road to Nightingale Road
N. Ocean Blvd - From Ocean Terrace to 30' South of La Puerta Way
Town of Palm Beach, FL

PROPOSAL DATE:

5/14/2021

ADDENDA:

Addendum #1



Town of Palm Beach TOPB Phase 3 North Undergrounding - Milling and Resurfacing SITEWORK BID FORM Prepared by Burkhardt Construction, Inc.		Submitted By: BIG D PAVING COMPANY, INC. 6622 WALLIS ROAD WEST PALM BEACH, FL 33413 561-697-2443 0 0		
Item Description	Quantity	U/M	Unit Price	Amount
Sanitary Sewer (20-29000)				\$0.00
Furnish and Install Storm and/or Sanitary Sewer Manhole Ring and Covers per TOPB Standards - Include demo existing ring and cover, necessary brick/mortar work, asphalt demo and asphalt patching, and MOT as necessary for installation of new ring and cover	13	EA		\$ -
ASPHALT (20-23100)				\$446,150.00
Mill Existing Asphalt 1 in. and Overlay SP-9.5 Including Tack	25700	SY	\$14.50	\$ 372,650.00
Mill Existing Asphalt 1 in. and Overlay SP-9.5 Including Tack - 100' Length Areas Nightingale and La Puerta	1100	SY	\$35.00	\$ 38,500.00
Asphalt Leveling Per Ton	200	TN	\$150.00	\$ 30,000.00
Install Water Valve Box Riser Rings (Per COWPB Standards) As Necessary	1	LS	\$5,000.00	\$ 5,000.00
STRIPING & SIGNAGE (20-27000)				\$0.00
Temp to Perm Striping	1	LS		\$ -
Skip Yellow Thermoplastic With Necessary RPM's (N. Ocean Blvd)	2150	LF		\$ -
Double Yellow Thermoplastic With Necessary RPM's (N. Lake Way)	2100	LF		\$ -
24 in. White Thermoplastic Striping Stop Bars	16	EA		\$ -
Blue RPMs For Fire Hydrants	1	LS		\$ -
White RPMs For FPL Transformers and Switch Gear	1	LS		\$ -
Total Direct Construction Cost Base Bid				\$446,150.00
ADD ALTERNATE #1 - STORE EQUIPMENT NIGHTLY AT 265 PALM WAY				\$19,000.00
ADD Additional Cost to Transport and Store Equipment at 265 Palmo Way for Each Night	1	LS	\$19,000.00	\$ 19,000.00
Total Direct Construction Cost Base Bid Plus Add Alternate #1				\$465,150.00
ADD ALTERNATE #2 - DEMOBILIZE AND REMOBILIZE DAILY				\$38,000.00
ADD Additional Cost to Demobilize Off The Island and Remobilize Daily	1	LS	\$38,000.00	\$ 38,000.00
Total Direct Construction Cost Base Bid Plus Add Alternate #2				\$484,150.00
ADD ALTERNATE #3 - COMPLETE MILLING AND RESURFACING OF NIGHTINGALE AND LA PUERTA				\$60,390.00
ADD Mill Existing Asphalt 1 in. and Overlay SP-9.5 Including Tack (Nightingale and La Puerta)	6820	SY	\$14.50	\$ 98,890.00
DELETE Mill Existing Asphalt 1 in. and Overlay SP-9.5 Including Tack - 100' Length Areas Nightingale and La Puerta	-1100	SY	\$35.00	\$ (38,500.00)
ADD 24 in. White Thermoplastic Striping Stop Bars (Nightingale and La Puerta)	4	EA		\$ -
ADD Blue RPMs For Fire Hydrants (Nightingale and La Puerta)	1	LS		\$ -
ADD White RPMs For FPL Transformers and Switch Gear (Nightingale and La Puerta)	1	LS		\$ -
Total Direct Construction Cost Base Bid Plus Add Alternate #3				\$506,540.00

RECEIVED



By Marc at 9:26:29 AM, 5/14/2021

QUOTATION

Attn: CJ Rhody
 Burkhart Construction, Inc.
 1400 Alabama Avenue
 West Palm Beach, FL 33401

DATE: May 13, 2021

EMAIL: cj@burkhartconstruction.com

NAME OF PROJECT: TOPB Phase 3 North Asphalt Milling
LOCATION: Town of Palm Beach, FL
PLANS & SPECS: Proposal based on Bid Form

WE PROPOSE TO FURNISH ALL LABOR, MATERIAL AND EQUIPMENT TO PERFORM THE FOLLOWING:

Construct site improvements as per plans and specifically stated below.

QTY	UNIT	DESCRIPTION	UNIT COST	UNIT TOTAL	TOTAL
13	EA	Sanitary Sewer (20-2900)	\$990.00	\$12,870.00	
		Asphalt (20-23100)			
10	EA	- Mobilizations TOPB	\$3,300.00	\$33,000.00	
25,700	SY	- Mill Ex Asphalt 1" 1340 TN & Resurface 1" SP-9.5	\$9.50	\$244,150.00	
4	EA	- Mobilizations 100' Area Nightingale & La Puerta	\$3,300.00	\$13,200.00	
1,100	SY	- Mill Ex Asphalt 1" 52 TN 8 Resurface 1" SP 9.5	\$59.50	\$65,450.00	
200	TN	Asphalt Leveling per Ton	\$154.00	\$30,800.00	
				GRAND TOTAL:	\$399,470.00

NOTES & EXCLUSIONS:

1	All saw cutting shall be by others.
2	All MOT shall be by others.
3	Portable Toilets shall be furnished by GC.
4	Hardrives shall not be responsible for the removal & relocation of existing utilities, electrical & signalization lines, poles, boxes & services.
5	Surveying & Asbuilts are not included.
6	Bonds are not included.
7	The quantities shown are based on the Schedule of Bid Items. Final quantities shall be based on field measurements.
8	Dumpster for Clean up to be provided By GC.
9	Hardrives shall not be responsible for the adjustment of valve box covers or any other structures other than manholes in the roadways.

PRICES ARE VALID FOR 30 DAYS.

ACCEPTED BY

HARDRIVES, INC.

NAME & TITLE

DATE: _____

HARDRIVES CANNOT GUARANTEE OR BE RESPONSIBLE FOR ROCK BASE WORK CONSTRUCTED BY OTHERS:

Power steering and fast starts will damage asphalt. We cannot be held responsible after completion of this project. Grass and weeds will grow through asphalt. The control of these is the responsibility of the owner of the property. Buyer's signed acceptance will constitute a binding contract. In the event there is any default in payments due under this contract and the same is placed in the hands of an attorney for collection, the purchaser and/or purchasers agree to pay all cost of collection, including a reasonable attorney's fee.

RECEIVED

**BURKHARDT
CONSTRUCTION, INC.**

By CJ at 1:45 PM, 5/13/21

Town of Palm Beach
Townwide Overhead Utility Undergrounding
Phase 3 - North Asphalt Milling and Resurfacing
Guaranteed Maximum Price

From: **Burkhardt Construction, Inc.**
Attn: Marc Kleisley, Vice President
1400 Alabama Ave.
West Palm Beach, FL 33401
Ph: (561) 659-1400
Fax: (561) 659-1402

Owner: **Town Of Palm Beach**
Public Works & Engineering Dept
951 Old Okeechobee Road
West Palm Beach, FL 33401
Tel: (561) 838-5440
Fax: (561) 835-4691

Engineer: **N/A**

Project: **Townwide Overhead Utility Undergrounding - Phase 3 - North Asphalt and Resurfacing**

Plans: None

Location: Town of Palm Beach
La Puerta Way - Partial Mill and Resurface
Nightingale Trail - Partial Mill and Resurface
Mockingbird Trail
Palmo Way
Kenlyn Road
Merrain Road
N. Lake Way - From Osceola Way through La Puerta Way
N. Ocean Way - From Merrain Road to Nightingale Road
N. Ocean Blvd. - From Ocean Terrace to 30' South of La Puerta Way

Proposal Date: May 19, 2021

Direct Construction Costs:	\$ 364,762.50
General Conditions	\$ 35,465.99
Project Management	\$ 26,800.00
Profit	\$ 30,000.00
Total Guaranteed Maximum Price	\$ 457,028.49



Town of Palm Beach

Phase 3 - North Asphalt Milling and Resurfacing
Direct Construction Costs 5/19/21

Prepared by Burkhardt Construction, Inc.

Item Description	Quantity	U/M	Unit Price	Amount	Labor	Equipment	Material	Subcontractor	General/Rental	Subtotal
CLEARING AND GRUBBING (20-21300)				\$ 21,000.00						
NPDES - Protect Existing Drainage Inlets and Catch Basins	70	EA	\$ 150.00	\$ 10,500.00			Burkhardt		10500	10500
NPDES - Monthly Monitoring and Reporting	1	LS	\$ 500.00	\$ 500.00			Burkhardt		500	500
Landscape Trimming to Facilitate Mill and Resurface (Allowance)	1	LS	\$ 10,000.00	\$ 10,000.00			Allowance		10000	10000
SANITARY SEWER (20-29000)				\$ 19,500.00						
Furnish and Install Storm and/or Sanitary Sewer Manhole Ring and Covers per TOPB Standards - Include demo existing ring and cover, necessary brick/mortar	13	EA					JW Cheatham	19500		19500
			\$ 1,500.00	\$ 19,500.00						
ASPHALT (20-23100)				\$ 308,540.00						
Mill Existing Asphalt 1 in. and Overlay SP-9.5 Including Tack	25700	SY	\$ 10.30	\$ 264,710.00			JW Cheatham	264710		264710
Mill Existing Asphalt 1 in. and Overlay SP-9.5 Including Tack - 100' Length Areas	1100	SY	\$ 10.30	\$ 11,330.00			JW Cheatham	11330		11330
Asphalt Leveling Per Ton	200	TN	\$ 150.00	\$ 30,000.00			JW Cheatham	30000		30000
Install Water Valve Box Riser Rings (Per COWPB Standards) As Necessary	1	LS	\$ 2,500.00	\$ 2,500.00			JW Cheatham	2500		2500
STRIPING & SIGNAGE (20-27000)				\$ 15,722.50						
Temp to Perm Striping	1	LS	\$ 3,000.00	\$ 3,000.00			JW Cheatham	3000		3000
Skip Yellow Thermoplastic With Necessary RPM's (N. Ocean Blvd)	2150	LF	\$ 1.65	\$ 3,547.50			JW Cheatham	3547.5		3547.5
Double Yellow Thermoplastic With Necessary RPM's (N. Lake Way)	2100	LF	\$ 2.75	\$ 5,775.00			JW Cheatham	5775		5775
24 in. White Thermoplastic Striping Stop Bars	16	EA	\$ 150.00	\$ 2,400.00			JW Cheatham	2400		2400
Blue RPMs For Fire Hydrants	1	LS	\$ 500.00	\$ 500.00			JW Cheatham	500		500
White RPMs For FPL Transformers and Switch Gear	1	LS	\$ 500.00	\$ 500.00			JW Cheatham	500		500
					Labor	Equipment	Material	Subcontractor	General/Rental	Subtotal
Townwide Overhead Utility Undergrounding - Phase 3 North Asphalt Milling and Resurfacing Direct Construction Cost Total				\$364,762.50	0	0	0	343762.5	21000	364762.5



Town of Palm Beach
Townwide Overhead Utility Undergrounding
Phase 3 - North Asphalt Milling and Resurfacing

GENERAL CONDITIONS

From: **Burkhardt Construction, Inc.**
 Attn: Marc Kleisley, Vice President
 1400 Alabama Ave.
 West Palm Beach, FL 33401
 Ph: (561) 659-1400
 Fax: (561) 659-1402

Owner: **Town Of Palm Beach**
 Public Works & Engineering Dept
 951 Old Okeechobee Road
 West Palm Beach, FL 33401
 Tel: (561) 838-5440
 Fax: (561) 835-4691

Engineer: **N/A**

Project: **Townwide Overhead Utility Undergrounding - Phase 3 - North Asphalt and Resurfacing**

Plans: **None**

Location: **Town of Palm Beach**

Proposal Date: **May 19, 2021**

Item Description					Amount
BASED ON A 2 MONTH DURATION					
MOBILIZATION (move-in, move-out)					\$0.00
TRANSPORT	\$65.00 /	Hr	x	0	\$0.00
EQUIPMENT	\$35.00 /	Hr.	x	0	\$0.00
PROJECT FIELD OFFICE					\$17,734.60
OFFICE	\$3,500.00 /	mo.	x	0	\$0.00
YARD	\$0.00 /	mo.	x	0	\$0.00
EMPLOYEE PARKING FEES	\$500.00 /	mo.	x	0	\$0.00
WORK PLATFORM FOR YARD	\$200.00 /	mo.	x	0	\$0.00
TEMPORARY FENCING FOR YARD	\$500.00 /	mo.	x	0	\$0.00
CONSTRUCTION YARD LIGHTING	\$0.00 /	mo.	x	0	\$0.00
OFFICE FURNISHINGS	\$500.00 /	mo.	x	0	\$0.00
COMPUTERS	\$300.00 /	mo.	x	0	\$0.00
PROCORE SOFTWARE	\$500.00 /	mo.	x	2	\$1,000.00
SUBMITTAL SOFTWARE	\$2,000.00 /	ls	x	0	\$0.00
COPY MACHINE	\$350.00 /	mo.	x	0	\$0.00
FAX MACHINE	\$100.00 /	mo.	x	0	\$0.00
INTERNET SERVICE	\$150.00 /	mo.	x	0	\$0.00
CELLULAR TELEPHONE	\$200.00 /	mo.	x	2	\$400.00
TELEPHONE	\$150.00 /	mo.	x	0	\$0.00
FEDERAL EXPRESS MAILINGS	\$100.00 /	mo.	x	0	\$0.00
POSTAGE	\$50.00 /	mo.	x	0	\$0.00
PHOTOGRAPHS					
AERIAL PHOTOS	\$110.00 /	mo.	x	0	\$0.00
JOB PHOTOS	\$50.00 /	wk	x	0	\$0.00
PRE-CONSTRUCTION VIDEO	\$15,284.60 /	ls	x	1	\$15,284.60
PLAN REPRODUCTION COST/PRINTING	\$200.00 /	set	x	0	\$0.00
OFFICE SUPPLIES	\$50.00 /	mo.	x	0	\$0.00
FIRST AID SUPPLIES	\$50.00 /	mo.	x	0	\$0.00
WATER SERVICE	\$35.00 /	mo.	x	0	\$0.00
SANITARY SERVICE	\$50.00 /	mo.	x	0	\$0.00
ELECTRIC SERVICE	\$200.00 /	mo.	x	0	\$0.00

BURKHARDT
 CONSTRUCTION, INC.

GARBAGE SERVICE	\$25.00 /	mo.	x	0	\$0.00
CONSTRUCTION WATER	\$250.00 /	mo.	x	2	\$500.00
JOHN DEERE GATOR (1)	\$500.00 /	mo.	x	0	\$0.00
ICE	\$275.00 /	mo.	x	2	\$550.00

BONDS					\$5,712.85
GENERAL BOND	\$457,028.00		x	1.25%	\$5,712.85
SUBCONTRACTORS BONDS					

PARTNERING INITIATIVES					\$2,500.00
NOTICES, LETTERS, INFORMATION MEETINGS					\$2,500.00

INSURANCE					\$8,518.54
GENERAL INSURANCE	\$448,344.00		x	1.90%	\$8,518.54
Commercial General Liability					
Comprehensive Automobile Liability					
Owner Indemnification					
Professional (Errors/Omissions) Liability					
Excess/Umbrella Liability					
ADD'L INSURED	\$100.00 /	ea.	x	0	\$0.00
ADDED INSURANCES					NOT INCLUDED
Railroad protective Liability Ins.					NOT INCLUDED
Builders Risk Insurance					NOT INCLUDED
Installation Floater					NOT INCLUDED
Flood Insurance					NOT INCLUDED
SUBCONTRACTORS' INSURANCE					INCLUDED IN THEIR DIRECT COSTS

SANITARY SERVICES					\$1,000.00
JOB TOILET (2ea.)	\$500.00 /	mo.	x	2	\$1,000.00

TESTING COSTS					\$0.00
DENSITIES	NOT INCLUDED				
PRESSURE	NOT INCLUDED				
PROCTORS	NOT INCLUDED				
BACTERIOLOGICAL	NOT INCLUDED				
CONCRETE CYLINDERS	NOT INCLUDED				
ENGINEERING & REPORTING	NOT INCLUDED				
TV'ING OF INSTALLED LINES	NOT INCLUDED				

FEES					\$0.00
TOPB BUILDING DEPT. PERMIT FEES/REVISION FEES					NONE ANTICIPATED
PERMIT SUBMISSION AND EXPEDITING					BY OTHERS
FDOT GENERAL USE PERMITS					NIC
DEWATERING PERMITS					NO FEE PERMIT
RAILROAD PERMITS					NIC
PALM BEACH COUNTY PERMITS					NIC
CITY OF WEST PALM BEACH PERMITS					NIC

SURVEYING					\$0.00
LAYOUT & ASBUILTS - NOT INCLUDED					NIC
ALLOWANCE FOR RESTAKING					NIC
& DRAFTING - NOT INCLUDED					

SMALL HAND TOOLS/EQUIPMENT RENTAL					\$0.00
ALLOWANCE (GENERAL)					\$0.00
HANDLING, STORAGE, UN-LOADING OF OWNER DIRECT PURCHASE MATERIALS					N/A

GENERAL CONDITIONS TOTAL					\$35,465.99
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Town of Palm Beach
Townwide Overhead Utility Undergrounding
Phase 3 - North Asphalt Milling and Resurfacing
CONSTRUCTION PHASE MANAGEMENT FEE

From: **Burkhardt Construction, Inc.**
Attn: Marc Kleisley, Vice President
1400 Alabama Ave.
West Palm Beach, FL 33401
Ph: (561) 659-1400
Fax: (561) 659-1402

Owner: **Town Of Palm Beach**
Public Works & Engineering Dept
951 Old Okeechobee Road
West Palm Beach, FL 33401
Tel: (561) 838-5440
Fax: (561) 835-4691

Engineer: **N/A**

Project: **Townwide Overhead Utility Undergrounding - Phase 3 - North Asphalt and Resurfacing**

Plans: None

Location: Town of Palm Beach

Proposal Date: May 19, 2021

Item Description	Hrs./Week	(Weeks)	Rate/Hr.	Amount
Project Duration		8 weeks		
Project Principal	0	8	\$ 175.00	\$ -
Senior Project Manager	0	8	\$ 150.00	\$ -
Project Manager	10	8	\$ 100.00	\$ 8,000.00
Assistant Project Manager	0	8	\$ 75.00	\$ -
Superintendent/Construction Field Manager	8	8	\$ 100.00	\$ 6,400.00
Resident Liaison	8	8	\$ 75.00	\$ 4,800.00
Project Accountant	5	8	\$ 90.00	\$ 3,600.00
Administrative Assistant	10	8	\$ 50.00	\$ 4,000.00
Field Office Clerk	0	8	\$ 50.00	\$ -
				\$ 26,800.00



**Town of Palm Beach
Townwide Overhead Utility Undergrounding
Phase 3 - North Asphalt Milling and Resurfacing**

Exceptions & Clarifications - 5/19/21

GENERAL

- 1 The scope of work includes milling and resurfacing 1" of asphalt for the following locations: La Puerta Way (50' in each direction for trenches from the Phase 3 North project), Nightingale Trail (50' in each direction for trenches from the Phase 3 North project), Mockingbird Trail, Palmo Way, Kenlyn Road, Merrain Road, N. Lake Way from Osceola through La Puerta Way, N. Ocean Way from Merrain to Nightingale, N. Ocean Blvd. from Ocean Terrace to 30' south of La Puerta Way.
- 2 GMP pricing is based on a project start date of summer 2021. Project duration shall be 8 weeks from mobilization.
- 3 G.M.P. does not include a construction contingency for the project. Burkhardt Construction, Inc. recommends that the Town carry a construction contingency. Any savings from unused allowances listed in the direct construction costs will revert back to the Town.
- 4 G.M.P. does not include any capital improvement fees, connection fees or impact fees.
- 5 It is understood that the Direct Construction Cost (Exhibit "A") is unit prices for the work shown in the plans and as modified by these exceptions and clarifications.
- 6 Project master schedule and schedule updates shall be a bar chart schedule acceptable to the Owner prepared by CMAR in house personnel.
- 7 Project Manual as described in the contract shall mean the closeout project manual which shall be updated periodically and presented to the Owner upon completion of the project. The information contained in this manual shall be as requested by the Owner.
- 8 G.M.P. cost estimate does not include additional insurance premiums for naming individual property owners as additional insureds.
- 9 Burkhardt Construction, Inc. (BCI) is not liable for failure to perform such work or any damages that occur if such failure is as a result of Acts of God (including fire, flood, earthquake, storm, hurricane or other natural disaster). If BCI asserts Force Majeure as the reason for failure to perform such work or such damages occur as a result of any Act of God, then BCI must prove that they took reasonable steps to minimize delay or damages caused by unforeseeable events, that BCI substantially fulfilled all obligations, and that the owner was timely notified of the likelihood or actual occurrence of the event described as an Act of God (Force Majeure). Any construction related damages that took place as a result, shall be repaired or removed and replaced at the same contract unit prices and shall be paid out of the contingency.
- 10 In the event that the terms and provisions of all attached Exhibits conflict with or are omitted from the terms and provisions of this Contract, the terms and provisions of the attached Exhibits shall govern with respect to the performance of the work.
- 11 TOPB Building Permits; All permits shall be in hand prior to start of construction.



- 12 The following are part of the G.M.P. in order to facilitate the aggressive work schedule.
- a. Regularly scheduled crew work hours shall be from 8:00 AM to 6:00 PM Monday through Friday.
 - b. Night, weekend or holiday work beyond the regularly scheduled work hours stated in item a., which may be necessary due to emergency, delay or makeup time, shall be requested on a case by case basis and reviewed/approved by the Public Works Staff. If the Public Works Staff approves the request, the following Town code section shall not apply to the work performed in this GMP. Sec. 42-198(a) Prohibited. During the period of the year commencing on the Monday prior to Thanksgiving of each year and ending April 30, no person shall operate or cause to be operated the following machinery or equipment within the town (1)Dredges, whether used in making hydraulic fills, dry fills, piledriving or any other purpose.(2)Hammer-driven piledrivers, whether operated from water or land, or from motor truck or tractor, and whether stationary or moveable.(3)Gasoline, diesel and/or steam engines, operated in such a manner as to emit odors or noises offensive or disagreeable to the inhabitants of the town.(4)Dry sandblasting machines and jackhammers.(5)Any other class of machinery or appliance that in its operation would render the enjoyment of property within the town less agreeable than if such appliances or machinery were not operated.
 - c. The project will require free and unlimited jobsite access for workmen and deliveries during all authorized work hours.
 - d. The schedule makes no provision for delays caused by named storms.
 - e. The construction contract shall be authorized by the Town Council in the June 2021 Town Council meeting.
- 13 G.M.P. does not include costs for removal / remediation of asbestos cement pipe or any other hazardous materials.
- 14 G.M.P. is based upon the use of the side streets for equipment staging and storage.
- 15 G.M.P. is based on the assumption that portions of roadways will be closed to vehicular traffic during some phases of construction. Closures shall be coordinated with the Town and in accordance with the Town's Maintenance of Traffic permit conditions.
- 16 G.M.P. cost estimate does not include any new street signage or posts. The striping is limited to replacing the existing striping within the mill and resurface areas.
- 16 TOPB to coordinate with residents to trim hedges to the back of the curb line or 6" behind current edge of pavement, whichever is greater. An allowance line item is included in the GMP to trim any remain hedges as needed to facilitate the mill and resurface operation.

ASPHALT MILLING AND RESURFACING

- 1 G.M.P. does not include reprofiling the road. The G.M.P. does include asphalt leveling tonnage to correct minor drainage issues where feasible. 100% positive water drainage is not guaranteed. Areas that hold water now may hold water at the completion of the milling and resurfacing.
- 2 Any existing reflective cracking in the asphalt may eventually re-appear through the new asphalt.

WATER / SEWER / STORM DRAINAGE

- 1 G.M.P. includes 13 sanitary sewer and/or storm manhole ring and covers to be removed and replaced with USF 240-B ring and covers per TOPB emailed information. TOPB to identify which 13 manhole ring and covers need to be replaced.
- 2 G.M.P. includes water valve box riser rings as needed. The G.M.P. does not include any other utility adjust to grades not specifically included in these exceptions and clarifications.



- 3 Cleaning of the existing storm drainage system within the project limits is not included except to the extent caused by contractor negligence that is under the direct supervision of the construction manager.

FRANCHISE UTILITIES

- 1 G.M.P. does not include any franchise utilities, specifically adjustments of any franchise utility boxes within the mill and resurface limits.

ELECTRICAL

- 1 G.M.P. cost estimate does not include street lighting.

ALTERNATES

- 1 None



TOWN OF PALM BEACH

Town Council Meeting on: June 8, 2021

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Presentation of Master Plan for Phipps Ocean Park

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated May 28, 2021, from Jay Boodheshwar, Deputy Town Manager**
- ▣ **Letter Dated May 27, 2021, from Amada Skier, President & CEO, the Preservation Foundation**
- ▣ **Memorandum Dated May 27, 2021, from Guy Chapin, Senior Associate, Raymond Jungles, Inc.**
- ▣ **Phipps Ocean Park Master Plan Presentation**
- ▣ **E-mail Dated June 2, 2021 from Bonnie Litowitz**
- ▣ **Letter Dated June 7, 2021, from Citizens' Association of Palm Beach**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 8, 2021

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Phipps Ocean Park Master Plan

Date: May 28, 2021

STAFF RECOMMENDATION

Staff recommends that the Mayor and Town Council review the attached letter from the Preservation Foundation and memo/presentation from Raymond Jungles, Inc. for the Phipps Ocean Park masterplan and provide direction.

GENERAL INFORMATION

At the August 11, 2020, meeting, Town Council accepted a generous gift from the Preservation Foundation to complete a masterplan for improvements at Phipps Ocean Park. The Foundation underwrote the cost of the project as a gift to the residents of Palm Beach and have committed to fundraising for the park's improvements.

Subsequent to Council's acceptance of the Foundation's gift, staff has held numerous meetings with Preservation Foundation staff and members of the Raymond Jungles team. On January 19, 2021, the first of two community input sessions was held to obtain feedback on the initial conceptual plans for improvements at Phipps Ocean Park. A second feedback session was held on Friday, February 19 to present revisions reflective of the feedback received from residents at the first feedback session. Additionally, focus group meetings were held on March 15 with representatives of the Reef, 2100 Sloan's Curve, and Ibis Isle to address specific concerns from residents living directly adjacent to the park. Numerous one-on-one communications also took place with residents during the months of February, March, and April to help Raymond Jungles shape the final version of the masterplan to be presented to the Town Council on June 8.

Please find attached to this memo a letter, dated May 27, 2021, from Amanda Skier, President & CEO of the Preservation Foundation, as well as a memo from Guy Champin of Raymond Jungles, Inc., dated May 27, 2021 and related masterplan presentation slides. A full presentation will be provided by the design team from Raymond Jungles at the June 8, 2021, Council meeting, to solicit feedback from the Mayor and Council, as well as the general public.

FUNDING/FISCAL IMPACT

The masterplan was 100% underwritten by the Preservation Foundation. The Foundation has also committed to funding subsequent design development work as the project moves forward.

Attachments

cc: H. Paul Brazil, Director of Public Works
Carolyn Stone, Director of Business Development and Operations
Darrell Donatto, Fire-Rescue Chief
Amanda Skier, President & CEO - Preservation Foundation



May 27, 2021

Town Council
Town of Palm Beach
Post Office Box 2029
Palm Beach, FL 33480

Dear Mayor Moore, Council President Zeidman, and Town Council Members:

The Preservation Foundation of Palm Beach has been a constant presence at Phipps Ocean Park for the last 30 years. A 99-year lease with the Town to operate the Little Red Schoolhouse as a field trip venue enables the organization to serve over 4,000 Palm Beach County students each year. In August of 2020, Town Council enthusiastically gave approval for the Preservation Foundation to work with Town Staff to develop a masterplan for Phipps Ocean Park. Following that endorsement to proceed, the Preservation Foundation commissioned a survey of the 18-acre park, which stretches from the Atlantic Ocean to Lake Worth, and retained renowned landscape architect Raymond Jungles to design the masterplan. The Preservation Foundation generously underwrote the total cost of \$160,000 for the survey and masterplan.

Although the Preservation Foundation initiated and underwrote the masterplan for Phipps Ocean Park, the process leading to the final plan has been guided by the wisdom of Town Staff and valuable input of Town Residents. The kickoff meeting for the masterplan began in November of 2020 with members of the Preservation Foundation's Executive Committee, Raymond Jungles and his team, and Town Staff including Deputy Town Manager Jay Boodheshwar, Assistant Town Manager Carolyn Stone, Director of Public Works Paul Brazil, and Fire Rescue Chief Darrell Donatto. Monthly meetings followed and Community Feedback Sessions were held in January and February. Individualized meetings with the 2100 South Ocean Building, The Reef, and Ibis Isle were also held and much effort was made to modify the plan in response to their feedback.

The resulting masterplan harmonizes the existing elements of the park, introduces complimentary new features, and, above all, restores the natural ecosystems that once existed through the sole use of native plants. The Little Red Schoolhouse is proposed to be relocated to the heart of the park where its educational focus will be magnified by an outdoor classroom, plant propagation center, and a bespoke playground that reinforces the historic and natural features of the park. ADA accessible walking paths will connect all areas of the park and provide passive recreation with educational checkpoints along the way. Most importantly, the executed masterplan will enhance enjoyment of the park for all residents and create a green space reflective of the beauty for which Palm Beach is known.

We request the opportunity to present this masterplan to the Town Council for feedback and seek approval to work with Town Staff to proceed with Schematic Design, Design Development, and Construction Documentation phases for the project, all of which the Preservation Foundation will continue to underwrite.

Sincerely,

Amanda H. Skier
President & CEO

**Trustee Officers and
Executive Committee**

Mrs. Paul Shiverick, *Chairman*
Mr. Thomas C. Quick, *Secretary*
Mr. L. B. "Ben" Alexander, Jr., *Treasurer*
Mrs. Howard J. Kessler
Mr. Tomas R. Maier
Mr. David G. Ober
Mrs. Pauline B. Pitt
Mr. Daniel E. Ponton
Mr. Erik T. Waldin
Mrs. Lynne M. Wheat

Executive Director
Amanda H. Skier

Trustees

Mrs. Nathan Appleman
Mr. and Mrs. Rand V. Araskog
Mr. and Mrs. Manucher Azmudeh
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Ambassador and Mrs. Edward E. Elson
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Mrs. J. Ira Harris
Mr. James Held
Dr. Peter N. Heydon
Mr. and Mrs. Gerald R. Jordan, Jr.
Mr. Kenn Karakul
Mr. Howard J. Kessler
Mr. Leonard A. Lauder
The Honorable and Mrs. Howard H. Leach
Mrs. Joseph W. Luter III
Mrs. David J. Mahoney
Mr. and Mrs. Jeffrey A. Marcus
Mrs. Talbott B. Maxey
Mrs. Leigh A. McMakin
Mr. and Mrs. Joseph Meyer
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Mrs. Sallie B. Phillips
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Mr. and Mrs. Charles M. Royce
Mr. Jorge A. Sanchez
Mr. and Mrs. John H. Schuler
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Mr. Paul Shiverick
Mr. Jeffery W. Smith
The Honorable Lesly S. Smith
Mrs. Leo A. Vecellio, Jr.

Emeritus Trustee

Mrs. Edward W. Cook
Mr. and Mrs. Robert M. Grace
Mrs. Frances G. Scaife
Mrs. Robert L. Sterling, Jr.

Phipps Ocean Park Design Memo

Towards the southern end of Palm Beach, Phipps Ocean park lays hiding in plain sight. Donated by the Phipps family in 1948 and with re-design efforts dating back to 1985, the park is now being reimagined thanks to an initiative spearheaded by the Preservation Foundation of Palm Beach.

The site, flanked by mangroves on the west side and native dune on the east, presents itself as an opportunity to provide recreation and education through the restoration of the original native ecosystems.

An integrated landscape design approach, which includes grading, water management and native species as its core principles, will in time, kick-start the park's ecology. Native vegetation will attract fauna otherwise not present, synergizing the natural systems.

Aiming for balance is one of the key principles to create harmony, beauty, and resilience.

The park intervention scope is defined by 4 main areas which are described below:

Little Red Schoolhouse Center

Across the Great Lawn and a few feet up the dune, relocated from its current location, this space is meant to serve as the center of activity at Phipps Ocean Park. Being a schoolhouse will be only part of its educational mission, as now it will be the confluence point for all visitors.

Embedded in native vegetation and under the shade of large canopy trees, a large outdoor space will host meetings, classes, and activities for small and medium groups. Larger groups can be accommodated on the terraced steps, overlooking the Great Lawn.

Dune Playground

Right behind the dune, the playground is meant to provide healthy activity and education. Its unique setting within the Maritime Hammock is an opportunity to educate about two Florida native ecosystems.

Interactive structures, that blend with the landscape will provide a space for kids of multiple ages to play and learn. Shade trees from the hammock side give refuge from the sun, while grasses and low dune vegetation keep an open view to the ocean.

Horizon Plateau

This space is meant to unify the south and north sides of the park, which now are severed by the tennis courts. Rising to the dune elevation, the Horizon Plateau provides all around views to the ocean and the west side of the park. Shade around the perimeter, and sun at the center, the space is meant to congregate, host classes, activities, and or meetings.

May 27th, 2021

jungles

Nursery / Propagation Area

Split into two areas by the main pathway, and amidst a thicket of trees and Coastal Strand vegetation the Propagation Area will host an initiative that will educate the visitor about native species, and in the future provide the park with native plants and trees for later phases of the project.

The package included as part of this presentation includes extensive site research, the results of a Community Participation process and a detailed description of the proposed improvements, renderings, plans and diagrams. Additionally, the package includes the site survey and a preliminary feasibility study prepared by a Coastal Engineer.

Raymond Jungles Inc. is honored to be part of this effort lead by the Preservation Foundation of Palm Beach, and we look forward to the project's development and completion.



Guy Champin

Senior Associate

PHIPPS OCEAN PARK

May 27, 2021

100% Masterplan Presentation

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jungles





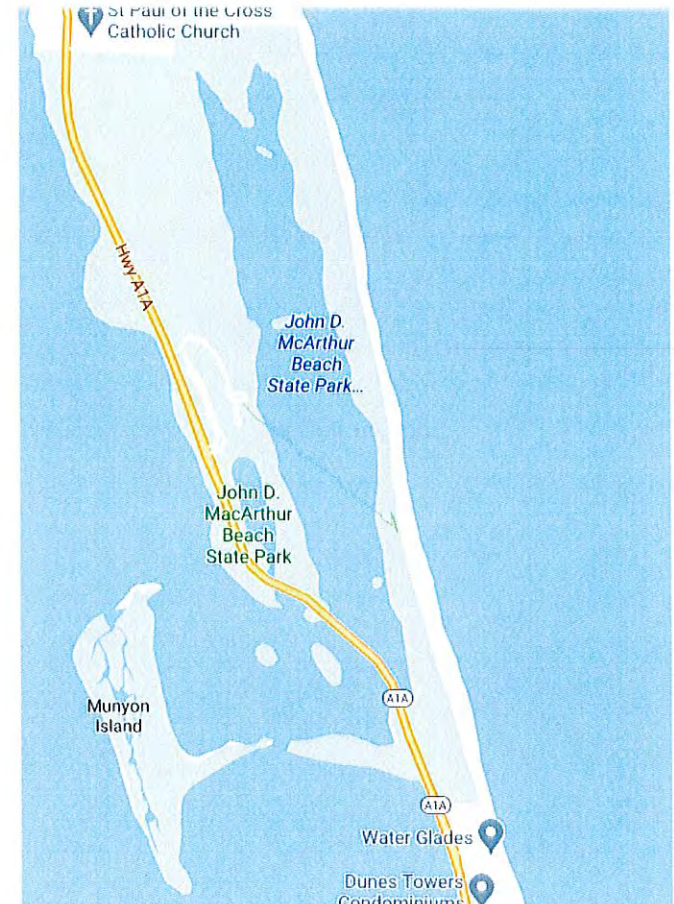
Leon Levy Native Plant Preserve
13.6 acres



Phipps Ocean Park
18 acres



Naples Botanical Garden
170 acres



John D. MacArthur Beach State Park
438 acres

jungles

QUESTIONNAIRE FINDINGS - PART 1 - IDENTIFYING THE USER

The following report is a summary of the results and only relevant questions and answers are shown. Complete results are available for review.

Q.1 Where do you live?

65%
Lives South of Sloan's Curve

27%
Lives North of Sloan's Curve



1. Where do you live?
 - Lives a Town of Palm Beach resident
 - Town of Palm Beach Resident
 - Lives north of Sloan's Curve
 - Town of Palm Beach Resident
 - Lives south of Sloan's Curve
 (2004)

Q.2 How long have you lived in the Town of Palm Beach?

28.1%
Has lived in Palm Beach for more than 20 years

23%
Has been living in Palm Beach for only 2-5 years

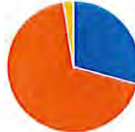


2. How long have you lived in the Town of Palm Beach?
 - Less than 2 years
 - 2-5 years
 - 6-10 years
 - 11-20 years
 - More than 20 years
 - I don't currently live in the Town of Palm Beach

Q.3 Age Group

68%
Belong to the 60-79 Age Group

29%
Belong to the 40-59 Age Group. This group has mostly been in Palm Beach for more than 10 years and are year round residents.

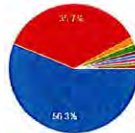


3. Please select your Age Group. -
 - 40-59
 - 60-79
 - 80 & Above

Q.4 Permanent resident or seasonal?

55%
Permanent resident

44%
Seasonal resident.



4. Are you a permanent or seasonal resident?
 - Year round resident
 - Seasonal resident
 - Away for summer only
 - I leave frequently in summer months for extended periods of time to travel/visit
 - Visit for weeks several times a year
 - Business owner
 - Year round resident of palm beach co
 - Off and on all year
 - Owns boutique on Worth Avenue 12 y

*Note: these results were normalized to being 100% permanent or seasonal

Q.6 How often do you visit?

41.4%
Has visited the park more than 6 times in the past 12 months. This group is split 50/50 between permanent and seasonal residents.

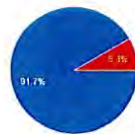
20.7%
Has visited the park between 3 - 6 times in the past 12 months.



6. How often do you visit?
 - Once or twice
 - 3-6 times
 - More than 6 times
 - Have not visited in the past year

Q.9 How long is your visit?

91.7%
Visit for up to 2 hours.



9. How long is your visit?
 - 0-2 hours
 - 2-4 hours
 - More than 4 hours

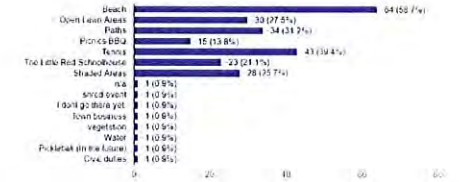
Q.11 What draws you to Phipps Ocean Park?

58.7%
Beach

39.4%
Tennis

31.2%
Paths

13.8%
Picnic/BBQ



Q.12 What gets in the way of using the Phipps Ocean Park the way you want to?

30.9%
Thinks the park needs more program, or aesthetic improvements.

16%
Thinks that the park needs **no** improvement

10.7%
Thinks it needs better maintenance.

4.7%
Think crowds and non-residents.

Q.13 What is the "heart" of Phipps Ocean Park?

33.8%
Beach

16.5%
Ridge/Dune (view to the ocean)

27%
Tennis Courts

12.2%
Little Red Schoolhouse

Q.15 What do you most like about the existing Phipps Ocean Park?

32.5%
Related to the park's natural or spatial features

19.1%
Beach

14.6%
Tennis Courts

14.6%
Park's proximity

Q.16 What do you least like about the existing Phipps Ocean Park?

29%
Relates to lack of design or amenities

16.3%
Parking lots (size, design, admin)

15.1%
Park maintenance

8.1%
Related to park visitors/crowds and related activities

QUESTIONNAIRE FINDINGS - PART 2 - EXISTING CONDITION

The following report is a summary of the results and only relevant questions and answers are shown. Complete results are available for review.

Q.1 What single word best describes the existing Phipps Ocean Park?

68.1%

Comments are positive (i.e. Beautiful, nice, convenient, iconic)

31.8%

Comments are negative (i.e. Underdeveloped, run down, tired, underutilized)

Q.2 What are Phipps Ocean Park's main features?

Little Red Schoolhouse, picnic areas, open lawns, beach, BBQ, chickee huts, open space, nature. (Descending order)

Q.3 What is Phipps Ocean Park currently most lacking?

41.8%

Related to planting and spatial design (nature areas, paths and trails, shade)

41.8%

Related to program and activities (Exercise, Pickleball, dog areas, playground)

Q.4 What is Phipps Ocean Park greatest untapped opportunity?

48%

Related to landscape space, land and/or location

22.6%

Think its related to program and activities.

Q.5a How do you rate the condition of buildings and infrastructure?

52.4%

Fair

25.7%

Good



Q.5b How do you rate the condition of natural areas?

52.4%

Fair

25.7%

Good



Q.6 Additional comments

"Easier access for bicycle"

"I hope the "upgrade" will keep the low-key friendly feel of this park, from access to beach & the tennis courts, which extends to the same family-friendly feel of the golf course."

"More waste containers"

"I love going there. I wish the beach was wider and there were more flowers or specimen trees."

"It is important to have native plant material and there could be great infusions of color and lush landscaping. The overall area feels overgrown and mismanaged. There should be consideration to leverage shady areas for appropriate uses, i.e., play-grounds, performances, lectures, etc."

QUESTIONNAIRE FINDINGS - PART 3

The following report is a summary of the results and only relevant questions and answers are shown. Complete results are available for review.

Q.1 What is more important for you?
Physical activity, native plants and nature trails, ponds and quiet reflection.
(Descending order)

Q.2 What do you want to see most improved at Phipps Ocean Park?

- 64.1% Landscape design improvements
- 17.2% Program elements (Amenities, pickleball, restrooms)
- 13.6% Administration and maintenance (parking rules, overall state of the park)

Q.3 What amenities would you most like to see at Phipps Ocean Park?

- | | |
|---|---|
| 31.8% Landscape and nature features | 15.2% Picnic areas, pavilions, chickee huts |
| 27.7% More sports infrastructure (Pickleball, exercise stations, paths) | 15.2% Playgrounds |
| 16.6% Better bathrooms | 10.6% Restaurant or food shop |
| 15.2% Playgrounds | 4.5% Dog park |

Q.3 What new features would you like to see in Phipps Ocean Park??

- | | |
|--|--|
| 50.6% Nature trails | 16.1% Sports infrastructure |
| 28.7% Water fountains | 13.8% Art |
| 24.1% Improved landscape design and features | 10.3% Program elements (Snack bar, sanitizing stations, coffee shop) |
| 24.1% Dog park | |

Q.6 What trail initiatives should be a priority?

- 74.5% Nature trails
- 10.4% Paved trails
- 7.5% Bike trails

Q.7 What type of exercise opportunities would you like to see in Phipps Ocean Park?

- | | |
|--|---------------------------------|
| 39.1% Trails (walking and biking) | 11.6% None |
| 15.9% Space for classes and activities (yoga, fitness) | 10.1% Exercise machines/circuit |
| 13% Pickleball courts | 8.7% Improve tennis courts |

Q.11 What are your biggest concerns about this masterplan?
Overdevelopment, Screening the parking lot, fire station and tennis. Identity, Parking, Aesthetics

Q.12 Additional comments
Native plants needed, desire for a botanical garden, trash pickup on the beach.



MAXIMIZE PARK USABILITY

- Increase visitation by all Town of Palm Beach residents.
- Increase appeal for all age groups to visit park.
- Increase awareness of park for new residents.
- Encourage longer visits to park.
- Encourage all residents to make park visitation more integral on social and private lives.
- Improve safety.
- Increase the length of comfortable walking paths & maximize experiences.
- Upgrade all infrastructure in park over time.
- Improve the condition of the park's natural areas.
- Provide for solitary as well as social visitation.
- Entice those residents who don't want to use the park to visit more often.
- Garden paths for people and children to enjoy.
- Increase opportunities for physical activities, walking, biking, exercise.
- More opportunities for picnicking and small gatherings.
- Plan for versatility and flexibility.
- Improve seating opportunities.
- Increase usable lawn areas.
- Increase shade.



IMPROVE PARK ACCESSIBILITY

- Increase visibility, popularity of park.
- Increase, encourage bicycle access.
- Improve walking, strolling opportunities.
- Make paths compatible for baby strollers & wheel chairs.
- Promote biking.
- Improve safety. Identify the measures that can be taken.
- Provide overflow parking for peak days & programmed events.
- Integrate comfortable, safe, walking/nature trails.
- Link west side of park with east side with safe cross walks (slow speed limit).
- Add pedestrian crossing signals.
- Improve efficiency of parking & minimize paving.
- Improve parking experience.
- Improve wayfinding in a subtle, elegant, timeless manner.
- Create native trails.



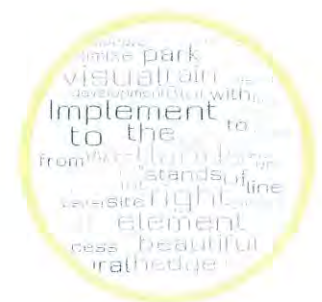
RESTORE & PRESERVE NATURAL ENVIRONMENT

- Restore pre-human plant communities and ecosystems.
- Limit future development of park to preserve open space.
- Limit commercial activities in park to those with majority community support.
- Simplify & improve maintenance.
- Simplify & clarify maintenance procedures.
- Reduce maintenance where possible.
- Encourage volunteer participation for maintenance.
- Incorporate low impact paths (elevated walkways).
- Remove all invasive exotic species.
- Dune restoration using native species.
- Bring back pollinators.
- Become a nature preserve.
- Propagation areas for native plants.
- Land remediation.
- Recreate native habitats.



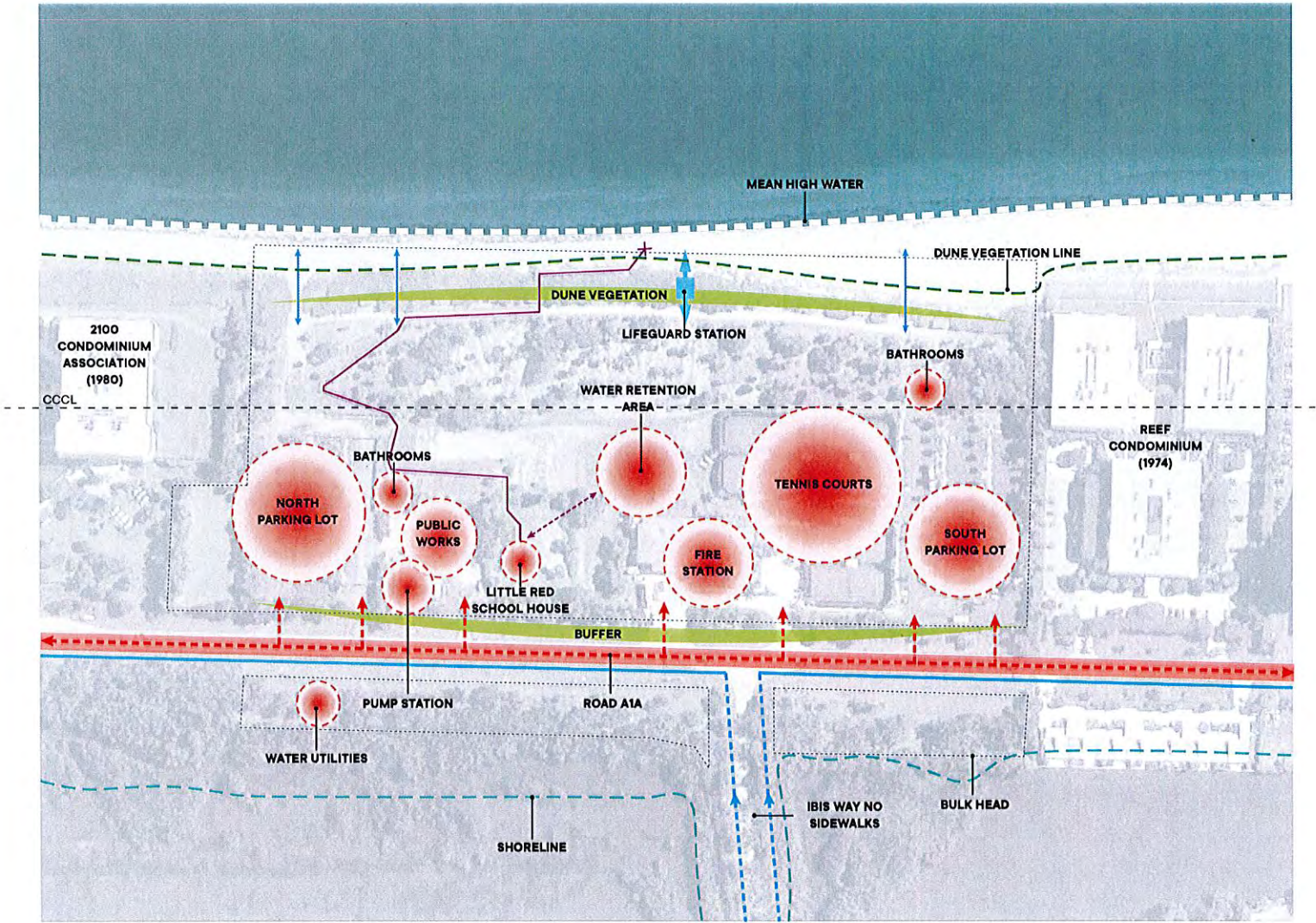
INCREASE EDUCATIONAL OPPORTUNITIES

- Explain about ecosystems, plants & sustainability.
- Create native trails.
- Design flexible space for educational activities.
- Educational gardens and paths.
- Integrate non-traditional (natural feeling) play area for kids.
- Integrate outdoor classroom.
- Engage kids of all ages.



BEAUTIFY & ESTABLISH RESILIENCY

- Provide the right balance of park development & beautiful natural areas.
- Remove or relocate picnic tables & stands.
- Improve visual access to Little Red Schoolhouse.
- Blur line between park and natural environment.
- Pervious paving on parking lots and paths.
- Rain gardens that clean runoff from pervious paving.
- Storm management for parking lot: rain gardens.
- Implement freshwater wetlands to energize the site and maximize biodiversity.
- Create a natural feeling water element.
- Screen negative off-site views.
- Visually screen firehouse.
- Visually screen tennis court with native hedge material.
- Create better visual access to ocean.



Legend

- Existing Beach Pedestrian Access
- Existing Vehicular Access
- Existing ADA Access/Route
- Lack of Pedestrian Access
- Property Line
- Major Built Features
- Green Buffers

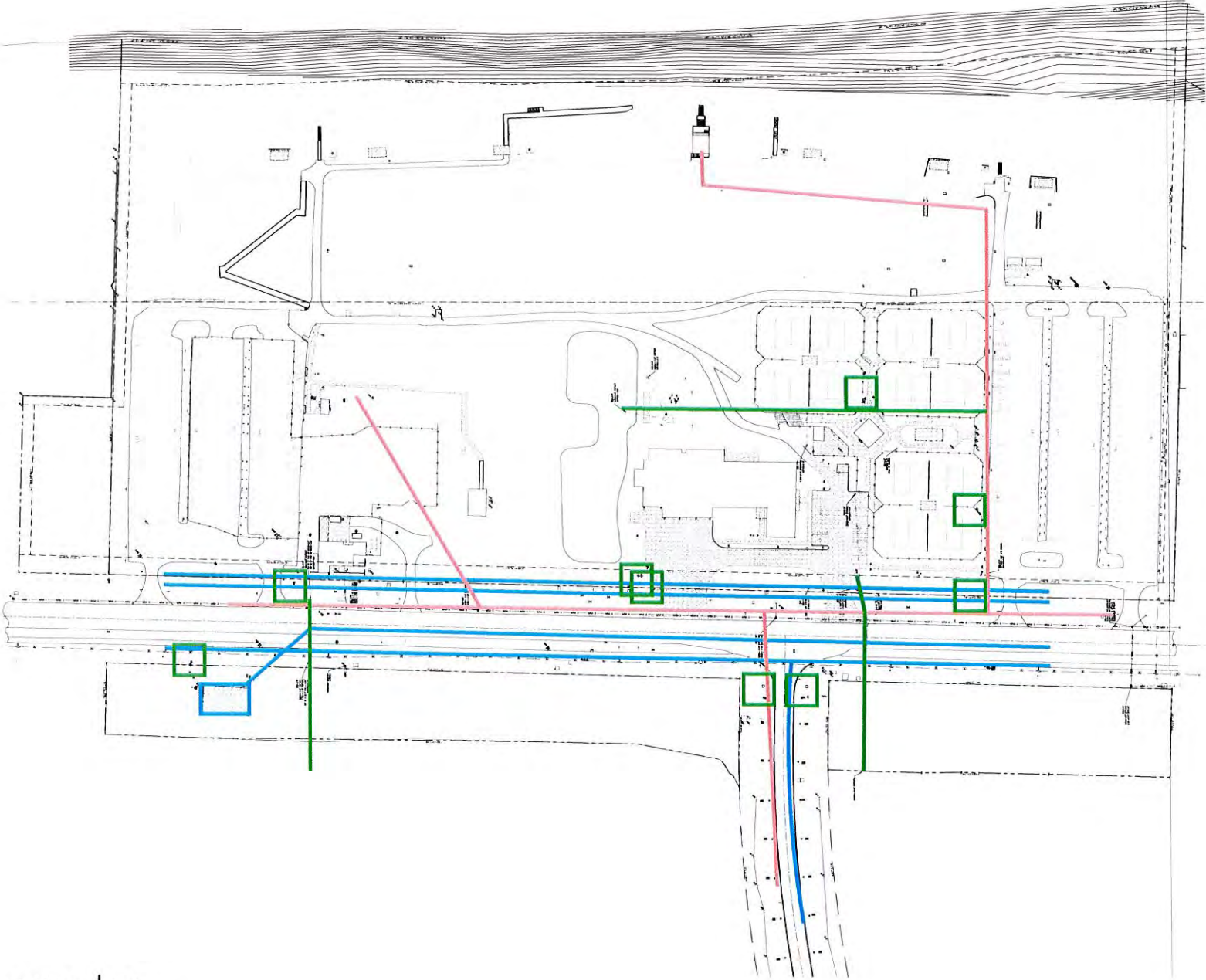
Notes

- 7 driveways, no sidewalks on Park side
- No crosswalks along A1A
- No visibility of access points from A1A
- Visual and physical barriers for access



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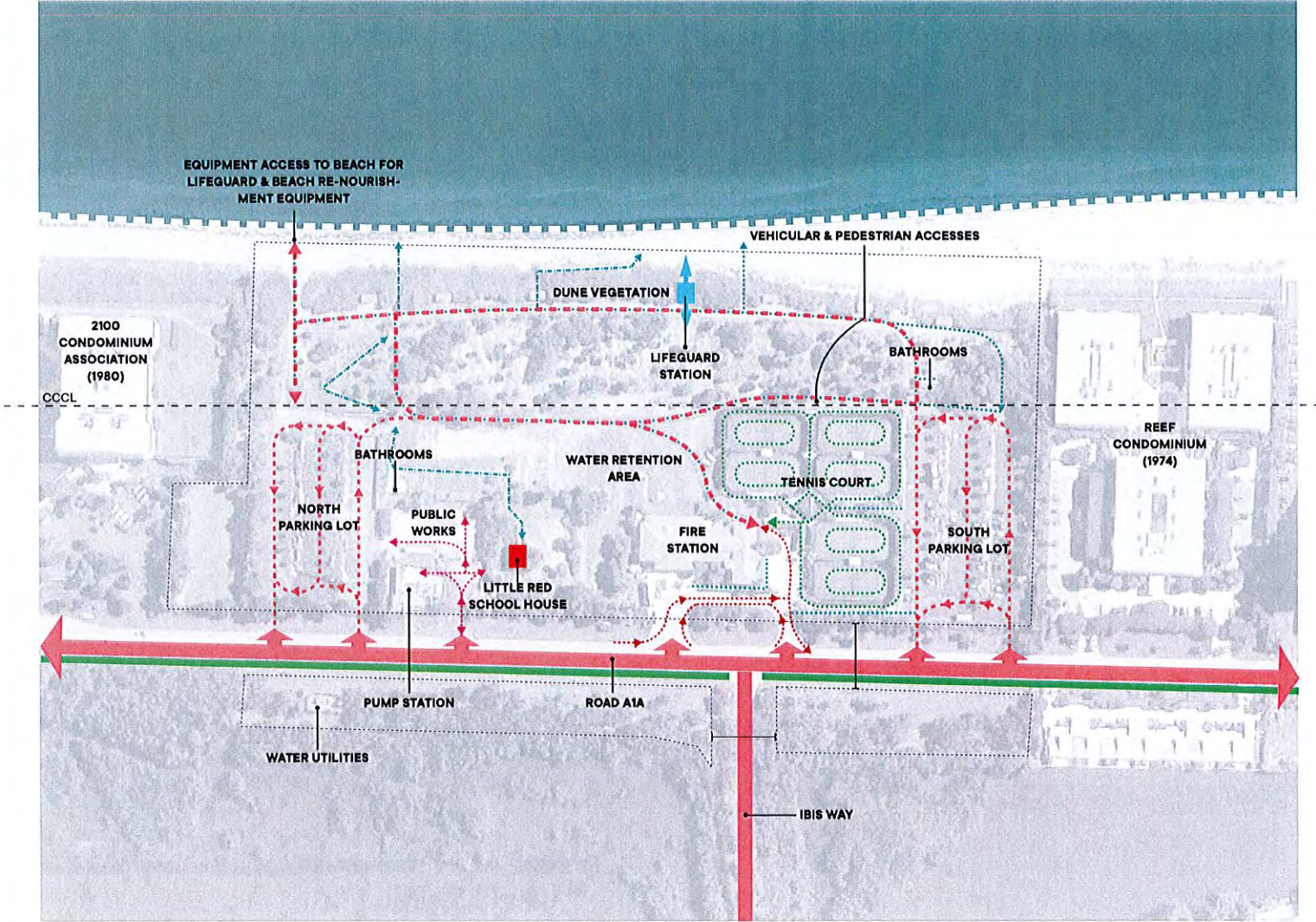
EXISTING UTILITIES



Legend

- Water Distribution System
- Stormwater System
- Sanitary Sewer System

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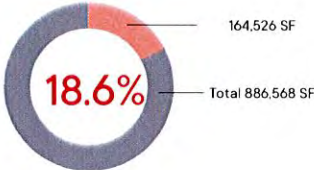
Legend

- Property Line
- Road A1A
- A1A Bike & Pedestrian Path
- Vehicular Circulation
- Fire Station Circulation
- Public Works Circulation
- Pedestrian Circulation
- Wooden Boardwalk & ADA Accessibility
- Tennis Court Pedestrian Circulation
- Life Guard Access

Notes

- 7 driveways
- 279 parking spots
- 164,526 SF of car infrastructure, 18.6% of total site area

Vehicular Infrastructure
S.F. Percentage



North Parking

114

South Parking

147

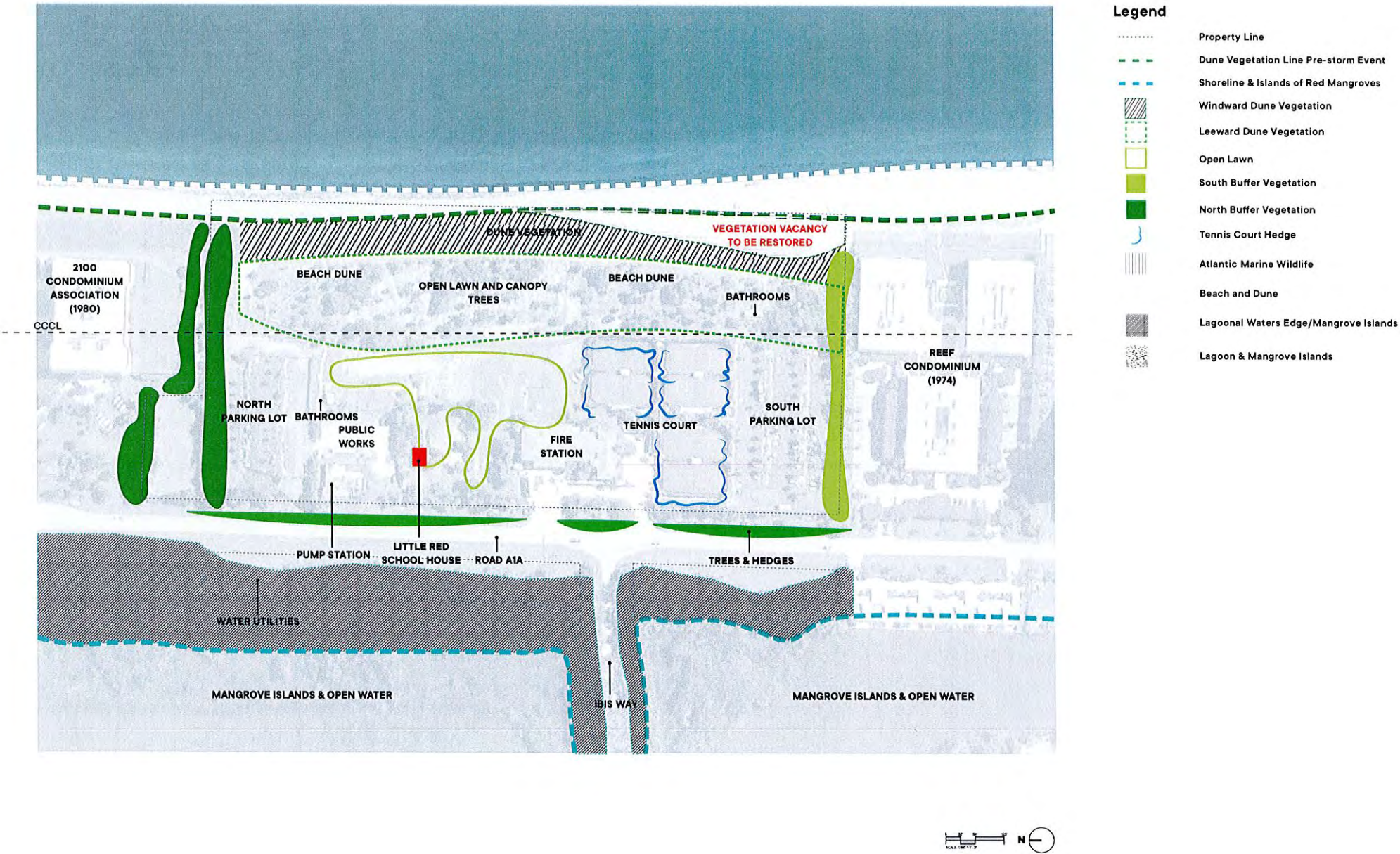
Total Parking

261

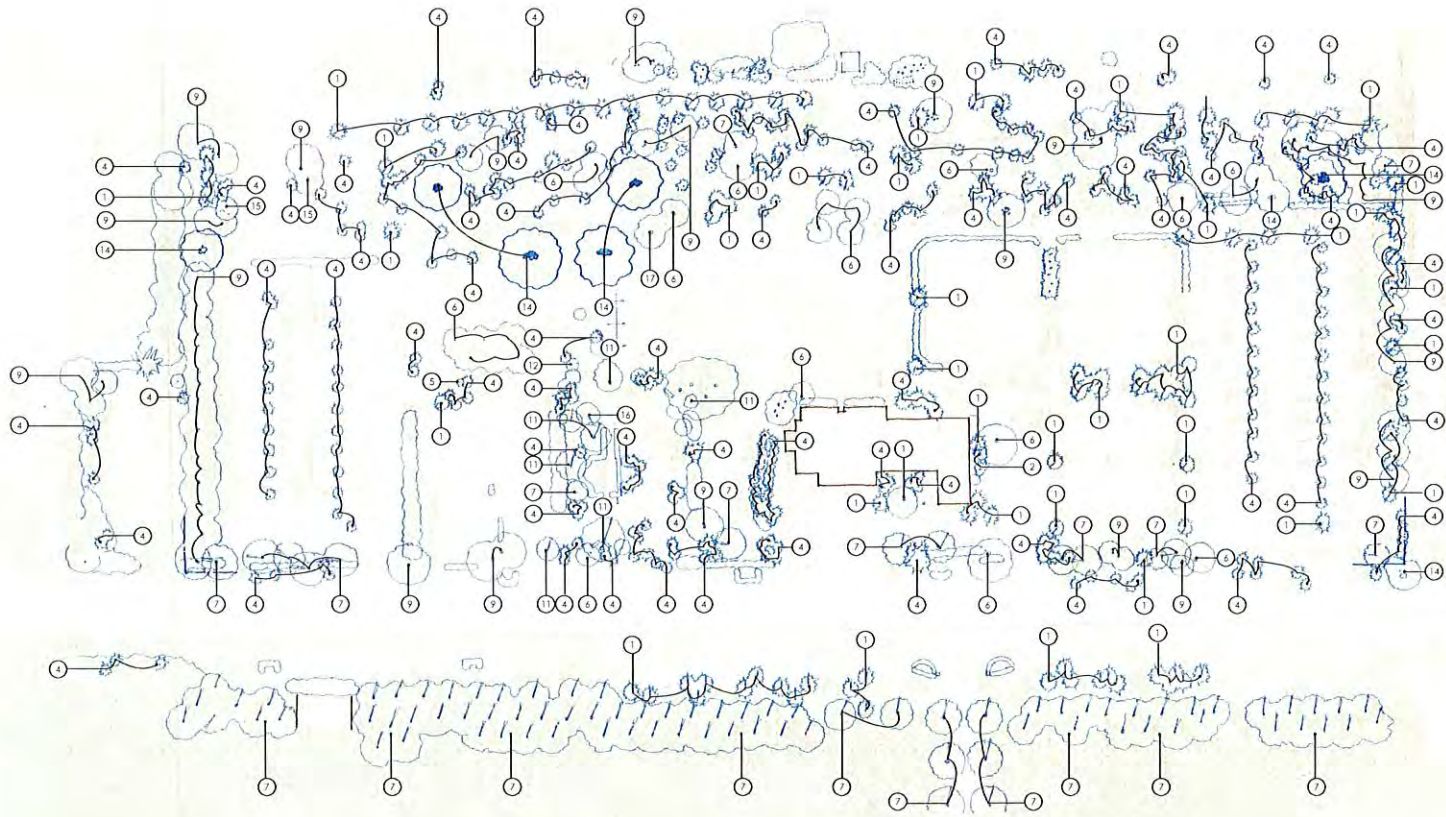


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EXISTING VEGETATION DIAGRAM



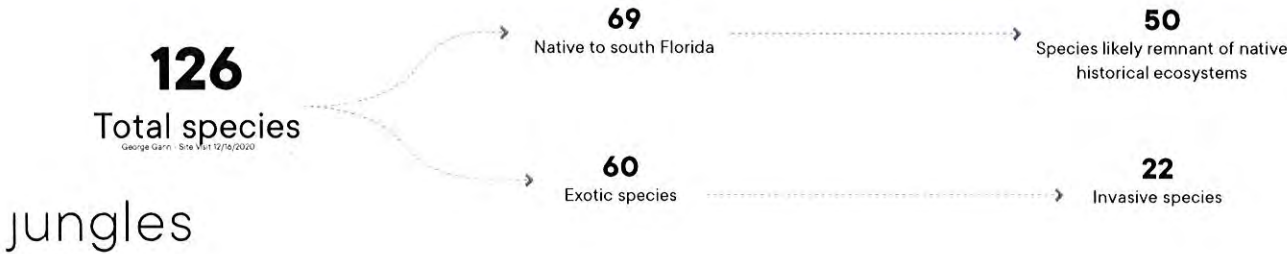
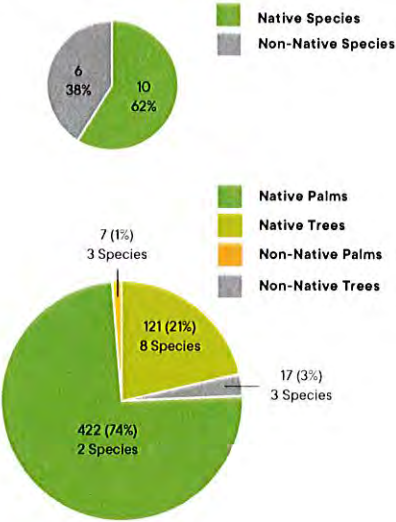
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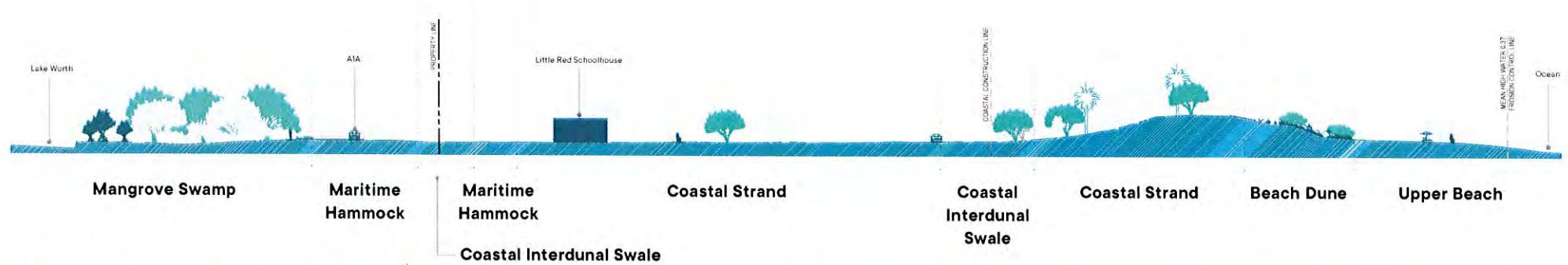


Existing Canopy Cover

- 1. Cocos nucifera - Coconut Palm
- 2. Thrinax radiata - Thatch Palm
- 3. Ptychosperma elegans - Solitaire Palm
- 4. Sabal spp.
- 5. Veitchia merrillii - Christmas Palm
- 6. Bursera simaruba - Gumbo Limbo
- 7. Calophyllum brasiliense - Brazil Beauty Leaf
- 8. Clusia rosea - Autograph Tree
- 9. Coccoloba uvifera - Seagrape
- 10. Coccoloba diversifolia - Pigeon Plum
- 11. Conocarpus erectus - Green Buttonwood
- 12. Delonix regia - Royal Poinciana
- 13. Dracaena marginata - Red Edged Dracaena
- 14. Ficus aurea - Strangler Fig
- 15. Mastichodendron foetidissimum - Yellow Mastic
- 16. Quercus virginiana - Live Oak
- 17. Guapira discolor - Blolly

Canopy Cover Analysis

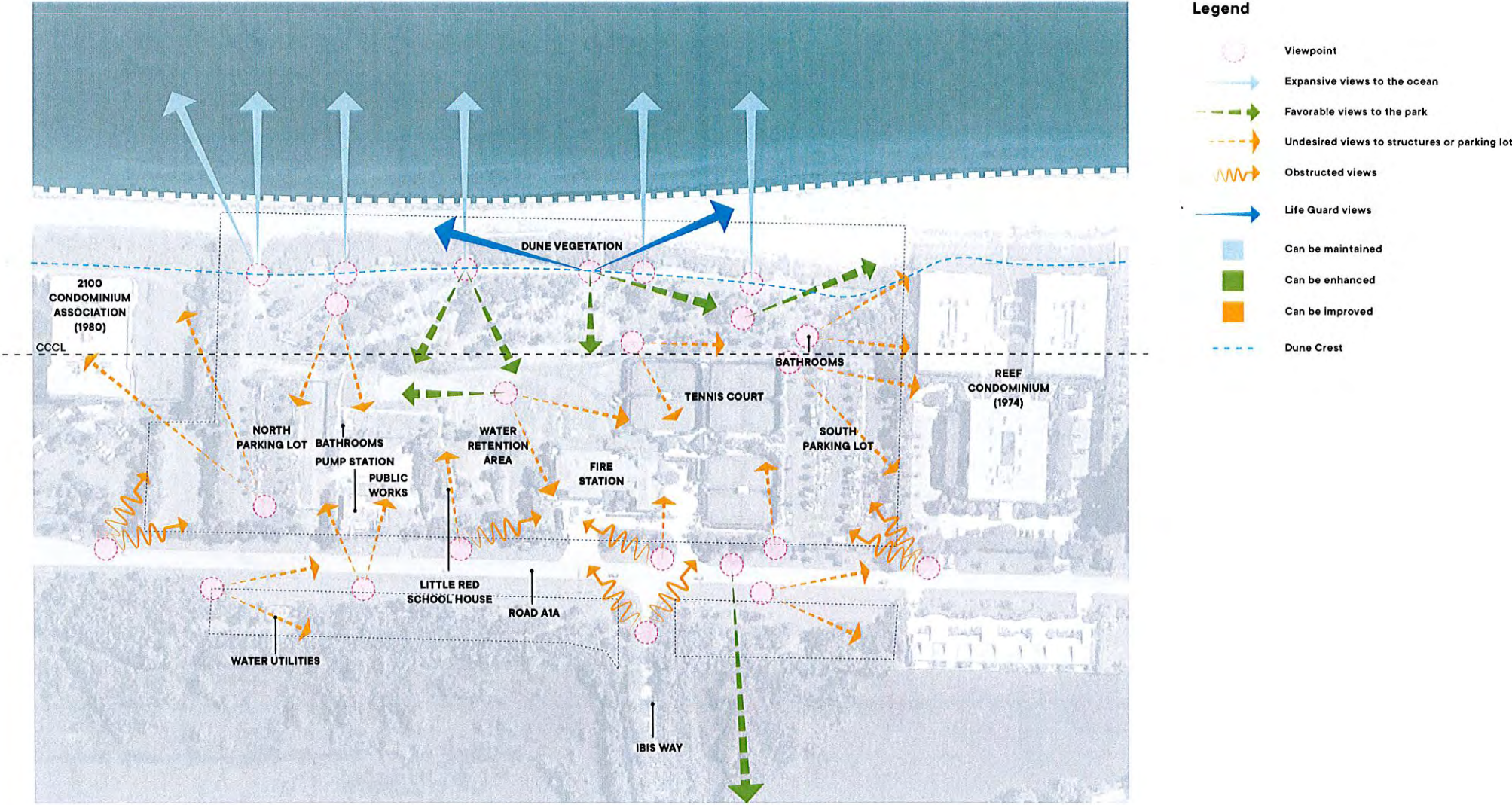




Ecological Restoration Opportunities

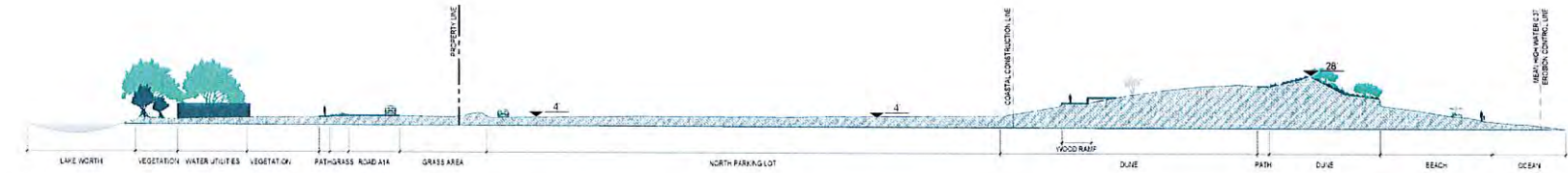
- Remove invasive and exotic species
- Restore Coastal Strand and Maritime Hammock with native vegetation
- Restore interdunal swale
- Introduce native species for pollinators and native fauna
- Introduce native species absent from Palm Beach

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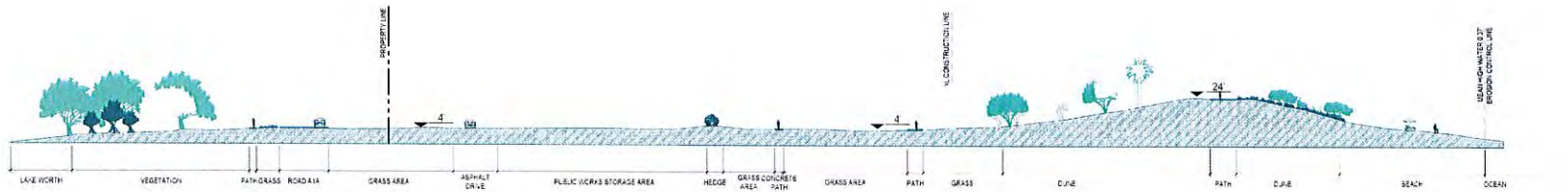


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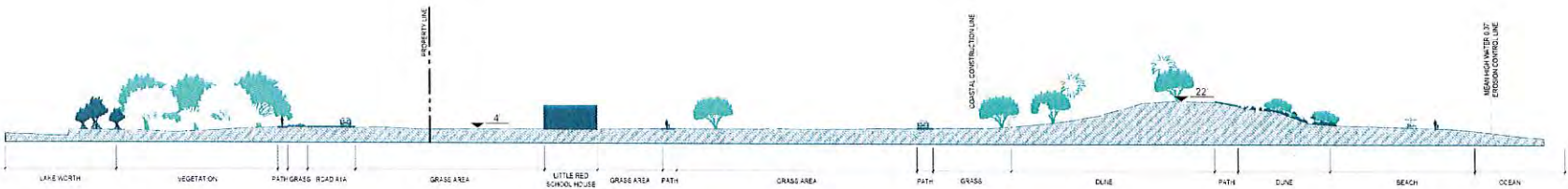
SITE SECTIONS



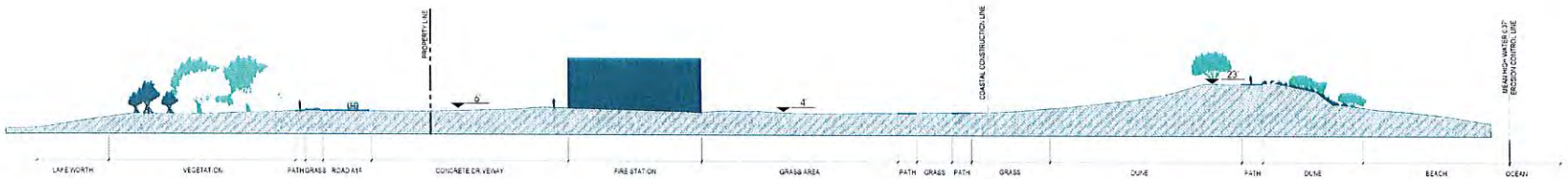
SECTION A



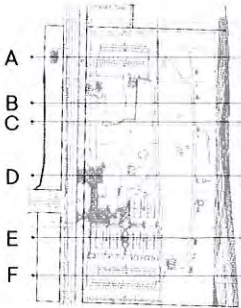
SECTION B



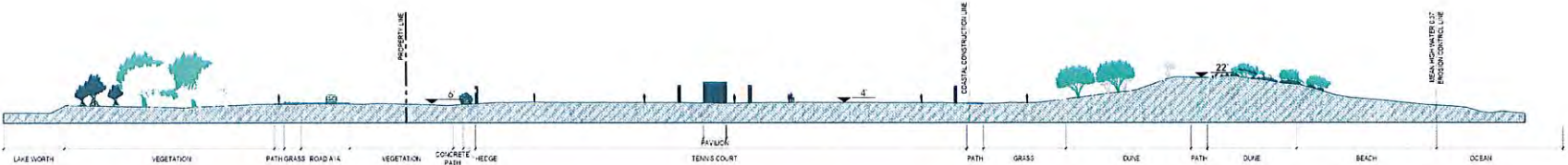
SECTION C



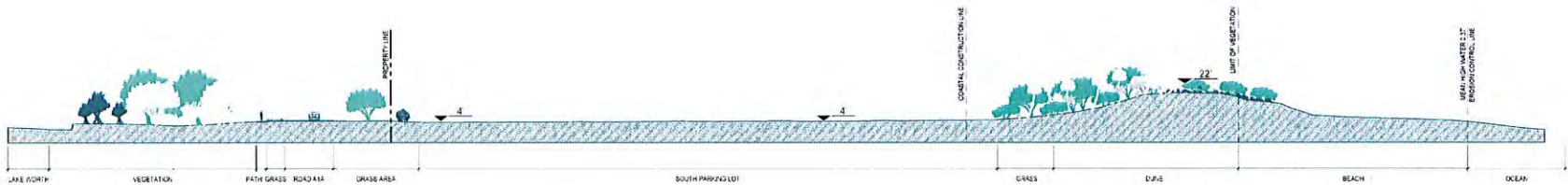
SECTION D



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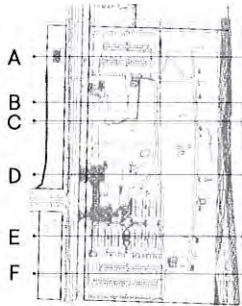


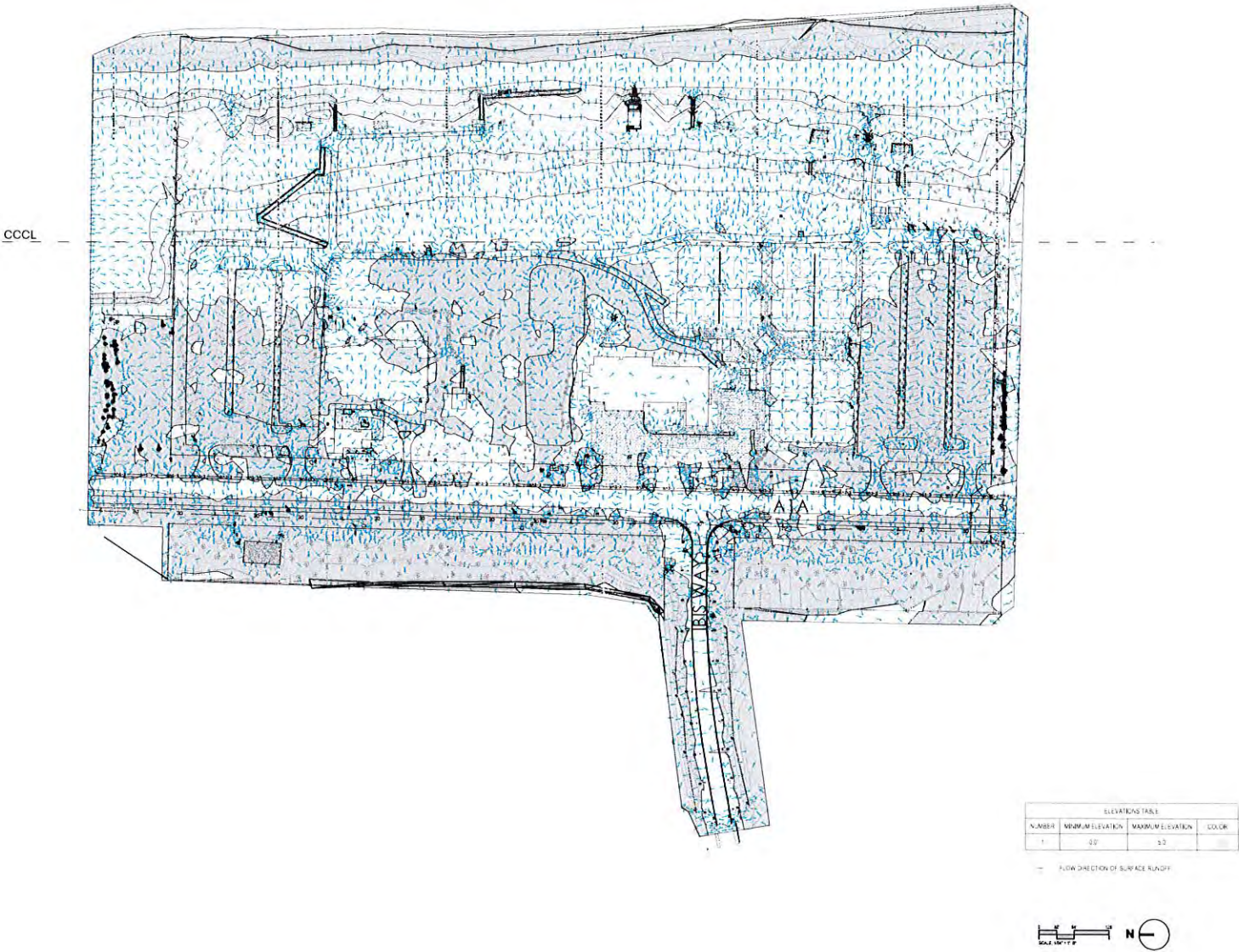
SECTION E



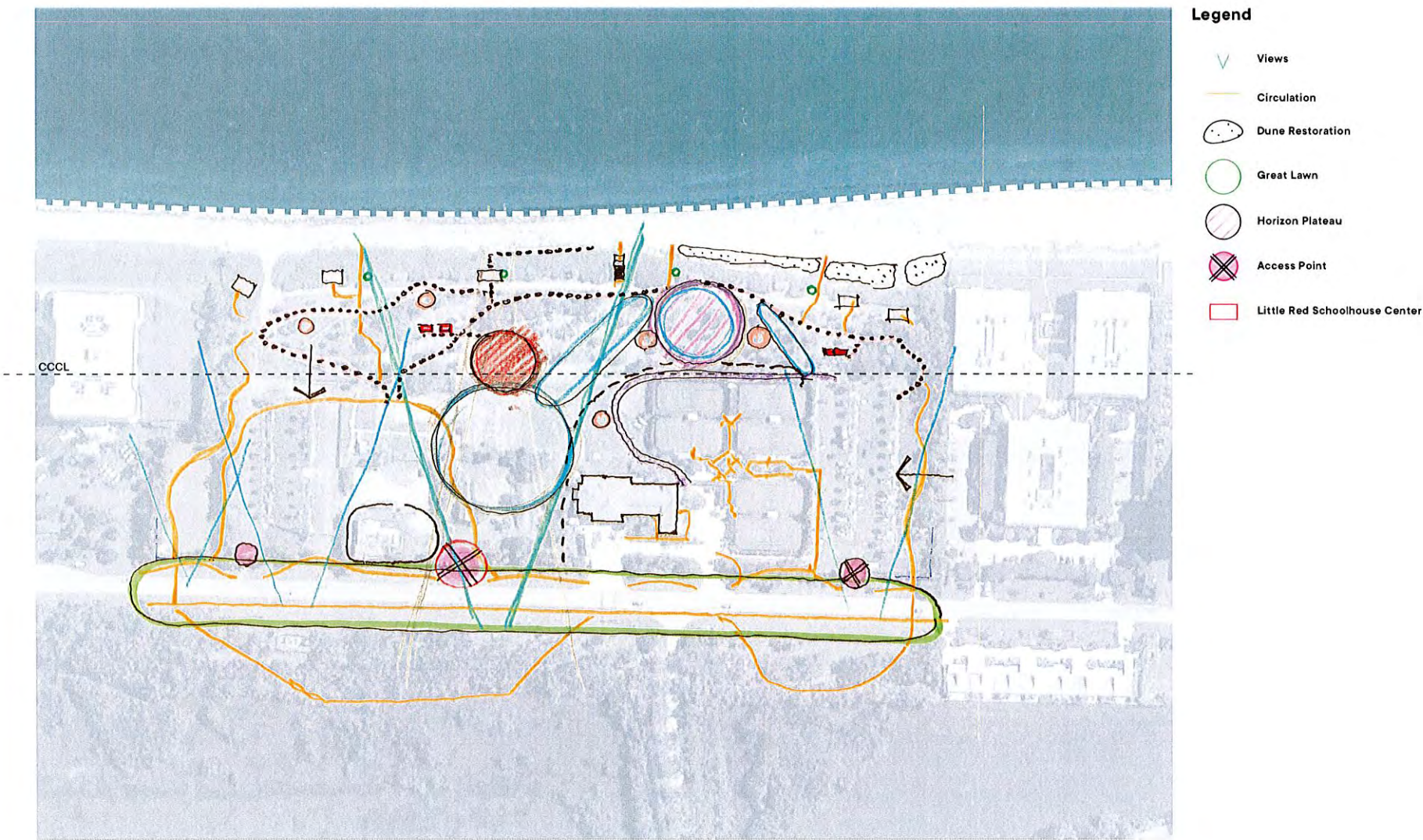
SECTION F

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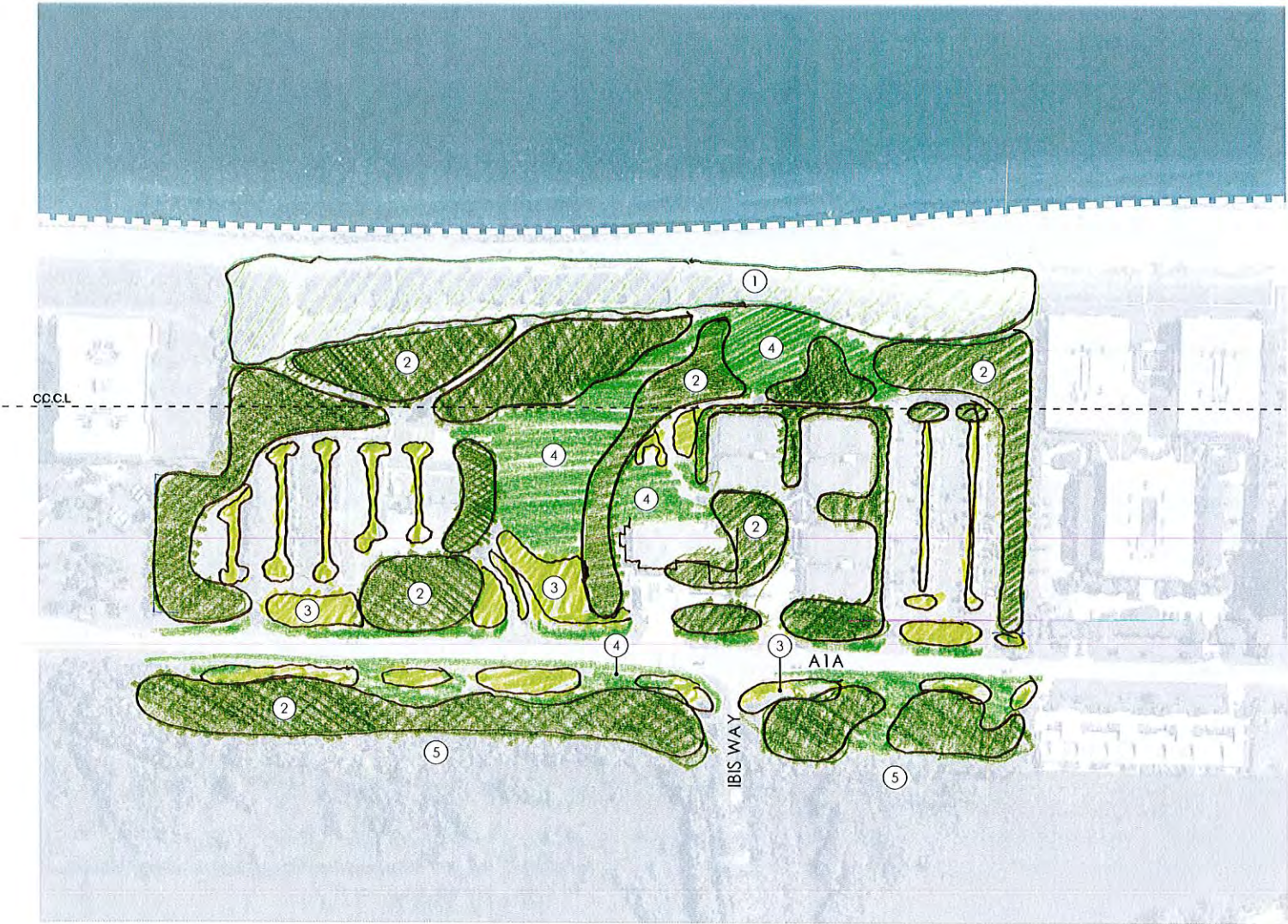




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Legend

- 1. Front Line Dune
- 2. Maritime Woodland
- 3. Native Grasses, Groundcovers and Wildflowers
- 4. Native Grasses and Lawn Substitutes
- 5. Mangroves

Ecological Restoration Opportunities

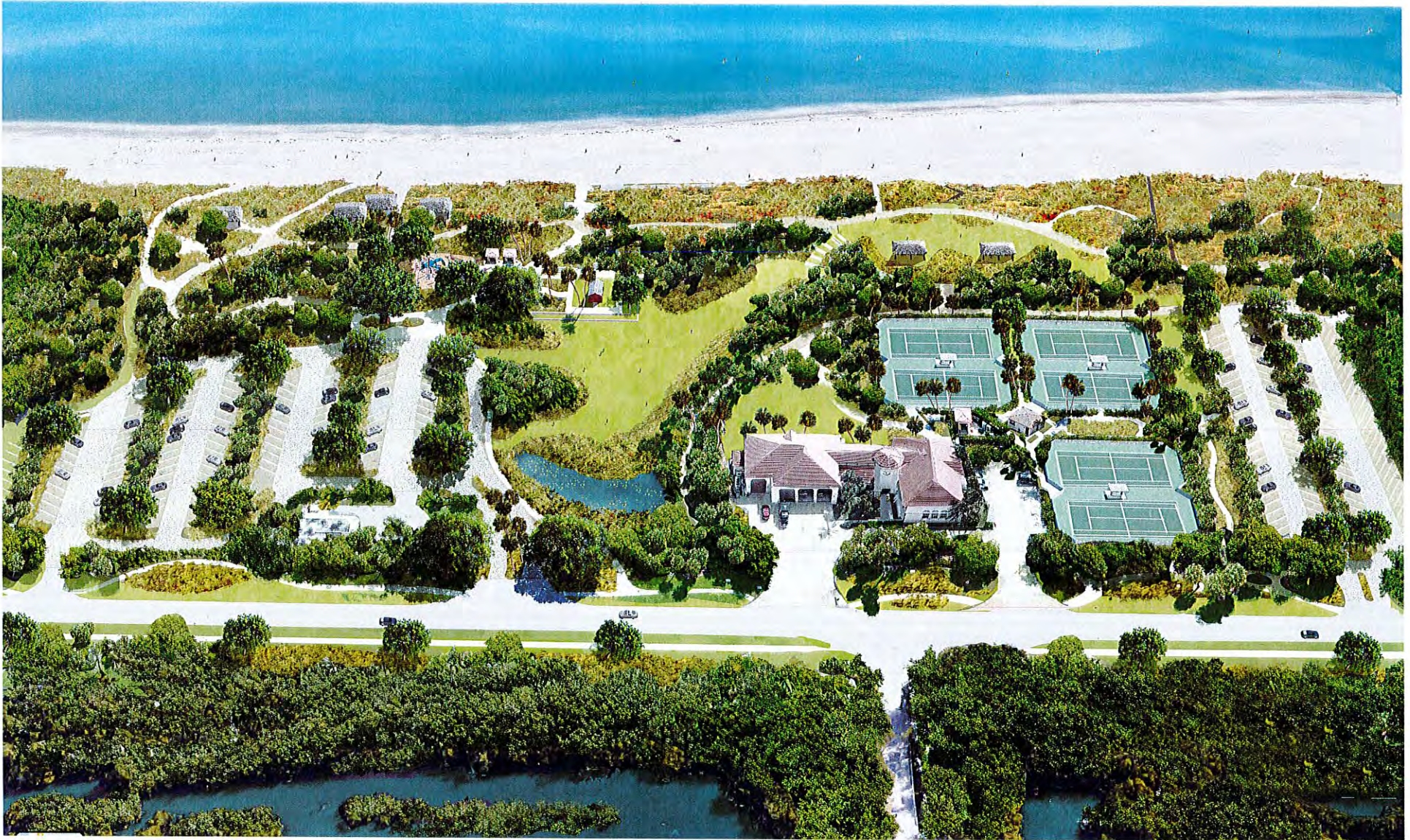
- Remove invasive and exotic species
- Restore Coastal Strand and Maritime Hammock with native vegetation
- Restore interdunal swale
- Introduce native species for pollinators and native fauna
- Introduce native species absent from Palm Beach

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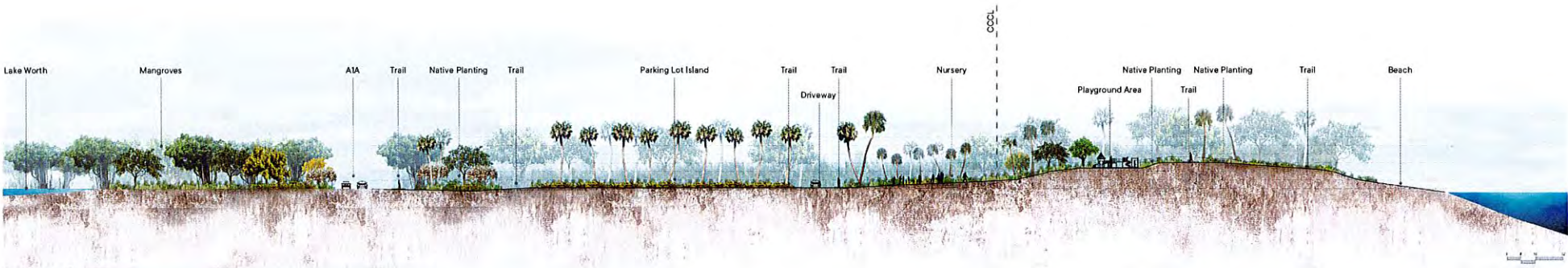


**Legend**

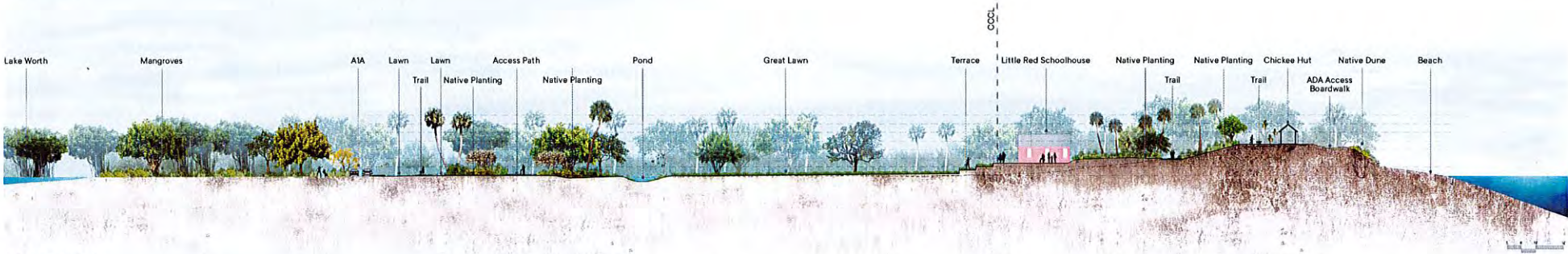
- 1. Two-way Main Entrance into Park**
Celebrate the scale and beauty. Entry portal like LLNPP. Entrance more central to park. Open major view to relocated school house and flexible open space. View takes in great lawn for larger community events and play.
- 2. Little Red Schoolhouse Center**
Relocated Schoolhouse a few feet up the dune, nestled into the grove of Specimen Strangler Fig trees.
- 3. Great Lawn**
Open space that embraces the sky, accommodates groups of all sizes. Community special events programming.
- 4. Horizon Plateau**
Gathering area with open views to the horizon line over the Atlantic Ocean.
- 5. Connector Lawns for traversing grade**
- 6. Nature / Pedestrian Paths**
- 7. Sand Paths to Beach**
Emergency equipment access.
- 8. ADA Accessible Path**
Accommodates maintenance and patrol vehicles.
- 9. Two-way Park Entrance**
Park and tennis court parking.
- 10. One-way Exit from Main Park Parking Area**
- 11. Stone Wall around Public Works Center**
- 12. Restricted Vehicular / Pedestrian Circulation**
- 13. Picnic Areas**
- 14. Thatched Shelters**
- 15. Beach Showers / Drinking Fountains**
- 16. Parking Areas**
Permeable paving, minimized to allow more contiguous planting.
- 17. Tennis Courts**
- 18. Physical Barrier for separating Fire Station Garden/Practice area and Tennis back of house**
- 19. Upgraded Existing Restrooms**
- 20. New Restrooms for Little Red Schoolhouse Center**
- 21. Area for Future Pickleball Courts**
- 22. Existing Fire Station**
- 23. Beach Nourishment Access Path**
- 24. Existing Lifeguard Stand**
- 25. Dune Crest Path**
- 26. New Playground**
- 27. Service Path**
- 28. Nursery/Propagation Area**
- 29. Public Works Area**
- 30. Water Utilities to be Screened**
- 31. Water Element**
- 32. Existing Mangroves to Remain**
- 33. Grass Overflow Parking**
- 34. Dense Vegetative Buffer**



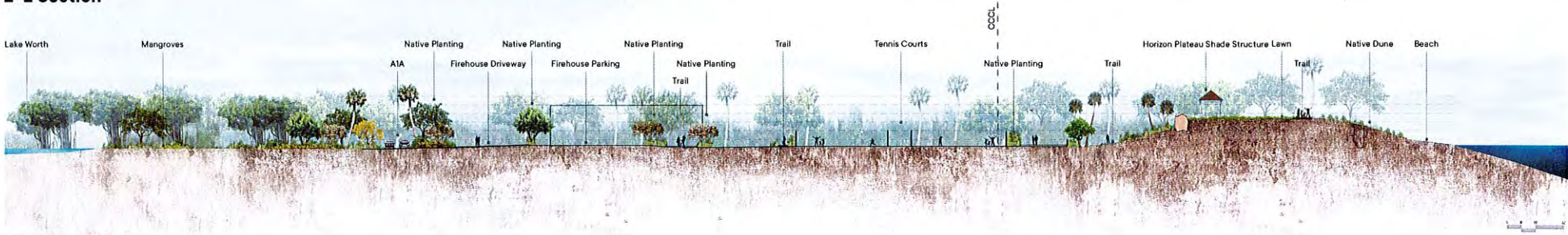
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1-1 Section

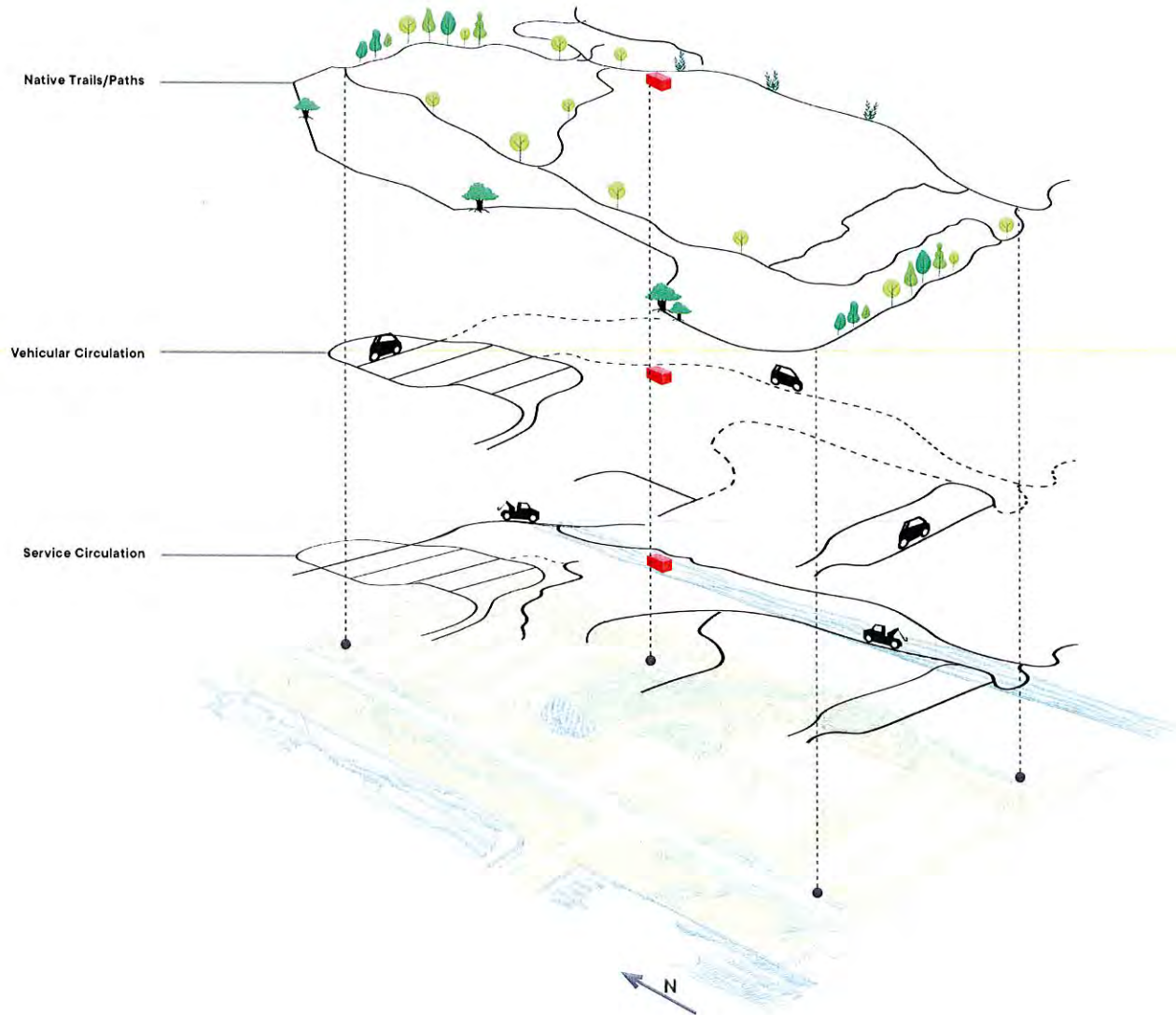


2-2 Section



3-3 Section

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Site Metrics

- 4 New Pickleball courts
- 7,873 linear feet (1.5 miles) of pedestrian paths
- 8,652 square feet of water features
- 46,000 square feet of open lawn
- 29,600 square feet of meeting/activity space
- 4,700 square feet of playground
- 6 exercise stations
- 16 education checkpoints

Landscape Area Takeoffs

EXISTING
 Park Total: 855,252 SF
 Landscape Total: 607,497 SF

PROPOSED
 Park Total: 855,252 SF + 20,074 SF = 875,326 SF
 Landscape Total: 633,787 SF



Proposed Dune Crest Trail



Proposed Sand Nature Trail



Preferred Vehicular Road

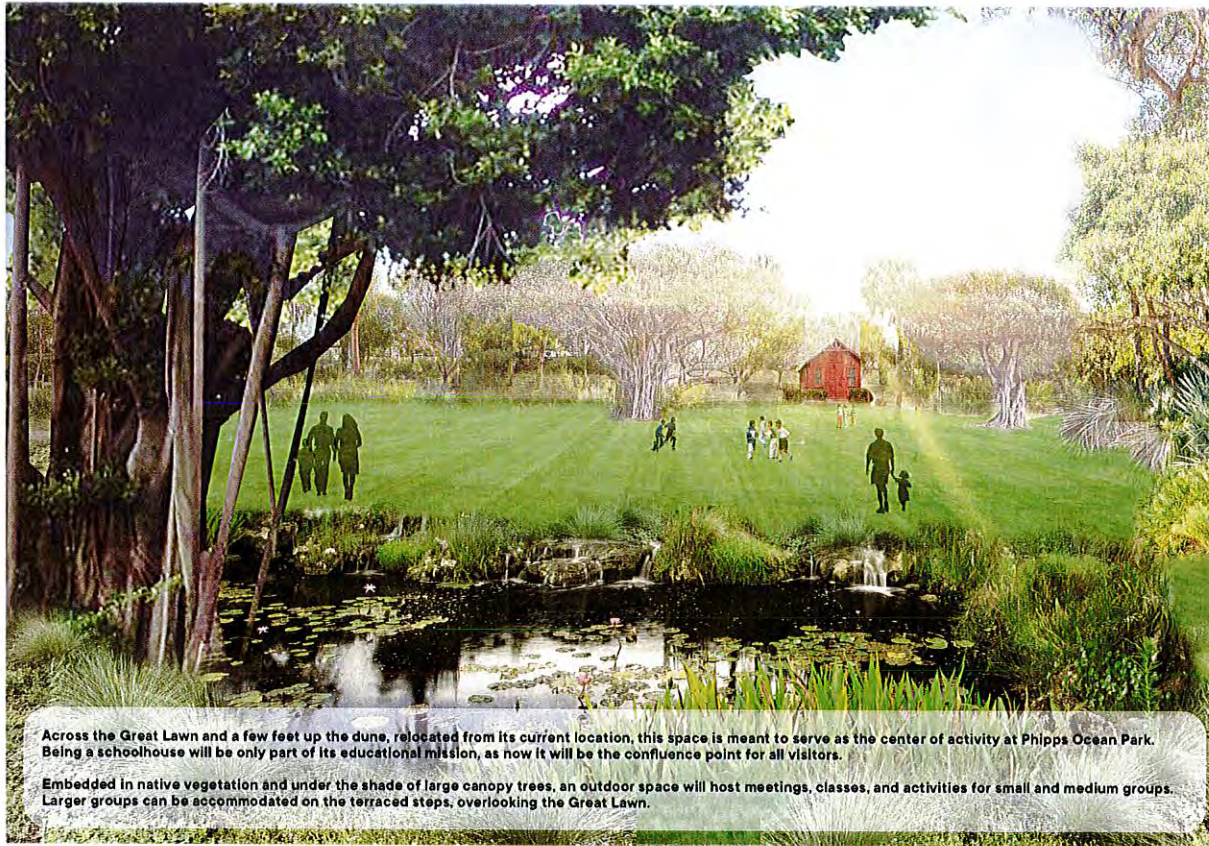
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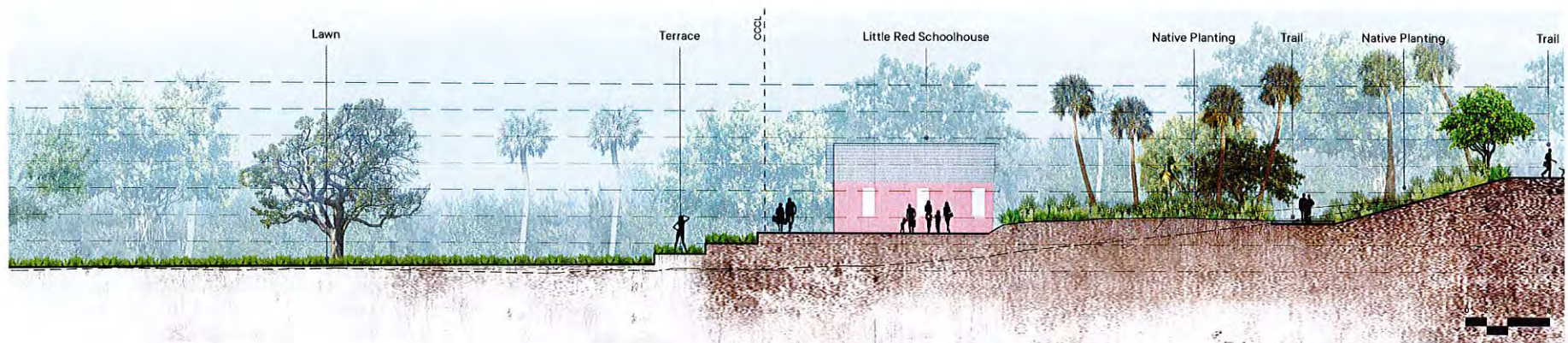
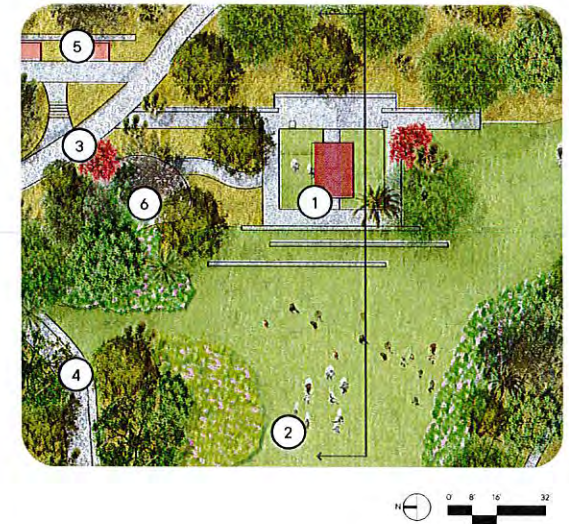


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Legend

- 1. Little Red Schoolhouse Center**
Relocated Schoolhouse a few feet up the dune, nestled into the grove of Specimen Stranger Fig trees.
- 2. Great Lawn**
Open space that embraces the sky, accommodates groups of all sizes. Community special events programming.
- 3. Nature / Pedestrian Paths**
- 4. Pedestrian Circulation / Restricted Vehicular**
- 5. New Restrooms for Little Red Schoolhouse Center**
- 6. Outdoor Class Space**



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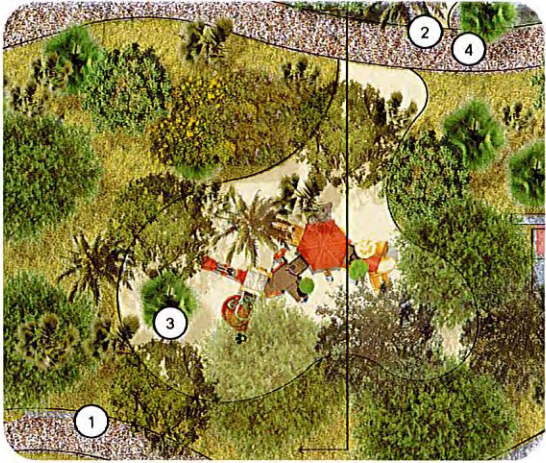


Just landward of the dune crest, the playground is meant to provide healthy activity and education. Its unique setting between the native dune and the Maritime Hammock is an opportunity to educate about two Florida native ecosystems.

Interactive structures, that blend with the landscape will provide a space for kids of multiple ages to play and learn. Shade trees from the hammock side give refuge from the sun, while grasses and low dune vegetation maintain safety keeping open views beyond.

Legend

- 1. Nature / Pedestrian Paths
- 2. Sand Paths to Beach
- Emergency equipment access.
- 3. New Playground
- 4. Dune Crest Path



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DUNE PLAYGROUND - REFERENCE IMAGERY

| 31



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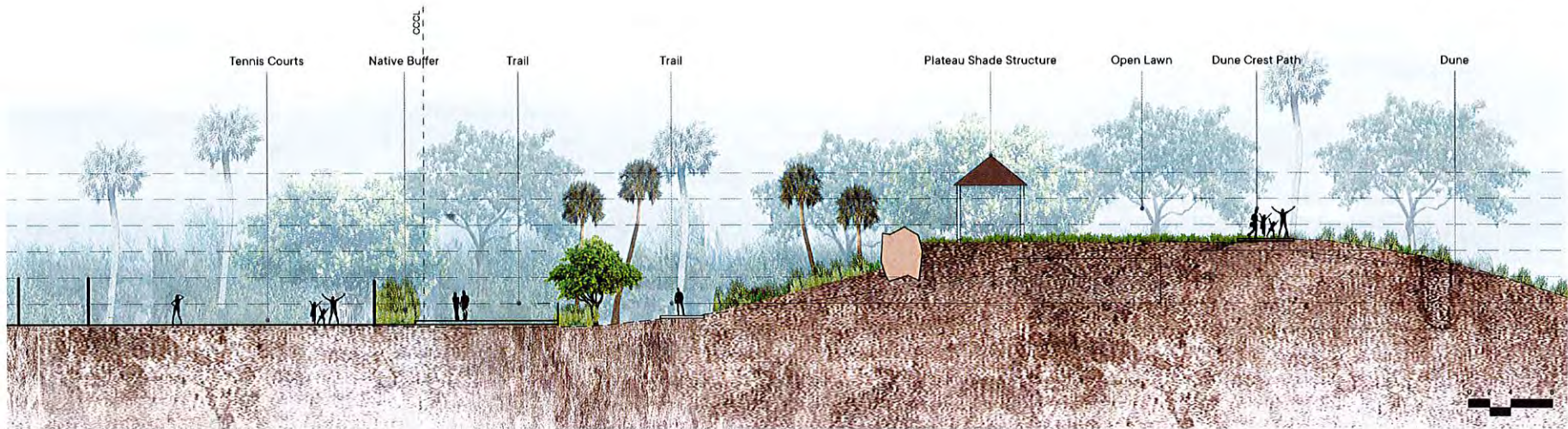
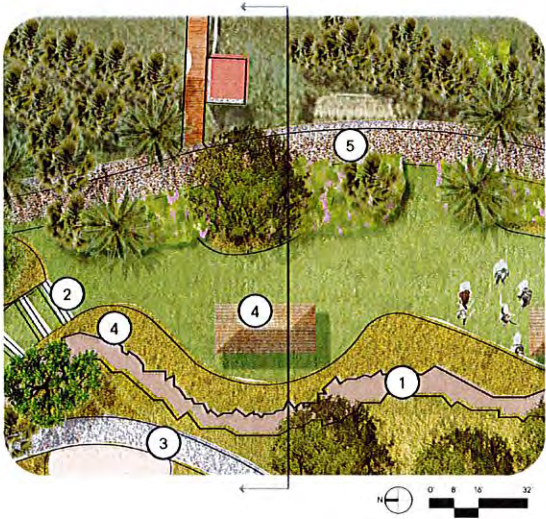
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This space is meant to unify the south and north sides of the park, which now are severed by the tennis courts. Rising to the dune elevation, the Horizon Plateau provides all around views to the ocean and the west side of the park. Shade around the perimeter, and sun at the center, the space is meant to congregate, can host classes, activities, and or meetings.

Legend

- 1. Retaining Wall**
Gathering area with open views to the horizon line over the Atlantic Ocean. Beach overlook. Possible snack shop, shelter element.
- 2. Connector Lawns for traversing grade**
- 3. ADA Accessible Path**
Accommodates maintenance and patrol vehicles.
- 4. Picnic Areas**
- 5. Dune Crest Path**



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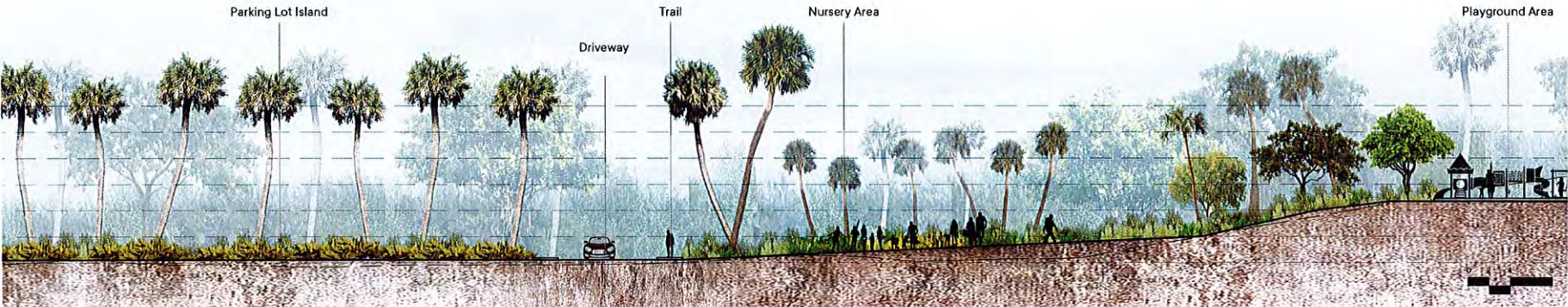
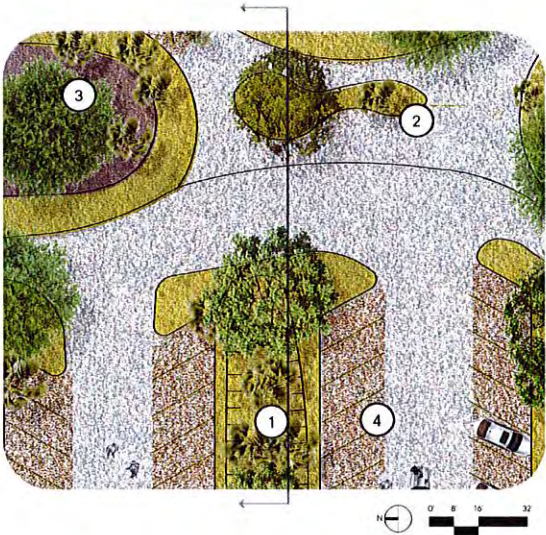


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Legend

- 1. Parking Lot Island
- 2. ADA Accessible Path
- 3. Nursery Propagation Area
- 4. Parking Areas
Permeable paving, minimized to allow more contiguous planting.

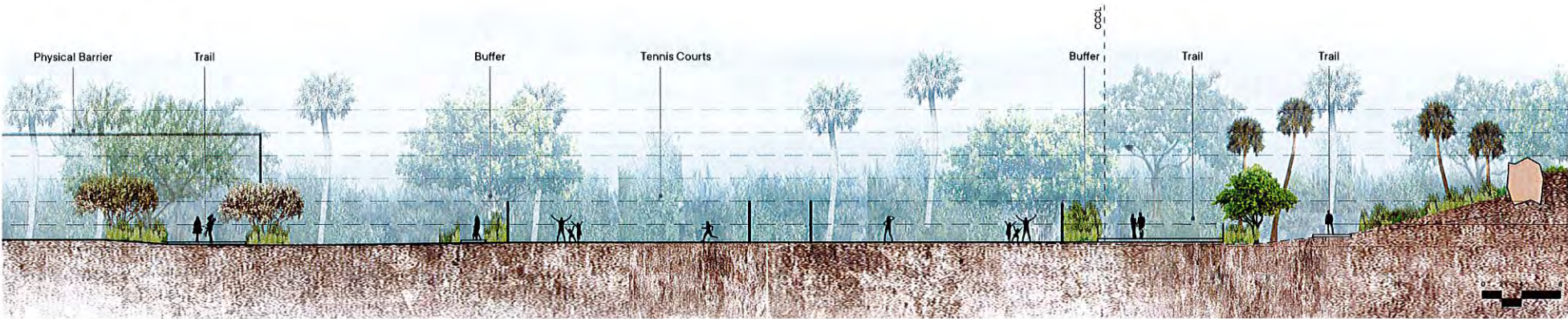


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TENNIS CENTER - ENLARGEMENT



MANGROVE PATHS



jungles

PARKING LOT - ENLARGEMENT



Legend

- 1. Parking
- 2. Planting Area
- 3. Future Pickleball Area
- 4. Tennis Court



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South Property Line - Existing Conditions



South Property Line - Proposed Screening

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Decomposed Granite Paving



Crushed Coquina Shell Paving



Gravel Pave Grid System

Path Paving

- Highly Permeable
- ADA Accessible
- Natural & Sustainable Materials



Wasau Permeable Pavers



Enlargement



Texture



Tremron Pervious Pavers
Sierra



Sand Dune



Cappuccino



Sierra



Autumn Blend



6x4, 6x6, 6x9

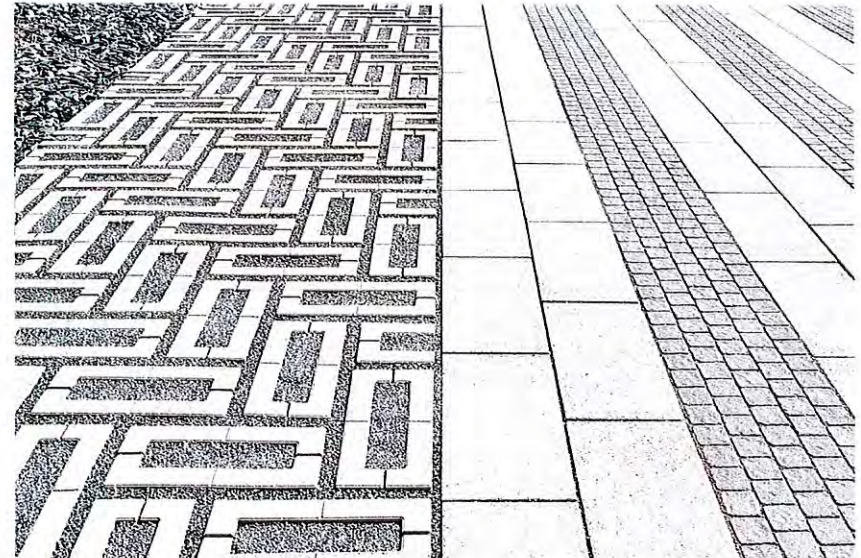
4x8

Driveway Paving

- Highly Permeable
- ADA Accessible
- Vehicular Rated



Concrete Grass Pave Pavers



Concrete Gravel Pave & Permeable Pavers



Plastic Gravel & Grass Pave Paving



Driveway Paving

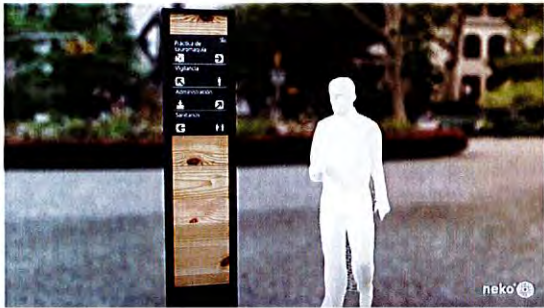
- Highly Permeable
- Vehicular Rated



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CCCL

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Stone Educational Checkpoint



Wood Educational Checkpoint

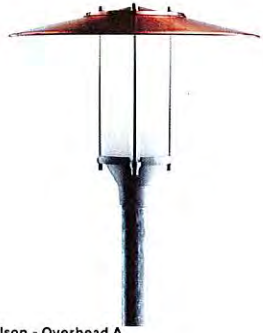


Symbol Alerting Users of Interpretive Material

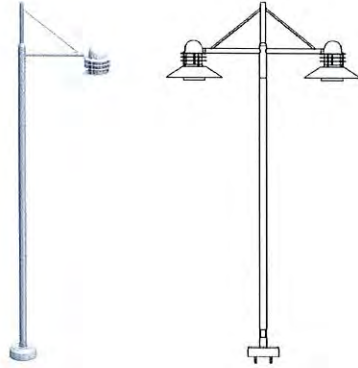


QR Codes at each Checkpoint to access Content

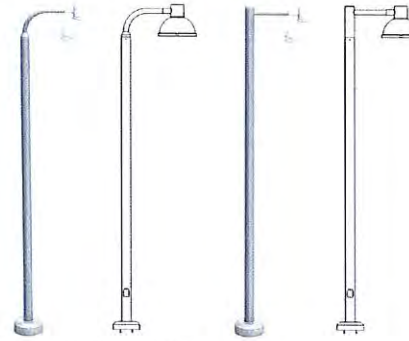
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Louis Paulson - Overhead A



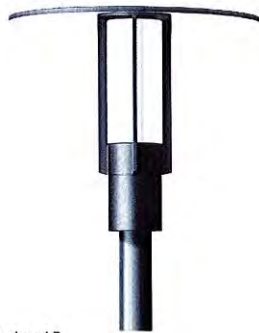
Louis Paulson - Overhead B



Louis Paulson - Overhead C



Bega - Overhead A



Bega - Overhead B



Bega - Overhead C



Bega - Overhead D



Louis Paulson - Bollard A



Louis Paulson - Bollard B



Louis Paulson - Bollard C



Aorbis- Bollard D

excelsior[™]
LIGHTING, INC.

MODEL PL-15 12V 35W T4 3W LED PL-15

Simply Better by Design[™]

Model: PL-15
Lamp: T4 Halogen or LED
Maximum Wattage: 35 watt halogen; 3 watt LED
Input Voltage: 12V (remote transformer required)
Material: Aluminum or Brass
Hardware: Stainless Steel
Finishes: Seven Powder Coat, Two Metals
Lens: Tempered Frosted Glass
Mounting: 1/2" NPS (order mount separately)
Height: 12" or 20"
Socket: GY 6.35 Bi-Pin Porcelain
IP Rating: 64
Wiring: 6 ft. 16/2 low voltage cable
Weight: Brass 3.8 lbs., Aluminum 1.8 lbs.
Warranty: Brass 25 Years, Aluminum 10 Years
Dimensions: 1 3/4" square tube, 20" H x 7" L

Shown in Dark Bronze Finish (BZ)

Designed to accept standard E-17 style retrofit LED lamps

USA
MADE IN USA

METALS
Aluminum:
Brass:

MODULAR DESIGN:
The PL-15 path light is available in aluminum or brass square tubing. The components that house and seal the lamp are machined from copper-free aluminum, then anodized to prevent corrosion from all types of elements. Stainless steel hardware and silicone O-ring seals are standard features. To relamp this luminaire, simply remove one screw and slide out the lamp housing.

ORDERING LOGIC:
Model: PL-15
Metal: A - Aluminum
B - Brass
Height: 12 - 12"
20 - 20"
Finish: BK - Black
BZ - Bronze
WT - White
SL - Silver
CA - Clear Anodized
NT - Natural
DZ - Dark Bronze

ORDERING EXAMPLE: PL-15 - B - 20 - DB

excelsior[™]
LIGHTING, INC.

MODEL RL-1L 12VAC/DC 9W LED MODULE RL-1L

Simply Better by Design[™]

Model: RL-1L
Lamp: LED Module 2W - 9W Adjustable
Wattage: 12W Startup draw
Input Voltage: 12VAC/DC (remote transformer required)
Kelvin: 2700K, 3000K, CR - 85
Material: Machined Aluminum
Hardware: Stainless Steel
Finishes: Seven Polyester Powder Coat
Lens: Tempered Clear Glass
Cap Accessories: Holds two accessories (optional)
Mounting: Brass 1 inch loop
Socket: GY 6.35 Bi-Pin Porcelain
Certification: Wet location, IP Rating 66
Wiring: 12" 18 ga Shielded Cable Covered, black
Weight: 10 lbs
Warranty: 10 Years
Dimensions: 2 3/8" dia x 5 3/4" (7 1/8") overall

Shown in Bronze Powder Coat Finish (BZ)

Shown in Bronze Texture Finish (BZT)

20VAC/DC/9W

USA
MADE IN USA

METALS
6061-T6 Aluminum:
Straight
Angle

STAINLESS STEEL CABLE:
We can provide 1/16" stainless steel cable with hardware if you like. Select from various lengths from 5'-0" in five foot increments. Contact factory for more information.

ANODIZING PROTECTION:
To increase the corrosion resistance in our products, we use a three-step process:
1. Machine 6061-T6 copper-free aluminum.
2. Anodized pre-treatment applied.
3. Polyester powder coat finish applied.

SEALED WIRE PASS-THRU SYSTEM
Our molded, high temperature silicone wire pass-thru system is installed into every product to prevent water intrusion. Water will not leak into the lamp compartment when used for down lighting in trees.

ORDERING LOGIC:
Model: RL-1
Metal: A - Aluminum
Cap Style: S - Straight
A - 45° Angle
Cable: 0 - None
5 - 5 ft.
10 - 10 ft.
15 - 15 ft.
Finish: BK - Black
BZ - Bronze
WT - White
SL - Silver
CA - Clear Anodized
BK1 - Black Texture
BZ1 - Bronze Texture
SL1 - Silver
CA1 - Clear Anodized

ORDERING EXAMPLE: RL-1L - A - S - 0 - BK 52*

USA
MADE IN USA

METALS
6061-T6 Aluminum:
Straight
Angle

STAINLESS STEEL CABLE:
We can provide 1/16" stainless steel cable with hardware if you like. Select from various lengths from 5'-0" in five foot increments. Contact factory for more information.

ANODIZING PROTECTION:
To increase the corrosion resistance in our products, we use a three-step process:
1. Machine 6061-T6 copper-free aluminum.
2. Anodized pre-treatment applied.
3. Polyester powder coat finish applied.

SEALED WIRE PASS-THRU SYSTEM
Our molded, high temperature silicone wire pass-thru system is installed into every product to prevent water intrusion. Water will not leak into the lamp compartment when used for down lighting in trees.

ORDERING LOGIC:
Model: RL-1
Metal: A - Aluminum
Cap Style: S - Straight
A - 45° Angle
Cable: 0 - None
5 - 5 ft.
10 - 10 ft.
15 - 15 ft.
Finish: BK - Black
BZ - Bronze
WT - White
SL - Silver
CA - Clear Anodized
BK1 - Black Texture
BZ1 - Bronze Texture
SL1 - Silver
CA1 - Clear Anodized

ORDERING EXAMPLE: RL-1L - A - S - 0 - BK 52*

excelsior[™]
LIGHTING, INC.

MODEL FD-4 12V 20W MR11 3W LED FD-4

Simply Better by Design[™]

Model: FD-4
Lamp: MR11 Halogen (order separately)
Maximum Wattage: 20 watt, 3 watt LED
Input Voltage: 12V (remote transformer required)
Material: Machined Aluminum
Hardware: Stainless Steel
Finishes: Seven Polyester Powder Coat
Knuckle: Tapered & Positive Locking
Lens: Tempered Clear Glass
Cap Accessories: Holds three accessories (optional)
Mounting: 1/2" NPS (order mount separately)
Socket: GY 6.35 Bi-Pin Porcelain
IP Rating: 66
Certification: Wet location landscape, UL 1938
Wiring: 2R 18/2 LV wire leads
Weight: 7 lbs
Warranty: 10 years
Dimensions: 1 3/4" dia x 7 1/4" overall

Shown in Bronze Powder Coat Finish (BZ)

20VAC/DC/9W

USA
MADE IN USA

METALS
6061-T6 Aluminum:
Mounting Stake Options: MT-1, MT-2, MT-6, MT-7, MT-8

ANODIZING PROTECTION:
To increase the corrosion resistance in our products, we use a three-step process:
1. Machine 6061-T6 copper-free aluminum.
2. Black anodized pre-treatment applied.
3. Polyester powder coat finish applied.

SEALED WIRE PASS-THRU SYSTEM
Our molded, high temperature silicone wire pass-thru system is installed into every product to prevent water intrusion. Water will not leak into the lamp compartment when used for down lighting in trees. The socket is replaceable because it is not glued in.

ORDERING LOGIC:
Model: FD-4
Metal: A - Aluminum
Finish: BK - Black
BZ - Bronze
WT - White
SL - Silver
CA - Clear Anodized
BK1 - Black Texture
BZ1 - Bronze Texture
SL1 - Silver
CA1 - Clear Anodized

ORDERING EXAMPLE: FD-4 - A - BK

Excelsior Lighting, Inc. • 2507 N. Bundy Drive • Fresno, CA 93727 • T - 559 346 1051 F - 559 346 1071 • excelsiorlighting.com

Excelsior Lighting, Inc. • 2507 N. Bundy Drive • Fresno, CA 93727 • T - 559 346 1051 F - 559 346 1071 • excelsiorlighting.com

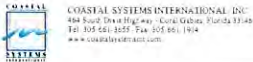
Excelsior Lighting, Inc. • 2507 N. Bundy Drive • Fresno, CA 93727 • T - 559 346 1051 F - 559 346 1071 • excelsiorlighting.com

Landscaping
jungles

Phipps Ocean Park
May 27, 2021

COASTAL FEASIBILITY REPORT

151



April 13, 2021

RAYMOND JUNGLES, INC.
7965 Aviation Avenue
Miami, FL 33155

via e-mail: raymond@jungles.com

RE: COASTAL FEASIBILITY RELATIVE TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION - DIVISION OF WATER RESOURCE MANAGEMENT (FDEP) AND FLORIDA BUILDING CODE (FBC) COASTAL CONSTRUCTION REGULATIONS FOR THE PHIPPS PARK MASTER PLAN, TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

Dear Mr. Champion

Coastal Systems International, Inc. (Coastal Systems) provides this letter report for the Phipps Park Master Plan (Project) with the purpose of summarizing the permitting feasibility of the proposed design relative to the Florida Department of Environmental Protection (FDEP) and Florida Building Code (FBC) coastal construction regulations. Any code considerations or requirements are solely relevant if the site undergoes a substantial improvement or if improvements to the foundations of the existing structures are made.

Chapter 161, Florida Statutes (F.S.), is known as the "Beach and Shore Preservation Act." Section 161.053, F.S., declares that the beaches and dunes of Florida are valuable public resources and provides for the establishment of Coastal Construction Control Lines (CCCL) based on the predicted landward limits of 100-year storm impacts. This section also provides for the regulation of construction activities partially or wholly seaward of the CCCL that may "impair the stability of the beach dune system, accelerate erosion, provide inadequate protection to upland structures, endanger adjacent properties, or interfere with public beach access" [Chapter 161.053(1)(a), F.S.].

The Florida Department of Environmental Protection (FDEP) issues permits for construction or renovations located seaward of the CCCL throughout the State. While any future site improvements seaward of the CCCL will need to be provided to the FDEP for review and feedback, approvals are available and feasible.

GENERAL SITE CHARACTERISTICS

Site Location

The subject site is located at 2185 South Ocean Boulevard, in the Town of Palm Beach, Florida. The subject site is bounded by A1A on the west, adjacent to Via Way, and on the east by the Atlantic Ocean/Beach (hereinafter referred to as the "site").

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Existing Site Conditions

According to the survey prepared by Engineering Group, Inc., updated on November 2nd, 2020, the site is partially developed east of the CCCL with concrete walkways, vegetated dunes with dune bars, dune walkways, and landscaped hardscape. A heavily vegetated dune system extends the length of the site, which serves to define the boundary between developed land and the study beach, and to protect the developed land. Landward of the CCCL, the site also supports tennis courts and parking lots.

According to the latest Flood Insurance Rate Map No. 12099C0591F, dated October 5, 2017, the subject site is located partly within an AE (-6 feet NAVD) Flood Zone and partly within a X Flood Zone (Figure 1). The full map is included as an appendix to this report.

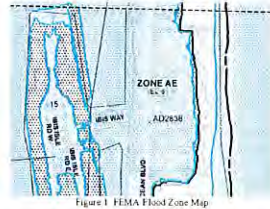


Figure 1 FEMA Flood Zone Map

Historical Beach Conditions

The Florida Department of Environmental Protection (FDEP) has designated the adjacent beach as "Cronically Eroded." This designation spans between FDEP Range Monument R-76 south to R-128, encompassing the Park Beach (R-119).

The Palm Beach County Shoreline Protection Plan (2014) contains an increasing budget for beach nourishment projects every six (6) years in 2024 of the Park. The Phipps Park and North Beach & Beach & Dune Restoration project will utilize material dredged from Lake Worth inlet, work that will be conducted by the U.S. Army Corps of Engineers. The Park beachfront area dirt received nourishment in 2006. In 2011, approximately 56,000 cubic yards of sand was placed to maintain the dunes and nourish the beach.



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In early 2021, the Town of Palm Beach commenced the next beach nourishment activity, which included placing 400,000 cubic yards of dredge material between Shallow Curve approximately 9-12 miles north and the Ambassador Hotel (approximately 1.0 mile south). This beach nourishment effort is anticipated to be completed by May 2021.

Upon review of municipal budgets, the next large-scale nourishment project is anticipated to occur in 2024 and is valued at over \$11 Million.

There are no restrictions from participating in a government-funded nourishment project. Should a nourishment project be designed for a segment of critically eroded beach, and should the opportunity be offered to the site, the site may accept.

FDEP COASTAL CONSTRUCTION REGULATIONS

FDEP environmental coastal construction permits for structures and facilities proposed seaward of partially seaward of the CCCL are issued upon provision of sufficient evidence that any impacts associated with the proposed construction have been minimized, and that the future improvements will not impose a significant adverse impact to the beach dune system, including potential cumulative effects within the same coastal cell.

Structure Siting

Line of Construction: In general, proposed structures must be located a sufficient distance landward of the beach and dune to allow for natural shoreline fluctuations and to protect beach dune stability [Chapter 62B-33.00(9)(b), F.A.C.].

Structures may generally be constructed as far seaward as other similar structures in the area. Pursuant to Chapter 161.053(1)(b), F.S., "if in the immediate contiguous or adjacent area a number of existing structures have established a reasonably continuous and uniform construction line closer to the line of mean high water than the line of mean high water, and if the existing structures have not been unduly affected by erosion, a proposed structure may be permitted along such line on written authorization from the department." Chapter 62B-33.00, F.A.C., further interprets this provision as applying to "major" structures only, and the proposed structures to be compared to "similar" structures in the site vicinity. Therefore, there may be multiple lines of construction for structures of different types/sizes.

The FDEP has historically considered the contiguous or adjacent area to include the shoreline within 1,000 linear feet north and south of a subject site. Methodologies for determining the line of construction for a site range from "connecting the dots" between seaward edges of similar structures in the site vicinity (Figure 2) to averaging setbacks for structures from the Mean High Water Line (MHWL) or Erosion Control Line.

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Figure 2 portrays the possible line of construction for the Park improvements. However, the line of construction below was drawn between two primary residential buildings, which are not structures that are directly comparable to the proposed Park improvements. Therefore, this line of construction should only be used as a frame of reference for structures with pile foundations.



Figure 2: Preliminary Line of Construction

30-Year Erosion Projection: Pursuant to chapter 161.053(6), F.S., no major structures may be permitted seaward of the 30-Year Erosion Projection (the projected location of the seasonal high water line 30 years after permit application). On beaches with planned dune/beach nourishment projects such as this, the setback is calculated by measuring the distance between the mean and the seasonal high water lines, factoring in the life remaining in the existing beach nourishment project and projecting that distance landward of the Erosion Control Line (ECL). To conduct this calculation, the site survey will need to be updated to include the seasonal high water line. The FDEP will only accept topographic data collected within 6 months prior to permit application submission. Written confirmation of the 30-Year Erosion Projection will be requested of the FDEP upon receipt of an updated survey.



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Excavation Fill Balance

Pursuant to several separate provisions of the Florida Statutes and Administrative Code, there must be no net excavation of sandy soils seaward of the CCCL. All sandy material excavated seaward of the CCCL must remain seaward of the CCCL and be placed in the immediate area of construction. Generally, this means that there must be a net balance of excavated materials; i.e., it is possible to get authorization from the FDEP to place excess excavated material when the beach dune system immediately adjacent to the site, provided that the destination site is also approved. Fill material may be exported from State or local approved sources, such as Florida sand mines, for future improvements.

Volumes of excavation and fill required for all improvements seaward of the CCCL will need to be provided by the design team in order to confirm compliance with FDEP requirements. Further evaluation will be necessary upon receipt of detailed architectural plans, foundation plans, and a geotechnical report outlining the excavated material's compatibility with beach quality material.

Non-Habitable Major Structures

Any major non-habitable structures should be designed as expandable structures (not withstanding erosion, minor loads associated with the 100-year storm event) and be sited within their future dunes not adversely impact the beach dune system or nearby major habitable structures. Generally, all vertical structures (walls, etc.) seaward of the CCCL must be tangential/breakaway (into maximum 5-foot wide vertical sections) on-grade structures, such as concrete slabs, within the 100-year storm profile may also be required to be of a breakaway design.

Marine Turtles

Impact Avoidance: Chapter 62B-33.00(5)(b), F.A.C., states "The construction will not cause a significant adverse impact to marine turtles." The existing dune located along the eastern edge of the site should serve to provide a buffer between future turtle nesting habitat (i.e., sandy beach) and adjacent construction. However, the Florida Park and Wildlife Conservation Commission (FWC) should not consider any aspects of the proposed project to impose a direct "take" of protected/endangered marine turtle nesting habitat.

Exterior Lighting: In addition to any direct duplication of marine turtle nesting habitat, the FWC will evaluate and provide comments to the FDEP regarding proposed exterior lighting to reduce the likelihood that direct or indirect light will disorient nesting female or hatchling marine turtles on the beach adjacent to the site. Specific considerations relative to light fixtures, bulbs and window tinting, compliance can be made as project plans are developed. Local turtle protection and other lighting ordinances also restrict design parameters. Please note that the FDEP CCCL program only has jurisdiction over lights seaward of the CCCL; however, under the FDEP Environmental Resource Permitting process, the FWC lighting requirements will apply to the entire site.



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Beach Protection and Nourishment

While the role of sand loss was not determined under the scope of this study, Coastal Systems has determined that the beach adjacent to the site regularly experiences erosion. It is understood that the beach is a valuable amenity which the Town wishes to preserve, or other wise suggest.

To retain or increase the sand on the adjacent beach in lieu of a nourishment event, the Park has multiple options; these options range from seaward to on-land work. Any work (such as sand fences) or among structures implemented landward of the MHWL will only require State authorization from the FDEP. In contrast, any work or among structures (such as jetties or groin) seaward of the MHWL will require additional permitting from the U.S. Army Corps of Engineers and the associated Federal coordinating agencies: the coordinating agencies may include, but are not limited to, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service.

Federal authorization for the construction of in-water beach structures may be more known to take several years, given the multiple and complex beach systems that may be impacted nearby and further south along the shoreline.

FLORIDA BUILDING CODE COASTAL CONSTRUCTION REGULATIONS

Chapter 31 §109 of the 2018 Florida Building Code is entitled "Structures Seaward of a Coastal Construction Control Line." The purpose of this section is to ensure that habitable structures located entirely or partially seaward of the CCCL are designed to resist predicted 100-year return period storm forces.

It is understood that no features proposed at the Park are contain living spaces. However, the proposed Little Red Schoolhouse Center and the Horizon Platform with associated storage space may be subject to Chapter 31 §109 if any use falls outside of the definition of "Allowed Use." The following uses would be allowed within these structures, without making the structure "habitable": storage, small mechanical and electrical rooms, retail shops, snack bars, commercial garages with possible cooking equipment, bathrooms and other uses of a similar nature that are not open for living, sleeping, or cooking; should the cooking equipment be permitted and be fixed to the structure floor, the structure would become "habitable."

Alternatively, Section 1612 addresses non-habitable structures used within an AE Flood Zone and provides the appropriate reference for structure situated there: elevations, floodproofing, and foundation design. Ultimately, the criteria outlined below will be subject to the Town building official's review and interpretation.

Section 1612 - Structures Seaward of a CCCL

Structure Floor Elevation

General Requirements: Section 1612.3.3 of the FBC requires habitable structures to be elevated such that the lowest horizontal structural supporting member is above the 100-year design storm.

Page 7

breaking wave crest elevation. Historically, under Chapter 62B-33, F.A.C., this requirement has been interpreted by the FDEP to apply only to habitable structures of a structure, not non-habitable levels such as small mechanical rooms or storage. Habitable floors have historically been determined by the FDEP to be those containing a living unit, bedroom, or kitchen.

Site-Specific Habitable Elevation: The FBC 100-year storm elevation requirement is taken from the latest version of the FDEP report "One Hundred Year Storm Elevation Requirements for Habitable Structures Located Seaward of a CCCL." The 100-year storm elevation noted for the subject site (FDEP reference numbers R-118.5 through R-119.75) in the February 2002 update of this report is +15.4 feet NGVD (+13.9 feet NAVD).

Should the proposed design seaward of the CCCL fall outside of the aforementioned allowed uses, then the Town may consider the proposed improvements to be habitable per Section 3109. Therefore, the finished floor elevations of the features may need to be raised to +15.4 feet NGVD.

Foundation Requirements for Structures

All habitable structures must be constructed on a pile foundation that is designed to withstand anticipated erosion, scour, and loads resulting from a predicted 100-year storm event. Structural calculations, including pile penetration, are to be based on the design grade elevation resulting from the 100-year storm, considering local scour. The FDEP published design grade elevation in "One Hundred Year Storm Elevation Requirements for Habitable Structures Located Seaward of a CCCL" (1999, revised 2002) for the subject site is +15.0 feet NGVD (+13.5 feet NAVD). Pile caps must typically be set below the design grade and the ratio of pile (column) spacing to pile diameter must not be less than 8:1 for individual piles (columns) located above the design grade.

Alternatively, pile caps shall be at or below the natural grade and below the design grade unless designed to resist increased loads associated with setting the grade beam or pile cap above the design grade (Chapter 31 §109.3.2.1, FBC).

Walls Below the 100-Year Storm Elevation

Requirements: Chapter 3109 of the FBC requires that the substantial walls or partitions be constructed below the level of the first finished floor of the structure (historically interpreted by the FDEP to mean below the 100-year storm wave crest elevation, which is +15.4 feet NGVD [+13.9 feet NAVD], as published by the FDEP).

As such, all shore parallel walls below this elevation will need to be constructed as breakaway. Exceptions include stairs and stair walls, abutments essentially perpendicular to the shoreline (breaking waves), shorewalls essentially parallel to breaking waves that do not exceed a maximum of 30% of the building width and elevations above the CCCL. Breakaway walls are not considered to be "substantial walls or partitions." Please note that the FDEP historically required only shore parallel walls seaward of the CCCL to be breakaway; however, it will be at the discretion of the Town as to whether or not shore parallel walls landward of the CCCL also need to be breakaway. Compliance with the FBC 30% shorewall requirement will be confirmed upon receipt of the structural plans for the project.

404900

Mr. Guy Champion
April 13, 2021
Page 8

Hydraulic Analysis: The FBC allows for the submittal of a Hydraulic Analysis to the Town that is certified by a qualified coastal engineer that on a site- and structure-specific basis demonstrates that a structure meets the intent and technical requirements of the regulations with a specific configuration of additional non-breakaway elements above 10% of the shore parallel building width. This is demonstrated by evaluating comparative forces acting on the subject and neighboring structures during a predicted 100-year storm event and determining whether or not a significant adverse impact to the beach dune system or structures would be caused by the additional non-breakaway elements.

Breakaway Design: FDEP internal policies historically required that breakaway walls be designed to break into vertical sections 5 feet wide (maximum), with no structural steel connecting them to foundations/diaphragms at the top and bottom (anchors or other devices designed to fail under design storm conditions are permitted). Also, no structural steel was typically permitted between the vertical breakaway sections (grouted dowels could be used if some lateral supports were required).

Flood Loads During a 100-Year Storm

Habitable Structures: Chapter 31 §109.3 of the FBC outlines the requirements for design of major structures to 100-year storm erosion conditions and loads (wind, wave, hydrostatic, hydrodynamic, and uplift forces). Structural elements of habitable structures must withstand the design storm loads, while breakaway or breakaway walls must be designed to fail under these loads.

Debris Impact Minimization: All structures must be designed to minimize the potential for wind and waterborne debris during a storm event (Chapter 31 §109.3, FBC). Structures within the influence of the 100-year storm model profile and all non-structural elements of vertical buildings must generally be designed to break into 5-foot by 5-foot maximum sections. Other structures and features such as wall landscape trees must be adequately anchored to prevent them from becoming mobile under storm conditions.

Section 1612 - Flood Loads

Non-Habitable Major and Minor Structures

Structural requirements for non-habitable major structures and minor structures are addressed in Coastal A Zones and series as a modification to ASCE 24. This section notes that dry floodproofing is allowed within Coastal A Zones, provided that "wave loads and the potential for erosion and local scour are accounted for in the design" (Section 1612.4.1(2)).

Wet/Dry Floodproofing

Chapter 161.054 of the FBC addresses the design and construction of buildings and structures in Coastal A Zones and series as a modification to ASCE 24. This section notes that dry floodproofing is allowed within Coastal A Zones, provided that "wave loads and the potential for erosion and local scour are accounted for in the design" (Section 1612.4.1(2)).



jungles

Phipps Ocean Park
May 25, 2021

SUMMARY AND CONCLUSIONS

All design provisions noted above should be addressed in the project plans and reviewed with Town staff for compliance with the applicable codes and regulations. The following actions are recommended prior to the submittal of design approval requests:

- Verify whether the structures seaward of the CCCL would be defined as habitable or would include the "Allowed Uses" described in Section 1612.3 of the Florida Building Code.
- Complete a preliminary set of plans (architectural, structural, landscape/hardscape, lighting, civil, etc.) in order to allow sufficient time for review and revision prior to FDEP permit application submittal.
- Complete initial excavation/fill calculations from seaward of the CCCL based on schematic level foundation plans to confirm if the site can accommodate some of the material, or if it will need to be placed in the immediate beach and dune system.
- Schedule pre-application meetings with the FDEP and the Town (separately) to review the conceptual drawings, 30 Year Erosion Projection, and Line of Construction for compliance with applicable guidelines described above.

Thank you for the opportunity to review the Phipps Ocean Park Master Plan design and the development opportunities relative to the CCCL and FBC criteria. Should you have any questions or require additional information, please do not hesitate to contact me at (305) 669-6250 or tschornmann@csystemsintl.com.

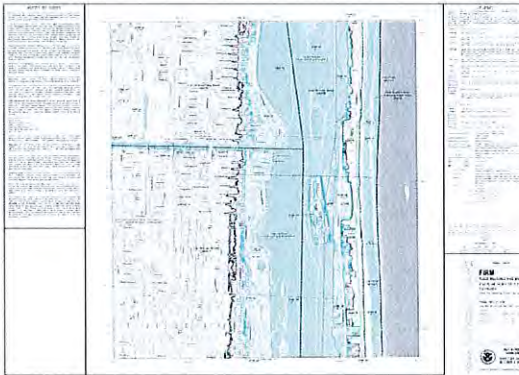
Sincerely,
David C. Schornmann

David C. Schornmann
Manager - Environmental Planning & Resiliency

DB IS

Enclosures

1. Final Design



Section 3109 Structures Seaward of a Coastal Construction Control Line

3109.1 General

The provisions of this section shall apply to the design and construction of habitable structures and substantial improvement or repair of substantial damaged habitable structures that are entirely external, and portions of such structures that extend seaward of the coastal construction control line or seaward of the 50-foot setback line, whichever is applicable. This section does not apply to structures that are not habitable structures as defined in this section. Section 1612.3 shall apply to habitable structures and structures that are not habitable structures located on or in part of a special flood hazard area established in Section 1612.3.

3109.1.1 Modification, Maintenance or Repair of Existing Habitable Structures
The requirements of Section 3109 do not apply to the modification, maintenance or repair of existing habitable structures provided all of the following apply to the modification, maintenance or repair:

1. within the limits of the existing foundation;
2. does not require, involve or include any additions to, or repair or modification of, the existing foundation;
3. does not include any additions or enclosures added, constructed, or retained below the lowest floor or deck.

Advisory Note: If the modification or repair is determined to be substantial improvement or substantial damage, and if the structure is located in a special flood hazard area (Zone A and Zone V) established in Section 1612.3, the requirements of Florida Building Code, Existing Building applicable to flood hazard areas shall apply.

3109.1.2 Approval Prior to Construction

An environmental permit from the Florida Department of Environmental Protection is required prior to the start of construction. When issued, a copy of the environmental permit shall be submitted to the building official. The environmental permit may require special siting considerations to protect the beach, dune system, proposed or existing structures, and public beach access, and may condition the nature, timing and sequence of construction of permitted activities to provide protection to existing sea lilies and habitats and their habitat, including submittal and approval of lighting plans.

3109.1.3 Elevation Certification

As part of the permit process, upon placement of the lowest horizontal structural member of the lowest floor and prior to further vertical construction, verification of the elevation of the bottom of the lowest horizontal structural member of the lowest floor shall be submitted to the building official. Any such verification prior to submission of the certification or subsequent to submission and prior to the building official's review shall be at the applicant's risk.

3109.2 Definitions

The following words and terms shall, for the purposes of this section, have the indicated meanings shown herein:
ALLOWED USE: For the purpose of Section 3109.3.4, use of enclosure above, or with dry floodproofing to, the elevation specified in ASCE 24 and below the 100-year storm elevation, inclusive but not limited to use for parking of vehicles, storage building access, small mechanical and electrical rooms, retail shops, commercial pool bars and other bars, snack bars, commercial grille with portable cooking equipment, commercial dining areas where the permanent kitchen is located seaward of the coastal construction control line or above the 100-year storm elevation, solid rooms and ballrooms, cultural, recreational spaces such as gyms and card rooms, commercial service/warehouse/stock of house holdables and uses of a similar nature that are not spaces for living, sleeping or working.

COASTAL A ZONE: See Section 1612

COASTAL CONSTRUCTION CONTROL LINE: The line established by the State of Florida pursuant to Section 161.053, Florida Statute, and located in the official records of the respective county and which defines the portion of the beach dune system subject to severe fluctuations based on a 100-year storm surge, storm winds or other predictable weather conditions.

Designed and constructed in accordance with the dry floodproofing requirements of ASCE 24.

Enclosures above the elevation specified in ASCE 24 or by the jurisdiction and below the 100-year storm elevation, or enclosures with dry floodproofing to the elevation specified in ASCE 24 or by the jurisdiction, shall be limited to allowed use as defined in this section.

8. In habitable structures not located in special flood hazard areas (Zone A), uses of enclosures below the 100-year storm elevation shall be limited to allowed use as defined in this section.

3109.3 Structural Status Below the 100-Year Storm Elevation

Structural status below the 100-year storm elevation and below the lowest floor are not required to be breakaway provided the walls are designed by a qualified Florida registered professional engineer to resist a flood loads specified by Section 3109.3.1.

3109.4 Documentation

In addition to documentation specified in Section 1612.3, where applicable the following documentation shall be prepared, signed, and sealed by a qualified Florida registered professional engineer and submitted to the building official:

1. For sea specific determination of design grade, a report of the assumptions and methods used;
2. For other walls, the certification required in Section 3109.3.2.

3109.3.1 Flood Loads

Flood loads shall be determined according to Chapter 6 of ASCE 7, where the ultimate depth shall be the difference between the design grade at the location and the higher of:

1. the ultimate elevation specified in the applicable Flood Insurance Study referenced to the datum on the Flood Insurance Rate Map, if the structure is also in a coastal high hazard area (Zone A) or;
2. the combined total storm tide elevation (value) for the 100-year return period identified by the Florida Department of Environmental Protection in reports titled "Revised Combined Total Storm Tide Frequency Analysis" prepared for each county with an associated coastal construction control line.

3109.3.3 Foundations

Habitable structures shall be elevated and supported on piles or columns that are designed to comply with this section. The areas below elevated habitable structures shall be free of obstructions and walls, if any, shall comply with Section 3109.3.4. Foundations shall be designed to comply with ASCE 24 Section 4.5, except shallow foundations and elements are not permitted.

3109.3.4 Piers and Columns

In addition to the requirements of ASCE 24 Section 4.5 for pile and column foundations:

1. The design ratio of pile spacing to pile diameter, or column spacing to column diameter, shall be not less than 8:1 for individual piles or columns extending above the design grade, unless justified by a geotechnical analysis and the foundation design;
2. The tops of grade beams and pile caps shall be at or below the natural ground and below the design grade unless designed to resist increased flood loads associated with setting the grade beam or pile cap above the design grade;
3. The penetration shall take into consideration the increased load of soil above the design grade.

3109.3.5 Shear Walls

Shear walls shall comply with one of the following:

1. Shear walls are permitted perpendicular to the shoreline where perpendicular shall mean less than or equal to 120 degrees from a line drawn normal to the shoreline;
2. Shear walls not perpendicular to the shoreline shall be limited to a maximum of 60 percent of the building length in the direction running parallel to the shore, and wall segments spacing between wall segments, and exterior walls shall be located and positioned to allow floodwater to flow easily around the walls and exterior shafts, and the following design documentation is submitted:
 - a. A hydraulic analysis conducted and certified by a Florida registered professional engineer qualified to evaluate the potential impact of flow increase on the subject pier and adjacent properties and demonstrates the increased shear wall length will not result in substantial increase of flow velocities and drag forces on the structural components of the proposed structure and neighboring structures.

b. The certified design documentation shall include a statement that the increased length of shear walls over 60 percent of total building length is located landward of the projected 100-year storm erosion limit.

3109.3.5 Elevation Standards

The bottom of the lowest horizontal structural member of the lowest floor shall be at or above the higher of the following:

1. The elevation specified in ASCE 24 Chapter 4 if the structure is in a coastal high hazard area or Coastal A Zone;
2. The elevation specified by the jurisdiction; or
3. The 100-year storm elevation determined by the Florida Department of Environmental Protection in the report titled "One Hundred Year Storm Elevation Requirements for Habitable Structures Located Seaward of a Coastal Construction Control Line" (1999). An applicant may request determination of a site specific 100-year storm elevation (see definition).

3109.3.6 Walls and Enclosures Below the Flood Elevation

Walls and enclosures below the elevation required by Section 3109.3.5 and above the design grade elevation shall comply with all of the following as appropriate:

1. Walls seaward of the CCCL shall comply with the breakaway wall requirements of ASCE 24 Section 4.6 using the lower of the flood loads specified by Section 3109.3.1;
2. Elevator shafts and stairways shall comply with ASCE 24;
3. For nonresidential buildings located outside of a coastal high hazard area (Zone V):
 - a. Small mechanical and electrical rooms with dry floodproofing to the elevation specified in ASCE 24 or by the jurisdiction are not required to be breakaway;
 - b. Stairways are not required to be breakaway provided the walls have flood openings in accordance with this section;
4. In special flood hazard areas (Zone V and Zone A), all breakaway walls below the elevation specified in ASCE 24 or the elevation specified by the jurisdiction shall have flood openings in accordance with ASCE 24 Section 4.6.2. Flood openings are not required in:
 - a. Shear walls designed in accordance with Section 3109.3.5.2;
 - b. Walls of enclosures below buildings not located in special flood hazard areas (Zone A);
 - c. Walls that are designed and constructed in accordance with the dry floodproofing requirements of ASCE 24 in areas other than coastal high hazard areas;
5. In special flood hazard areas (Zone V and Zone A):
 - a. Enclosures below the elevation specified in ASCE 24 or the elevation specified by the jurisdiction shall be used solely for parking of vehicles, building access, or storage unless enclosures are

COASTAL HIGH HAZARD AREA: See Section 1612

COMBINED TOTAL STORM TIDE ELEVATION (VALUE): The elevation of combined total loads including storm surge, astronomical tide and dynamic wave setup which occurs primarily inside the wave breaking zone. The combined total storm tide elevation (value) for various storm periods are determined by the Florida Department of Environmental Protection for each coastal county with an associated coastal construction control line and published in reports for each county titled "Revised Combined Total Storm Tide Frequency Analysis."

DESIGN GRADE: The projected ground grade, accounting for erosion and localized scour resulting from the presence of structural components, used in the calculation of flood loads, pile reactions and bearing capacities. The design grade shall be determined by a site specific analysis prepared by a qualified registered design professional or the design grade may be determined by the Florida Department of Environmental Protection in the report titled "One Hundred Year Storm Elevation Requirements for Habitable Structures Located Seaward of a Coastal Construction Control Line" (1999).

DRY FLOODPROOFING: See Section 1612

FIFTY FOOT SETBACK LINE: A line of jurisdiction, established pursuant to the provisions of Section 161.052, Florida Statute, in which construction is prohibited within 50 feet (15.24 m) of the line of mean high water at any coastal coastal location bordering the Gulf of Mexico or the Atlantic coast shoreline.

FLOOD HAZARD AREA: See Section 1612

HABITABLE STRUCTURE: Structures designed primarily for human occupancy. Typically indicated within this category are: residences, hotels and resorts.

LOW-RISE BUILDING: A structure with mean roof height less than or equal to 50 feet.

LOWEST FLOOR: For the purpose of Section 3109, the lowest floor of the lowest enclosed area, excluding any enclosure that complies with the requirements and limitations of Section 3109.3.4 applicable to structures below the flood elevation.

LOWEST HORIZONTAL STRUCTURAL MEMBER: A horizontal structural member that supports floor, wall or column loads and transmits the loads to the foundation.

100-YEAR STORM ELEVATION: The height of the breaking wave crest or wave approach as superimposed on the storm surge with dynamic wave setup of a 100-year (one percent annual chance) storm. The 100-year storm elevation is determined by the Florida Department of Environmental Protection based on studies published as part of the Coastal Construction Control Line establishment process and an analysis of topographic and other site specific data and found in the report "One Hundred Year Storm Elevation Requirements for Habitable Structures Located Seaward of a Coastal Construction Control Line" (1999). An applicant may request the Florida Department of Environmental Protection to determine a site specific 100-year storm elevation for the location of the applicant's proposed structure as part of the environmental permit application process.

SPECIAL FLOOD HAZARD AREA: See Section 1612

SUBSTANTIAL DAMAGE: See Section 1612

SUBSTANTIAL IMPROVEMENT: See Section 1612

3109.3 Design and Construction

The design and construction of habitable structures, including substantial improvement and repair of substantial damage to such structures, shall be in accordance with the section and with Section 1612.3 and ASCE 24, as applicable. Habitable structures subject to this section shall be designed to minimize the potential for work and water borne debris during storms. Substantial improvement, additions, repairs, and alterations that, when combined with all other work on a structure, do not constitute substantial improvement or repair of substantial damage, and provided all of the following apply:

- a. The work does not violate the terms of previously issued permits;
- b. Any addition does not advance the seaward limits of the existing structure;

Section 1612 Flood Loads

1612.1 General

With the flood hazard areas as established in Section 1612.3, all new construction of buildings, structures and portions of buildings and structures, including substantial improvement and restoration of substantial damage to buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads. For buildings that are located in more than one flood hazard area, the provisions associated with the most restrictive flood hazard area shall apply.

TABLE 1612.1

CROSS REFERENCES DEFINING FLOOD-RESISTANT PROVISIONS OF THE FLORIDA BUILDING CODE

53

Chapter 8	Formwork	ENR 101	General
ENR 1	General	Chapter 26	General Formwork Systems
ENR 4	Reinforcement Working Area	ENR 1	General
ENR 5	Under Floor Space		
Chapter 13	General Vertical Support Systems	ENR 27	Forming Systems
ENR 1	General	ENR 8	Foundation
Chapter 14	Modeling and Geomorphometrics	ENR 31	Structural Design
ENR 1	General		General
Chapter 16	Steel Reinforcement	ENR 41	Model
ENR 1	Steel Reinforcement	ENR 1	Reinforcement
Chapter 17	Concrete Reinforcement	Chapter 46	Formwork Building Parts
ENR 1	General	ENR 1	General
Formwork Building Codes – Formwork Building			
Section		Section	
Chapter 2	Definition	Chapter 7	Reinforcement – General
ENR	Definition	ENR	General
Chapter 3	Concrete Reinforcement	Chapter 11	Reinforcement
ENR 1	General	ENR	Reinforcement
Chapter 4	Reinforcement	Chapter 12	Reinforcement Building
ENR	General	ENR	General
ENR	Reinforcement		
Chapter 5	Reinforcement Concrete Reinforcement	Chapter 13	Reinforcement in Reinforced Building
ENR	Reinforcement		Reinforcement
ENR	Reinforcement	Chapter 14	Reinforcement in Reinforcement and Methods
		ENR	General

EXISTING STRUCTURE
FLOOD or FLOODING
FLOOD DAMAGE RESISTANT MATERIALS
FLOOD HAZARD AREA
FLOOD INSURANCE RATE MAP (FIRM)
FLOOD INSURANCE STUDY
FLOODWAY
LOWEST FLOOR
SPECIAL FLOOD HAZARD AREA
START OF CONSTRUCTION
SUBSTANTIAL DAMAGE
SUBSTANTIAL IMPROVEMENT

1013.3 Establishment of Flood Hazard Areas.
When design flood elevations are not included in the Flood Hazard area established in Section 1012.3, or where floodways are not designated, the building official is authorized to require the applicant to:

1. Obtain and reasonably cite any design flood elevation and floodway data available from a federal, state or other source; and
2. Determine the design flood elevation under floodway in accordance with accepted hydrologic and hydraulic engineering practices used to define special flood hazard areas. Determination shall be undertaken by a registered design professional who shall document that the technical methods used relied currently accepted engineering practice.

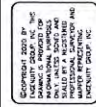
1013.3.2 Determination of Inadequacy.
In the event flood hazard areas where design flood elevations are specified but floodways have not been designated, the applicant may provide a floodway analysis that demonstrates that the proposed work will not increase the design flood elevation more than 1-foot (305 mm) at any point and in the jurisdiction of the applicable governing authority.

1013.4 Design and Construction.
The design and construction of buildings and structures located in flood hazard areas including special flood hazard areas and Coastal A Zones, shall be in accordance with Chapter 6 of ASCE 24, if not ASCE 24.

1013.4.1 Modification of ASCE 24.
Table 6-1 of ASCE 24, ASCE 24 shall be modified as follows:

1. The title of Table 6-1 shall be "Minimum Elevation of Floodproofing, Relative to Base Flood Elevation (BRE) or Design Flood Elevation (DFE) in Coastal A Zones and in Other Flood Hazard Areas That are not Risk Flood Hazard Areas."


Phipps Ocean Park
 May 27, 2021



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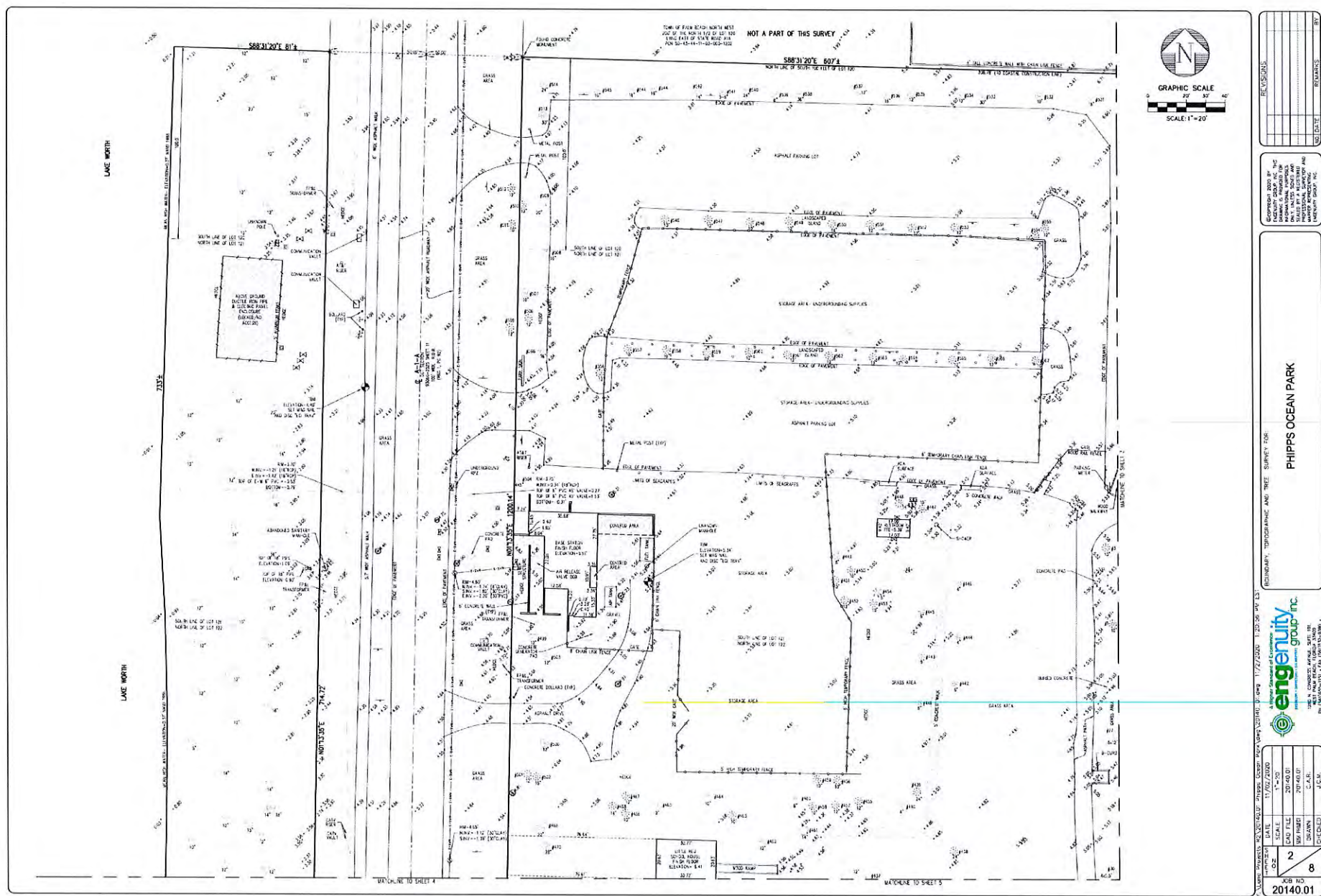
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Phipps Ocean Park
 May 27, 2021

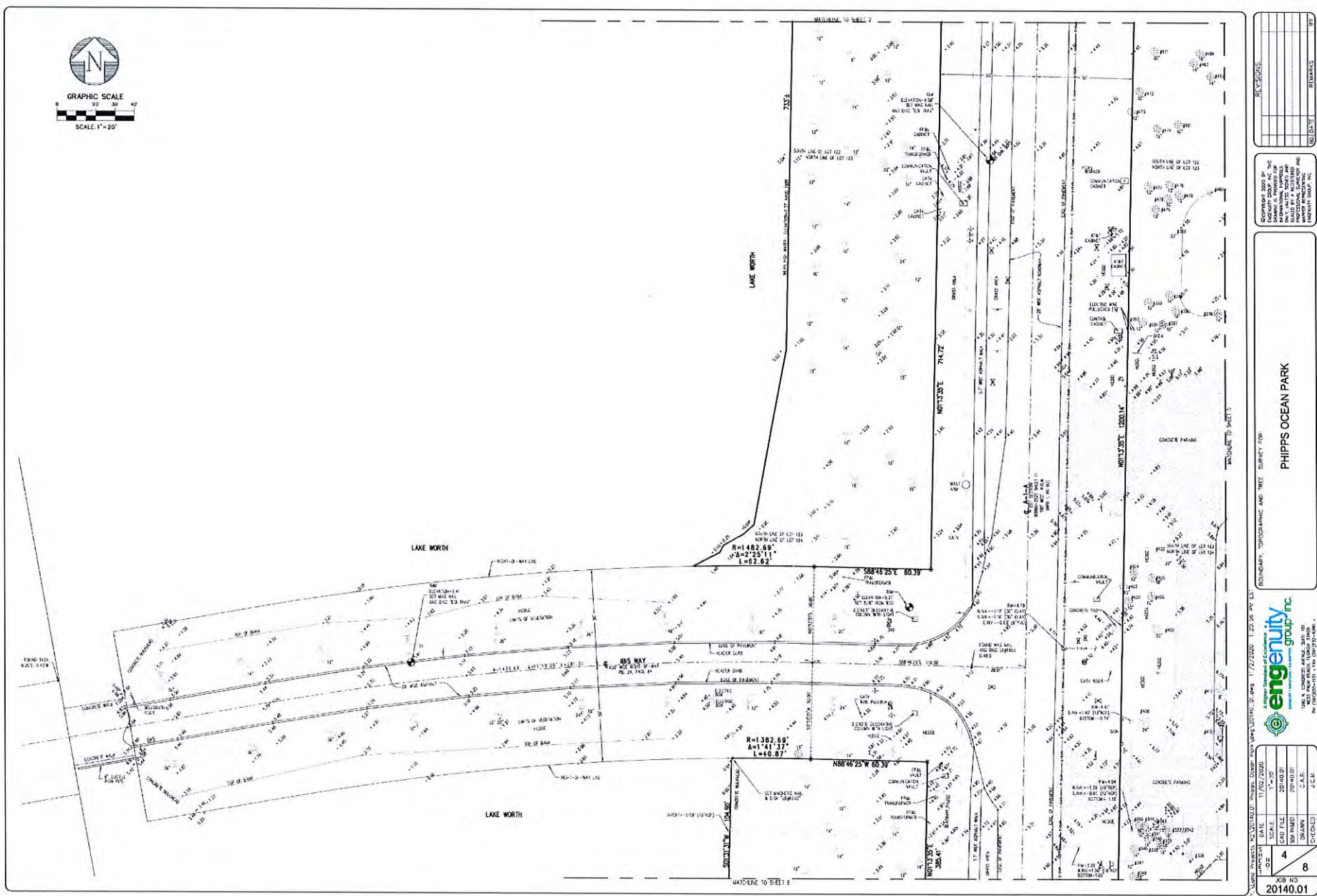


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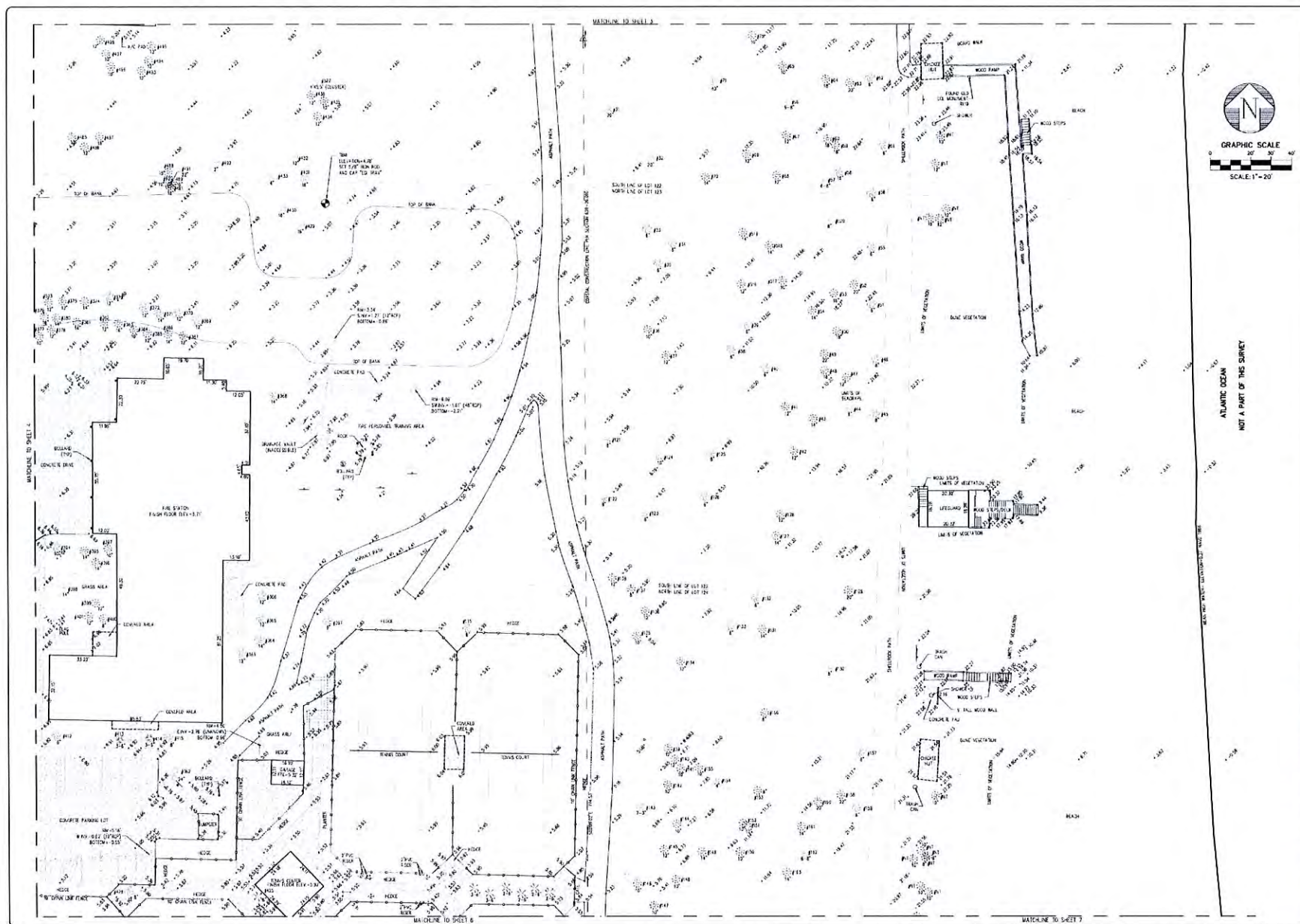


Phipps Ocean Park
May 24, 2025





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NOT A PART OF THIS SURVEY

REVISIONS	BY

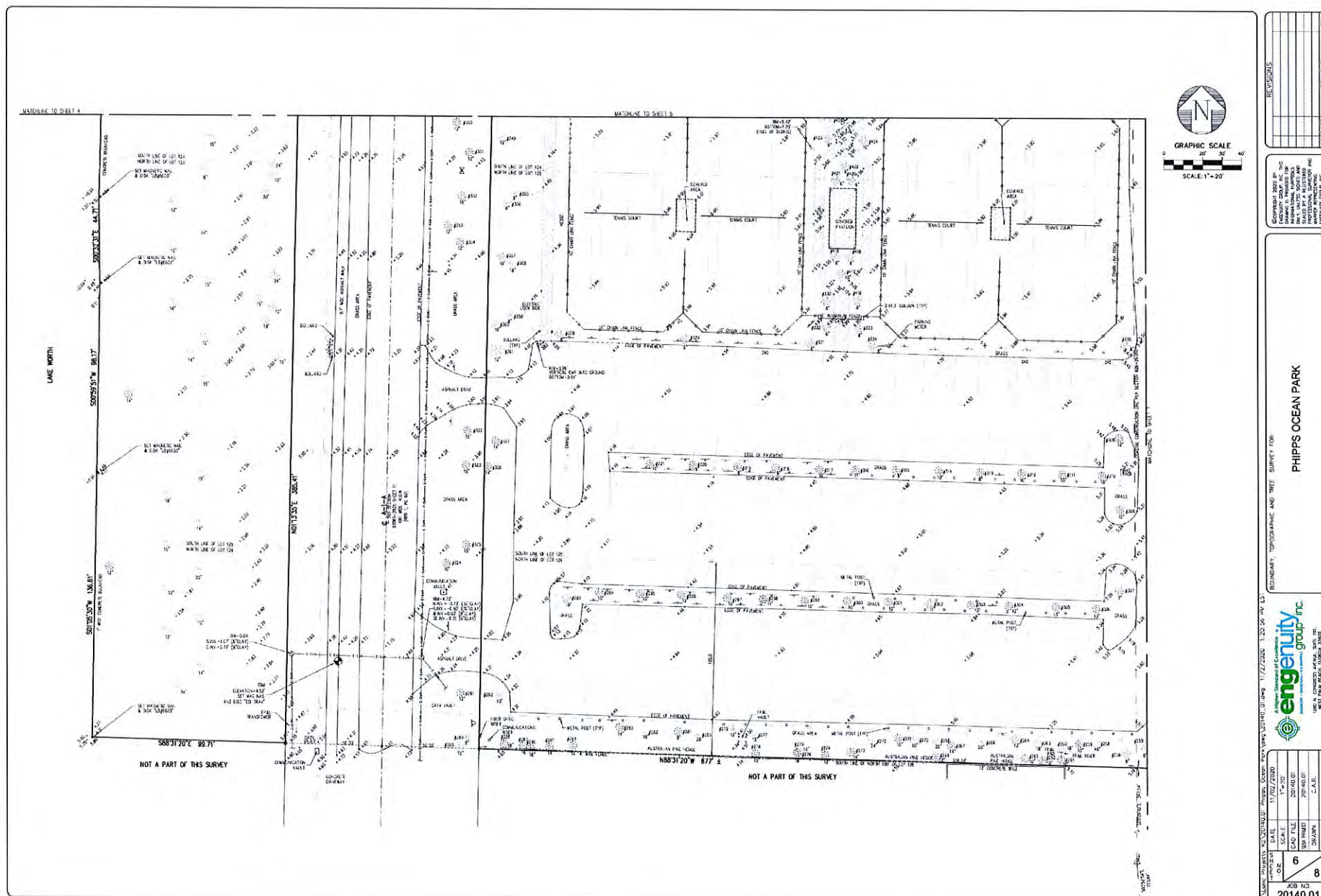
DESIGNED BY: Phipps Ocean Park, Inc.
 PREPARED BY: Phipps Ocean Park, Inc.
 CHECKED BY: Phipps Ocean Park, Inc.
 APPROVED BY: Phipps Ocean Park, Inc.
 DATE: 11/27/2020

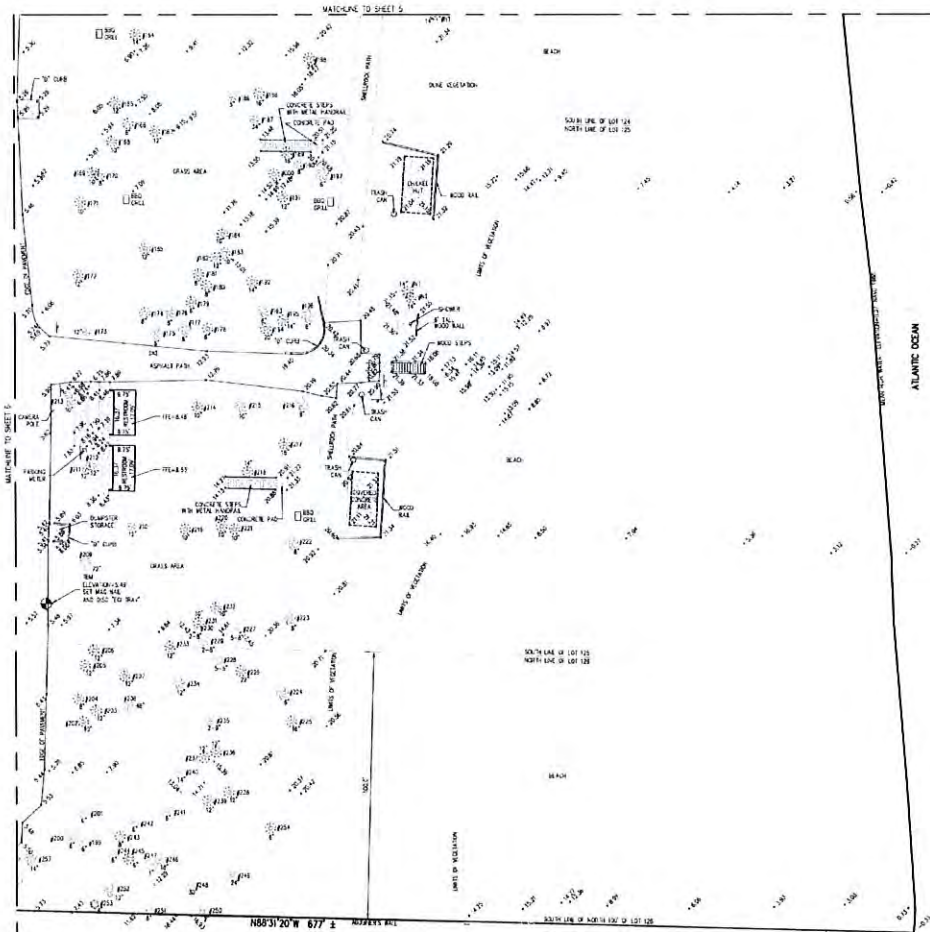
SCALES: TOPOGRAPHIC AND TREE SURVEY: 1"=20'
PHIPPS OCEAN PARK

engenuity group inc.
 1000 N. CONGRESS AVENUE, SUITE 100
 FORT LAUDERDALE, FL 33304-2200
 PHONE: 754.222.2200
 FAX: 754.222.2201
 WWW.ENGUITYGROUP.COM

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DATE	11-20-06
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BY	J.C.M.
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SECONDARY TOPOGRAPHIC AND TREE SURVEY FOR

PHIPPS OCEAN PARK



LONG PROJECTS #210140.01 - HODGES GREEN PARK
 20140.01
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 SCALE 1"=20'
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 S&B PROJECT 20140.01
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JOB NO.
20140 0

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	DRAWN	C.A.R.	N/A
	CHECKED	J.C.M.	N/A

jungles



From: Bonnie Litowitz <bonlit@gmail.com>
Sent: Wednesday, June 02, 2021 10:44 AM
To: Antonette Fabrizi <afabrizi@TownOfPalmBeach.com>
Subject: Phipps Ocean Park Building Renovations

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Mayor Danielle Moore,

We want to thank you, Town Council President Margaret Zeidman and the Palm Beach Town Council for the enthusiastic support you have shown for the proposed Phipps Ocean Park renovations, and for the manner in which you have led us through the initial stages of this project. The council's involvement at every step has been crucial in bringing the planning to this point. In particular, we appreciate the council's transparency throughout the design process and its encouragement for all parties to become involved contributors during our discussion sessions.

We are extremely grateful to the Palm Beach Preservation Society for their grant underwriting the redesign plans from Raymond Jungles and his colleagues; redesign could not have begun without their initiative. And the society could not have selected a better design team to create a master plan for the renovation. Raymond Jungles and colleagues have listened to both concerns and suggestions from those of us whose residences will be most immediately impacted by the new design. Specifically, they have responded by eliminating the proposed kayak launch and elevated walkway through the mangroves and by continuing to work with residents of Ibis Isle to devise an appropriate landscape plan for Ibis Way to ensure privacy and serenity of the immediate neighbors. We are very grateful for their attitude of welcome inclusiveness.

From initial survey to now finalizing plans, you, the council and the redesign team have made us feel that we have been important contributors to the project. We look forward to continuing participation as the finalized plans move forward to approval this fall and then to the later implementation phases. We are eager to watch this enhancement of our neighborhood come to fruition and proud that it will be an addition to the list of attractions combining ecology, education and entertainment, which the Town of Palm Beach and the Preservation Society work to promote.

With best wishes,

Bonnie E. Litowitz, Ph.D.
Chiu-Yin Wong
Norman S. Litowitz, M.D.
Gardiner Hempel, Jr.
2155 Ibis Isle Road, #11
2155 Ibis Isle Road, #9
Palm Beach, FL 33480



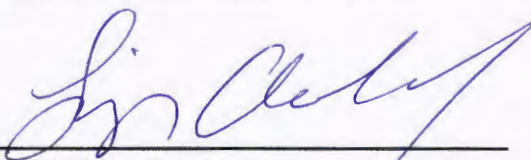
June 7, 2021

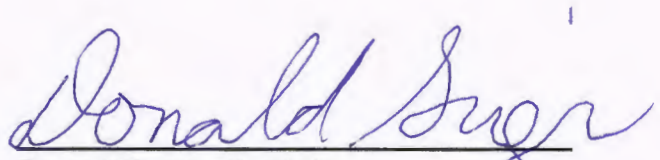
To: The Town Council, Town of Palm Beach

At the June 7th meeting for the Board of Directors of the Citizens' Association of Palm Beach, it was unanimously approved as a resolution to heartily support the beautification and historical education project for Phipps Park. The Board viewed a presentation given by the President and CEO of the Preservation Foundation, Amanda Skier and thanked the Foundation for spearheading this exciting project for the South End of the Town.

Sincerely,

Citizens Association Board of Directors


Skip Aldridge - Co-chair


Donald Singer - Co-chair

TOWN OF PALM BEACH

Town Council Meeting on: June 8, 2021

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Woods Hole Group Coastal Resiliency Implementation Plan

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

TIME CERTAIN: 11:00 A.M.

Time Certain

11:00 AM

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated May 25, 2021, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Woods Hole Group Implementation Plan Overview**
- ▣ **Level-Up Palm Beach**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 8, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Coastal Resiliency Implementation Plan

DATE: May 25, 2021

STAFF RECOMMENDATION

Woods Hole Group (WHG) will be making a presentation and requesting input from both Town Council and the public. Town staff requests the Town Council provide any additional input as deemed necessary.

GENERAL INFORMATION

In 2013, WHG completed a technical review of the proposed Coastal Management Program and provided input directly to Town Council prior to Town Council's adoption of the 10-Year plan. While their report identified recommended projects for each respective reach along the shoreline, the report also included island-wide recommendations that extended through multiple reaches.

One of the island-wide recommendations was to perform a flooding vulnerability assessment. The purpose of the assessment was to supplement the Town's Comprehensive Coastal Management Plan (CCMP) with the identification of areas presently at high risk of storm damage and flood, and areas potentially more at risk in the future.

Following a unanimous recommendation from the SPB on October 27, 2016, Town Council awarded a contract to WHG in December 2016 to perform a Coastal Vulnerability Assessment. WHG presented the results of the study at the January 24, 2019 SPB meeting. Following input from both the Shore Protection Board and Town Council, the Town's Coastal Flood Vulnerability Assessment report was published in July 2019. The report includes tables of ranked Town assets potentially at risk and maps of present and future flood risk probability. In December 2019, Town Council awarded a contract to WHG to develop this implementation plan. WHG has worked with Town staff and with both FEMA and FDEP since 2019 to ensure that the implementation plan is consistent FEMA floodplain mapping and FDEP adaptation planning guidelines.

Bob Hamilton, President, and Nasser Brahim, Senior Climate Resiliency Specialist, will present their results of the implementation plan during the June 8, 2021 regular Town Council meeting and will solicit comments from both Town Council and the public. Following input from the Shore Protection Board on May 27 and Town Council and the public on June 8, WHG will finalize and submit the report to the Town.

Attached is a memo from WHG and a copy of their presentation.

FUNDING/FISCAL IMPACTS

The cost of executing the implementation plan to address risk of public infrastructure and the cost of a multi-year capital improvement program will be determined following receipt of the WHG final report, after review and input from both the Shore Protection Board and Town Council.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, P.E., Director of Public Works
Patricia Strayer, P.E., Town Engineer
Bob Hamilton, Woods Hole Group, Inc.

MEMORANDUM

DATE May 25, 2021

JOB NO. 2019-0248

TO Robert Weber, Coastal Program Manager
Town of Palm Beach
(561) 838-5440

FROM Bob Hamilton
Direct Phone: (508) 495-6229
rhamilton@woodsholegroup.com

Coastal Flood Vulnerability Assessment – Implementation Plan Overview

On June 8, 2021, Woods Hole Group will update Town Council on the Implementation Plan report and next steps. The Implementation Plan builds on the Coastal Flood Vulnerability Assessment (CFVA), which focused on estimating present and future coastal flood risk due to effects of sea level rise and increasing storm frequency and intensity in a changing climate. The Implementation Plan is intended to provide recommendations and options for utilizing results of the CFVA to build coastal resiliency, i.e., the ability to withstand and rebound from coastal floods. These recommendations include specific actions now to address Town assets at risk, and policy changes to consider for facilitating short- and long-term actions to address current risk and minimize future risk to Town-wide infrastructure (public and private).

Based on the evolving practice of Coastal Resilience Planning, emphasis on Infrastructure, and impending Florida and National policies and funding, the Implementation Plan has been refined and proposed as **Level-Up Palm Beach**. Our work revealed Palm Beach incorporated resilience into its individual public works assets, and through the Coastal Management Program. Primary remaining present and future flood risk remains from the Lake (source - storm surge through the inlet). The solution to build resilience there is not as simple as identifying and fortifying targeted flooding pathways. Rather, addressing this flood risk will require public/private collaboration; hence, increased emphasis on policy in the Implementation Plan. This approach can position Palm Beach to participate in major state coastal resilience infrastructure investments to prepare for climate change (e.g., Senate Bill 1954: Statewide Flooding and Sea Level Resilience, enacted May 12, 2021, contemplating \$640M investment).

Attached is the Level-Up Palm Beach Implementation Plan Framework. This is not the Report, nor is it the presentation to be provided on June 8. It includes generous detail on the approach as basis for discussion before issuance of the Draft Final Report. We anticipate questions and request input on key questions, such as:

- The overall evolving concept? Feedback on the balanced approach emphasizing both asset specific actions, and Town-wide policies.
- Comments on the asset-specific actions; other assets to consider?
- Opinions on the Town-wide policy recommendations, such as:
 - Design flood elevation (DFE) recommendations
 - Policy recommendations for private properties
 - Town interest in taking responsibility for actions including private property on Lake Worth
 - Degree to pursue inlet surge barrier with USACE and other stakeholders
- How to make Draft Final Report most helpful?
 - Contents and format



- What level of budgetary information short-term tangible actions and/or larger-scale, longer-term coastal resilience?
- How much focus on monitoring and trigger points?
- Other information to include?

To facilitate discussion on June 8, a brief presentation (~30 minutes) will follow the Draft Report Framework:

- Purpose and scope of the Implementation Plan
- Brief review previous work and subsequent refinements to the CFVA leading to the Implementation Plan
- Introduction of the *Level-Up Palm Beach* concept to further position the Town as a leader in building coastal resilience to benefit the citizenry and economy
- Recommendations
 - Level-Up Town Facilities and Infrastructure
 - Establishing new Design Flood Elevations (DFE) for flood reduction actions and policies
 - Short-term floodproofing: specific Town assets at risk and recommended actions
 - Supplemental data needed to refine priority flood proofing projects
 - Medium-term floodproofing: Town assets possibly at risk pending new data
 - Long-term flood proofing: identification of Town assets with possible future risk
 - Level-Up Lake Worth Shoreline (primary pathway for present and future floodwaters)
 - Code of Ordinances changes to consider for building resilience including all properties
 - Lake Worth Inlet Surge Barrier
- Level-Up Floodplain Development
 - Framework established by CFVA, FEMA, FBC, FDEP and other evolving technologies and policies
 - Policy changes recommended to advance coastal resilience
 - Future floodplain development
 - Substantial improvement and damage
 - Non-residential and residential elevations
 - Building heights
 - Flood hazard areas
- Level-Up Comprehensive Planning: Refinements for Comprehensive Plan to advance coastal resilience
- Other key elements that will follow:
 - Budgetary considerations
 - Monitoring and triggers to inform implementation pathways for adaptive manage approach
 - Linkages to FEMA and related evolving Town policies
 - Consistency and opportunities with emerging state programs FDEP Resilient Coastline Program and Senate Bill 1954

Although COVID-19 restricted the ability to interact closely to date, it is somewhat fortuitous that the Implementation Plan could adapt in parallel with rapidly changing Florida government policies. The plan now is to engage closely in the near-term to achieve the objectives intended originally, since an effective Implementation Plan and associated recommendations depend heavily on Town input. Following the presentation to the Shore Protection Board on May 27, 2021 will be the presentation to Town Council on June 8, 2021 to discuss the attached Draft Report Framework. The intent is to secure comments and feedback that can be incorporated into a full Draft Final Report to be delivered in summer 2021 after Town Council. Comments on the Draft Final Report from the Town will be received by Woods Hole Group, ideally including another meeting with Council as schedules permit after there is opportunity to review the Draft Final Report. Following receipt of feedback on the Draft Final Report, a Final Report will be published.

Level-Up Palm Beach

Coastal Resilience Implementation Plan

DRAFT FINAL REPORT FRAMEWORK



Introductions



Bob Hamilton

President, Senior Coastal Engineer.

- › 20+ years of experience with Palm Beach
- › Oversaw technical review of Comprehensive Coastal Management Program, Coastal Flood Vulnerability Assessment



Nasser Brahimi

Senior Climate Resiliency Specialist.

- › 15 years of climate resiliency and infrastructure experience
- › Led development of Implementation Plan resilience recommendations

Content of Draft Final Report Framework

1. Purpose, Goals, and background

2. Level Up recommendations

Town facilities and infrastructure

Lake Worth shoreline

Floodplain development

Comprehensive Plan

3. Next Steps

4. Discussion

This Framework Document is not the presentation for June 8

- **Nor is it the format for the Report**
- **It is intended to provide background update information as basis for discussion on June 8 so the Draft Final Report can be delivered as a next step.**





Level-Up Palm Beach

The Concept for Implementation Planning has Evolved

Palm Beach has incorporated coastal resilience measures via the coastal program, asset-specific designs, and evolving policy to enhance.

Primary sources for present and future coastal flood risk are from the Lake Worth side, including diverse public and private property...

...Which makes it complex to achieve community resilience - there is not a single independent Town-owned solution.

Although certain Town assets are at risk and can be improved independently, community coastal flood resilience will depend on public/private cooperation, including forward-thinking policies & programs.

Enabling Legislation

Town of Palm Beach Comprehensive Plan (Ordinance No. 9-2017)

Objective 15: The Town shall adopt and implement policies that increase community resiliency and protect property, infrastructure, and cultural and natural resources from the impacts of climate change, including sea level rise, changes in rainfall patterns, and extreme weather events.

- **Policy 15.1:** The Town will continue to participate in the National Flood Insurance Program Community Rating System (CRS) and strive to maintain or improve its current CRS rating.
- **Policy 15.2:** The Town will require that the impact of sea level rise be addressed in all Future Land Use Map amendments.
- **Policy 15.10:** Continue to examine community-wide strategies to increase the resiliency of the Town to address future effects of coastal storms and climate change on the community.
- **Policy 15.11:** The Town shall collaborate with Palm Beach County to increase regional resilience by sharing technical expertise, assessing local vulnerabilities, advancing agreed upon mitigation and adaptation strategies, and developing joint state and federal legislation policies and programs.
- **Policy 15.12:** The Town shall continue to utilize best practices and initiate mitigation strategies to reduce the risk of flooding in coastal areas that may results from high tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.

Coastal Flood Vulnerability Assessment also included in the 10-Year Coastal Management Program Plan

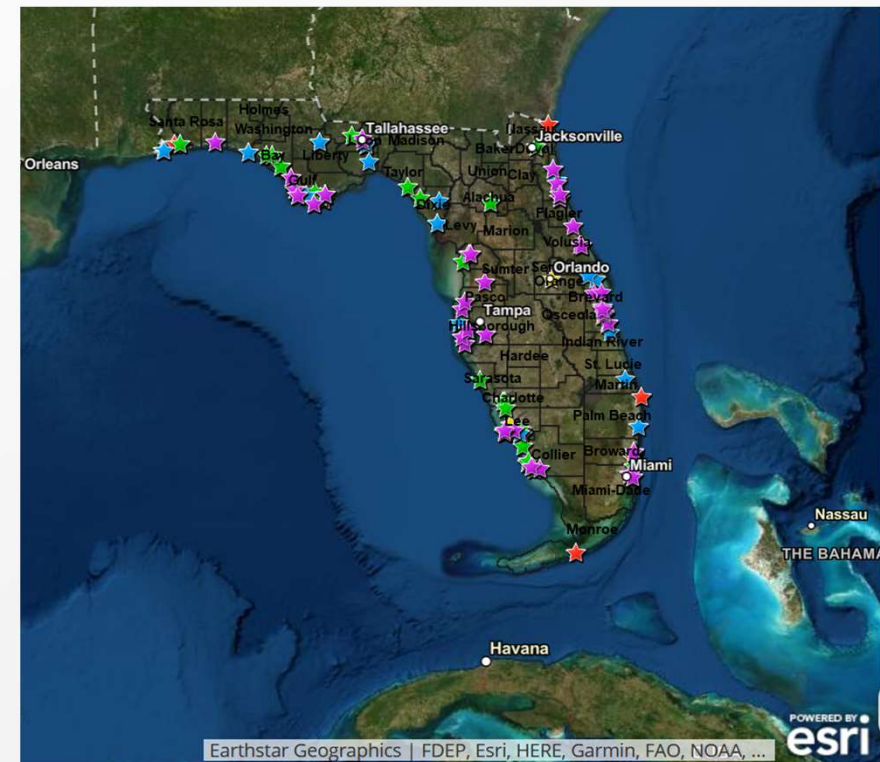
Recent Developments

- Implementation Plan initiated late 2019 as natural next step from the Coastal Flood Vulnerability Assessment
- Process affected by COVID-19 by rescheduling public engagement component
- Palm Beach demonstrating leadership for coastal resilience planning
- Ongoing work revealed tremendous opportunity for action in Palm Beach, both in terms of:
 - Assets to protect now
 - Policies to establish to promote longer-term meaningful change to engrain coastal resilience into Town culture
- Meanwhile state of Florida programs have strengthened; new opportunities for Palm Beach to participate
- 2020 Florida Building Code with higher elevation requirements
- FL Senate Bill 1954: Statewide Flooding and Sea Level Rise Resilience
 - <https://www.flsenate.gov/Session/Bill/2021/1954>
 - <https://www.flgov.com/2021/05/12/governor-ron-desantis-signs-bill-to-further-strengthen-floridas-resiliency-efforts/>
 - Contemplates \$640M investment

Florida Resilient Coastlines Program

<https://floridadep.gov/rcp/florida-resilient-coastlines-program>

- **Resilience Planning Grants (RPG)** for communities with coastal program in comprehensive plan (< \$75k)
 - Comply with Peril of Flood Statute
 - Vulnerability Assessments
 - Adaptation and Resilience Plans
 - Regional Collaboration Efforts
- **Resilience Implementation Grants (RIG)** (<\$500k)
 - Nature-Based Erosion & Flood Control
 - Elevation of Public Structures
 - Projects in Adaptation / Resilience Plans
- **New Sea Level Impact Projection (SLIP) Studies**
 - New Rule for State-Financed Constructors
 - Requires Consideration of Sea Level Rise in Planning/Design
 - Enforceable
- **Statewide vulnerability study** will be conducted per Senate Bill 1954



Level-Up Palm Beach Goal and Purpose

The goal of Level-Up is to set Palm Beach on a path to identify and achieve high standards of resilience to sea level rise, future storms, and related coastal flooding from climate change.

Recommendations are phased over time, allowing for an adaptive approach to build a resilient and layered system of protection.



Town Facilities and Infrastructure



Lake Worth Shoreline



Floodplain Development



Comprehensive Plan

Level-Up Implementation Plan Components



Refined Coastal Flood Vulnerability Assessment

- › Updated asset tables
- › Added critical elevation data
- › Updated priorities/CVI



Level-Up Policies, Codes, and Guidelines

- › Design Flood Elevations
- › Lake Worth Shoreline
- › Floodplains
- › Comprehensive Planning



Level-Up Town Facility and Infrastructure Floodproofing

- › High Priority Assets Now
- › Medium Term Assets Pending Data
 - Elevation Surveys
- › Longer Term Assets to Monitor



Other Components

- Monitoring and Triggers
- Budgetary Considerations
- FEMA Implications
- Alignment with FDEP Resilient Coastlines and Funding Opportunities

Prior Work – CFVA

The Coastal Flood Vulnerability Assessment (CFVA) was completed in 2019 to examine future coastal flood risk resulting from sea level rise and storms of increasing severity and intensity.

Flood Risk Model



ID /Rank Assets at Risk



Key Questions Addressed by CFVA



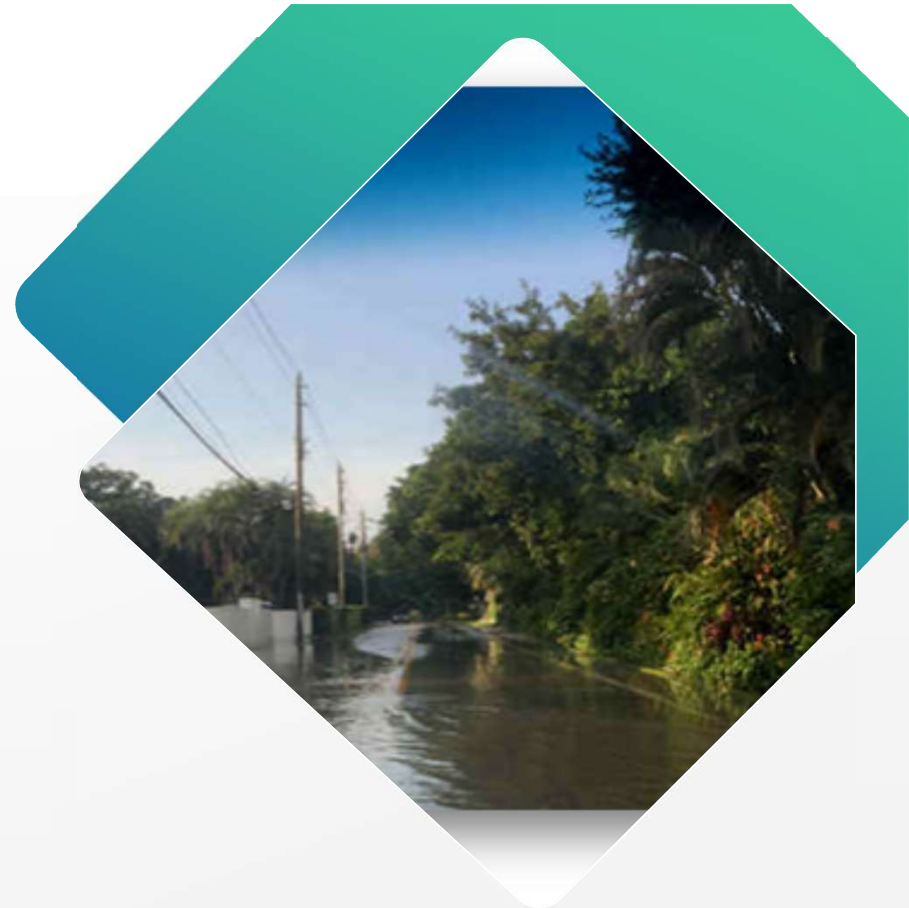
What are the chances that Palm Beach will flood today and how is this expected to change in the future with climate change?



What Town assets are vulnerable and what is the present and future probability of flooding?



What conceptual solutions can be implemented to address today's flooding risk and to reduce risk, build long-term coastal resilience, and save \$\$\$?



Where We Left off from CFVA...

The CFVA provided the Town:

- Updated picture of its present and future flood risk
 - Identification and ranking of its assets at risk

Town pursued an Implementation Plan to:

- Identify specific actions to pursue to build coastal resilience based on the flood risk and assets defined in the CVFA

The new findings follow – Introducing Level-Up Palm Beach!

Level-Up Palm Beach Implementation Plan

Summary of Near-Term Recommendations

1. Identify first-, second-, and third-priority floodproofing projects and thresholds for action, with future action depending on monitoring data.
2. Implement first-priority floodproofing projects for vulnerable critical facilities to minimize future costs of damage and impacts to level of service. (*Policy 15.12*)
3. Strengthen bulkhead and seawall construction, maintenance, and certification standards to initiate the transition towards higher coastal flood mitigation performance, while minimizing temporary transitional impacts. (*Policy 15.12*)
4. Add coastal flood control to the municipal services charter to facilitate future neighborhood-scale coastal flood control. (*Policy 15.10*)
5. Strengthen standards for residential and non-residential development in the future floodplain to protect people and property from high and increasing flood risks. (*Policies 15.1 and 15.2*)
6. Collaborate with Palm Beach County and neighboring jurisdictions to request a US Army Corps of Engineers feasibility study for Lake Worth coastal storm risk management measures, including inlet surge barrier(s), and advocate for Congressional authorization and budgetary appropriations. (*Policy 15.11*)
7. Pursue compliance and collaboration with emerging FDEP Resilient Coastlines and related programs



Level-Up Palm Beach

Town Facilities and Infrastructure



Design, construct, and maintain Town assets to mitigate future risks from coastal flooding.

Facilities and Infrastructure - Contents

Design Flood Elevations

Near-Term Specific Recommendations

Medium- and Long-Term Potential Risks



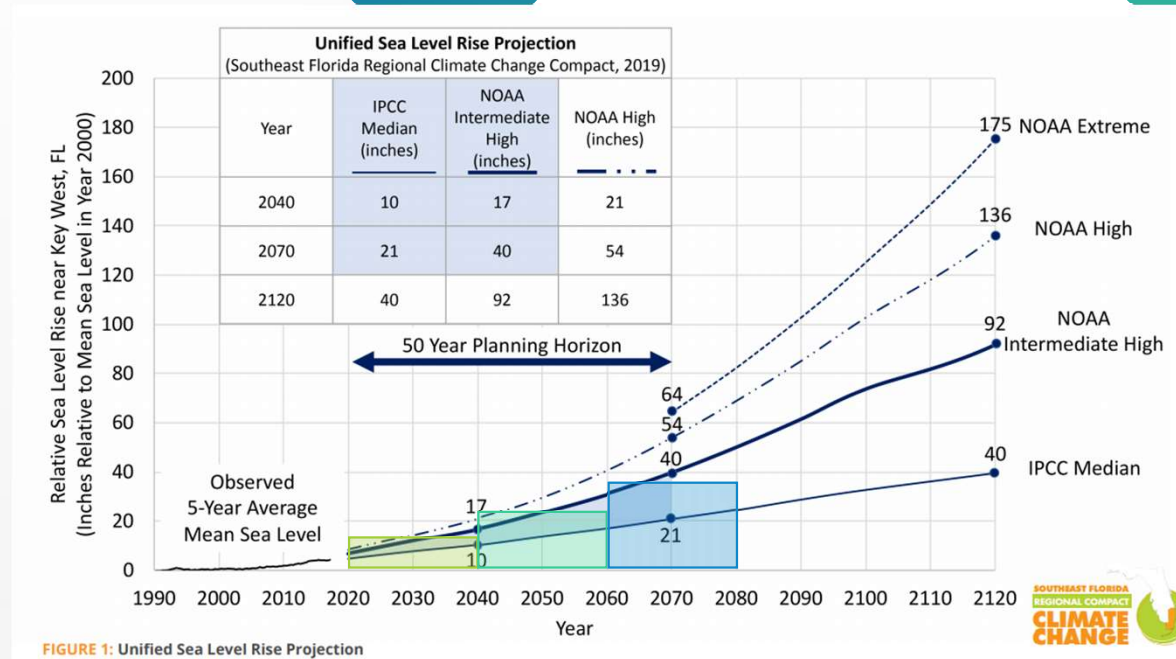
Design Flood Elevations for Facilities

FEMA BFE = 6' NAVD88

+1' **Maintenance Projects**
End of service life in 2040 or sooner

+2' **Major Rehabilitation Projects**
End of service life in 2041-2060

+3' **New Construction Projects**
End of service life later than 2060



SOURCE: UNIFIED SEA LEVEL RISE PROJECTION FOR SOUTHEAST FLORIDA (2019)

Near-Term Recommendations

Facility	Recommendation (*to be verified)	Flood Risk	Present Future Value	Order of Magnitude Capital Cost
D-12 SPS (Bldg)	Floodproof with deployable barriers, conduit sealant, floor drain backflow valve	5%	>20% 70	\$
D-6 SPS (Bldg)	Raise proposed main disconnect and existing 30KVA transformer* and Panel L1*	5%	>20% 67	\$
E-6 WPS	Raise pump junction box and electrical/control panels	3%	20% 70	\$
D-12 SPS (Wet Well)	Extend pump electrical gear wall, raise electrical panels, and provide higher access	2%	10% 70	\$
D-5	Raise proposed control panel	3%	20% 63	\$
D-17 SPS	Raise proposed electrical/controls	2%	10% 57	\$
A-6 WPS	Raise proposed equipment 1 ft higher than planned	1%	10% 73	\$
D-8 SPS	Raise proposed air-cooled radiators, pump control panel	1%	10% 63	\$

D-12 Stormwater Pump Station

Built in 2001 (20 years old)

Upgrades planned in 2022

Critical for access and property protection:

- › 120-acre, largely residential area
- › North Fire Station
- › Master Wastewater Pump Station
- › Recreational and historic resources,
- › Large commercial area with the only supermarket on the island

Vulnerabilities at present FEMA BFE:

1. Control Building
 - Muffler*
 - Motor Control Center (MCC)
 - Automatic Transfer Switch (ATS)
 - 30KVA step-down transformer*
 - Switchgear*
2. Wet Well
 - Electrical panels*

*Field verification required

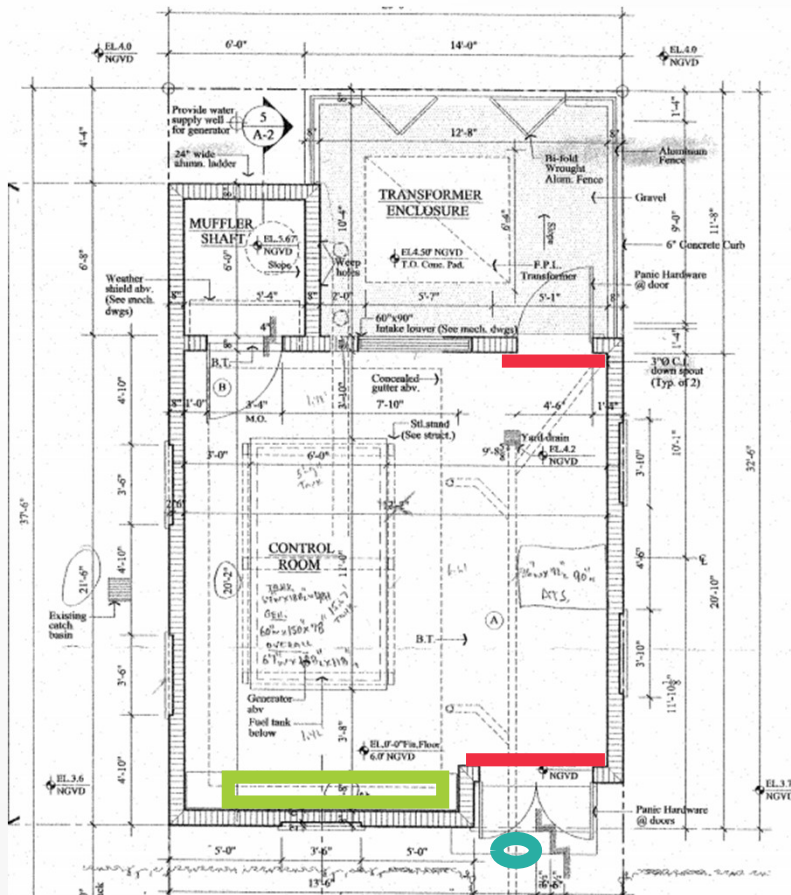


SOURCE: PHOTO FROM MOCK ROOS STORMWATER PUMP STATION CONDITION ASSESSMENT (2015)

D-12 Stormwater Pump Station: Control Building

Recommendation	Pros	Cons	Order of Magnitude Capital Cost
Option 1. Floodproof control building with deployable barriers interior of doors, conduit sealant, floor drain backflow valve	- Higher level of flood protection achievable (e.g., 3' high barriers = BFE + 1.5') - Eliminates need for elevating interior equipment	- Requires planning and labor to install barriers before flood - Capacity of walls to bear flood loads needs to be evaluated	\$\$ Standalone project
Option 2. Wait for electrical upgrades (<10 years) and then elevate new equipment to max height feasible	- Leverage natural capital cycle - Avoid repeated disruption	- Living with flood risk - Lower level of flood protection achievable due to limited headroom (e.g., ~3' above top of MCC)	\$\$ Marginal added cost

D-12 Stormwater Pump Station: Control Building (Option 1)



SOURCE: DAMES & MOORE RECORD DRAWINGS (2001)



Deployable Barriers

To block the main entry points for flooding, install deployable flood barriers across the interior of the doorways – this avoids the aesthetic impact and high cost of flood doors.



Seal Utility Conduits In/Out

To prevent flood water from leaking into the building through electrical conduits, inject watertight foam sealant in interior conduit openings for incoming and outgoing wires.

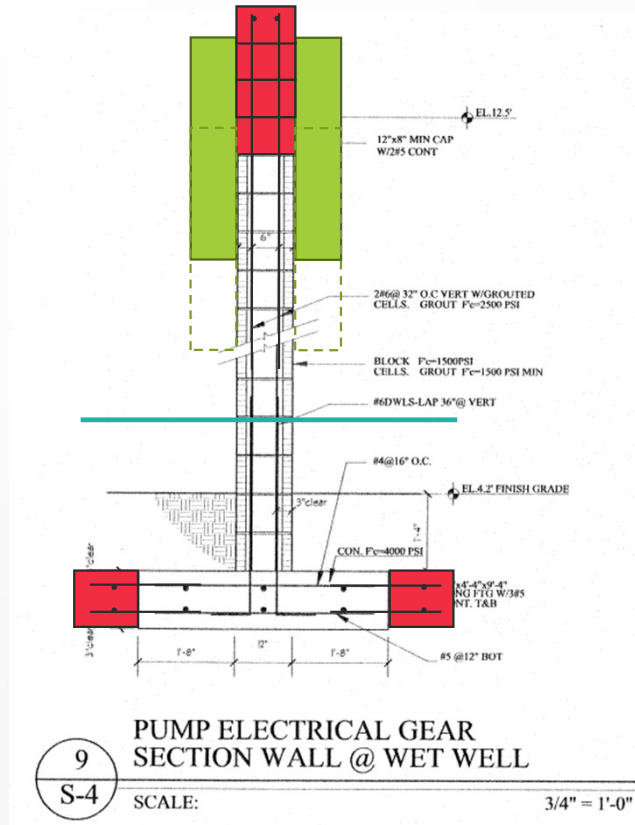
Drain Backflow Valve

To prevent flood water from backflowing into the building from the drainage system, install a check valve in the drain line.

D-12 Stormwater Pump Station: Wet Well Electrical Panels

Recommendation	Pros	Cons	Order of Magnitude Capital Cost
Option 1. Proactive - extend pump electrical gear wall, (replace and) raise electrical panels, and provide higher access	Near-term risk mitigation	Repeated disruption or early capital replacement	\$\$
Option 2. Wait for electrical upgrades (<10 years) - extend pump electrical gear wall, raise electrical panels, and provide higher access	- Leverage natural capital cycle - Avoid repeated disruption	Living with flood risk	\$\$

D-12 Stormwater Pump Station: Wet Well Electrical Panels



Extend Wall/Foundation

To enable the pump electrical panels to be raised, extend the existing reinforced wall vertically and reinforced foundation horizontally, if needed.

Raise Electrical Panels

Once the wall is vertically extended, the electrical panels can be mounted at the higher elevation and wired. Protect any splices below the DFE with watertight connectors.

Provide Higher Access

If needed due to code requirements for panel access, raise the existing concrete pad or provide a platform. Backfill adjacent grade or add railing if required by code.

A-6 Wastewater Pump Station

Major rehabilitation planned in 2021

- › Replacing all major electrical/controls systems
- › All electrical equipment to be installed at FEMA BFE +1'

Critical for protecting public health and environment, sanitary sewage service to:

- › Town Hall
- › Police Station
- › Central Fire Station
- › Elementary school
- › Worth Ave commercial area

Vulnerabilities at present FEMA BFE:

1. Under Intermediate-High projections, sea level rise of +1' could occur by 2030, and almost +2' by 2050, therefore +1' freeboard may be inadequate for service life of improvements



SOURCE: PHOTO FROM MOCK ROOS WASTEWATER PUMP STATION CONDITION ASSESSMENT (2016)

A-6 Wastewater Pump Station

Recommendation	Pros	Cons	Order of Magnitude Capital Cost
Raise proposed equipment to BFE + 2', instead of BFE + 1'.	Desired level of flood protection throughout asset lifetime, including sea level rise	- May be limited by available headroom - Adjusting final designs	\$\$ Marginal added cost

Near-Term Recommendations – Plan Review Needed

Facility	Potential Strategies	Flood Risk (to be verified)			Planned Improvements Year
		Present	Future	Value	
G-7 WPS	Raise electrical/controls equipment to be replaced	10%	>20%	60	2021
A-42 WPS	Raise electrical/controls equipment to be replaced	5%	>20%	60	2023
E-5 WPS	Raise electrical/controls equipment to be replaced	3%	20%	63	2022
A-43 WPS	Raise electrical/controls equipment to be replaced	3%	>20%	60	2023
A-39 WPS	Raise electrical/controls equipment to be replaced	2%	>20%	70	2023
Town Hall	Dry or wet floodproof	2%	20%	73	2025
Police	Dry or wet floodproof	1%	10%	80	2023/4
Central Fire	Dry or wet floodproof	1%	10%	73	2022
South Fire	Dry or wet floodproof, or perimeter barrier	1%	10%	53	2022
North Fire*	Dry or wet floodproof	0.5%	5%	70	2024/5

*Due to low probability, consider scale of planned improvements, possibly move to medium-term

Medium-Term – Conduct Survey and Prioritize (*exceptions)

Refined elevation surveys are recommended for certain at-risk assets to close data gaps and confirm priorities

Stormwater

Facility
D-18
D-6
D-7
D-14
D-2
D-4
D-9
D-16
D-17 (Generator)
D-10

Wastewater

Facility	Facility	Facility
E-15	E-17	G-1*
E-50	E-18	A-7
E-9	E-20	E-1*
E-10	E-22	E-2*
E-12	E-23	E-13*
E-14	A-41	S-2*
E-16	E-19	A-5
E-4	E-3*	E-24
E-7	E-21	E-25
E-8	E-38	E-44
E-11	E-40	

Recreation

Facility
Rec Center
Par 3 Maintenance
Phipps North Restrooms
Chilean Ave Restrooms
Phipps South Restrooms
Par 3 ProShop

Long-Term Risks

Medium-term risks may extend to long-term implementation (10+ years from present).

Facility	Flood Risk (to be verified)		
	Present	Future	Value
G-9 WPS	0%	2%	60
A-4 WPS (Bldg)	0%	1%	60
E-27 WPS	0%	1%	60
A-4 WPS (Wet Well)	0%	1%	60
Memoria Fountain	0.1%	2%	27



Level-Up Palm Beach

Lake Worth Shoreline

Strengthen bulkhead and seawall construction, maintenance, and certification standards to initiate the transition towards a consistent, higher level of coastal flood mitigation performance, while minimizing temporary transitional impacts.

Improve the efficiency and effectiveness with which Lake Worth shoreline flood mitigation infrastructure is improved and maintained to higher standards

Lake Worth Shoreline



Perspective: Lake side flooding is the primary source for present and future flooding



Construction Specifications



Maintenance and Certification



Lake Worth Inlet Surge Barrier



Introductory Perspective

- Lake Worth is the source of flooding for the vast majority of Palm Beach's floodplains, present and future, and the people, infrastructure, buildings, and open spaces therein.
 - › Sunny day flooding is documented on the Lake Trail during King Tides.
 - › More severe storm exposure is evident from the 2017 FEMA FIRMs and the 2019 Coastal Flood Vulnerability Assessment present and future flood risk maps. The latter illustrate the Lake Worth shoreline has an increasing likelihood of being flooded in the future by high tides and storm surges, expected to increase due to climate change.
 - › The dominant source of flood water is coastal storm surge entering through Lake Worth Inlet. Inland precipitation runoff contributes as well, but the CFVA demonstrated coastal surge is the dominant contributor.
 - › The existing shoreline infrastructure is inadequate to mitigate either present or future coastal flooding risks. Given the flood risk mapped by both FEMA and the present-day CFVA maps, it is fortunate that the Town has not experienced a major coastal flooding event from Lake Worth in quite some time.
- Flood mitigation infrastructure on the Lake Worth shoreline must be raised and strengthened to mitigate the substantial and increasing public risks from coastal flooding to Palm Beach derived from the Lake Worth shoreline flood pathways.
 - › Although development in the floodplain can be made more resilient by implementing recommendations presented elsewhere in this report, elevating and hardening buildings will not keep salt water off roads, trails, parks, or landscaping, or out of underground infrastructure. Controls are needed at the source along the Lake Worth shoreline to mitigate flood risk and build resilience.
 - › Even storm surge barriers at the inlet(s) to Lake Worth would not mitigate the risks of future high tide sunny day flooding, since navigation and commerce must be maintained at the inlets.
 - › Engineered and natural shoreline infrastructure can serve a public purpose as a critical line of defense against future high tides, storm surges, or both.

Sunny Day Flooding on the Lake Trail during King Tides



January 2018



September 2019



October 2019



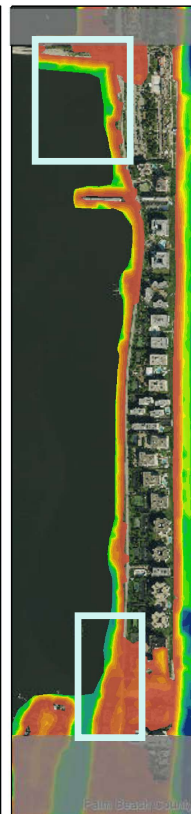
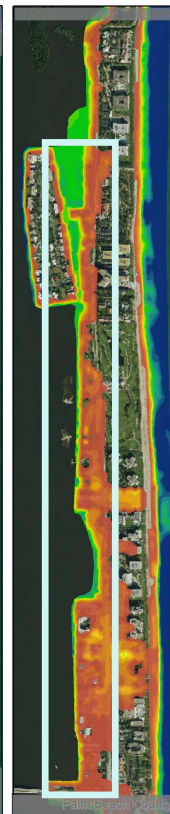
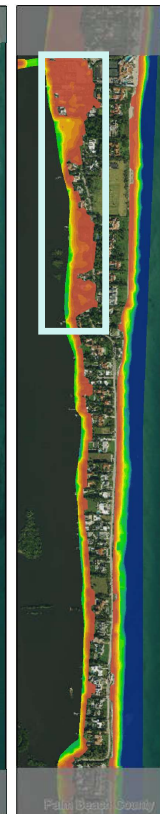
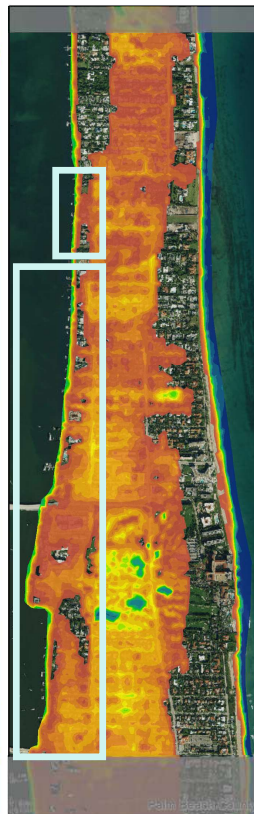
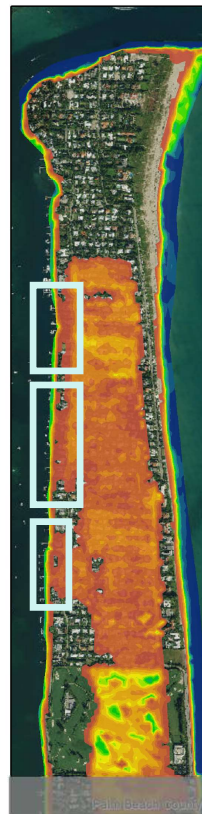
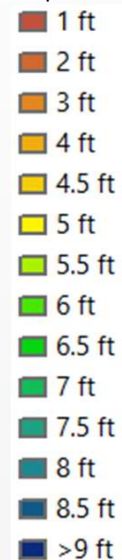
October 2019

Higher Probability Shoreline Flood Pathways

There are limited opportunities to implement small, independently-effective coastal flood control projects due to the long, low-lying shoreline and expansive, interconnected floodplain

Present 10-Year Flood

Depth



Potential Neighborhood-Scale Flood Control System Alignments

As many as thirteen areas have been identified which could conceptually be served by large, independently-effective flood control systems with a performance goal of meeting FEMA base flood elevations plus two feet of freeboard

Ownership

- Town
- ROW Easement
- Private
- State

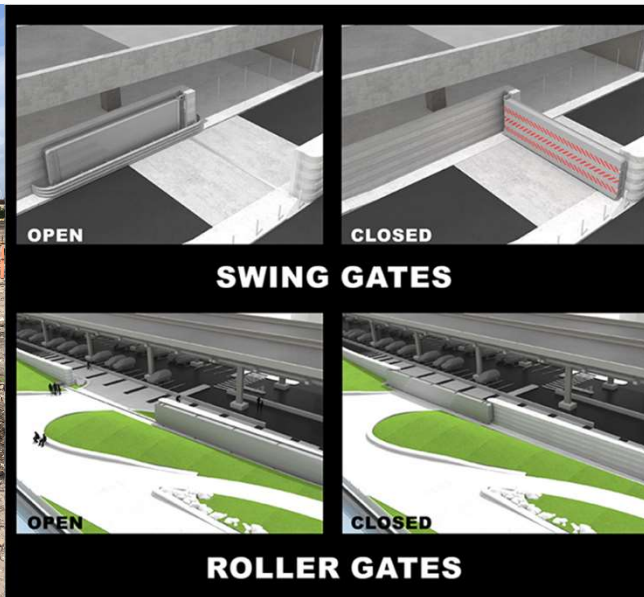


Typical Strategies

- The primary strategy would be to raise bulkheads and adjacent grades along the Lake Worth shoreline, which would also address recurring tidal flooding on the Lake Trail. Floodwalls screened by vegetation would tie back to high ground on the coastal ridge, aligning with public rights-of-way, with deployable gates at intersections. Limited interventions would be required along the Atlantic shoreline.



Elevated Bulkhead at Town Marina



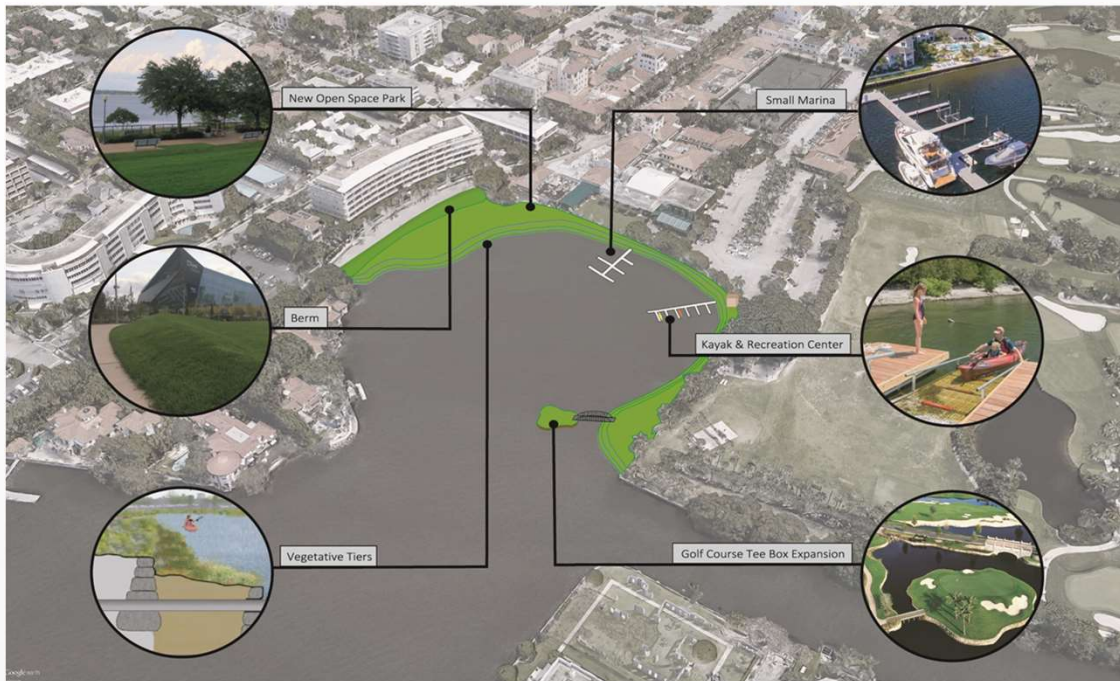
Flood Walls+Gates from NYC East Side Project



Conceptual Strategy at Root Trail

Nature-Based Strategies

- Nature-based strategies would be applicable mostly along golf course and State road shorelines along Lake Worth, and coastal dunes on the northeast Atlantic coast ("Reach 1")



Conceptual Strategies at the Everglades Club



Sand Replenishment at Reach 1

Challenges and Opportunities

- In all the identified potential areas, local improvements would need to be sited on private property (e.g., replacing bulkheads), and, in most areas, some improvements (generally tie-back flood walls and gates) would need to be sited on State rights-of-way.
- The independent effectiveness of almost all these systems depends on tying back to higher ground located around the coastal ridge of the island, including flood gates that would temporarily close across evacuation routes - operational protocols would hold off such closures for as long as possible, until flooding was imminent.
 - › Because of the long, low-lying condition of the Lake Worth shoreline, several areas could also be combined into larger areas served by longer flood control systems with fewer across-road closures, if so desired.
- A benefit of designing flood control systems at smaller units of independent effectiveness, from a resiliency perspective, is that no single point of failure would affect the entire system. Smaller units also allows priorities and phasing over time.

Town Role



The Town owns very little shoreline infrastructure on Lake Worth but is taking action to increase the flood mitigation capacity of what it does own. For example, the Town Marina bulkhead has been raised two feet higher as part of its recent reconstruction, in part informed by PB-FRM and the CFVA.



The Town sets and enforces standards for the construction, maintenance, and certification of private shoreline infrastructure through the Code of Ordinances. Higher standards are recommended for consideration herein.



In the future, whether for urgency, efficiency, or to leverage 3rd party public funding sources, the Town municipal services entity could also be empowered to provide neighborhood-scale coastal flood control capital or services.



Collaborate with neighbors to engage federal and state partners and advocate for potential regional solutions and funding for Lake Worth.



Summary of Code of Ordinances Recommendations

Strengthen bulkhead and seawall construction, maintenance, and certification standards to initiate the transition towards higher coastal flood mitigation performance, while minimizing temporary transitional impacts.

- **Amend the Code of Ordinances, Chapter 62, Article II [and Article III], Construction Specifications for bulkheads and seawalls on [the Atlantic Ocean and] Lake Worth[, respectively].**
 - › Specify flood-based design requirements for Lake Worth bulkheads to make explicit that they perform coastal flood mitigation functions, not only land retention and erosion control.
 - › Specify minimum top elevations for bulkheads and seawalls on Lake Worth and Atlantic Ocean to mitigate higher flood levels. (FEMA BFE + 2 ft)
 - › Specify bulkhead and seawall cap requirements to mitigate potential negative aesthetic or functional impacts due to differences in adjoining structure heights.
 - › Specify adjacent grade elevations, relative to bulkhead or seawall top elevations to mitigate potential negative impacts to accessibility and scenic vistas of Lake Worth from the Lake Trail and private property. (FEMA BFE - 0.5 ft)
 - › Create a mechanism, proposed as a system of temporary waivers and easements, to facilitate a smoothing of adjacent grades across property lines as adjoining shoreline structures are brought up to a consistent higher top elevation over time.
 - › Provide more explicit expectations for engineering information to be submitted with bulkhead and seawall permit applications to facilitate consistency and ease of review.
 - › Require notification at critical construction milestones to facilitate timely inspection.
- **Amend the Code of Ordinances, Chapter 62, Sec. 62-77. – Maintenance and Certification of All Bulkheads and Seawalls.**
 - › Strengthen maintenance standards in terms of flood mitigation performance.
 - › Require more frequent recertification. (10 years)
 - › Specify timeline for correcting violations of maintenance standards to increase the speed of transition. (1 year)
 - › Define more stringent conditions under which improvements or repairs will trigger the need to comply with stronger construction specifications to increase the speed of transition. (new construction or substantial improvement of primary structure, improvement to 25% of structure length, overland flow through property up to FEMA BFE + 2 ft)

Establish Coastal Flood Control as a Municipal Service

The Town may reasonably determine that improvement and maintenance of Lake Worth shoreline and other related flood control infrastructure are needed for public purposes and would more efficiently and effectively be delivered by the Town than by individual property owners. The Town could use its powers under the Florida Constitution, Article VIII, Section 2(b) and F.S. 166.021 and 166.041 and specified in the Code of Ordinances, Chapter 90, Article II to implement such improvements and services as are needed and spread the costs across the Town (“One Palm Beach”).

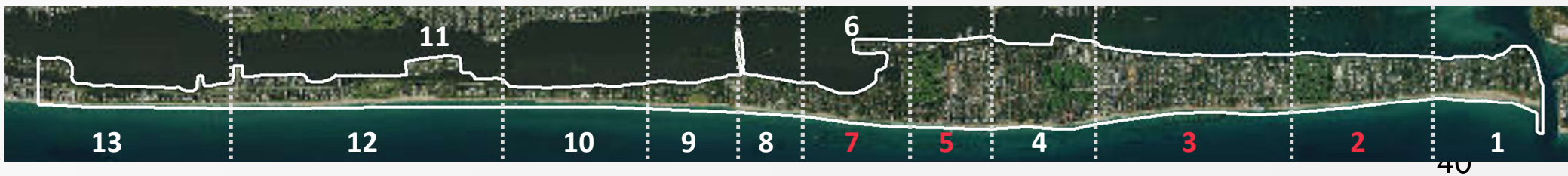
This strategy would be particularly critical if State or federal funding is sought for implementation, also considering emerging state SLIP and related policies and funding sources. The use of such public funds for projects on private property are generally restricted, requiring local governments to either use eminent domain or otherwise obtain rights for access, inspection, and repair.

The Town should consider amending the Code of Ordinances, Chapter 90, Article II, Division 5 to include “coastal flood mitigation” or “coastal flood control” in the list of services, facilities, programs, and local improvements it is chartered to provide.¹ The list appears in multiple sections within Division 5 and would need to be modified in each instance. This change should be reflected in an amendment to the Comprehensive Plan.

¹ Alternatively, the Town could create a new Division within Article II, creating a similar Coastal Flood Control mechanism. Punta Gorda, FL established two special districts with specific powers to maintain seawalls for public benefit (see Code of Ordinances, Chapter 6. – Vessels, Docks and Waterways, Articles 3 through 5). Monroe County also recently approved a special district ordinance establishing a new municipal service benefits unit that will be used for implementing and funding coastal resiliency infrastructure projects (see Ordinance No. 002-2021)..

Neighborhood-Scale Coastal Flood Control System Planning

- Conduct a high-resolution shoreline elevation and condition survey along the Lake Worth to inform prioritization, design, and cost estimating.
- Update list of first-, second-, and third-priority neighborhood-scale flood mitigation systems considering updated elevation survey data amongst other criteria.
 - › Areas 2 and 3 have the most linear feet of roadway and gravity sewer at risk. The primary strategy would be to raise bulkheads and adjacent grades along the Lake Worth shoreline, which would also address recurring tidal flooding on the Lake Trail. Floodwalls screened by vegetation would tie back to high ground on the coastal ridge, aligning with public rights-of-way, with deployable gates at intersections. Limited interventions would be required along the Atlantic shoreline, including at North Ocean Blvd beach access points (e.g., Root Trail).
 - › Areas 3, 5, and 7 have the most critical public facilities at risk, including sewer and stormwater pump stations and public safety facilities. Strategies on the Lake Worth shoreline would include more natural and nature-based infrastructure in addition to raised bulkheads. Floodwalls screened by vegetation would tie back to high ground on the coastal ridge, aligning with public rights-of-way, with deployable gates at intersections.
 - › Neighborhood-scale flood control systems for these areas, or others, could be planned individually, as two larger areas, or a single area bridging main island areas from Area 2 to Area 7.
- Begin planning potential flood control systems.



“Back Bay” Coastal Storm Risk Management Studies

US Army Corps of Engineers

- The US Army Corps of Engineers has been conducting several “Back Bay” Coastal Storm Risk Management Studies, focused on communities along Intercoastal Waterways, including in Miami-Dade County and coastal New Jersey.
- These studies evaluate the costs, benefits, and environmental impact of various non-structural measures (e.g., elevating homes) and structural measures (e.g., perimeter protection and surge barriers) to mitigate coastal flood risks, with recommendations for federal funding of Army Corps implementation projects.

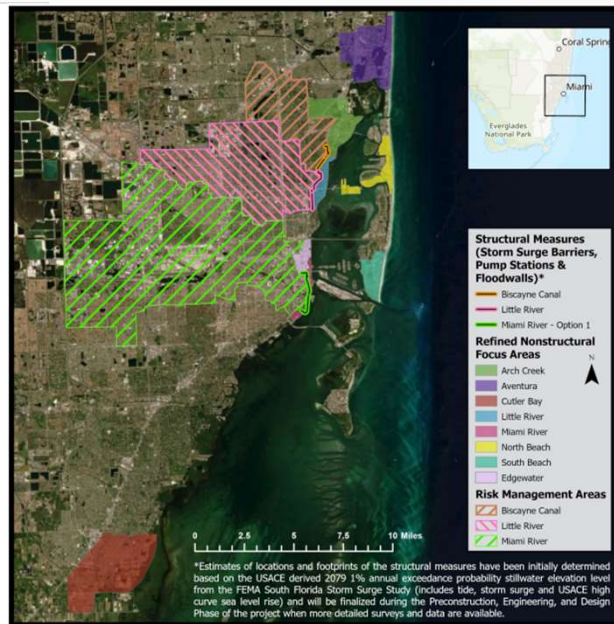
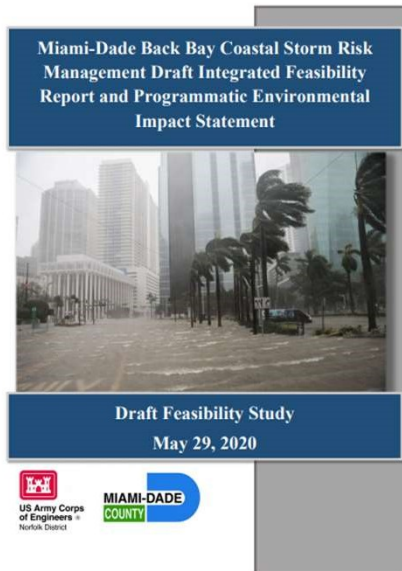


Figure 1. Tentatively Selected Plan

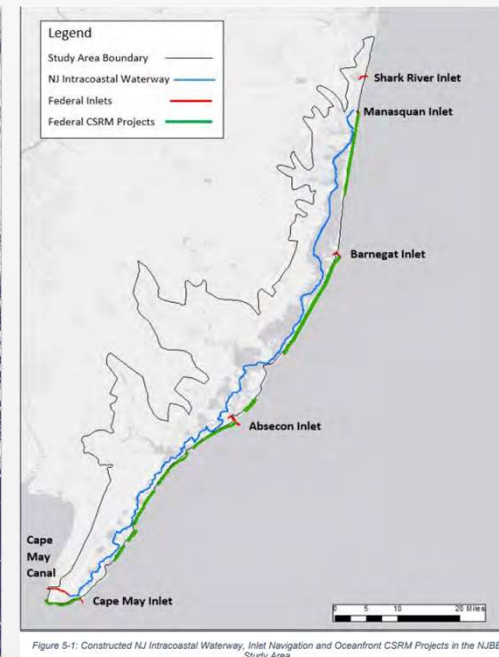
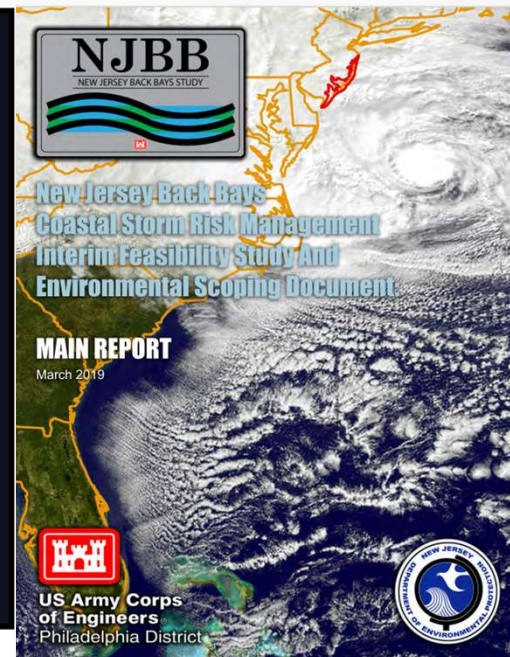


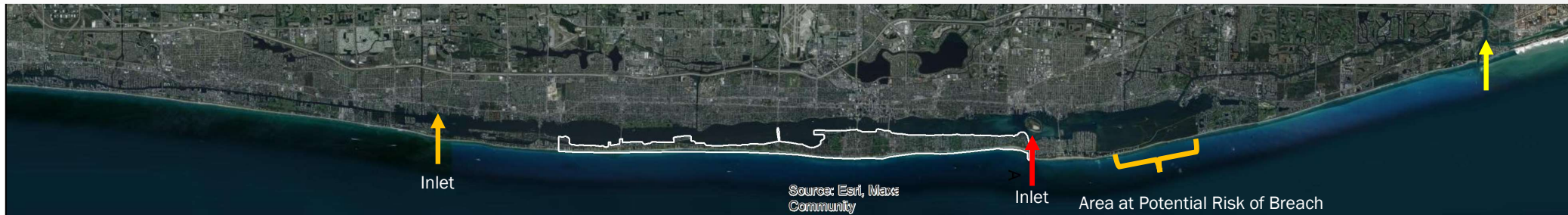
Figure S-1: Constructed NJ Intracoastal Waterway, Inlet Navigation and Oceanfront CSRM Projects in the NJBB Study Area

Potential Surge Barrier at Lake Worth Inlet

A surge barrier at the Lake Worth Inlet, or several inlets, if feasible, could benefit the Town and its neighbors along the Lake Worth shoreline by mitigating the increasing risk of coastal flooding from storms. Such a solution would limit the height to which bulkheads and other shoreline infrastructure need to be raised to mostly deal with future high tide flood levels, which would not be mitigated by a surge barrier since the barrier would only be activated for storms.

The process is long to obtain a study, complete the study, and then move through phases of implementation, including obtaining funding for each. The Town should begin the process in the near-term by collaborating with Palm Beach County and neighboring jurisdictions, including the Port, to determine if there is shared interest and determine the roles each partner would play.

If shared interest in pursuing a surge barrier, the Town and its partners should request a US Army Corps of Engineers Feasibility Study for Lake Worth coastal storm risk management measures, including inlet surge barriers, and then advocate for Congressional authorization and budgetary appropriations for the Army Corps to implement the study. Future steps would be based on whether the request is granted, the Town's role in the study process, and the outcomes of the study.



Inlets to Lake Worth and the Intercoastal Waterway



Level-Up Palm Beach

Floodplain Development



Strengthen standards for residential and non-residential development in the future floodplain to protect people and property from high and increasing flood risks.

Development in Palm Beach's Floodplain is Particularly At-Risk

Most

Palm Beach residences, businesses, roads, and public infrastructure and facilities are located within the regulatory floodplain

**\$2
Billion**

In total flood insurance in-force in Town of Palm Beach, covering only a fraction of at-risk value

1st

In flood insurance losses and loss payments in aggregate since 1978 out of all local jurisdictions in Palm Beach County

4th

In number of flood insurance policies out of all incorporated jurisdictions in Palm Beach County

1st

In repetitive loss properties and repetitive loss payments out of all local jurisdictions in Palm Beach County, accounting for almost a third of each

2nd

In total flood-insured value in-force policies out of all incorporated jurisdictions in Palm Beach County

SOURCES: PALM BEACH COUNTY LOCAL MITIGATION STRATEGY (2020), TOWN OF PALM BEACH ANNUAL FLOOD REPORT (2019)

Change in Conditions Warrant Change in Policies

August 2017, the Town of Palm Beach adopted Comprehensive Plan Amendments (2017-2027), flood-related amendments to the Florida Building Code - 6th Edition, and new FEMA flood maps

2020 Florida Building Code– Residential 7th Edition, in force January 1, 2021, has new flood-resistant construction standards that are in several instances higher than those set in the Town of Palm Beach’s technical amendments to the 6th Edition, adopted in 2017.

2019 Coastal Flood Vulnerability Assessment future coastal flood risk maps show that, with 1.45 ft of relative sea level rise and future storm intensification, the present day 100-year flood elevation and floodplain could be like the 5- to 10-year flood elevation and floodplain in mid-to-late century.

Florida Statute 161.551, effective July 1, 2021, requires a Sea Level Impact Projection (SLIP) study for any major structures proposed to be constructed by a public entity in the “coastal building zone” (all of Palm Beach) with State funding. FDEP has developed draft rules for implementing the law.

Summary of Floodplain Development Recommendations

Strengthen standards for residential and non-residential development in the future floodplain to protect people and property from high and increasing flood risks. (Policies 15.1 and 15.2)

- **Amend the Code of Ordinances, Chapter 18, Article IV. – Florida Building Code, Division 1 and Division 2.**
 - › Define substantial improvement and substantial damage more stringently than the 2020 FBC to increase the speed at which existing buildings are brought into compliance with higher standards for flood-resistant construction. Earns CRS credit points. (25% of value over 10 years)
 - › Set elevation requirements for non-residential structures (including Town facilities) higher than the 2020 FBC minimums to increase resilience to higher flood levels by adding freeboard. Earns CRS credit points, compliance lowers individual insurance premiums. (FEMA BFE + 3 ft)
 - › Set elevation requirements for residential structures higher than the 2020 FBC minimums to increase resilience to higher flood levels by adding freeboard. Earns CRS credit points compliance lowers individual insurance premiums. (FEMA BFE + 3 ft)
- **Amend the Code of Ordinances, Chapter 50, Article II, Division 2, Sec. 50-38. – Submission of Additional Data to Establish Flood Hazard Areas.**
 - › Expand the definition of flood hazard areas wherein new construction and substantial improvement is subject to floodplain management and flood-resistant construction standards to increase resilience in areas beyond the current 100-year flood zone. Earns CRS credit points compliance lowers individual insurance premiums. (ground elevation below FEMA BFE + 3 ft)
- **Amend the Code of Ordinances, Chapter 31, Article 1, Sec. 134-2. – Definitions for building heights.**
 - › Mitigate disincentives to redevelopment and substantial improvement caused by higher elevation requirements by setting the new construction and substantial improvement zero datum for building height calculations at the minimum flood elevation including freeboard.

Implications for Recently Developed Policy

Options for Determining Maximum Fill - Examples

14

Example: 216 Sandpiper Drive - FFE 7 Feet / Highest COR 4.19' / Approved Fill 2.72'

With FEMA + 3':

$\frac{\text{FFE } 9' - \text{Highest COR } 4.19 \text{ ft}}{2}$

= 2.4' or 28.8"
(70% higher)

However, the increase is mitigated if the recommendation to also set a maximum "not to exceed" depth of fill is adopted.

Option A: Set Amounts per Ranges of Highest COR

Highest COR 0' to 3' = 2.5' or 30" Max. Fill Permitted by Right

Highest COR 3' to 5' = 2' or 24" Max. Fill Permitted by Right

Highest COR 5' to 7' = 1.5' or 18" Max. Fill Permitted by Right

Option B: Calculation Method

$\frac{(7 - 4.19) \text{ or } (\text{COR} - \text{FFE})}{2}$

$2 = 1.405' \text{ or } 16.86'' \text{ Max. Fill Permitted by Right}$





Level-Up Palm Beach

Comprehensive Plan



Update Comprehensive Plan data and analysis, goals, objectives, and policies for coastal flood resilience, and designate Adaptation Action Areas for prioritized coastal flood risk mitigation planning and infrastructure funding

Executive Summary

- **The issue of coastal flood risk emanating largely from the Lake Worth shoreline should be described in the Executive Summary.**
 - › The 100-Year Floodplain Map (I-6) should be updated to correct a reversed coloring error for the 100-year flood zone.
- **The issue of increasing coastal flood risk due to projected sea level rise and climate change and proposed actions should be described in the Executive Summary under a new Adaptation Action Areas section.**
 - › Adaptation Action Areas (AAAs), in accordance with F.S. 163.3164(1) and F.S. 163.3177(6)(g)(10), are intended to identify areas at high risk from coastal flooding and sea level rise for prioritized flood risk mitigation planning and infrastructure funding. Maps from the Coastal Flood Vulnerability Assessment should also be referenced and included in the Support Documentation.

Future Land Use Goals, Objectives, and Policies

Future Floodplain Development

The Town should consider amending Comprehensive Plan, Future Land Use, Goal 1, Objective 3 and Policy 3.1. Approval of future development in the floodplain, or “flood hazard areas” as recommended to be redefined in the Code of Ordinances, should be based on compliance with the FBC as amended by the Town Code of Ordinances, not simply the FEMA Flood Insurance Rate Map (FIRM) elevations.

The Town should also consider adding Policy 3.2, stating that approval of new development or redevelopment on the Lake Worth shoreline [within Adaptation Action Areas] shall be issued only if shoreline coastal flood control measures meeting the Town’s construction specifications and maintenance and certification requirements are met.

Future Land Use Goals, Objectives, and Policies

Future Floodplain Development

Supporting information:

- Under the 2020 FBC 7th Edition, the only types of buildings and structures permitted to meet the base flood elevations identified in FIRMs, with no additional freeboard, are Flood Design Class 1 (e.g., temporary structures, minor non-commercial storage facilities, small parking structures, and certain agricultural structures).¹
- The Town has the ability to adopt amendments to the FBC that set higher standards for elevation requirements based on local conditions and needs.

¹ ASCE 24, Table 1-1 Flood Design Class of Buildings and Structures; Table 2-1 Minimum Elevation of the Top of Lowest Floor – Flood Hazard Areas Other Than Coastal High Hazard Areas, Coastal A Zones, and High Risk Flood Hazard Areas

Future Land Use Goals, Objectives, and Policies

The AAAs for coastal flood control the Town wishes to designate must be mapped and included in the Index of Maps and Charts and Additional Information sections. There are a few options for delineating the boundaries of these areas:

- › The entire Town could be designated,
- › The Town could designate areas within the flood hazard area, as recommended herein to be redefined in the Code of Ordinances, Sec. 50-38 based on the FEMA base flood elevation plus three feet,
- › The Town could designate each of the potential neighborhood-scale coastal flood control areas identified herein or a subset of priority areas, or
- › The Town could create a Policy establishing the intent to designate AAAs following the completion of a subsequent technical and/or public planning process.

Additional Recommendations include:

- › Under Goal 1, Objective 5, Policy 5.2, relating to levels of service for stormwater, consider setting a specific and more stringent data source for rainfall design storm (e.g., NOAA Atlas 14+ or 14++) to account for future increases in rainfall intensity, to the extent feasible.
- › Under Goal 1, Objective 8, Policy 8.4, relating to dune restoration on the Atlantic shore, consider specifically calling out Reach 1 as an area where dune restoration is needed for adaptation.
- › Under Goal 1, Objective 8, Policy 8.6, relating to development over submerged land, consider listing coastal flood control as an “essential service” of the Town.
- › Under Goal 1, Objective 13, Policy 13.4, relating to the siting of marinas, consider adding coastal flood control to the list of criteria to be reviewed and considered by the Planning Department.

Coastal Management Element

- **The Town should consider amending the Comprehensive Plan, Coastal Management Element, to address the relevant issues in this report and recommendations that the Town wishes to adopt.**

Recommendations:

- **The issue of coastal flood risk emanating largely from the Lake Worth shoreline should be described in the Executive Summary.**
 - › The 100-Year Floodplain Map (V-2) should be updated to correct a reversed coloring error for the 100-year flood zone.
- **The issue of increasing coastal flood risk due to projected sea level rise and climate change, based on the CFVA, and proposed actions, based on the Implementation Plan, should be described in the Executive Summary under a new Adaptation Action Areas section.**
- **Existing Objectives and Policies related to coastal flooding and climate change should be consolidated and expanded under a new Adaptation Action Areas Objective:**
 - › Objective 15 should be disaggregated, with Policies specific to the Coastal High Hazard Area requirements moved to a separate Objective, and Policies, and perhaps repeated and modified for future coastal flood hazard areas.
 - › Integrate Lake Worth seawall and bulkhead construction specifications and maintenance and certification policies, as recommended herein, under Policy 5.6, 8.2, and a new Policy 12.2.
 - › Integrate strengthened floodplain development standards, as recommended herein, under Objective 12 or Policy 15.3.
 - › A Policy indicating that the Town will begin planning for future neighborhood-scale flood control alignments and the Town's potential role in future development of such systems, within Adaptation Action Areas and Intergovernmental Coordination.
 - › A Policy identifying the need for a US Army Corps coastal storm risk management study for the Lake Worth, including a potential surge barrier at the Inlet should be added, or integrated with Policy 15.10 and Intergovernmental Coordination.

Other Elements

Transportation

- › Under Objective 1, consider adding Policy 1.4 indicating the Town will consider future needs for flood control system infrastructure within the Town and State rights-of-way. These preliminarily identified locations could be mapped here or as part of Adaptation Action Area maps. This should also be integrated into the Intergovernmental Coordination Element.

Infrastructure

- › Under Executive Summary, consider integrating a description of potential vulnerabilities of Sanitary Sewer Services and Drainage systems to coastal flooding and sea level rise, based on the CFVA and updated risk analysis.
- › Under Drainage, consider noting the need to evaluate future precipitation events, expected to be more intense due to climate change, and the resulting change in performance of the drainage system for flood protection. The analysis could also address coastal flooding (i.e., how fast could the drainage system clear the streets of coastal flooding, assuming all drainage pumping infrastructure remained operational). These actions could be included in Objective 7, Policy 7.4 – referring to future climate change scenarios. Policy 7.4 could also refer to the SLIP study law and rules. Under Objective 8, relating to levels of service for stormwater, consider setting a specific and more stringent data source for rainfall design storm (e.g., NOAA Atlas 14+ or 14++) to account for future increases in rainfall intensity, to the extent feasible.
- › Under Underground Utilities, consider the need to evaluate potential points of water entry into sensitive underground and above ground power and telecommunications infrastructure. Note potential problems if vulnerable, or opportunities, if resilient.

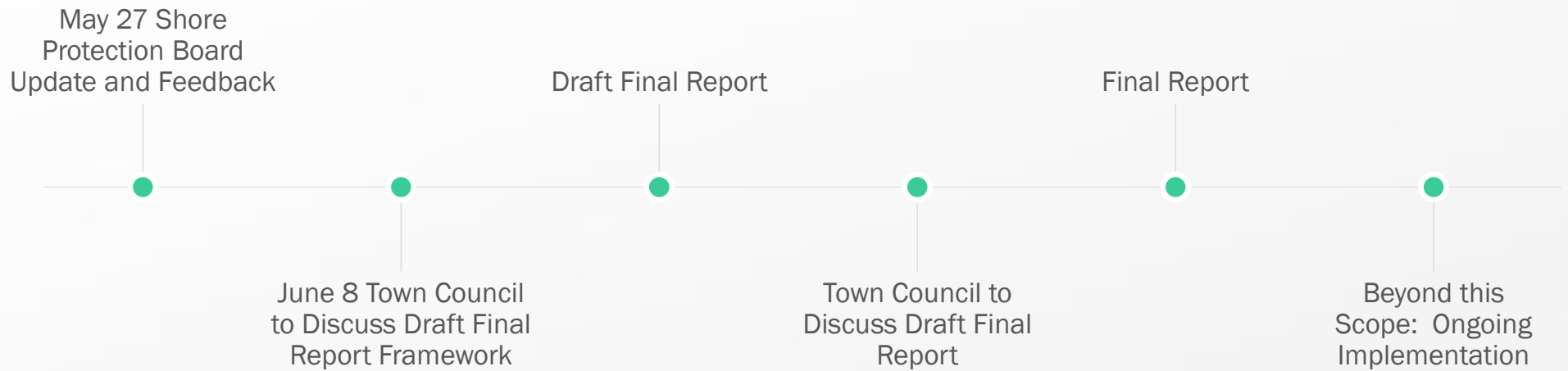
Intergovernmental Coordination

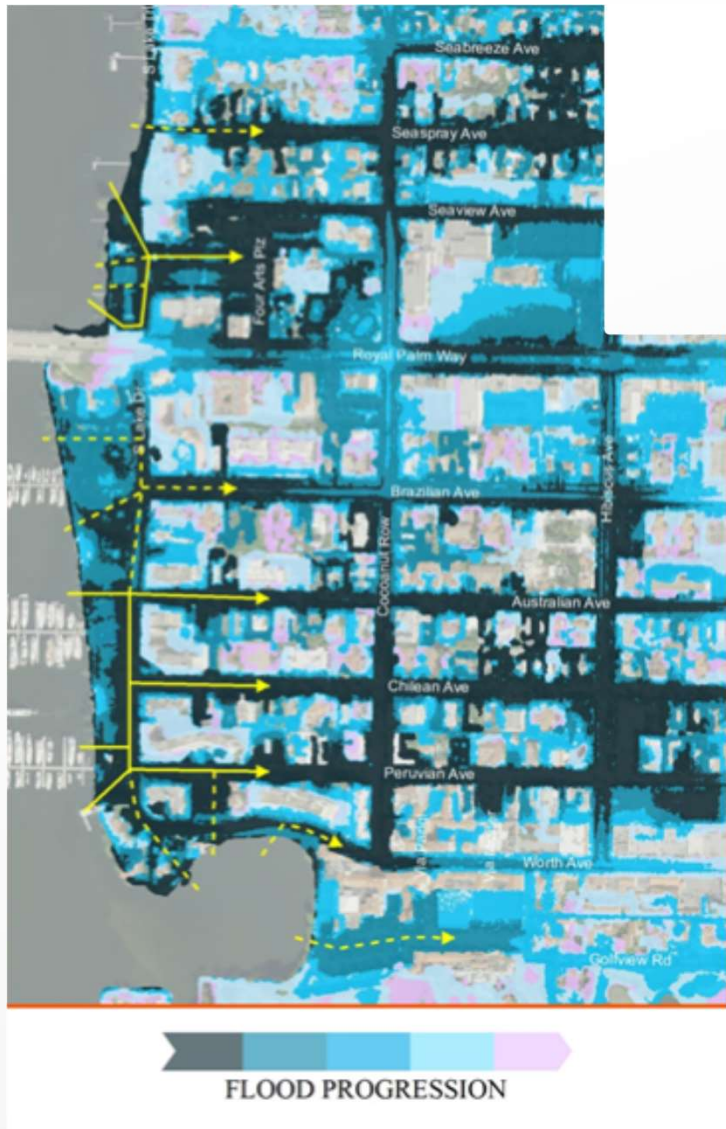
- › Add policies identified in other sections (Army Corps study, neighborhood flood control systems) under relevant Policies.

Capital Improvements

- › Add flood protection improvements to vulnerable Town facilities (pump stations, etc.) and neighborhood flood control systems under relevant Policies.

Next Steps to Complete this Scope of Work





Thank you

Key Input Needed on the Level-Up Implementation Plan

- Overall evolving concept? Need feedback on the balanced approach emphasizing both asset specific actions, and Town-wide policies.
- Comments on the asset-specific actions; other assets to consider?
- Opinions on the Town-wide policy recommendations, specifically:
 - Design flood elevation (DFE) recommendations
 - Policy recommendations for private properties
 - Town interest in taking responsibility for actions including private property on Lake Worth
 - Degree to pursue inlet surge barrier with USACE and other stakeholders
- How to make Draft Final Report most helpful?
 - Contents and format
 - What level of budgetary information short-term tangible actions and/or larger-scale, longer-term coastal resilience?
 - How much focus on monitoring and trigger points?
 - Other information to include?

TOWN OF PALM BEACH

Town Council Meeting on: June 8, 2021

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town of Palm Beach Truck Regulation Study

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated May 11, 2021, from H. Paul Brazil, P.E., Director**
- ▣ **Truck Regulation Study**
- ▣ **Public Works Committee Meeting - October 22, 2020**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 8, 2021

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

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

RE: Town of Palm Beach Truck Regulation Study

DATE: May 11, 2021

STAFF RECOMMENDATION

Staff is seeking guidance on whether to present the Town of Palm Beach Truck Regulation Study to the ORS Committee.

GENERAL INFORMATION

On September 10, 2019, the Town Council authorized a purchase order for Engineering Services to Kimley-Horn and Associates, Inc. (KHA) for the study and development of a truck traffic regulation plan. This action was the culmination of years of discussions about the challenges of large trucks trying to navigate safely without causing property damage or traffic impacts. The draft report is attached excluding the appendices which are available at Public Works.

The report provides an analysis of truck volumes and circulation patterns within the Town. A review of Florida municipalities that have implemented truck restrictions is also included. Based on these analyses, a truck restriction plan was developed and outlined in the report along with recommendations for codification, education, and enforcement to allow for limiting large trucks to enter restricted areas.

The draft report was presented to the Public Works Committee at the October 22, 2020 meeting. Modifications were made and the report was finalized. At this meeting, the recommendation was made to move the report to the ORS committee. For reference, the Public Works Committee minutes are attached.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Eric B. Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer

TRUCK REGULATION STUDY

TOWN OF PALM BEACH, TRUCK STUDY PALM BEACH, FL

PREPARED FOR:
TOWN OF PALM BEACH

Kimley»Horn

March 2020
Revised May 2020
Kimley-Horn Project #044063244
CA 00000696
Kimley-Horn and Associates, Inc.
1920 Wekiva Way
West Palm Beach, Florida 33411
561/845-0665 TEL

TRUCK REGULATION STUDY

TOWN OF PALM BEACH, TRUCK STUDY PALM BEACH, FL

Prepared by:
Kimley-Horn and Associates, Inc.
West Palm Beach, Florida



March 2020
Revised May 2020
Revised November 10, 2020
Kimley-Horn Project #044063244
CA 00000696
Kimley-Horn and Associates, Inc.
1920 Wekiva Way
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Adam B. Kerr, P.E.
Florida Registration Number 64773

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INTRODUCTION

The Town of Palm Beach currently allows unrestricted movement of all legal vehicles on all streets within the Town. As such, larger vehicles have been observed to damage private property when they cannot adequately maneuver narrow streets and can cause congestion and unsafe conditions when they have to make multi-point turns at Town intersections.

The Town of has therefore requested an analysis of truck volumes and circulation patterns within the Town to assist in the determination if the restriction of certain large vehicles on certain streets should be enacted. In addition, if a restriction is enacted, the framework for implementation and enforcement of the restriction is included in this document. The goal of any restriction is to change the behaviors to force deliveries with smaller vehicles. Although any restriction will not completely eliminate property damage and congestion, the goal of implementing the restrictions is to substantially reduce the frequency of occurrences.

Traffic counts were collected along various roadways and at certain intersections within the Town to determine the location and circulation patterns of large vehicles. Truck movements for several types and lengths of trucks were then analyzed at several intersections representative of typical conditions throughout the Town to determine which, if any, trucks can maneuver local streets without encroaching on private property.

A review was performed to identify Florida municipalities that have implemented truck restrictions. Based on these analyses, a truck restriction plan was developed, identifying streets that should have truck restrictions.

IDENTIFICATION OF ISSUE

Town residents have raised concern to Town staff that certain trucks have caused property damage when navigating local streets, including damage to turf, vegetation and minor structures. Additionally, trucks have been observed to cause congestion when attempting to turn onto and from local streets; especially with large trucks, multiple-point turns have been observed to be required, often also creating property damage.

Enforcement of trucks causing the damage and congestion is challenging, because by the time the incident is reported and responded to, the truck has moved to a different location within the Town or has left the Town entirely. Furthermore, truck drivers may not be aware that they are driving into parts of Town that are difficult to navigate, and may find themselves trapped, requiring them to damage property to maneuver and leave the Town.

This study has been limited to Town-maintained roadways only. The Town does not have jurisdiction to control vehicular movement on State Roads, such as County Road and all three bridges to the Town. State roads are also typically designed and constructed to accommodate larger vehicles, and the known problem areas are in residential districts in the north end and midtown.

Nonetheless, it is important to consider the need for large trucks to occasionally circulate even on narrow neighborhood streets. Events such as residential construction or delivery of large items must be allowed as matter of course for the Town. Therefore, a system of permitting and monitoring are required.

CASE STUDY REVIEW

An exhaustive review of municipalities within Florida which have implemented truck restrictions was performed. Reviews of resolutions and ordinances in many municipalities was performed, including but not limited to:

- Sanibel
- Jupiter Island
- Miami Beach
- Fort Lauderdale
- Longboat Key
- Sarasota
- Fernandina Beach
- Delray Beach
- Boca Raton

In general, it was determined that many municipalities have developed plans and implemented enforcement of truck *parking* and *loading*, but very few have implemented restriction plans for the movement of trucks through neighborhoods and on specific streets. In some areas, truck routes have been developed to direct trucks around certain areas, but no actual restriction is established. Only three municipalities were determined to have truck regulation plans that weren't specifically limited to parking or loading. A summary of a these examples is included.

City of Tampa

The City of Tampa has established truck routes throughout the central part of the City. Truck routes were approved by Ordinance in 2011 and updated in 2016. The purpose of the truck route study was, similar to the intent of the Town, to balance the needs of commerce and truckers with the desire to be sensitive to certain land uses and neighborhoods.

Truck routes were established in the City. Any truck driver that is determined to be in violation of using designated truck routes (i.e. by using a local neighborhood street) is subject to a civil violation, similar to a parking ticket, if the driver cannot provide evidence of need for travelling off of designated truck routes.

Per Tampa's Code of Ordinances:

All regulated trucks within the city shall be operated only over and along the designated truck routes established in subsection (a) above.

Enforcement is also established in the Code:

...[T]he driver of a regulated truck may travel over and along a street not designated as a truck route only as necessary whereto perform its business its destination lies on or within in a manner that minimizes the distance traveled over and along the non-truck route street, or as necessary to perform its business, in a manner that minimizes the distance traveled over and along the non-truck route street.

An advantage of this type of restriction plan is that government resources are not burdened by pre-approving certain types of trucks, or types of trucks for certain events; a truck driver must simply convince an officer that they are required to circulate on local streets to perform their duties. A disadvantage of this system is that there is little incentive for trucking companies to change their routing or types of trucks to accommodate the nature of the street network, and little can be done to prevent damage to private property if officers allow large trucks to continue to operate. Once a truck enters a neighborhood with narrow streets, it may have to physically damage private property to turn and exit the neighborhood.

City of Jacksonville

The City of Jacksonville recently adopted a truck routing ordinance in 2019. Much like Tampa, the City adopted a map identifying truck routes, does not specifically prohibit trucks from any roadway, and establishes the ability to ticket truck drivers not using designated routes. Deliveries are still allowed on local streets.

City streets are designated as Blue (preferred truck route), Gray (non-regulated) and Red (restricted for trucks except deliveries). Jacksonville's Code regulates trucks on red routes:

The driver of a regulated truck may travel on a Restricted Road (Red) for the primary purpose of delivery and pickup. The driver of the regulated truck must return to the Preferred (Blue) or non-regulated (Gray) truck route network by the shortest possible distance after completion of the delivery and/or pickup.

If the driver is observed on the Red route by an officer, the following Code applies:

Any person driving or in charge or control of any regulated truck operating on a Restricted Road (Red) shall be prepared to present for the inspection to the Jacksonville Sheriff's Office ("JSO") officers, the truck's log book, weight slips, delivery slips, or other written records of the regulated truck's origin and destination to justify the operation on the Restricted Road (Red).

Like Tampa's truck routing system, the decision to enforce truck routing falls to police enforcement, and only once a truck has travelled on restricted road.

City staff indicated that they would not sign each individual street or neighborhood discouraging trucks but would assess the situations on individual bases based on resident complaints.

St. Augustine

The City of St. Augustine has a truck restriction plan in place in their downtown historic district. This plan expressly prohibits trucks on certain roadways. Unlike Tampa and Jacksonville, certain streets are expressly prohibited for use by trucks, without exception for local deliveries; all trucks can be cited. Any truck needing to travel the prohibited streets must get a permit to do so. The City's Code specifically states:

It shall be unlawful for any person to operate any motor vehicle having a greater length than twenty-four (24) feet or greater width than eight (8) feet or greater height than eight (8) feet upon any of the following designated narrow streets or portions thereof of the city without a permit from the chief of police as hereinafter provided; provided that this section shall not be applicable to any authorized public service vehicle, nor shall the same be applicable to any franchised sight-seeing motor vehicles.

St. Augustine's restriction was based on physical constraints of the City's narrow streets, with limited turning ability for larger vehicles, whereas most other truck restriction plans were developed to reduce cut-through trips, or trips within residential areas. Much like St. Augustine, the Town has narrow streets in the residential areas with limited ability for larger vehicles to turn. Based on observation, the trucking industry has adapted to the restriction, since no vehicles larger than a delivery van were observed in the area. Furthermore, this area serves a large tourist population, with many restaurants and retail shops; therefore, deliveries occur in this area on a consistent basis.

The City of St. Augustine allows the Chief of Police to issue permits as necessary to allow larger trucks in the restriction area:

The chief of police is hereby authorized to issue special permits, in writing, under the provisions of F.S. § 316.550 and shall charge therefor such fees as shall have been set by the city manager pursuant to the provisions of section 2-74 and as shall be consistent with the provisions of F.S. § 316.550.



Figure 1: Narrow Street with Truck Restriction in St. Augustine



Figure 2: Example of Truck Restriction Sign in St. Augustine



Figure 3: Truck Restriction Informational Sign

DATA AND ANALYSIS

Review of Existing Conditions

A field review was performed to confirm that large vehicles are creating physical damage to private property. Below are photos confirming the effects of the large vehicles unable to make turns within the roadway.

Jamaica Lane & North Ocean Boulevard

The intersection of Jamaica Lane & North Ocean Boulevard was observed to have damage to grassy areas adjacent to the intersection. This is consistent with large vehicles being unable to turn with the paved surface area.



Figure 4: Jamaica Lane & North Ocean Boulevard

Arabian Road & North Ocean Boulevard

The curb at the intersection of Arabian Road & North Ocean Boulevard was observed to be cracked and broken. This is indicative of heavy vehicles mounting the curb, most likely as a result of not being able to navigate the intersection. The drainage inlet at this location was also observed to be damaged. It should be noted that several intersections throughout town were observed to have cracked and broken curbing; it was not limited to this intersection.



Figure 5: Arabian Road & North Ocean Boulevard

Debra Lane & North Lake Way

Damage to the landscaped area outside of the paved area at the intersection of Debra Lane & North Lake Way was observed. Furthermore, damage to the turn on the west side of the T intersection was observed, indicating that large vehicles are not able to maneuver without exiting the paved intersection.



Figure 6: Debra Lane & North Lake Way



Figure 7: Debra Lane & North Lake Way

Truck Counts

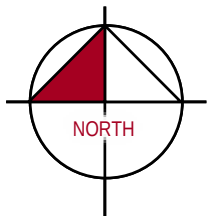
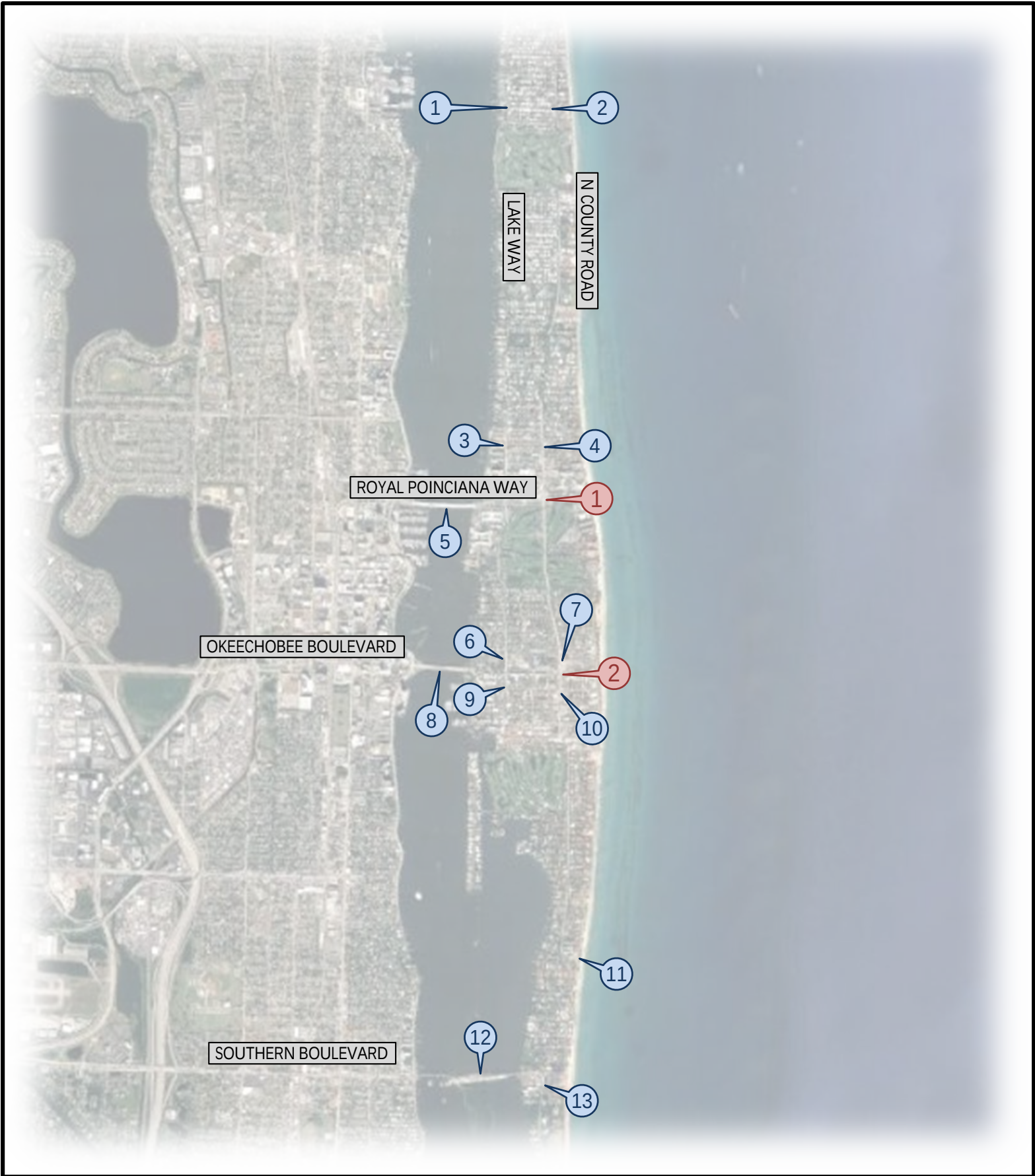
Vehicle classification counts were performed at several locations through the Town to provide an understanding of the number of trucks, types of trucks, and overall number of vehicles.

Figure 8 illustrates the locations of data collection. The locations were chosen to provide an understanding of where the trucks circulate within the town, and the overall impact of truck traffic.

Data was collected on four consecutive weekdays and two weekend days in January 2020. This represents peak season in the Town and represents the peak amount of truck traffic. It should be noted that some truck traffic is consistent throughout the year (such as landscaping vehicles), but deliveries and service trucks increase in the peak season due to increased population.

The data was summarized for each of the 13 count locations, to determine what percentage of trucks are present on each of the study roads throughout the day. The counts were averaged over a 96-hour period to determine an average weekday daily volume, and the counts were averaged over a 48-hour period to determine an average weekend daily volume.

Truck data was summarized into three categories, single-unit (SU) trucks, SU articulated trucks (SU artic.), and any trucks larger than the SU articulated truck (Large). Figure 9 illustrates the types of trucks expected for each class. For this analysis SU trucks are comprised of classes 3-7, SU articulated trucks are class 8, and classes 9-13 comprise the Large truck class. The data is summarized for each location by truck type in the following pages. Percentages represent percent of total traffic for that time period.



LEGEND

- # MACHINE COUNT LOCATIONS
- # TMC LOCATIONS

FIGURE 8
PALM BEACH TRUCK PROHIBITION
KH #044063244
DATA COLLECTION LOCATIONS

Class 1 Motorcycles		Class 7 Four or more axle, single unit	
Class 2 Passenger cars			
			
		Class 8 Four or less axle, single trailer	
			
Class 3 Four tire, single unit		Class 9 5-Axle tractor semitrailer	
			
			
Class 4 Buses		Class 10 Six or more axle, single trailer	
			
		Class 11 Five or less axle, multi trailer	
Class 5 Two axle, six tire, single unit		Class 12 Six axle, multi-trailer	
			
		Class 13 Seven or more axle, multi-trailer	
Class 6 Three axle, single unit			
			
			

Source: Traffic Survey Specialists, Inc.

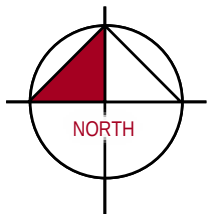


FIGURE 9
PALM BEACH TRUCK PROHIBITION
KH #044063244
VEHICLE CLASSIFICATION CHART

Location 1: Lake Way, north of Tradewinds Drive

Continuous tube counts were collected along Lake Way, just north of Tradewinds Drive on the north side of the Palm Beach Country Club. It was determined that weekday total truck volumes make up about 2.8% of total vehicle traffic. The average weekend total truck percentages are about half of that on weekends, at 1.5% of the total vehicle traffic. Table 1 summarizes the hourly truck volumes at this location as a percentage of total vehicle traffic.

Table 1: Location 1 Truck Percentage Summary

Weekday					Weekend				
Time Period	SU			Large	Time Period	SU			Large
	SU	Artic.	Large			SU	Artic.	Large	
AM	0:00-1:00	0.0%	0.0%	0.0%	AM	0:00-1:00	0.0%	0.0%	0.0%
	1:00-2:00	0.0%	0.0%	0.0%		1:00-2:00	0.0%	0.0%	0.0%
	2:00-3:00	0.0%	0.0%	0.0%		2:00-3:00	0.0%	0.0%	0.0%
	3:00-4:00	0.0%	0.0%	0.0%		3:00-4:00	0.0%	0.0%	0.0%
	4:00-5:00	0.0%	0.0%	0.0%		4:00-5:00	0.0%	0.0%	0.0%
	5:00-6:00	0.0%	0.0%	0.0%		5:00-6:00	0.0%	0.0%	0.0%
	6:00-7:00	1.1%	0.0%	0.0%		6:00-7:00	0.0%	0.0%	0.0%
	7:00-8:00	1.1%	0.0%	0.0%		7:00-8:00	2.9%	0.0%	0.0%
	8:00-9:00	3.8%	0.0%	0.0%		8:00-9:00	3.6%	0.0%	0.0%
	9:00-10:00	4.1%	0.1%	0.0%		9:00-10:00	1.4%	0.0%	0.0%
	10:00-11:00	3.4%	0.1%	0.0%		10:00-11:00	1.2%	0.0%	0.0%
	11:00-12:00	3.7%	0.0%	0.0%		11:00-12:00	2.7%	0.0%	0.0%
PM	12:00-1:00	3.3%	0.0%	0.0%	PM	12:00-1:00	2.3%	0.0%	0.0%
	1:00-2:00	3.8%	0.0%	0.0%		1:00-2:00	1.8%	0.0%	0.0%
	2:00-3:00	2.7%	0.1%	0.0%		2:00-3:00	1.8%	0.0%	0.0%
	3:00-4:00	3.1%	0.1%	0.0%		3:00-4:00	0.8%	0.0%	0.0%
	4:00-5:00	2.2%	0.1%	0.0%		4:00-5:00	0.9%	0.0%	0.0%
	5:00-6:00	1.3%	0.0%	0.0%		5:00-6:00	0.9%	0.0%	0.0%
	6:00-7:00	0.4%	0.0%	0.0%		6:00-7:00	0.9%	0.0%	0.0%
	7:00-8:00	0.3%	0.0%	0.0%		7:00-8:00	2.9%	0.0%	0.0%
	8:00-9:00	0.6%	0.0%	0.0%		8:00-9:00	0.0%	0.0%	0.0%
	9:00-10:00	0.4%	0.0%	0.0%		9:00-10:00	0.0%	0.0%	0.0%
	10:00-11:00	1.3%	0.0%	0.0%		10:00-11:00	3.3%	0.0%	0.0%
	11:00-12:00	1.3%	0.0%	0.0%		11:00-12:00	0.0%	0.0%	0.0%
Total 24-hour		2.7%	0.1%	0.0%	Total 24-hour		1.5%	0.0%	0.0%

Location 2: Ocean Boulevard, north of Jamaica Lane

Continuous tube counts were collected along Ocean Boulevard, just north of Jamaica Lane on the north side of the Palm Beach Country Club. It was determined that weekday total truck volumes make up about 3.2% of total vehicle traffic. The average weekend total truck percentages are about half of that on weekends, at 1.6% of the total vehicle traffic. Table 2 summarizes the hourly truck volumes at this location as a percentage of total vehicle traffic.

Table 2: Location 2 Truck Percentage Summary

Weekday					Weekend				
	Time Period	SU				Time Period	SU		
		SU	Artic.	Large			SU	Artic.	Large
AM	0:00-1:00	14.3%	0.0%	0.0%	AM	0:00-1:00	0.0%	0.0%	0.0%
	1:00-2:00	0.0%	0.0%	0.0%		1:00-2:00	0.0%	0.0%	0.0%
	2:00-3:00	5.6%	0.0%	0.0%		2:00-3:00	0.0%	0.0%	0.0%
	3:00-4:00	0.0%	0.0%	0.0%		3:00-4:00	0.0%	0.0%	0.0%
	4:00-5:00	0.0%	0.0%	0.0%		4:00-5:00	25.0%	0.0%	0.0%
	5:00-6:00	1.5%	0.0%	0.0%		5:00-6:00	0.0%	0.0%	0.0%
	6:00-7:00	1.8%	0.0%	0.0%		6:00-7:00	2.7%	0.0%	0.0%
	7:00-8:00	2.0%	0.1%	0.2%		7:00-8:00	2.4%	0.0%	0.0%
	8:00-9:00	4.2%	0.1%	0.1%		8:00-9:00	1.4%	0.0%	0.0%
	9:00-10:00	4.4%	0.1%	0.1%		9:00-10:00	1.1%	0.5%	0.0%
	10:00-11:00	3.9%	0.2%	0.1%		10:00-11:00	3.2%	0.4%	0.0%
	11:00-12:00	3.9%	0.1%	0.1%		11:00-12:00	2.2%	0.0%	0.0%
PM	12:00-1:00	3.4%	0.1%	0.0%	PM	12:00-1:00	1.6%	0.0%	0.0%
	1:00-2:00	3.7%	0.1%	0.1%		1:00-2:00	1.3%	0.0%	0.0%
	2:00-3:00	3.5%	0.1%	0.1%		2:00-3:00	1.6%	0.0%	0.0%
	3:00-4:00	3.9%	0.0%	0.0%		3:00-4:00	1.6%	0.0%	0.0%
	4:00-5:00	2.4%	0.1%	0.0%		4:00-5:00	1.4%	0.0%	0.0%
	5:00-6:00	1.2%	0.0%	0.0%		5:00-6:00	0.7%	0.0%	0.0%
	6:00-7:00	0.7%	0.0%	0.0%		6:00-7:00	1.0%	0.0%	0.0%
	7:00-8:00	0.4%	0.0%	0.0%		7:00-8:00	0.6%	0.0%	0.0%
	8:00-9:00	0.5%	0.0%	0.0%		8:00-9:00	0.9%	0.0%	0.0%
	9:00-10:00	0.3%	0.0%	0.0%		9:00-10:00	1.2%	0.0%	0.0%
	10:00-11:00	0.4%	0.0%	0.0%		10:00-11:00	1.2%	0.0%	0.0%
	11:00-12:00	0.9%	0.0%	0.0%		11:00-12:00	2.4%	0.0%	0.0%
Total 24-hour		3.1%	0.1%	0.0%	Total 24-hour		1.5%	0.1%	0.0%

Location 3: Bradley Place, south of Seminole Avenue

Continuous tube counts were collected along Bradley Place, just south of Seminole Avenue on the west side of the island. It was determined that weekday total truck volumes make up about 2.3% of total vehicle traffic. There were a number of large trucks that were counted at this location and is due to the commercial land uses in the vicinity of the count site. The average weekend total truck percentages are more than half of that on weekends, at 1.5% of the total vehicle traffic. Table 3 summarizes the hourly truck volumes at this location as a percentage of total vehicle traffic.

Table 3: Location 3 Truck Percentage Summary

Weekday					Weekend				
Time Period	SU			Large	Time Period	SU			Large
	SU	Artic.	Large			SU	Artic.	Large	
AM	0:00-1:00	0.0%	0.0%	0.0%	AM	0:00-1:00	3.8%	0.0%	0.0%
	1:00-2:00	0.0%	0.0%	0.0%		1:00-2:00	0.0%	0.0%	0.0%
	2:00-3:00	0.0%	0.0%	0.0%		2:00-3:00	0.0%	0.0%	0.0%
	3:00-4:00	0.0%	0.0%	0.0%		3:00-4:00	0.0%	0.0%	0.0%
	4:00-5:00	2.2%	0.0%	0.0%		4:00-5:00	7.7%	0.0%	0.0%
	5:00-6:00	0.9%	0.0%	0.0%		5:00-6:00	4.0%	0.0%	0.0%
	6:00-7:00	0.7%	0.0%	0.0%		6:00-7:00	2.1%	0.0%	0.0%
	7:00-8:00	1.5%	0.1%	0.0%		7:00-8:00	1.5%	0.0%	0.0%
	8:00-9:00	2.8%	0.0%	0.1%		8:00-9:00	2.6%	0.0%	0.0%
	9:00-10:00	2.9%	0.1%	0.0%		9:00-10:00	1.8%	0.0%	0.0%
	10:00-11:00	2.6%	0.1%	0.0%		10:00-11:00	1.7%	0.0%	0.0%
PM	11:00-12:00	2.5%	0.0%	0.0%	PM	11:00-12:00	2.1%	0.0%	0.0%
	12:00-1:00	2.5%	0.0%	0.0%		12:00-1:00	1.7%	0.0%	0.0%
	1:00-2:00	2.4%	0.1%	0.0%		1:00-2:00	1.0%	0.0%	0.0%
	2:00-3:00	2.2%	0.0%	0.0%		2:00-3:00	1.2%	0.0%	0.0%
	3:00-4:00	2.5%	0.1%	0.1%		3:00-4:00	1.1%	0.0%	0.0%
	4:00-5:00	2.4%	0.1%	0.7%		4:00-5:00	1.1%	0.3%	0.0%
	5:00-6:00	1.1%	0.1%	0.1%		5:00-6:00	1.1%	0.0%	0.0%
	6:00-7:00	0.7%	0.0%	0.2%		6:00-7:00	0.9%	0.0%	0.0%
	7:00-8:00	0.8%	0.0%	0.1%		7:00-8:00	1.7%	0.0%	0.4%
	8:00-9:00	0.9%	0.2%	0.2%		8:00-9:00	1.8%	0.0%	0.0%
	9:00-10:00	1.0%	0.0%	0.2%		9:00-10:00	1.3%	0.0%	0.0%
	10:00-11:00	0.6%	0.0%	0.3%		10:00-11:00	2.5%	0.0%	0.0%
	11:00-12:00	0.0%	0.0%	0.0%		11:00-12:00	2.6%	0.0%	0.0%
Total 24-hour		2.1%	0.1%	0.1%	Total 24-hour		1.5%	0.0%	0.0%

Location 4: County Road, south of Seminole Avenue

Continuous tube counts were collected along County Road, just south of Seminole Avenue located in the center of the island. It was determined that weekday total truck volumes make up about 3.5% of total vehicle traffic. The average weekend total truck percentages are more than half of that on weekends, at 1.9% of the total vehicle traffic. Table 4 summarizes the hourly truck volumes at this location as a percentage of total vehicle traffic.

Table 4: Location 4 Truck Percentage Summary

Weekday					Weekend				
Time Period	SU			Large	Time Period	SU			Large
	SU	Artic.	Large			SU	Artic.	Large	
AM	0:00-1:00	6.7%	0.0%	0.0%	AM	0:00-1:00	0.0%	0.0%	0.0%
	1:00-2:00	0.0%	0.0%	0.0%		1:00-2:00	3.2%	0.0%	0.0%
	2:00-3:00	0.0%	0.0%	0.0%		2:00-3:00	0.0%	0.0%	0.0%
	3:00-4:00	0.0%	0.0%	0.0%		3:00-4:00	0.0%	0.0%	0.0%
	4:00-5:00	0.0%	0.0%	0.0%		4:00-5:00	10.0%	0.0%	0.0%
	5:00-6:00	1.0%	0.0%	0.0%		5:00-6:00	5.0%	0.0%	0.0%
	6:00-7:00	2.1%	0.0%	0.0%		6:00-7:00	3.1%	0.0%	0.0%
	7:00-8:00	3.3%	0.1%	0.1%		7:00-8:00	2.3%	0.5%	0.0%
	8:00-9:00	4.8%	0.2%	0.1%		8:00-9:00	1.6%	0.0%	0.0%
	9:00-10:00	4.7%	0.1%	0.1%		9:00-10:00	2.1%	0.2%	0.0%
	10:00-11:00	4.2%	0.1%	0.1%		10:00-11:00	2.8%	0.0%	0.0%
	11:00-12:00	4.1%	0.1%	0.1%		11:00-12:00	2.9%	0.0%	0.0%
PM	12:00-1:00	3.8%	0.1%	0.1%	PM	12:00-1:00	2.1%	0.2%	0.0%
	1:00-2:00	3.7%	0.1%	0.1%		1:00-2:00	1.7%	0.0%	0.2%
	2:00-3:00	3.6%	0.1%	0.1%		2:00-3:00	1.5%	0.2%	0.2%
	3:00-4:00	3.6%	0.1%	0.1%		3:00-4:00	2.0%	0.0%	0.2%
	4:00-5:00	2.7%	0.1%	0.2%		4:00-5:00	1.4%	0.0%	0.0%
	5:00-6:00	1.6%	0.0%	0.0%		5:00-6:00	1.3%	0.0%	0.0%
	6:00-7:00	0.8%	0.0%	0.0%		6:00-7:00	1.2%	0.0%	0.0%
	7:00-8:00	0.6%	0.0%	0.0%		7:00-8:00	0.6%	0.0%	0.0%
	8:00-9:00	0.4%	0.0%	0.0%		8:00-9:00	1.4%	0.0%	0.0%
	9:00-10:00	0.4%	0.0%	0.0%		9:00-10:00	1.4%	0.0%	0.0%
	10:00-11:00	0.3%	0.0%	0.0%		10:00-11:00	1.0%	0.0%	0.0%
	11:00-12:00	0.8%	0.0%	0.0%		11:00-12:00	1.1%	0.0%	0.0%
Total 24-hour		3.3%	0.1%	0.1%	Total 24-hour		1.8%	0.1%	0.0%

Location 5: Royal Poinciana Way, west of Coconut Row (North Bridge)

Continuous tube counts were collected on the northern bridge, Royal Poinciana Way. It was determined that weekday total truck volumes make up about 2.6% of total vehicle traffic. The average weekend total truck percentages are similar on weekends, at 2.1% of the total vehicle traffic. Table 5 summarizes the hourly truck volumes at this location as a percentage of total vehicle traffic.

Table 5: Location 5 Truck Percentage Summary

Weekday					Weekend				
Time Period	SU				Time Period	SU			
	SU	Artic.	Large			SU	Artic.	Large	
AM	0:00-1:00	4.2%	0.0%	0.0%	AM	0:00-1:00	1.1%	0.0%	0.0%
	1:00-2:00	1.8%	0.0%	0.0%		1:00-2:00	1.3%	0.0%	0.0%
	2:00-3:00	3.4%	0.0%	0.0%		2:00-3:00	0.9%	0.0%	0.0%
	3:00-4:00	3.1%	0.0%	0.0%		3:00-4:00	1.9%	0.0%	0.0%
	4:00-5:00	4.0%	0.4%	0.4%		4:00-5:00	4.5%	0.0%	0.0%
	5:00-6:00	2.4%	0.2%	0.3%		5:00-6:00	5.2%	0.0%	0.0%
	6:00-7:00	3.2%	0.1%	0.1%		6:00-7:00	3.5%	0.0%	0.0%
	7:00-8:00	3.2%	0.1%	0.1%		7:00-8:00	2.0%	0.0%	0.0%
	8:00-9:00	3.4%	0.1%	0.1%		8:00-9:00	1.2%	0.0%	0.0%
	9:00-10:00	3.3%	0.1%	0.1%		9:00-10:00	1.8%	0.3%	0.0%
	10:00-11:00	3.1%	0.2%	0.1%		10:00-11:00	1.8%	0.2%	0.2%
	11:00-12:00	2.9%	0.1%	0.1%		11:00-12:00	2.4%	0.1%	0.1%
PM	12:00-1:00	2.9%	0.1%	0.1%	PM	12:00-1:00	2.0%	0.1%	0.1%
	1:00-2:00	2.8%	0.1%	0.2%		1:00-2:00	2.3%	0.2%	0.2%
	2:00-3:00	2.5%	0.2%	0.1%		2:00-3:00	1.7%	0.1%	0.1%
	3:00-4:00	2.7%	0.1%	0.1%		3:00-4:00	2.4%	0.1%	0.1%
	4:00-5:00	2.2%	0.1%	0.1%		4:00-5:00	2.1%	0.2%	0.1%
	5:00-6:00	1.5%	0.0%	0.0%		5:00-6:00	2.2%	0.3%	0.2%
	6:00-7:00	0.9%	0.0%	0.0%		6:00-7:00	1.4%	0.1%	0.0%
	7:00-8:00	0.8%	0.1%	0.0%		7:00-8:00	1.3%	0.0%	0.0%
	8:00-9:00	0.8%	0.0%	0.0%		8:00-9:00	1.3%	0.0%	0.0%
	9:00-10:00	0.9%	0.0%	0.0%		9:00-10:00	1.8%	0.0%	0.0%
	10:00-11:00	0.6%	0.0%	0.0%		10:00-11:00	1.7%	0.0%	0.0%
	11:00-12:00	0.6%	0.0%	0.0%		11:00-12:00	1.5%	0.0%	0.0%
Total 24-hour		2.4%	0.1%	0.1%	Total 24-hour		1.9%	0.1%	0.1%

Location 6: Coconut Row, north of Seaview Avenue

Continuous tube counts were collected along Coconut Row, just north of Seaview Avenue. It was determined that weekday total truck volumes make up about 1.6% of total vehicle traffic. The average weekend total truck percentages are greater on weekends, at 1.8% of the total vehicle traffic. This was found to be one of only two locations where weekend truck percentages exceed that found on weekdays. Table 6 summarizes the hourly truck volumes at this location as a percentage of total vehicle traffic.

Table 6: Location 6 Truck Percentage Summary

Weekday					Weekend				
Time Period	SU			Large	Time Period	SU			Large
	SU	Artic.	Large			SU	Artic.	Large	
AM	0:00-1:00	0.0%	0.0%	0.0%	AM	0:00-1:00	2.1%	0.0%	0.0%
	1:00-2:00	2.6%	0.0%	0.0%		1:00-2:00	0.0%	0.0%	0.0%
	2:00-3:00	5.6%	0.0%	0.0%		2:00-3:00	4.5%	0.0%	0.0%
	3:00-4:00	0.0%	0.0%	0.0%		3:00-4:00	7.1%	0.0%	0.0%
	4:00-5:00	1.4%	0.0%	1.4%		4:00-5:00	4.2%	0.0%	4.2%
	5:00-6:00	1.7%	0.0%	1.1%		5:00-6:00	2.3%	0.0%	0.0%
	6:00-7:00	1.6%	0.2%	0.0%		6:00-7:00	4.0%	0.0%	0.0%
	7:00-8:00	1.8%	0.1%	0.1%		7:00-8:00	2.1%	0.3%	0.0%
	8:00-9:00	2.6%	0.0%	0.0%		8:00-9:00	2.8%	0.0%	0.0%
	9:00-10:00	2.3%	0.0%	0.0%		9:00-10:00	2.3%	0.2%	0.2%
	10:00-11:00	2.2%	0.1%	0.0%		10:00-11:00	2.1%	0.0%	0.1%
	11:00-12:00	1.8%	0.0%	0.0%		11:00-12:00	1.8%	0.0%	0.0%
PM	12:00-1:00	1.5%	0.0%	0.0%	PM	12:00-1:00	1.5%	0.0%	0.0%
	1:00-2:00	1.7%	0.0%	0.1%		1:00-2:00	1.6%	0.0%	0.2%
	2:00-3:00	1.6%	0.1%	0.1%		2:00-3:00	1.1%	0.2%	0.0%
	3:00-4:00	1.9%	0.1%	0.1%		3:00-4:00	1.1%	0.0%	0.2%
	4:00-5:00	1.5%	0.1%	0.2%		4:00-5:00	1.3%	0.0%	0.2%
	5:00-6:00	0.8%	0.0%	0.1%		5:00-6:00	1.6%	0.0%	0.2%
	6:00-7:00	0.4%	0.0%	0.0%		6:00-7:00	1.6%	0.0%	0.2%
	7:00-8:00	0.4%	0.0%	0.0%		7:00-8:00	0.7%	0.0%	0.0%
	8:00-9:00	0.3%	0.0%	0.0%		8:00-9:00	0.9%	0.0%	0.0%
	9:00-10:00	0.2%	0.0%	0.0%		9:00-10:00	1.0%	0.0%	0.0%
	10:00-11:00	0.3%	0.0%	0.0%		10:00-11:00	0.5%	0.0%	0.0%
	11:00-12:00	0.6%	0.0%	0.0%		11:00-12:00	2.2%	0.0%	0.0%
Total 24-hour		1.5%	0.0%	0.1%	Total 24-hour		1.7%	0.0%	0.1%

Location 7: County Road, north of Seaview Avenue

Continuous tube counts were collected along County Road, just north of Seaview Avenue. It was determined that weekday total truck volumes make up about 2.8% of total vehicle traffic. The average weekend total truck percentages are about half of that on weekends, at 2.0% of the total vehicle traffic. Table 7 summarizes the hourly truck volumes at this location as a percentage of total vehicle traffic.

Table 7: Location 7 Truck Percentage Summary

Weekday					Weekend				
Time Period	SU				Time Period	SU			
	SU	Artic.	Large			SU	Artic.	Large	
AM	0:00-1:00	2.1%	0.0%	0.0%	AM	0:00-1:00	0.6%	0.0%	0.0%
	1:00-2:00	1.1%	0.0%	0.0%		1:00-2:00	1.0%	0.0%	0.0%
	2:00-3:00	0.0%	0.0%	0.0%		2:00-3:00	3.2%	0.0%	0.0%
	3:00-4:00	1.1%	0.0%	0.0%		3:00-4:00	0.0%	0.0%	0.0%
	4:00-5:00	1.4%	0.0%	0.0%		4:00-5:00	2.4%	0.0%	0.0%
	5:00-6:00	1.9%	0.0%	0.0%		5:00-6:00	4.2%	0.0%	0.0%
	6:00-7:00	3.5%	0.0%	0.0%		6:00-7:00	3.2%	0.5%	0.0%
	7:00-8:00	4.1%	0.1%	0.1%		7:00-8:00	3.7%	0.3%	0.3%
	8:00-9:00	5.3%	0.2%	0.0%		8:00-9:00	4.5%	0.2%	0.2%
	9:00-10:00	4.2%	0.1%	0.0%		9:00-10:00	2.9%	0.0%	0.0%
	10:00-11:00	4.0%	0.2%	0.1%		10:00-11:00	3.0%	0.1%	0.1%
	11:00-12:00	3.3%	0.1%	0.1%		11:00-12:00	2.0%	0.1%	0.1%
PM	12:00-1:00	2.9%	0.1%	0.0%	PM	12:00-1:00	1.5%	0.0%	0.0%
	1:00-2:00	2.9%	0.1%	0.1%		1:00-2:00	1.3%	0.1%	0.1%
	2:00-3:00	2.5%	0.1%	0.1%		2:00-3:00	1.7%	0.1%	0.0%
	3:00-4:00	2.8%	0.1%	0.1%		3:00-4:00	1.7%	0.0%	0.2%
	4:00-5:00	1.9%	0.1%	0.1%		4:00-5:00	1.7%	0.2%	0.1%
	5:00-6:00	1.3%	0.0%	0.0%		5:00-6:00	0.8%	0.1%	0.1%
	6:00-7:00	0.7%	0.0%	0.0%		6:00-7:00	1.0%	0.0%	0.0%
	7:00-8:00	0.5%	0.0%	0.0%		7:00-8:00	0.8%	0.2%	0.0%
	8:00-9:00	0.4%	0.1%	0.0%		8:00-9:00	0.9%	0.2%	0.0%
	9:00-10:00	0.5%	0.0%	0.0%		9:00-10:00	1.4%	0.0%	0.0%
	10:00-11:00	0.4%	0.0%	0.0%		10:00-11:00	0.9%	0.0%	0.0%
	11:00-12:00	0.6%	0.0%	0.0%		11:00-12:00	1.1%	0.0%	0.0%
Total 24-hour		2.6%	0.1%	0.1%	Total 24-hour		1.8%	0.1%	0.1%

Location 8: Royal Palm Way, west of Lake Drive (Middle Bridge)

Continuous tube counts were collected on the middle bridge, Royal Palm Way. It was determined that weekday total truck volumes make up about 1.7% of total vehicle traffic. The average weekend total truck percentages are greater on weekends, at 1.9% of the total vehicle traffic. This was found to be one of only two locations where weekend truck percentages exceed that found on weekdays. Table 8 summarizes the hourly truck volumes at this location as a percentage of total vehicle traffic.

Table 8: Location 8 Truck Percentage Summary

Weekday					Weekend				
Time Period	SU				Time Period	SU			
	SU	Artic.	Large			SU	Artic.	Large	
AM	0:00-1:00	2.4%	0.0%	0.0%	AM	0:00-1:00	1.1%	0.3%	0.0%
	1:00-2:00	1.1%	0.0%	0.6%		1:00-2:00	0.6%	0.0%	0.6%
	2:00-3:00	2.5%	0.0%	0.0%		2:00-3:00	1.4%	0.0%	0.0%
	3:00-4:00	0.9%	0.0%	0.0%		3:00-4:00	1.8%	0.0%	1.8%
	4:00-5:00	1.3%	0.0%	0.3%		4:00-5:00	2.8%	0.0%	0.0%
	5:00-6:00	0.9%	0.3%	0.1%		5:00-6:00	1.8%	0.6%	0.0%
	6:00-7:00	1.6%	0.1%	0.1%		6:00-7:00	2.6%	0.3%	0.0%
	7:00-8:00	1.8%	0.1%	0.1%		7:00-8:00	2.2%	0.1%	0.2%
	8:00-9:00	2.5%	0.1%	0.2%		8:00-9:00	2.9%	0.1%	0.0%
	9:00-10:00	2.4%	0.1%	0.3%		9:00-10:00	2.3%	0.3%	0.2%
	10:00-11:00	2.3%	0.1%	0.2%		10:00-11:00	2.0%	0.2%	0.2%
PM	11:00-12:00	1.9%	0.1%	0.1%	PM	11:00-12:00	1.8%	0.3%	0.1%
	12:00-1:00	1.7%	0.1%	0.1%		12:00-1:00	1.7%	0.2%	0.1%
	1:00-2:00	1.9%	0.1%	0.1%		1:00-2:00	1.4%	0.2%	0.1%
	2:00-3:00	1.7%	0.1%	0.1%		2:00-3:00	1.4%	0.2%	0.1%
	3:00-4:00	1.5%	0.1%	0.0%		3:00-4:00	1.4%	0.1%	0.1%
	4:00-5:00	1.2%	0.1%	0.1%		4:00-5:00	1.3%	0.2%	0.1%
	5:00-6:00	1.0%	0.1%	0.2%		5:00-6:00	1.7%	0.3%	0.2%
	6:00-7:00	0.5%	0.1%	0.0%		6:00-7:00	1.0%	0.1%	0.1%
	7:00-8:00	0.4%	0.1%	0.1%		7:00-8:00	0.9%	0.2%	0.0%
	8:00-9:00	0.4%	0.0%	0.0%		8:00-9:00	1.0%	0.0%	0.1%
	9:00-10:00	0.3%	0.0%	0.0%		9:00-10:00	0.8%	0.2%	0.0%
	10:00-11:00	0.5%	0.0%	0.0%		10:00-11:00	0.6%	0.0%	0.0%
	11:00-12:00	0.3%	0.0%	0.0%		11:00-12:00	1.4%	0.0%	0.0%
Total 24-hour		1.5%	0.1%	0.1%	Total 24-hour		1.6%	0.2%	0.1%

Location 9: Coconut Row, south of Royal Palm Way

Continuous tube counts were collected along Coconut Row, just south of Royal Palm Way on the southern side of the island. It was determined that weekday total truck volumes make up about 2.6% of total vehicle traffic. The average weekend total truck percentages are greater than half of that on weekends, at 1.9% of the total vehicle traffic. Table 9 summarizes the hourly truck volumes at this location as a percentage of total vehicle traffic.

Table 9: Location 9 Truck Percentage Summary

Weekday					Weekend				
Time Period	SU			Large	Time Period	SU			Large
	SU	Artic.	Large			SU	Artic.	Large	
AM	0:00-1:00	0.0%	0.0%	0.0%	AM	0:00-1:00	1.5%	0.0%	0.0%
	1:00-2:00	0.0%	0.0%	0.0%		1:00-2:00	0.0%	0.0%	0.0%
	2:00-3:00	0.0%	0.0%	0.0%		2:00-3:00	0.0%	0.0%	0.0%
	3:00-4:00	0.0%	0.0%	0.0%		3:00-4:00	0.0%	0.0%	0.0%
	4:00-5:00	5.3%	0.0%	0.0%		4:00-5:00	0.0%	0.0%	0.0%
	5:00-6:00	2.1%	0.0%	0.0%		5:00-6:00	0.0%	0.0%	0.0%
	6:00-7:00	1.7%	0.0%	0.0%		6:00-7:00	2.6%	0.0%	0.0%
	7:00-8:00	3.0%	0.0%	0.0%		7:00-8:00	3.5%	0.0%	0.0%
	8:00-9:00	4.5%	0.0%	0.0%		8:00-9:00	4.3%	0.0%	0.0%
	9:00-10:00	4.8%	0.0%	0.0%		9:00-10:00	2.3%	0.0%	0.0%
	10:00-11:00	4.1%	0.2%	0.1%		10:00-11:00	2.8%	0.0%	0.0%
	11:00-12:00	3.4%	0.2%	0.1%		11:00-12:00	3.0%	0.0%	0.0%
PM	12:00-1:00	2.8%	0.1%	0.0%	PM	12:00-1:00	2.8%	0.0%	0.0%
	1:00-2:00	2.3%	0.1%	0.1%		1:00-2:00	1.4%	0.0%	0.0%
	2:00-3:00	2.7%	0.1%	0.2%		2:00-3:00	2.4%	0.0%	0.0%
	3:00-4:00	3.2%	0.0%	0.0%		3:00-4:00	1.9%	0.0%	0.0%
	4:00-5:00	2.3%	0.1%	0.1%		4:00-5:00	2.5%	0.4%	0.0%
	5:00-6:00	1.9%	0.1%	0.1%		5:00-6:00	0.7%	0.0%	0.0%
	6:00-7:00	1.1%	0.0%	0.0%		6:00-7:00	2.0%	0.0%	0.0%
	7:00-8:00	0.6%	0.0%	0.0%		7:00-8:00	1.1%	0.0%	0.0%
	8:00-9:00	0.4%	0.0%	0.0%		8:00-9:00	0.7%	0.0%	0.0%
	9:00-10:00	0.5%	0.0%	0.0%		9:00-10:00	0.7%	0.0%	0.0%
	10:00-11:00	0.6%	0.0%	0.0%		10:00-11:00	0.7%	0.0%	0.0%
	11:00-12:00	0.4%	0.0%	0.0%		11:00-12:00	1.0%	0.0%	0.0%
Total 24-hour		2.5%	0.1%	0.0%	Total 24-hour		1.9%	0.0%	0.0%

Location 10: County Road, south of Royal Palm Way

Continuous tube counts were collected along County Road, just south of Royal Palm Way on the southern side of the island. It was determined that weekday total truck volumes make up about 3.3% of total vehicle traffic. The average weekend total truck volumes are slightly less on weekends, at 2.8% of the total vehicle traffic. Table 10 summarizes the hourly truck volumes at this location as a percentage of total vehicle traffic.

Table 10: Location 10 Truck Percentage Summary

Weekday					Weekend				
	Time Period	SU				Time Period	SU		
		SU	Artic.	Large			SU	Artic.	Large
AM	0:00-1:00	0.0%	0.0%	0.0%	AM	0:00-1:00	1.1%	0.0%	0.0%
	1:00-2:00	0.0%	0.0%	0.0%		1:00-2:00	0.0%	0.0%	1.7%
	2:00-3:00	0.0%	0.0%	0.0%		2:00-3:00	0.0%	0.0%	0.0%
	3:00-4:00	2.1%	0.0%	0.0%		3:00-4:00	6.3%	0.0%	0.0%
	4:00-5:00	5.4%	0.0%	0.0%		4:00-5:00	4.5%	0.0%	0.0%
	5:00-6:00	2.7%	0.0%	0.0%		5:00-6:00	4.2%	0.0%	0.0%
	6:00-7:00	3.6%	0.0%	0.0%		6:00-7:00	3.1%	0.0%	0.0%
	7:00-8:00	4.7%	0.1%	0.0%		7:00-8:00	3.2%	0.0%	0.0%
	8:00-9:00	5.1%	0.1%	0.1%		8:00-9:00	3.9%	0.4%	0.0%
	9:00-10:00	4.9%	0.1%	0.2%		9:00-10:00	3.0%	0.0%	0.0%
	10:00-11:00	5.1%	0.1%	0.2%		10:00-11:00	2.9%	0.2%	0.2%
	11:00-12:00	4.1%	0.2%	0.1%		11:00-12:00	3.7%	0.2%	0.2%
PM	12:00-1:00	3.6%	0.1%	0.2%	PM	12:00-1:00	2.5%	0.1%	0.1%
	1:00-2:00	3.3%	0.2%	0.2%		1:00-2:00	2.3%	0.1%	0.1%
	2:00-3:00	3.2%	0.2%	0.2%		2:00-3:00	2.8%	0.1%	0.1%
	3:00-4:00	3.5%	0.1%	0.2%		3:00-4:00	2.9%	0.3%	0.1%
	4:00-5:00	2.9%	0.1%	0.1%		4:00-5:00	2.8%	0.1%	0.0%
	5:00-6:00	1.9%	0.1%	0.1%		5:00-6:00	2.1%	0.3%	0.2%
	6:00-7:00	1.2%	0.1%	0.1%		6:00-7:00	1.7%	0.0%	0.2%
	7:00-8:00	0.8%	0.0%	0.0%		7:00-8:00	2.1%	0.0%	0.0%
	8:00-9:00	0.9%	0.0%	0.0%		8:00-9:00	1.4%	0.0%	0.0%
	9:00-10:00	1.0%	0.0%	0.0%		9:00-10:00	1.9%	0.0%	0.0%
	10:00-11:00	1.0%	0.0%	0.0%		10:00-11:00	2.5%	0.0%	0.0%
	11:00-12:00	1.0%	0.0%	0.0%		11:00-12:00	2.7%	0.0%	0.0%
Total 24-hour		3.1%	0.1%	0.1%	Total 24-hour		2.6%	0.1%	0.1%

Location 11: Ocean Boulevard, north of Via Bellaria

Continuous tube counts were collected along Ocean Boulevard, just north of Via Bellaria on the southern side of the island. It was determined that weekday total truck volumes make up about 2.3% of total vehicle traffic. The average weekend total truck volumes are slightly less on weekends, at 1.5% of the total vehicle traffic. There was not a discernable number of trucks larger than the single-unit truck. Table 11 summarizes the hourly truck volumes at this location as a percentage of total vehicle traffic.

Table 11: Location 11 Truck Percentage Summary

Weekday					Weekend				
Time Period	SU			Large	Time Period	SU			Large
	SU	Artic.	Large			SU	Artic.	Large	
AM	0:00-1:00	4.3%	0.0%	0.0%	AM	0:00-1:00	0.0%	0.0%	0.0%
	1:00-2:00	0.0%	0.0%	2.5%		1:00-2:00	0.0%	0.0%	0.0%
	2:00-3:00	0.0%	0.0%	0.0%		2:00-3:00	3.0%	0.0%	0.0%
	3:00-4:00	0.0%	0.0%	0.0%		3:00-4:00	0.0%	0.0%	0.0%
	4:00-5:00	2.4%	0.0%	0.0%		4:00-5:00	9.1%	0.0%	0.0%
	5:00-6:00	1.1%	0.0%	0.0%		5:00-6:00	2.3%	0.0%	0.0%
	6:00-7:00	1.5%	0.0%	0.0%		6:00-7:00	0.9%	0.0%	0.0%
	7:00-8:00	2.9%	0.0%	0.0%		7:00-8:00	2.1%	0.0%	0.0%
	8:00-9:00	3.6%	0.1%	0.0%		8:00-9:00	2.8%	0.0%	0.0%
	9:00-10:00	3.2%	0.1%	0.1%		9:00-10:00	1.8%	0.0%	0.0%
	10:00-11:00	3.2%	0.1%	0.1%		10:00-11:00	1.8%	0.0%	0.0%
PM	11:00-12:00	2.9%	0.1%	0.1%		11:00-12:00	2.0%	0.0%	0.0%
	12:00-1:00	2.6%	0.0%	0.1%	PM	12:00-1:00	1.4%	0.1%	0.1%
	1:00-2:00	2.6%	0.1%	0.0%		1:00-2:00	1.7%	0.1%	0.0%
	2:00-3:00	2.2%	0.1%	0.0%		2:00-3:00	1.7%	0.1%	0.1%
	3:00-4:00	3.0%	0.0%	0.0%		3:00-4:00	1.7%	0.1%	0.0%
	4:00-5:00	2.0%	0.0%	0.1%		4:00-5:00	1.4%	0.0%	0.1%
	5:00-6:00	1.0%	0.0%	0.0%		5:00-6:00	1.3%	0.0%	0.1%
	6:00-7:00	0.6%	0.0%	0.0%		6:00-7:00	0.8%	0.0%	0.0%
	7:00-8:00	0.4%	0.0%	0.0%		7:00-8:00	0.5%	0.0%	0.0%
	8:00-9:00	0.4%	0.0%	0.0%		8:00-9:00	0.6%	0.0%	0.0%
	9:00-10:00	0.5%	0.0%	0.0%		9:00-10:00	0.7%	0.0%	0.0%
	10:00-11:00	0.7%	0.0%	0.0%		10:00-11:00	0.8%	0.0%	0.0%
	11:00-12:00	0.4%	0.0%	0.0%		11:00-12:00	0.8%	0.0%	0.0%
Total 24-hour		2.3%	0.0%	0.0%	Total 24-hour		1.5%	0.0%	0.0%

Location 12: Southern Boulevard, west of Ocean Boulevard (Southern Bridge)

Continuous tube counts were collected along the southern bridge, Southern Boulevard. It was determined that weekday total truck percentages make up about 2.4% of total vehicle traffic. The average weekend total truck percentages are greater than half of that on weekdays, at 1.7% of the total vehicle traffic. Table 12 summarizes the hourly truck volumes at this location as a percentage of total vehicle traffic.

Table 12: Location 12 Truck Percentage Summary

Weekday					Weekend				
Time Period	SU			Large	Time Period	SU			Large
	SU	Artic.	Large			SU	Artic.	Large	
AM	0:00-1:00	3.6%	0.0%	0.0%	AM	0:00-1:00	1.2%	0.0%	0.0%
	1:00-2:00	2.4%	0.0%	2.4%		1:00-2:00	0.0%	0.0%	0.0%
	2:00-3:00	0.0%	0.0%	0.0%		2:00-3:00	0.0%	0.0%	0.0%
	3:00-4:00	0.0%	0.0%	0.0%		3:00-4:00	0.0%	0.0%	0.0%
	4:00-5:00	0.0%	0.0%	0.0%		4:00-5:00	5.3%	0.0%	0.0%
	5:00-6:00	0.3%	0.0%	0.0%		5:00-6:00	1.4%	0.0%	0.0%
	6:00-7:00	0.9%	0.0%	0.0%		6:00-7:00	1.7%	0.0%	0.0%
	7:00-8:00	2.5%	0.1%	0.0%		7:00-8:00	2.2%	0.3%	0.0%
	8:00-9:00	3.2%	0.1%	0.1%		8:00-9:00	2.1%	0.0%	0.0%
	9:00-10:00	2.7%	0.1%	0.1%		9:00-10:00	2.0%	0.0%	0.0%
	10:00-11:00	2.9%	0.1%	0.1%		10:00-11:00	2.4%	0.0%	0.0%
	11:00-12:00	2.9%	0.1%	0.1%		11:00-12:00	2.0%	0.1%	0.0%
PM	12:00-1:00	2.6%	0.1%	0.1%	PM	12:00-1:00	1.5%	0.0%	0.0%
	1:00-2:00	2.5%	0.1%	0.1%		1:00-2:00	2.1%	0.0%	0.1%
	2:00-3:00	2.1%	0.1%	0.2%		2:00-3:00	1.3%	0.0%	0.1%
	3:00-4:00	3.2%	0.1%	0.1%		3:00-4:00	1.8%	0.0%	0.0%
	4:00-5:00	2.3%	0.1%	0.1%		4:00-5:00	2.0%	0.0%	0.0%
	5:00-6:00	1.3%	0.0%	0.1%		5:00-6:00	1.3%	0.0%	0.0%
	6:00-7:00	0.7%	0.0%	0.0%		6:00-7:00	1.2%	0.0%	0.0%
	7:00-8:00	0.5%	0.0%	0.0%		7:00-8:00	0.7%	0.0%	0.0%
	8:00-9:00	0.6%	0.0%	0.0%		8:00-9:00	1.2%	0.0%	0.0%
	9:00-10:00	0.6%	0.0%	0.0%		9:00-10:00	0.9%	0.0%	0.0%
	10:00-11:00	0.6%	0.0%	0.0%		10:00-11:00	1.4%	0.0%	0.0%
	11:00-12:00	0.8%	0.0%	0.0%		11:00-12:00	0.7%	0.0%	0.0%
Total 24-hour		2.2%	0.1%	0.1%	Total 24-hour		1.7%	0.0%	0.0%

Location 13: Ocean Boulevard, south of Regents Park Road

Continuous tube counts were collected along Ocean Boulevard, just south of Regents Park Road on the southern end of the island. It was determined that weekday total truck percentages make up about 1.4% of total vehicle traffic. The average weekend total truck percentages are about equal on weekends, at 1.3% of the total vehicle traffic. Table 13 summarizes the hourly truck volumes at this location as a percentage of total vehicle traffic.

Table 13: Location 13 Truck Percentage Summary

Weekday					Weekend				
Time Period	SU				Time Period	SU			
	SU	Artic.	Large			SU	Artic.	Large	
AM	0:00-1:00	0.0%	0.0%	0.0%	AM	0:00-1:00	0.0%	0.0%	0.0%
	1:00-2:00	3.6%	0.0%	0.0%		1:00-2:00	0.0%	0.0%	0.0%
	2:00-3:00	0.0%	0.0%	0.0%		2:00-3:00	0.0%	0.0%	0.0%
	3:00-4:00	0.0%	0.0%	0.0%		3:00-4:00	0.0%	0.0%	0.0%
	4:00-5:00	0.0%	0.0%	0.0%		4:00-5:00	0.0%	0.0%	0.0%
	5:00-6:00	0.9%	0.0%	0.0%		5:00-6:00	0.0%	0.0%	0.0%
	6:00-7:00	1.5%	0.0%	0.0%		6:00-7:00	2.7%	0.0%	0.0%
	7:00-8:00	1.9%	0.0%	0.1%		7:00-8:00	2.6%	0.0%	0.0%
	8:00-9:00	2.2%	0.1%	0.0%		8:00-9:00	1.8%	0.4%	0.0%
	9:00-10:00	2.0%	0.0%	0.0%		9:00-10:00	1.4%	0.0%	0.0%
	10:00-11:00	2.3%	0.0%	0.0%		10:00-11:00	2.1%	0.0%	0.0%
	11:00-12:00	1.7%	0.1%	0.0%		11:00-12:00	1.4%	0.0%	0.0%
PM	12:00-1:00	1.6%	0.0%	0.0%	PM	12:00-1:00	1.5%	0.0%	0.1%
	1:00-2:00	1.7%	0.0%	0.0%		1:00-2:00	1.3%	0.0%	0.3%
	2:00-3:00	1.7%	0.0%	0.0%		2:00-3:00	1.1%	0.0%	0.0%
	3:00-4:00	1.8%	0.0%	0.0%		3:00-4:00	1.3%	0.1%	0.0%
	4:00-5:00	1.1%	0.0%	0.0%		4:00-5:00	1.2%	0.0%	0.0%
	5:00-6:00	0.7%	0.0%	0.0%		5:00-6:00	0.9%	0.0%	0.2%
	6:00-7:00	0.5%	0.0%	0.0%		6:00-7:00	0.7%	0.0%	0.0%
	7:00-8:00	0.4%	0.0%	0.0%		7:00-8:00	0.6%	0.0%	0.0%
	8:00-9:00	0.5%	0.1%	0.0%		8:00-9:00	0.7%	0.0%	0.0%
	9:00-10:00	0.5%	0.0%	0.0%		9:00-10:00	0.4%	0.0%	0.0%
	10:00-11:00	0.3%	0.0%	0.0%		10:00-11:00	0.5%	0.0%	0.5%
	11:00-12:00	0.0%	0.0%	0.0%		11:00-12:00	0.0%	0.0%	0.0%
Total 24-hour		1.4%	0.0%	0.0%	Total 24-hour		1.2%	0.0%	0.1%

Analysis of Truck Counts

The locations of the traffic counts were selected to determine if trucks are circulating within residential areas. The counts performed indicate that large vehicles are circulating throughout the Town, including within residential areas. The majority of the observed trucks were single unit trucks, which are non-articulated trucks, such as moving vans, furniture delivery trucks, and general delivery trucks. These trucks were observed throughout the Town, accounting for 2.1 to 3.3 percent of the traffic in the north end, 1.5 to 3.1 percent in the central part of town, including the business district, and 1.4 percent in the south part of Town on weekdays. The percentage of truck traffic on the roadway is illustrated in Figure 10. It is interesting to note that the percentage of trucks in the central part of town is not significantly different than in residential areas and is actually lower as a percentage of overall trips compared to the north end. This is notable because business districts typically see more truck deliveries than residential areas.

The locations of the observations in the north end were specifically chosen to capture truck traffic within the residential area (i.e., Publix delivery trucks are not included in these counts). The only significant commercial activities in this area are the Sailfish Club and the Palm Beach Country Club; therefore, delivery trucks should be minimal as a percentage of overall traffic. Nonetheless, the number of trucks ranged from 2.1 percent to 3.3 percent in this area, which is not significantly different than at other locations within the Town. Articulated trucks and large semi-trucks account for a small percentage of overall traffic in the north end; however, there is evidence of these trucks circulating based on the counts.

Truck counts were performed at several intersections throughout the Town to further analyze truck circulation. Turning movement counts provide the data necessary to determine circulation patterns, such as potential origins and destinations. The turning movement counts are illustrated in Figure 11. Based on review of the turning movements, the following patterns were observed.

At the intersection of County Road & Royal Poinciana Way, the majority of trucks were observed to be in the northbound through movement. This indicates that trucks are serving the north end and are originating at a location south of the north bridge. Another large movement is the eastbound left and southbound right movement. This indicates that trucks entering the Town at the north bridge are accessing the north end at this intersection.

Truck Type	Weekday		Weekend	
Single Unit	254	2.7%	23	1.5%
SU Articulated	5	0.1%	0	0.0%
Large	0	0.0%	0	0.0%

Truck Type	Weekday		Weekend	
Single Unit	707	3.1%	54	1.5%
SU Articulated	18	0.1%	2	0.1%
Large	10	0.0%	0	0.0%

Truck Type	Weekday		Weekend	
Single Unit	591	2.1%	72	1.5%
SU Articulated	18	0.1%	1	0.0%
Large	30	0.1%	1	0.0%

Truck Type	Weekday		Weekend	
Single Unit	1,382	3.3%	128	1.8%
SU Articulated	35	0.1%	4	0.1%
Large	32	0.1%	3	0.0%

Truck Type	Weekday		Weekend	
Single Unit	2,086	2.4%	278	1.9%
SU Articulated	90	0.1%	15	0.1%
Large	66	0.1%	10	0.1%

ROYAL POINCIANA WAY

Truck Type	Weekday		Weekend	
Single Unit	524	1.5%	131	1.7%
SU Articulated	16	0.0%	3	0.0%
Large	22	0.1%	8	0.1%

Truck Type	Weekday		Weekend	
Single Unit	1,365	2.6%	224	1.8%
SU Articulated	50	0.1%	12	0.1%
Large	32	0.1%	9	0.1%

Truck Type	Weekday		Weekend	
Single Unit	1,563	1.5%	353	1.6%
SU Articulated	98	0.1%	41	0.2%
Large	105	0.1%	23	0.1%

OKEECHOBEE BOULEVARD

Truck Type	Weekday		Weekend	
Single Unit	1,432	3.1%	228	2.6%
SU Articulated	42	0.1%	11	0.1%
Large	58	0.1%	9	0.1%

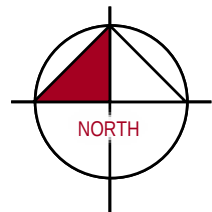
Truck Type	Weekday		Weekend	
Single Unit	403	2.5%	66	1.9%
SU Articulated	9	0.1%	1	0.0%
Large	7	0.0%	0	0.0%

Truck Type	Weekday		Weekend	
Single Unit	968	2.2%	151	1.7%
SU Articulated	29	0.1%	2	0.0%
Large	36	0.1%	2	0.0%

SOUTHERN BOULEVARD

Truck Type	Weekday		Weekend	
Single Unit	1,093	2.3%	155	1.5%
SU Articulated	23	0.0%	4	0.0%
Large	19	0.0%	4	0.0%

Truck Type	Weekday		Weekend	
Single Unit	497	1.4%	99	1.2%
SU Articulated	13	0.0%	2	0.0%
Large	8	0.0%	5	0.1%

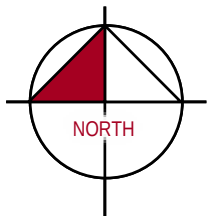


LEGEND



MACHINE COUNT LOCATIONS

FIGURE 10
PALM BEACH TRUCK PROHIBITION
KH #044063244
PERCENT TRUCK VOLUMES



LEGEND

 % TRUCKS
 (XX/XX) (AM VOLUME/PM VOLUME)

FIGURE 11
PALM BEACH TRUCK PROHIBITION
 KH #044063244
 AVERAGE PEAK HOUR TRUCK PERCENTAGES

Although some commercial activity is present north of Royal Poinciana Way, the number of trucks for these movements is not consistent with the small amount of commercial activity. Therefore, it is reasonable to conclude, based on these turning movements and on the link data described above, that that trucks in the north end are arriving from locations south of Royal Poinciana Way as well as via the north bridge.

Truck circulation patterns at the intersection of Royal Palm Way & South County Road were less conclusive. The movement with the highest truck volume is the eastbound left-turn movement. A substantial amount of truck traffic is destined for locations east of this intersection as well. Based on this data, no clear patterns were determined with respect to truck impacts on residential streets.

Turning Movement Analysis

An analysis of truck turns was performed at twenty-four intersections throughout the Town. These intersections were chosen to represent typical truck routes, based on observations and conversations with Town staff and residents. The focus of the intersection selection was to capture truck turns from the main arterials (such as County Road and North Lake Way) with narrower residential streets. Based on observation, these are the locations where trucks have damaged property. Figure 13, Figure 14, and Figure 15 illustrate the locations of the turning analyses.

Three truck types were analyzed for each of the turning movements at the twenty-four intersections. The trucks analyzed are summarized as follows:

- Single Unit Box Truck
 - 30 feet in length, 8 feet wide, with a 42-foot curb to curb turning radius
 - Similar to food delivery trucks, moving vans, mail delivery trucks
- Intermediate Semi-Trailer
 - 45.5 feet in length, 8 feet wide, with a 40-foot curb to curb turning radius
 - Similar to large delivery trucks and furniture delivery vehicles
- Interstate Semi-Trailer
 - 73.5 feet in length, 8.5 feet wide, with a 45-foot curb to curb turning radius
 - Similar to long distance freight vehicles

The intersections analyzed are further defined based on their roadway characteristics and locations below:

Mediterranean

Mediterranean Road is a narrow two-lane undivided residential road. It is the furthest north roadway analyzed in this study and intersects with Lake Way to the west and Ocean Boulevard to the east. Both of these intersections were analyzed.

La Puerta

La Puerta Way is a two-lane undivided residential road. It intersects with Lake Way to the west and Ocean Boulevard to the east. Both of these intersections were analyzed.

Orange Grove

Orange Grove Road is a two-lane undivided residential road. It intersects with Lake Way to the west and Ocean Boulevard to the east. Both of these intersections were analyzed.

List

List Road is a narrow two-lane undivided residential road. It intersects with Lake Way to the west and Ocean Boulevard to the east. Both of these intersections were analyzed. It is located just south of Orange Grove Road.

Windsor

Windsor Court is a two-lane undivided residential road. It intersects with Cherry Lane to the south and County Road to the east. Both of these intersections were analyzed.

Cherry

Cherry Lane is a narrow two-lane undivided residential road. It intersects with Lake Way to the west and County Road to the east. Both of these intersections were analyzed.

Atlantic

Atlantic Avenue is a two-lane undivided road. It intersects with Lake Way to the west and County Road to the east. Both of these intersections were analyzed. Further east Atlantic Avenue intersects with Ocean Boulevard.

Everglade

Everglade Avenue is a two-lane undivided eastbound one-way road. It intersects with Lake Way to the west and County Road to the east. Both of these intersections were analyzed. Further east Everglade Avenue intersects with Ocean Boulevard.

Seabreeze

Seabreeze Avenue is a two-lane undivided residential road. It intersects with Lake Way to the west and County Road to the east. Further east Seabreeze Avenue intersects with Ocean Boulevard. All three intersections were analyzed.

El Brillo

El Brillo Way is a two-lane undivided residential road. It intersects with County Road to the west and Ocean Boulevard to the east. Both of these intersections were analyzed.

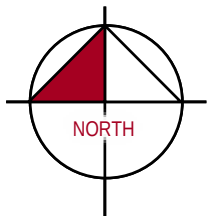
Jungle

Jungle Road is a two-lane undivided residential road. It intersects with County Road to the west and Ocean Boulevard to the east. Both of these intersections were analyzed

Clarendon

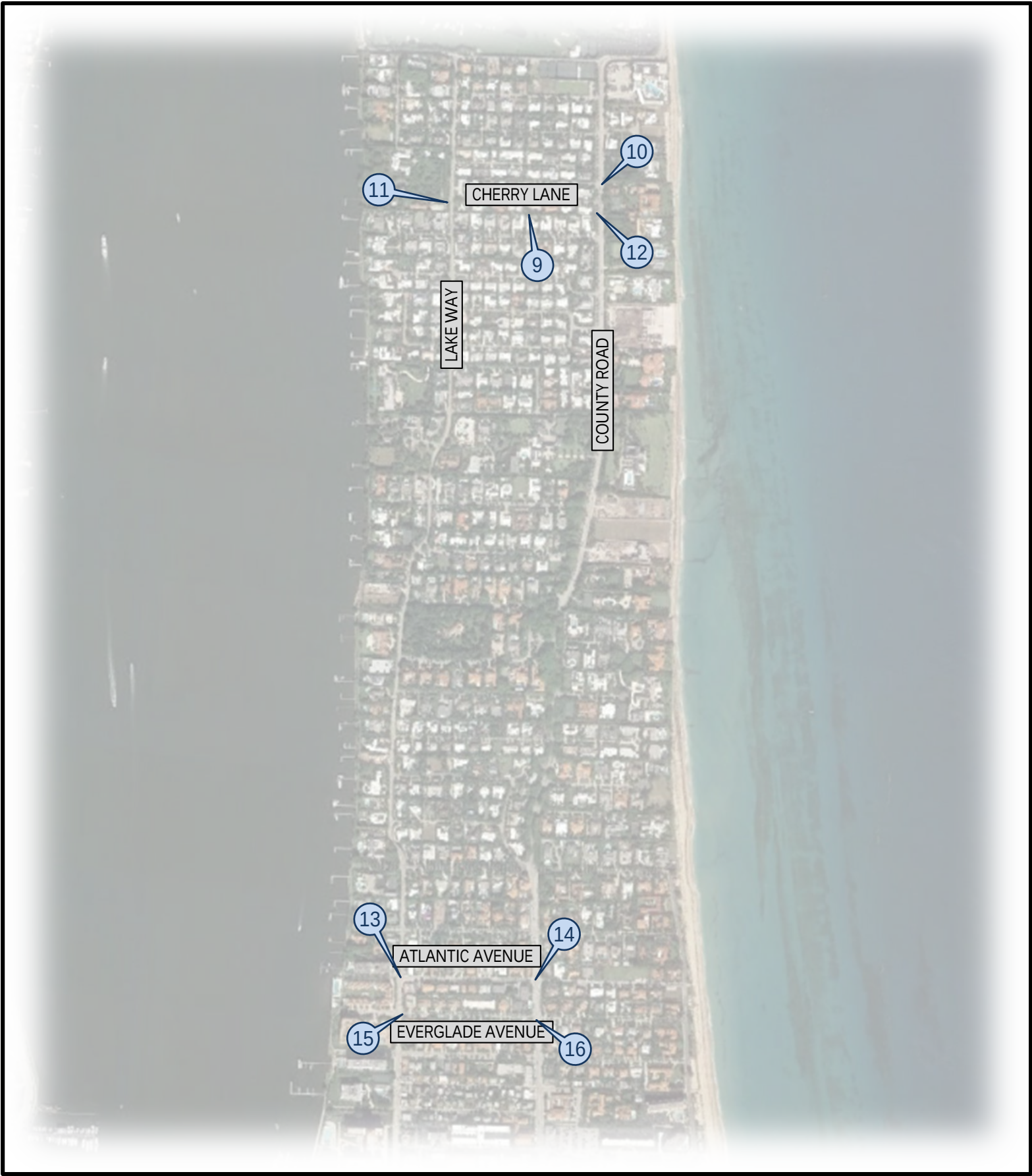
Clarendon Avenue is a two-lane undivided residential road. It intersects with Vita Serena to the west and Ocean Boulevard to the east. The intersection of Clarendon Avenue and Ocean Boulevard was analyzed.

Individual plots for each movement are attached in Appendix C.



LEGEND
AUTOTURN LOCATIONS

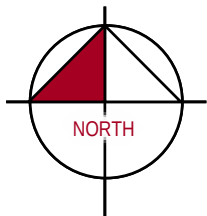
FIGURE 12
PALM BEACH TRUCK PROHIBITION
KH #044063244
AUTOTURN ANALYSIS LOCATIONS - 1



LEGEND

AUTOTURN LOCATIONS

FIGURE 13
PALM BEACH TRUCK PROHIBITION
KH #044063244
AUTOTURN ANALYSIS LOCATIONS - 2



LEGEND
AUTOTURN LOCATIONS

FIGURE 14
PALM BEACH TRUCK PROHIBITION
KH #044063244
AUTOTURN ANALYSIS LOCATIONS - 3

RECOMMENDATIONS

Based on our review of truck volumes, the ability of trucks to maneuver local streets, observed damage to private property, and a review of Florida municipalities with similar street networks, it is recommended to restrict trucks on certain Town streets. This recommendation is intended to mitigate damage to private property, eliminate congestion due to the inability of certain trucks to maneuver certain streets, and provide a mechanism for permit and enforcement of truck traffic in certain areas of Town. The data collected confirms that trucks are circulating within residential areas of Town, as noted by high numbers of trucks north of Royal Poinciana Way in comparison with expected volumes for a residential area. Truck volume percentages in the residential areas of the north end are higher than in the commercial parts of Town. Review of the specific turning movement counts indicates that many of the trucks in the north end are arriving via the north bridge.

Florida Statute provides guidance on establishing restriction of trucks on local roads. Per FS 316.008:

(1) The provisions of this chapter shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from:

(n) Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic.

Description of the Recommended Restriction

Figure 16 illustrates the recommended physical boundaries of the truck restriction. It is recommended to implement broad area-wide restrictions rather than street-by-street restrictions; if only certain streets in a part of Town are restricted, trucks would use the non-restricted streets in larger numbers. In residential areas such as the north end, certain residents would see an increase in trucks on their street if their street was the non-restricted street. Area-wide restrictions also require less signage and are easier to understand by truckers. Without an area-wide restriction, individual streets would have to be signed restricting trucks, leading to sign clutter. It should be noted that the following roads will have NO Town-imposed restrictions:

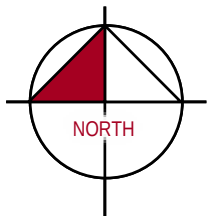
- Royal Poinciana Way west of North County Road
- County Road between Royal Poinciana Way and South Ocean Boulevard

- South Ocean Boulevard between Barton Avenue and South Municipal Limits
- Barton Avenue east of South County Road
- Royal Palm Way west of South County Road
- Southern Boulevard
- Coconut Row

The exclusion of these roads from truck restrictions allows trucks entering the Town to be able to circulate onto and off of the island without the need for U-turns or dangerous turning maneuvers.

It should be noted that areas between Worth Avenue and Royal Poinciana were generally excluded from truck restrictions (with the exception of the residential streets between Seaview Avenue and Pendleton Avenue). This is due to the nature of the land uses in this area, with the majority of the Town's commercial operations occur in this area. Fewer single-family residential units are located in this part of town. Furthermore, the streets are generally wider in this area, accommodating larger trucks.

Based on the turning movement analysis, restrictions should be placed on larger trucks. Delivery trucks, such as those operated by postal and package delivery services, have been shown to be able to maneuver residential streets without encroaching on private property. Larger box trucks (two-axle) are also generally able to maneuver most residential streets. Truck-trailer combinations, however, of any size, have been shown to not be able to maneuver the residential streets, and should be restricted. Also, trucks longer than 30 feet should be restricted. It should be noted that although combination vehicles can make some movements (especially left-turns) on some streets, they are not generally able to make right-turns without impacting private property. Therefore, a restriction should be placed on all combination vehicles.



LEGEND



PROHIBITION BOUNDARY

FIGURE 15
PALM BEACH TRUCK PROHIBITION
 KH #044063244
TRUCK RESTRICTION BOUNDARIES

Permitting of Exceptions

In certain cases, there may be a need for restricted vehicles to utilize the restricted streets. An example of this would be the need for a construction crane to access a private residence on a residential street. Another example could be a small combination truck that is needed to access a commercial property to deliver items that are too large for smaller delivery trucks. The Town should establish a permitting process to allow for special circumstances. As part of the process, the applicant should provide:

- Explanation/Narrative of the request
- Explanation of why smaller trucks cannot be used. The applicant must demonstrate that smaller, more frequent trucks cannot be used due to the nature of the delivery or equipment, or that more frequent trips will negatively impact the neighborhood.
- A routing plan that demonstrates that the truck movements will not impact private property.
- A plan for restoration of private property in case of damage.

The Town could then issue a permit listing types and numbers of vehicles allowed, allowable times and days of operations, and expiration (if any). The applicant will be required to pay for staff burden costs, any citations for operating outside of the conditions of the permit and restoration of private property.

Codification

Based on a review of other municipalities in Florida, the truck restrictions should be placed in the Town's Code of Ordinances by means of Resolution. The Code should include the following elements:

- Definition of the restriction, including types of trucks (defined by length) that are restricted.
- A map of the restricted area.
- Any exclusions to the restriction; possible exclusions to the restriction include emergency vehicles and municipal services vehicles.
- Mechanism for citation
- Permitting process for exceptions

The Code update will be subject to the Town's process for amending the Code of Ordinances.

Education

The Town should develop an educational campaign to educate stakeholders, including residents, business, and trucking companies, of proposed restrictions. The goal should be to reach the widest range of potential drivers. It should be noted that the input from stakeholders is imperative to determining if restrictions should be enacted, and what scope the ultimate restrictions should encompass.

The Town should publicly notice proposed restrictions in visible locations to drivers throughout Town prior to implementation. Although it is recognized that not every truck driver entering the Town will know in advance of new restrictions, every effort should be made to educate the highest number of drivers as possible. Nonetheless, a grace period between adoption of a Code and initial citations should be considered.

CONCLUSION

The Town of Palm Beach currently allows unrestricted movement of all legal vehicles on all streets within the Town. However, larger vehicles have been observed to damage private property when they cannot adequately maneuver narrow streets and can cause congestion and unsafe conditions when they have to make multi-point turns at Town intersections. To mitigate the damage to private property, and to minimize congestion due to the maneuvering of larger vehicles, the Town is considering a restriction on certain streets of larger vehicles. The goal of any restriction is to change the behaviors to force deliveries with smaller vehicles. Although any restriction will not completely eliminate property damage and congestion, the goal of implementing the restrictions is to substantially reduce the frequency of occurrences.

This study analyzed truck volumes, circulation patterns, and their ability to maneuver intersections without impacting private property. Furthermore, a review of other municipalities throughout Florida which have implemented truck routing Ordinances was performed. Based on this analysis, it is recommended to restrict movement of larger trucks on certain streets, as defined throughout this study. Codification, education, and enforcement are also discussed. To allow for unique circumstances where large trucks must enter the recommended restricted area, a permit process should be implemented to identify the types of trucks, routing, and process for assessing damages to private property should it occur.



TOWN OF PALM BEACH

Town Clerk's Office

REPORT OF THE PUBLIC WORKS COMMITTEE MEETING HELD ON THURSDAY, OCTOBER 22, 2020

I. CALL TO ORDER AND ROLL CALL

The Public Works Committee meeting was called to order on October 22, 2020, at 9:30 a.m. in the Town Council Chambers. On roll call, all Committee members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Moore led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Committee Member Lindsay added an item to the agenda under Any Other Matters, "Discuss the current condition of the median strips in the Landmarked Ficus Canopy Area."

It was the consensus of the Committee to approve the agenda with the amendments, as presented.

IV. COMMUNICATIONS FROM CITIZENS - *None*

V. TOWN OF PALM BEACH TRUCK REGULATION STUDY

Patricia Strayer, Town Engineer, provided background on the request from Town Council to complete a truck regulation study on how the large trucks access the Town. She explained Kimley-Horn & Associates completed the study and will present the information gathered.

Chris Heggen, P.E., Kimley-Horn, provided a presentation of the unrestricted movement of all legal vehicles on all streets within the Town and the issues that were created. Mr. Heggen elaborated in-depth on identifying the specific issues, the methodology and the data collected. He provided examples of other cities with truck restrictions and streets trucks should be using. In conclusion, Mr. Heggen provided

recommendations which touched on permitting of exceptions, codification, and education.

Discussion ensued regarding clarifications to be added to the study such as the following:

- specific numbers of trucks along with percentages,
- explanation of how certain intersections were selected for review,
- recommendation to consider the inclusion of one-way streets in the study,
- provide complete list of municipalities that were reviewed for similar ordinances or regulations,
- provide a potential cost of implementation.

In response to questions, Mr. Heggen provided clarification for the Committee on the data presented. Public Works Director Paul Brazil explained the next steps would be to make a recommendation to Town Council regarding the engineering, send the information to the Ordinance, Rules & Standards Committee (ORS) to discuss implantation, and subsequently staff would be able to provide an overall cost. Town Engineer Strayer explained the cities listed in the report were not the only cities reviewed, but are inclusive of the data that had regulations that would fit the Town's needs.

As a result of the discussion, Director Brazil provided direction to Kimley-Horn regarding revising the data to show volume in addition to the percentages starting on page 16 of their report and to list all the cities that were included in the case study review. He recommended that once the draft report was revised that the Committee accept the report, send it to Town Council for review and request review by ORS.

Committee Member Lindsay asked for clarification on the recommendation of the area north of Sunrise Avenue regarding truck prohibition.

In response, Director Brazil explained the recommendation is to regulate, not to prohibit.

Chair Moore requested that the Recommendation map used in the presentation be presented to Town Council in a landscape format for ease of understanding. Additionally, review again the one-way streets north of Royal Palm Way for restrictions of truck traffic.

It was the consensus of the Committee to send the Truck Regulation Study to Town Council, after the discussed revisions were completed and reviewed by each Committee member without holding another Public Works Committee Meeting.

VI. ONGOING CONSTRUCTION PROJECTS UPDATE 2020

Jason Debrincat, Senior Engineer, provided a brief PowerPoint summary on each active construction project within the Town as follows:

- D16/18 Stormwater Pumpstation – *challenging, ongoing*

- Seminole Avenue Drainage Improvements – *challenging, ongoing*
- Crescent Drive Stormwater Improvements – *kudos, complete*
- Sand Transfer Plant Rehabilitation – *started to pump sand, interior complete*
- South Fire Station Chiller Replacement - *complete*
- Undergrounding Phase 2 North Paving –*weather permitting, should stay on schedule for completion*
- City of West Palm Beach Paving Repairs – Watermain Related – *coordinating with Undergrounding Project & Marina Project, ongoing*
- Town Marina – *on schedule, maintaining public engagement, ongoing*
- Undergrounding – *ongoing*
- Pay-As-You-Go Capital Improvement Fund – *snapshot of projects*

Committee Members asked brief clarification questions, made comments and praised staff on some of the projects during the project summary provided by Mr. Debrincat.

Patricia Strayer, Town Engineer, reported additional information on the Undergrounding Phase 2 North Paving project. She explained the FPL telephone poles are currently being removed. They were set to be completed however, the wet weather conditions have delayed completion. Additionally, FPU has provided funds for 40% of the milling and resurfacing of the streets for the paving section of this project.

Committee Members requested the Town Marina Timelines document Mr. Debrincat presented to be included as part of the Marina back-up for Town Council.

VII. GREEN INITIATIVE/FICUS REMOVAL PROGRAM STATUS

Paul Colby, Facilities Maintenance Division Manager, provided an update on the progress pertaining to the Town's Green Initiative program. He explained the first four items of the memo in the back up are updates and specifically focused the review on the following:

- North County Road Ficus Canopy Treatments
- Alternate Treatments for Royal Palm Bug
- Bee Removal Program
- Nematode Activity at Town Hall
- Pythium Root Rot at Bradley Park
- Green Initiative Team

Division Manager Colby reported the Ficus Canopy continues to receive two treatments per year. Since the last Committee meeting, there were four trees removed from the canopy due to structural damage unrelated to white fly, but from hypoxylon canker. Staff is currently researching the existing Town Codes related to diseases to see if it is enforceable by Code Enforcement.

Discussion ensued regarding where the canker was coming from, how it is spread, how the trees are affected and how to remove it.

Division Manager Colby reported staff is currently working with the Town Arborist to look for alternate treatments of Royal Palm Bug and testing is being performed at the Town's nursery.

Division Manager Colby reported that staff has not had to eradicate any bees since the last Committee meeting and provided a description of how the removal process works.

Division Manager Colby reported there has been Nematode activity at Town Hall Square. Since no alternative treatment for Nematodes exists, staff treats this area with chemicals when needed and are responsible with treatments.

Division Manager Colby reported Bradley Park and the Living Wall are experiencing occasional outbreaks of the turf disease, Pythium Root Rot, due to drainage during heavy periods of rain. Currently, the Living Wall turf replacement project has been delayed due to the wet weather. After the Bradley Park renovation, there have been some issues. Staff plans to use extra fill from the Bradley Park Title Garden project to remedy the areas that need attention.

Division Manager Colby reported the Town has assembled a Green Initiative Team (GIT). He explained who is involved and the team's goals, which will be to provide structure and focus on policies and initiatives in order to successfully enhance the Town.

Discussion ensued briefly regarding the payment of the Tidal Garden project for Bradley Park from the Garden Club.

No additional questions or comments were discussed on these items.

VIII. CISTERN UTILIZATION

Town Engineer Strayer provided some background regarding our contract with West Palm Beach, the discussion of performing a Water Supply Feasibility Study looking for alternatives to a water supply to the Town and explained that staff has researched Town Code for information on cisterns.

Director Brazil briefly reviewed the research of our Town Codes regarding cisterns explaining that they are permissible, typically cisterns are located on private property, and currently the Town has zero on Town property.

Committee Member Lindsay added that there is one significant cistern on private property and commented on the wide use of them in island communities. She suggested that staff look for opportunities to identify properties where a cistern is applicable and educate residents to help with interest. She explained how useful cisterns are with irrigation, noting that 65% of the Town's water usage is irrigation.

Chair Moore suggested thinking about involving landscape architects to help raise awareness quickly.

Discussion ensued regarding where a cistern would be placed, how they work and how to maintain it.

IX. ANY OTHER MATTERS

A. East Coast Regional Treatment Plant

Chair Moore commented on receiving pollution notices from Palm Beach County in regard to the East Coast Regional Treatment Plant (ECR). She requested to add this item to the next agenda, a brief update on the plant and what the Town is responsible for.

Director Brazil provided background on the regional sewer treatment plant. He provided information on the ownership and the operator of the plant, the project challenges surrounding the plant, the structural decline and need for improvements.

Discussion ensued briefly on alternatives to the current contract, how to staff the plant, moral and retention among employees.

It was the consensus of the Committee to put an update of the East Coast Regional Treatment Plant on the next Public Works Committee agenda for further discussion.

B. Discussion Regarding the Current Condition of the Median Strips in the Landmarked Ficus Canopy Area

Committee Member Lindsay brought to the attention of the Committee the damage of truck tire marks to the median strips in the Landmarked Ficus Canopy area. She presented some photos of the damage to the Committee and staff to place in the record. Additionally, she requested that staff research alternatives to address this area besides using sod.

Discussion ensued regarding shade in the area, how to improve this area, shade loving plants, and possible drainage project when Undergrounding is in that area.

It was the consensus of the Committee to put an update regarding improvement possibilities and condition of the Median Strips on the Landmarked Ficus Canopy Area on the next Public Works Committee agenda for further discussion.

X. ADJOURNMENT

There being no further comments, the Public Works Committee meeting of October 22, 2020 was adjourned at 11:02 a.m.

APPROVED:

Danielle H. Moore, Chair

PREPARED BY:

Antonette Fabrizi, Board Clerk

ATTEST:

Queenester Nieves, MBA, CMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: June 8, 2021

Section of Agenda

Regular Agenda - New Business

Agenda Title

Discussion Relating to Residency Requirements for Elected Officials

Presenter

John C. Randolph, Town Attorney

ATTACHMENTS:

- ▣ **Memorandum Dated May 24, 2021, from John C. Randolph, Town Attorney**
- ▣ **Draft Ordinance**

Memo

To: Mayor and Town Council
From: John C. Randolph
Date: May 24, 2021

Recommendation

It is recommended that the Mayor and Town Council give consideration as to whether you wish to impose a residency requirement of one year in order to qualify to run for elected office in the Town.

Discussion

The Mayor and Town Council have requested that I research this matter and bring it back to you for your consideration and discussion at the June meeting of the Town Council. I have looked at the possibility of imposing a residency requirement as long as two years. My research indicates a two year residency requirement would not withstand judicial scrutiny; however, a one year residency requirement would.

In *Board of County Commission of Sarasota County v. Gustafson*, the Second District Court of Appeals considered whether a durational residency requirement for candidates seeking elected office affected fundamental rights. Sarasota County had enacted a two year residency requirement for any candidate that wanted to run for an elected county office, explaining that due to the transient nature of the community, voters were not able to adequately familiarize themselves with the candidates, and some candidates did not have sufficient knowledge of or commitment to Sarasota County to properly serve the county. *Id.* at 1167. The court held that the residency requirement would either need to pass rational basis or strict scrutiny based on the length of the residency requirement. *Id.* at 1167. The court explained that while not all action affecting fundamental rights is subject to the strict scrutiny standard when considering an equal protection standard, the magnitude of the impact upon fundamental rights must be considered:

[A] candidate durational residency requirement that is deemed reasonable is not considered to seriously infringe using the traditional equal protection analysis. While this method of considering an equal protection challenge would appear, at first blush to be putting the cart before the horse, in actually, it places the emphasis where it should be, on the magnitude of the legislation's effect on the fundamental right or suspect class.

Id. at 1167. The court concluded that a two-year candidate residency requirement was unreasonable:

The evolution of communication and transportation that allows individuals to move

easily between communities and states renders such a two-year residency requirement particularly onerous. Appellants could identify no reason for setting the period at two years. There was no evidence that candidates would be any more familiar with county issues for having lived in the county for the preceding two years. In fact, in explaining how the Charter Review Board arrived at the two-year term, as opposed to a three-year or a five-year term, one of its members testified on cross-examination that it was a “judgmental [sic] call.

Id. at 1168. The Court ultimately determined that a two-year residency requirement significantly impacted fundamental rights and was therefore subject to a strict scrutiny analysis, and Sarasota County was unable to show that the two year residency requirement was necessary to fulfil a compelling state interest:

It has become an established part of public life that residency is not a requirement in those situations where government entities rely on nationwide talent searches to fill key government executive positions. Appellants have not only failed to show why two years is necessarily better than one year or even one day, they have failed to show the inadequacy of alternative or less restrictive methods that would accomplish their stated objective.

Id.; *see also* Fl. AGO 2005-67 (recommending that a three year requirement would likely not be upheld).

However, in *Nichols v. State ex rel. Bolon*, 177 So. 2d 467 (Fla. 1965), the Court upheld a one year residency requirement for the election of the City of Melbourne’s City Commissioner. In upholding the one year requirement, the Court stated: “The chancellor was correct in holding that the legislature has the power to impose qualifications for municipal office. The qualification in question is not unreasonable.” *Id.* at 469; *see also Daves v. City of Longwood*, 423 F. Supp. 503 (M.D. Fla. 1976) (upholding special act imposing one-year residency requirement to run for city council).

As such, the length of the residency requirement will determine what standard of scrutiny is used. A two year residency requirement is likely to trigger strict scrutiny and reasons such as having a small or transient town have not been found to be compelling interests that survive the strict scrutiny test. Whereas a one year residency restriction has been upheld under the rational basis standard.

Language from Other Municipalities’ Codes

Article 3 section 3.01(b) of the City of Longwood’s code states the following regarding qualifications of Commissioners:

Qualifications of commissioners. Any qualified elector of the City of Longwood, Florida, who has been a resident of the city for a period of one (1) year next preceding date of qualification, is registered to vote in City election at the time of qualification, and has resided at the time of qualification in the commission district for which he or she qualifies for six (6) months prior to qualification, and who is

otherwise qualified to be a member of the City Commission may be a candidate for election to the City Commission.

Article 2 section 2.02(1)(a) of the City of Melbourne's code states:

The council shall consist of seven (7) members, including the mayor, elected by the qualified voters of the city at large, as hereinafter provided. Members of the city council shall be residents of the city and shall have been residents for at least one (1) year prior to the date of qualifications for office. Additionally, members of the city council other than the mayor shall be residents of and maintain their principal place of domicile in the district for which they seek to qualify and shall have been residents of said district for at least six (6) months prior to the date of qualification for office. All city council members shall be at least eighteen (18) years of age and shall have the qualifications of a city elector. The office of a council member shall be forfeited whenever a member ceases to possess the foregoing qualifications, or when a member accepts any other elective public office.

In Article 2 section 2-1(c), the Town of South Palm Beach requires "Any resident of the Town of South Palm Beach who is a duly registered voter, will be eligible to hold office of Town Council member, provided, however, that he/she will have resided in the Town for a period of at least one year."

Based upon the above, in the event the Council wishes to impose a residency requirement, I would recommend the Council adopt the one year residency requirement.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 34, ELECTIONS AT ARTICLE II. CANDIDATES, DIVISION I, GENERALLY TO INCLUDE A NEW SECTION 34.36 TO PROVIDE THAT ANY CANDIDATE FOR MAYOR OR TOWN COUNCIL SHALL HAVE RESIDED IN THE TOWN FOR A PERIOD OF AT LEAST ONE YEAR PRIOR TO QUALIFYING FOR ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH;

Section 1. Chapter 34, Elections of the Town Code of Ordinances is hereby amended at Article II, Candidates; Division I, Generally, to include a new Section 34-36 to read as follows:

"Sec. 34-36 – Residency Requirement.

Any candidate for the office of Mayor or Town Council who is a duly registered voter in the Town shall have resided in the Town for a period of at least one year prior to qualifying for election pursuant to the terms of this Article II."

Section 2. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, 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 9th day of June, 2021, and for second and final reading on this _____ day of _____, 2021.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Lewis S.W. Crampton, Town Council Member

ATTEST:

Queenester Nieves, CMC, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: June 8, 2021

Section of Agenda

Ordinances - Second Reading

Agenda Title

Proposed Amendment of Town Code to Permit Off-Leash Dogs from Dawn to 9:00 am on Beaches Between Sunset Avenue and Wells Road

ORDINANCE NO. 13-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 10 of the Town Code of Ordinances, Animals, Article II, Dogs And Cats, At Section 10-43, Running At Large Prohibited; Further Amending Chapter 74 of the Town Code of Ordinances, Parks and Recreation, Article II, Beach and Aquatic Activities, Division 3, Regulation of Use of Public Beaches; At Sec. 74-191, Animals Prohibited, so as to Add an Exception to Permit Unleashed Dogs on Public Beaches Between Sunset Avenue and Wells Road from Dawn To 9:00am; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing For Codification; Providing an Effective Date.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Ordinance No. 13-2021**

ORDINANCE NO. 13-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE TOWN CODE OF ORDINANCES, ANIMALS, ARTICLE II, DOGS AND CATS, AT SECTION 10-43, RUNNING AT LARGE PROHIBITED; FURTHER AMENDING CHAPTER 74 OF THE TOWN CODE OF ORDINANCES, PARKS AND RECREATION, ARTICLE II, BEACH AND AQUATIC ACTIVITIES, DIVISION 3, REGULATION OF USE OF PUBLIC BEACHES; AT SEC. 74-191, ANIMALS PROHIBITED, SO AS TO ADD AN EXCEPTION TO PERMIT UNLEASHED DOGS ON PUBLIC BEACHES BETWEEN SUNSET AVENUE AND WELLS ROAD FROM DAWN TO 9:00AM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Section 10-43 titled Running at large prohibited, is hereby amended to read as follows:

“Sec. 10-43. Running at large prohibited.

No dog shall run at large within the town or upon the property other than that of its owner unless the dog is running on property other than that of its owner with the express or implied consent of the owner of the property. An exception shall apply to allow dogs to run unleashed on the public beaches of the town, unless otherwise prohibited under section 74-191, where said dogs are clearly under the command of their owner or handler and where the dog is not creating a nuisance to other animals or persons using the public beach. ~~Unleashed dogs~~ under the command of their owner or handler are permitted from dawn to 9:00 am and leashed dogs are permitted after 9:00 am on public beaches between Sunset and Wells Road only. For purposes of this section, public beaches means that area abutting the Atlantic Ocean or Lake Worth consisting of predominately sand, whether below or above the high mean water mark.”

Section 2. Section 74-191 titled Animals prohibited, is hereby amended to read as follows:

"Sec. 74-191. Animals prohibited.

No person shall take any animal upon those certain public beaches within the town identified herein or in the surf adjacent to any such public beach within the town. Said beaches shall include the Phipps Park beach, the public beach from Royal Palm Way south to Gulfstream Road, the Clarke Avenue beach from Barton to Seaspray, and the beach from Sunset Avenue to Wells Road. An exception shall apply to allow unleashed dogs from dawn to 9:00 am and leashed dogs after 9:00am on public beaches between Sunset and Wells Road only."

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 11th day of May, 2021, and for second and final reading on this 8th day of June, 2021.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Queenester Nieves, CMC, Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: June 8, 2021

Section of Agenda

Ordinances - First Reading

Agenda Title

An Ordinance to Amend Chapter 66, Section 66-236 to Regulate the Removal of Landscape Buffers.

ORDINANCE NO. 14-2021 An Ordinance of The Town Council of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 66 Natural Resource Protection, Article IV Vegetation, Division 2 Permits, Section 66-236 Application Procedure For Vegetation Removal Permit; Providing For Severability; Providing For The Repeal of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▢ **Memorandum Dated May 28, 2021, from Wayne Bergman, Director of Planning, Zoning and Building**
- ▢ **Ordinance No. 14-2021**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 8, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Landscape Buffer Removal – Ordinance No. 14-2021

Date: May 28, 2021

STAFF RECOMMENDATION

Staff recommends Town Council consider the draft ordinance which addresses the removal of landscape buffers on a property. The proposed code change will require Architectural Commission or Landmarks Preservation Commission (if applicable) approval to remove any landscape material that is 30 inches or higher, and within 10 feet of a property line; the code revision also requires a vegetation removal permit for the removal of this landscape buffer material.

GENERAL INFORMATION

Over the past several years there have been instances in the Town where a property owner has removed a hedge or other landscape material along their property line, and thereby eliminated the privacy enjoyed by both property owners. While this is a somewhat rare occurrence, it has occurred with enough frequency to become an issue that Town staff would like to address.

To better ensure that the privacy between property owners is maintained within the Town, staff has drafted a succinct code revision that requires a vegetation removal permit to remove a landscape buffer, or a portion of a landscape buffer. Prior to the vegetation removal permit being issued, a property owner must obtain approval for the removal of the vegetation from the Architectural Commission or the Landmarks Preservation Commission (if applicable). Staff will require the normal notice for the Commission application so that any affected neighbor will have an opportunity to address the Commission regarding the removal of the vegetation. In limited cases, staff may administratively approve the removal of the vegetation on behalf of the Commission if replacement material of the same size and opacity is also proposed. If a landscape buffer is removed without Town approval, it must be replanted (or modified with Arcom or Landmark approval).

The matter was reviewed by the Town Council in 2019 and forwarded to the ORS Committee. The ORS Committee reviewed the matter on January 9, 2020 and again on May 20, 2021. The recommendation from the last ORS Committee meeting was for staff to draft the ordinance to add

a regulation relating to removal of landscape buffers. The matter was discussed and reviewed by Skip Randolph several times over the last two years and Skip has agreed that adding the new code provision is the correct thing to do.

Ordinance 14-2021 is ready for First Reading.

Attached: Draft Ordinance 14-2021
WRB

ORDINANCE NO. 14-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 66 NATURAL RESOURCE PROTECTION, ARTICLE IV VEGETATION, DIVISION 2 PERMITS, SECTION 66-236 APPLICATION PROCEDURE FOR VEGETATION REMOVAL PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 2, Permits, Section 66-236, Application Procedure for Vegetation Removal Permit, is hereby amended to read as follows:

“Sec. 66-236. - Application procedure for vegetation removal permit.

(a) *Removal permits. Vegetation removal permits, not sought in conjunction with building permits, shall be obtained by making application prior to removal, relocation or replacement to the building official or his designee, at least ten working days prior to the proposed date of removal.*

(b) *Circumstances justifying issuance. Vegetation removal permits shall be issued in the following circumstances:*

- (1) *Where a tree, due to natural circumstances, is no longer viable, is in danger of falling, is too close to existing structures so as to endanger such structures, interferes with utility services, creates unsafe vision clearance, or constitutes a health hazard;*
- (2) *Where the affected vegetation will be relocated, replaced with a suitable substitute tree, or otherwise preserved, with the exception of mangroves, which are regulated elsewhere in this chapter; or*
- (3) *Where tree removal is part of a plan to restore or encourage native shoreline species, either on the coastal strand, as described in section 66-81 et seq., resolution number 37-89, or along Lake Worth, as described in article III of this chapter.*
- (4) *Where landscape buffers (plant material), 30 inches in height or greater and directly adjacent to any side, rear street-side or street-rear property line, are removed and result in the loss of opacity of the existing screening, approval from the Architectural Commission or Landmarks Preservation Commission (whichever is applicable) for the removal of the landscape buffer or buffers must be obtained and a landscape removal permit is issued. In limited cases, administrative or "staff" level approval may be done when equal or greater replacement landscape*

material is proposed to replace the plant material removed, and thereby maintaining the landscape buffer or buffers opacity. If the landscape removal is done without Town approval or without a landscape removal permit, the originally-approved plant material must be replanted.

(c) *Permit issuance and time limitations. Upon approval of an application, the building official or his designee shall issue a permit. Permits shall expire and become null and void if work is not commenced within 90 days from the date of permit issuance.”*

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 _____ day of _____, 2021, and for second and final reading on this _____ day of _____, 2021.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Queenester Nieves, CMC, Town Clerk

Lewis S.W. Crampton, Town Council Member