

TOWN OF PALM BEACH

Office of the Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON FRIDAY, FEBRUARY 28, 2014

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 11:01 a.m. on Friday, February 28, 2014, in the Town Council Chambers. On roll call, all of the elected officials were found to be present, with the exception of Council Member Townsend.

II. PLEDGE OF ALLEGIANCE

Council President Wildrick led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

ADDITION: Consideration of Relocation of PUD-5 Model was added under Any Other Matters.

ADDITION: Resolution No. 33-2014, agreements for non-ad valorem assessments, was added as Item IV.D.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Kleid, to approve the agenda, as amended above. On roll call, the motion carried 4-0, with Council Member Townsend absent.

IV. WELLS/SUNRISE SEAWALL REHABILITATION PROJECT

A. Update Re: Ownership and Cost Allocation.
[H. Paul Brazil, P.E., Director of Public Works]

Director of Public Works Brazil provided an overview of the condition of the seawall, the most immediate repairs needed, timing of the construction, and funding. He stated that the per parcel figures provided by Staff were determined by how much repair is needed in a given area.

Doug Hulse, 139 Sunrise Ave., spoke in support of option #2.

George Cloutier, 240 N. Ocean Blvd., spoke regarding his proposed share of the assessment, who constructed the original seawall, and who paid for it.

Harvey Kinzelberg, 260 N. Ocean Blvd., expressed his support of assessing private owners based on linear feet, not on the condition of the seawall.

Town Manager Elwell stated that the Town Council can postpone a decision on the distribution of the assessment for now and move forward with option #2.

Discussion ensued regarding the assessment methodology and incorporating the Town-owned roadway into the calculations.

Michael Rubinoff, 101 Dunbar Rd., spoke regarding his proposed share of the assessment.

Connie Gasque, 167 Root Trl., spoke regarding who paid to construct the seawall.

Michael Rubinoff, 101 Dunbar Rd., spoke in opposition to spending money on a seawall that is about to be covered with sand, his proposed share of the assessment, and the determination that his wall needs any repairs.

By consensus of the Town Council, Staff was directed to come up with a different cost allocation methodology, that takes into account the Town-owned road in the area, and to continue to work with the private seawall owners regarding any proposed cost allocations.

- B. RESOLUTION NO. 32-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design, Permitting, and Bid Support Services to Kimley-Horn and Associates, Inc., for the Reach 3 Roadway Protective Seawall Repairs, in the Amount of \$108,593.81, and Establishing a Design, Permitting, and Bid Phase Budget of \$120,000. [H. Paul Brazil, P.E., Director of Public Works]

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Kleid, to approve Resolution No. 32-2014. On roll call, the motion carried 4-0, with Council Member Townsend absent.

- C. RESOLUTION NO. 30-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Electing to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments Levied Within a Portion of the Incorporated Area of the Town Constituting the Wells/Sunrise Seawall Rehabilitation Project Assessment Area; Stating the Need for Such Levy; Providing for the Mailing of this Resolution; and Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager]

Town Manager Elwell stated that approval of this resolution only gives the Town

the option to establish an assessment should the Council wish to do so at a later date.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, to approve Resolution No. 30-2014. On roll call, the motion carried 4-0, with Council Member Townsend absent.

D. RESOLUTION NO. 33-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement with the Palm Beach County Property Appraiser and an Interlocal Agreement with the Tax Collector of Palm Beach County for Services and Costs Associated with the Non-Ad Valorem Assessments to be Implemented for the Wells/Sunrise Seawall Rehabilitation Project Assessment Area and Authorizing the Mayor to Execute the Agreements on Behalf of the Town.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, to approve Resolution No. 33-2014. On roll call, the motion carried 4-0, with Council Member Townsend absent.

V. COMMUNICATION WITH U.S. ARMY CORPS OF ENGINEERS REGARDING PROPOSED DEEPENING AND WIDENING OF LAKE WORTH INLET.
[Peter B. Elwell, Town Manager]

Town Manager Elwell provided an overview of the Town's communications with the U.S. Army Corps.

Vicki Hunt, 161 Via Palma, Garden Club President, expressed her concerns regarding the Port of Palm Beach expansion.

Robert Holuba, 1500 Lake Ct., Palm Beach Civic Association, spoke in opposition to the Port expansion and requested that the Town Council provide funding to the Civic Association to assist in their submission of their objections to the Environmental Impact Statement (EIS) prepared by the Corps.

Lisa Interlandi, Everglades Law Center, representing the Palm Beach Civic Association, spoke regarding the Association's objections to the Port Expansion and the flaws in the Corps' EIS.

Bobbie Lindsay Buck, 212 Caribbean Rd., spoke regarding the Civic Association's efforts so far and requested that the Town Council consider sending another letter to the Corps stating that the Town is still not happy with the plans to expand the Port, and to provide some funding for the Civic Association's efforts.

Brad Gary, 229 Onondaga Ave., spoke regarding maritime security and the need for the County to look at the Port's operations.

1 Dr. James Powell, Executive Director Sea2Shore Alliance, 4411 Bee Ridge Rd #490
2 Sarasota, FL, spoke regarding the impact the Port's expansion will have on manatees.

3
4 Bob Wright, Palm Beach Civic Association Chairman, spoke regarding the deadline for
5 objections and stated that they are trying to get as much information into the record as
6 possible.

7
8 Myra Koutzen, Palm Beach Shores Commissioner, stated that Palm Beach Shores has
9 written letters to the Corps regarding the impacts of the Port's current operations on her
10 residents. She added that Palm Beach Shores will be sending another letter to the Corps
11 objecting to the adverse impacts the expansion will have on her Town.

12
13 Sanford Kuvin, 149 E. Inlet Dr., spoke regarding the magnitude of the project, the
14 continual maintenance that will be needed, and how the dredged sand will be used.

15
16 Discussion ensued regarding the deadline to submit objections, the adverse impacts of the
17 expansion to the Town and the Lake Worth Lagoon, the information put together by the
18 Civic Association, the fact that this is an appellate process, the preponderance versus
19 weight of the evidence, duplication of efforts, the Town's relationship with the Corps,
20 and keeping open the option to take more aggressive action in the future, if needed.

21
22 **Motion was made by Council Member Pucillo, and seconded by Council President**
23 **Pro Tem Diamond, that the Mayor be directed to write to the U.S. Army Corps**
24 **stating that the Town of Palm Beach is concerned that the expansion will have an**
25 **adverse impact on the residents of the Town of Palm Beach and will further**
26 **adversely impact the Lake Worth Lagoon environment to the detriment of the Town**
27 **of Palm Beach and the surrounding area. On roll call, the motion carried 4-0, with**
28 **Council Member Townsend absent.**

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30 **VI. ANY OTHER MATTERS**

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32 **A. Consideration of Relocation of PUD-5 Model**

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34 Town Manager Elwell reported that Staff has looked into alternate locations for
35 the PUD-5 model; however, Staff is recommending that it not be moved as it is
36 fragile and has many parts that may get lost.

37
38 Discussion ensued regarding the size, purpose, and fragility of the model, having
39 the model accessible to the public, and possibly moving it to the Emergency
40 Operations Center.

41
42 Ned Barnes, Palm Beach Civic Association President, spoke regarding everyone
43 in Town being able to view it, and stated that the Association has already started
44 planning events around it and that they would pay for movers, if needed.

45
46 Bobbie Lindsay Buck, 212 Caribbean Rd., spoke regarding the scale of the model

1 and the ability for it to be mobile.

2
3 Michael Scharf, 225 Dunbar Rd., expressed his support for making the model
4 available to any group that wants to view it.

5
6 Discussion ensued regarding the Council's direction to Staff regarding what the
7 model was supposed to show, moving it from the Chambers to the Emergency
8 Operations Center, being fair to any groups that wish to view it, and who would
9 be responsible if it gets broken.

10
11 Town Manager Elwell stated that Staff will move the model to the Emergency
12 Operations Center next week, and will coordinate the logistics for any groups that
13 wish to come and view it.

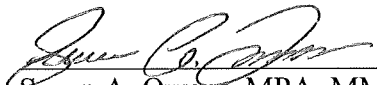
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15 **VII. ADJOURNMENT**

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17 There being no further business, the Special Town Council Meeting of Friday, February
18 28, 2014, was adjourned at 1:15 p.m.

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21 APPROVED:

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26 Robert N. Wildrick
27 Town Council President

28 ATTEST:

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31 
32
33 Susan A. Owens, MPA, MMC
34 Town Clerk

35
36 4/8/14
37 Date

