



TOWN OF PALM BEACH

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

DECEMBER 13, 2022

9:30 AM

Welcome

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. MODIFICATIONS TO THE AGENDA

IV. APPROVAL OF AGENDA

V. RECOGNITIONS

- A. Recognition of Town of Palm Beach 2022 Employee of the Year
Danielle H. Moore, Mayor

VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

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

VII. COMMENTS OF MAYOR DANIELLE H. MOORE

VIII. COMMENTS OF TOWN COUNCIL MEMBERS

IX. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

X. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

1. Town Council Meeting Minutes Page 8
Pat Gayle-Gordon, Acting Town Clerk

November 8, 2022, Town Council Meeting
November 9, 2022, Town Council Development Review Meeting
November 15, 2022, Town Council Development Review Meeting
December 9, 2022, Special Town Council Meeting

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of November 18, 2022. Page 53
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 148-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Pre-Construction Phase Services to Burkhardt Construction Inc. for the Phipps Ocean Park Improvement Project in the Amount of \$106,760. Page 70
Dean Mealy, Procurement and Contract Manager

2. RESOLUTION NO. 155-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Insight Public Sector for Server Equipment and Supporting Peripherals that Operate the Virtual Computer and Data Storage Environment in the Amount of \$382,769.80 and Establishing a Project Budget of \$421,047. Page 77
Dean Mealy, Procurement and Contract Manager

3. RESOLUTION NO. 156-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2023-03, Aluminum Compactor Transfer Page 98

Trailer to Spector Manufacturing Inc. in the Amount of \$171,076 and Establishing a Project Budget of \$179,629.

Dean Mealy, Procurement and Contract Manager

4. RESOLUTION NO. 157-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Regions Security Services, Inc. in the Amount of \$133,000 for the Remainder of FY23 for the Town Marina and Establishing a Three-Year Contract Award Amount of \$526,308 based on Satisfactory Performance, Mutual Agreement and Budget Authorization. Page 102

Dean Mealy, Procurement and Contract Manager

5. RESOLUTION NO. 158-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2022-22, Worth Avenue Living Wall Maintenance Program to GSKy Plant Systems, Inc. in the Annual Amount of \$36,000 and a Proposed Five-Year Award of \$180,000 Contingent Upon Satisfactory Performance, Mutual Agreement and Budget Authorization. Page 106

Dean Mealy, Procurement and Contract Manager

6. RESOLUTION NO. 159-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Sovereignty Submerged Lands Fee Waived Lease Renewal No. 500026426. Page 110

Carolyn Stone, Deputy Town Manager

7. RESOLUTION NO. 160-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Resolution No. 091-2019, Landscaping Services to Batallan Enterprises Inc. DBA Property Works for Newly Acquired Services in FY23 in the Amount of \$324,405.90 for FY23 and FY24 for a Total Revised Authorization of \$2,223,865.90 Contingent Upon Satisfactory Service, Mutual Agreement and Budget Authorization. Page 113

Dean Mealy, Procurement and Contract Manager

C. OTHER

1. Donation Acceptance - PBP&FF Page 117
Nicholas Caristo, Chief of Police
2. Request for Approval of Payment under Town's Supplemental Life Insurance Program - Valerie Tonge Page 122
Gillian Barth, Director of People & Culture
3. Public Employees Relations Commission 2022 Reappointments Page 124
Gillian Barth, Director of People & Culture
4. 206 Phipps Plaza Right-of-Way Permit for Scaffolding During Season Page 130
H. Paul Brazil, P.E., Director of Public Works
5. Waiver to Town Code for Extended Construction Hours and Road Page 137

	Closure for Ranger Construction to Construction Drainage and Roadway Improvements on Via Palma <i>H. Paul Brazil, P.E., Director of Public Works</i>	
6.	Preservation of Dune Plantings Along Mid-Town Seawall <i>H. Paul Brazil, P.E., Director of Public Works</i>	Page 140
7.	2000 S Ocean Blvd – Parking Adjacent to Rights-of-Way <i>H. Paul Brazil, P.E., Director of Public Works</i>	Page 145
8.	217 Mockingbird Trail, Large Bismarck Palm Tree Replacement <i>H. Paul Brazil, P.E., Director of Public Works</i>	Page 157
9.	218 Debra Lane, Fire Hydrant Relocation, Sewer Lateral Replacement, and Gas Service <i>H. Paul Brazil, P.E., Director of Public Works</i>	Page 164
XI.	BOARD/COMMISSION ANNUAL REPORT	
A.	Shore Protection Board Annual Report <i>Melissa Ceriale, Chair</i>	Page 168
XII.	COMMITTEE REPORTS	
A.	Report of the Business and Administrative Committee Meeting Held on October 27, 2022 <i>Lew Crampton, Chair</i>	Page 173
XIII.	PUBLIC HEARINGS	
A.	<u>RESOLUTION NO. 162-2022</u> A Resolution of The Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating And Abandoning Portions of an Existing Public Utility Easements Within the Property Commonly Known as 1265 South Ocean Boulevard, in The Town of Palm Beach, Florida. <i>H. Paul Brazil, P.E., Director of Public Works</i>	Page 178
XIV.	REGULAR AGENDA	
A.	Matters Pulled From Consent Agenda: If needed	
B.	Old Business	
1.	Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status <i>H. Paul Brazil, P.E., Director of Public Works</i>	Page 208
2.	Water Feasibility Study Update TIME CERTAIN: 11:00 AM <i>H. Paul Brazil, P.E., Director of Public Works</i>	Page 224
3.	Phipps Ocean Park Plan Update <i>Carolyn Stone, Deputy Town Manager</i> <i>Amanda Skier, President and CEO, Preservation Foundation of Palm Beach</i>	Page 239

TIME CERTAIN: 2:15 PM

A. ZON-22-107 (COA-22-037) 2185 S OCEAN BLVD—PHIPPS PARK (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES

The applicant, the Town of Palm Beach, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for modifications to an existing 20.6-acre Municipally Owned and Operated Park and Recreation Center (Phipps Ocean Park) including modifications to the parking lot and pedestrian ways, the relocation of the existing Little Red Schoolhouse, the construction of sports courts, restroom facilities, beach pavilions and an educational facility including variances to exceed the maximum building height in the R-B zoning district and variances to reduce the minimum required Ocean Bulkhead Line setback requirement for new structures. Landmarks Preservation Commission will perform design review of the application.

4. Evaluation of Impacts to Right-of-Way Due to Revised Plans for “Palm Beach Transportation Planning Agency Recommended Improvements for South Ocean Boulevard (A1A) Between Lake Avenue to Ibis Way to the Florida Department of Transportation” Page 282

TIME CERTAIN: 3:30 PM

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

C. New Business

1. Consideration of Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon and Construction of the 2023 Palm Beach Harbor Inlet Maintenance Dredging Project Page 318

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

2. Discussion Regarding Overtime Policy for Public Safety Page 324
Nicholas Caristo, Chief of Police

3. Kevin Morine vs. TOPB Special Magistrate's Report Page 338
Gillian Barth, Director of People & Culture

4. Review of a Stop Work Order Due to the Three Strike Rule at 232 Tradewinds Drive Page 368

Wayne Bergman, Director of Planning, Zoning and Building

5. Review of a Stop Work Order Due to the Three Strike Rule at 333 Sunset Avenue Page 378

Wayne Bergman, Director of Planning, Zoning and Building

XV. ANY OTHER MATTERS

XVI. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: Please submit written comments/materials to

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

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

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

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

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

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

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

**COMMUNICATIONS
FROM CITIZENS:**

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

**OTHER AGENDA
ITEMS:**

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

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

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Presentations By the Applicants and Appointments to the Shore Protection Board

Presenter

Pat Gayle-Gordon, Acting Town Clerk

ATTACHMENTS:

- ▣ **Memorandum Dated December 7, 2022, from Pat Gayle-Gordon, Acting Town Clerk**
- ▣ **Attendance Record**
- ▣ **Status Sheet**
- ▣ **Sample Ballot**
- ▣ **Board Roster**
- ▣ **Application - Robb Allan**
- ▣ **Application - Barbara Altenburg**
- ▣ **Application - Melissa Cerialle**
- ▣ **Application - Erick Reickert**
- ▣ **Application - James Wheat, III**
- ▣ **Application - Joel Zylstra**

TOWN OF PALM BEACH

Information for Town Council Meeting on December 13, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Pat Gayle-Gordon, Acting Town Clerk

RE: Shore Protection Board Appointment of Three (3) Regular Members

DATE: December 7, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint three (3) regular members to the Shore Protection Board. These members will fill the vacancies created due to the term expirations of Robb Allan, Melissa Ceriale and Erick Reickert, who are all eligible for reappointment.

GENERAL INFORMATION

The Town Clerk's office has received three (3) applications seeking **REAPPOINTMENT** from:

1. Robb Allan – 150 Bradley Place, Palm Beach, FL;
2. Melissa Ceriale – 230 S. Ocean Blvd., Palm Beach, FL;
3. Erick Reickert – 3100 S. Ocean Blvd., #PH601S, Palm Beach, FL

The Town Clerk's office has received three (3) applications seeking **NEW APPOINTMENT** from the following:

1. Barbara Altenburg – 2850 S. Ocean Blvd., #306, Palm Beach, FL;
2. James C. Wheat, III – 340 S. Ocean Blvd., PH1, Palm Beach, FL;
3. Joel Zylstra – 1438 N. Ocean Blvd., Palm Beach, FL.

Attachments

cc: H. Paul Brazil, P.E., Director of Public Works
Rob Weber, Coastal Program Manager

**SHORE PROTECTION BOARD
ATTENDANCE RECORD 2022**

MEMBERS	March 24, 2022	April 28, 2022	November 2, 2022
Clerked By:	Pat Gayle-Gordon	Lynne Menniti	Lynne Menniti
Ceriale	P	P	P
Belmar	P	P	P
Matwiczuk	P	P	A
Matzner	P	P	P
Rapoport	EA	RESIGNED 4/22	P
Reickert	P	P	P
Rogers	P	P	A
Allan			P

Legend:

S=Special Meeting, P=Present, E-Excused, U=Unexcused,

A=Absence pending classification as excused or unexcused

V=Eligible to Vote in Meeting

****Allowed 2 unexcused absences per calendar year**

****Attendance:**

Members must attend more than two meetings in one calendar year

Excused absences: illness, family death, religious holiday, legal process

Must notify PW of absence no later than noon on Friday prior to meeting, unless emergency

Excused absences shall be noted in the minutes of the next meeting after the absence

SHORE PROTECTION BOARD

Next appointment: **December 13, 2022, Town Council meeting**

Openings advertised via news release: **10/5/2022**

Deadline to submit applications: **December 2, 2022, by 5:00 p.m.**

Number of openings: **3 Regular Members**

Applicants

<u>NAME</u>	<u>SEEKING</u>
Robb Allan	Reappointment
Melissa Cerialle	Reappointment
Erick Reickert	Reappointment
Barbara Altenburg	New Appointment
James C. Wheat, III	New Appointment
Joel Zylstra	New Appointment

Current members and open seats

<u>NAME</u>	<u>TERM EXPIRES</u>
<u>Regular Members</u>	
Melissa Cerialle	December, 2022
Warren Belmar	December, 2025
Erick Reickert	December, 2022
Peter Matwiczuk	December, 2025
Ronald Matzner	December, 2025
Doug Rogers	December, 2025
Robb Allan	December, 2022

Highlighted in yellow=term currently expired/expiring

*=Applied for reappointment

**=Termed out

BALLOT FOR APPOINTMENT OF **REGULAR** MEMBER(S)
TO THE **SHORE PROTECTION BOARD**
Town Council Meeting on **December 13, 2022**

Positions to be filled: 3 Regular Members

Please circle 3 from the list of names appearing below

Regular Members Applying for Reappointment
(Listed Alphabetically)

Robb Allan

Melissa Ceriale

Erick Reickert

Others Who Have Submitted Applications
(Listed Alphabetically)

Barbara Altenburg

James C. Wheat, III

Joel Zylstra

Signature of Town Council Member: _____
Town Council Member

SHORE PROTECTION BOARD MEMBERS

Updated 07/18/2022
(appointment for 3 year terms)

<u>NAME AND ADDRESS</u>	<u>EMAIL</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>
Melissa Cerialle 230 S. Ocean Blvd. Palm Beach, FL 33480 CHAIR	msceriale@mac.com Home: 203-820-4608	12/2017 12/2019 3/24/2022	12/2019 (first partial term from Goldstein) 12/2022 – Term Expires
Warren Belmar 130 Sunrise Ave., Apt. 319 Palm Beach, FL 33480 VICE CHAIR	warrenbelmar@gmail.com Home: 561-833-1022 Work: 202-255-1586	12/2017 12/2019 3/24/2022	5/1/2020-first partial term 12/2021 – Term Expires Reappointed 12/2025 – Term Expires
Erick Reickert 3100 S. Ocean Blvd, PH 601S Palm Beach, FL 33480	ErickA5@aol.com Home: 561-547-1448	12/2019	12/2022 – Term Expires
Peter Matwiczky 1215 North Lake Way Palm Beach, FL 33480	pmatwiczky@bfmlaw.com Home: 561-844-6868 Work: 561-619-8419	1/2022	12/2025 – Term Expires
Ronald Matzner 3120 S Ocean Blvd, 2-102 Palm Beach, FL 33480	rfmatzner@gmail.com Home: 202-352-1667	1/2022	12/2025 – Term Expires
Doug Rogers 109 Atlantic Ave Palm Beach, FL 33480	sunnymeade2016@gmail.com Home: 561-833-3504 Cell: 917-355-5897	1/2022	12/2025 – Term Expires
Robb Allan 150 Bradley Place #410 Palm Beach, FL 33480	robb@helical.com Cell: 561-628-8250	7/2022	12/2022 – Term Expires
Vladimir Rapoport 3300 S. Ocean Blvd, Apt. S205 Palm Beach, FL 33480	Vr20007@gmail.com Cell: 202-361-3658	12/2019	12/2022 – Term Expires 4/2022 - RESIGNED

Application for Service

Profile

Robb

First Name

Aley

Middle Initial

Allan

Last Name

150 Bradley Place

Home Address

#410

Suite or Apt

Palm Beach

City

FL

State

33480

Postal Code

robb@helical.com

Email Address

Mobile: (561) 628-8250

Primary Phone

Home: (561) 628-8250

Alternate Phone

Question applies to multiple boards

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

raa

Question applies to multiple boards

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

Question applies to multiple boards

VERIFIED - KMC

Please upload proof of residency

Which Boards would you like to apply for?

Shore Protection Board: Submitted

In what area of town do you live?☒ Midtown

Interests/Experience

Question applies to Shore Protection Board

Why are you interested in serving on the Shore Protection Board?

I am concerned about the effects of climate change and sea level rise on coastal flooding.

Question applies to Shore Protection Board

How many meetings of the Shore Protection Board have you attended in the last year?

0

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

April and September

Question applies to multiple boards

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

n/a

Question applies to Shore Protection Board

Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you possess.

n/a

Question applies to Shore Protection Board

Please describe your experience with the design and/or construction of coastal protection projects.

n/a

Question applies to Shore Protection Board

Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

n/a

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

☒ Palm Beach Civic Association

Present Occupation

family office executive

No. of years

30

Past occupation(s)

journalist

No. of years

8

Please provide details regarding your educational background:

BA, Columbia Univ.

[Upload a Resume](#)

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

☐ Yes ☒ No

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

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

☒ I Agree

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

Julie Desnick, cousin of wife.

Demographics

Question applies to Shore Protection Board

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

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

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Physically Disabled

☐ Yes ☒ No

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

☒ I Agree

Question applies to Shore Protection Board

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

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

SHORE PROTECTION BOARD

The Shore Protection Board acts in an advisory capacity and makes recommendations to the Town Council in matters relating to shore protection, coastal management, beach nourishment, coastal armoring, the sand transfer plant, and matters relating to the Town's Lake Worth lagoon shoreline. The scope of the Board shall include long term planning, budgeting, lobbying, public education, and intergovernmental coordination. Members of the Board shall possess knowledge of or interest in shore protection, coastal management, and/or beach nourishment. The Board shall be composed of seven members to be appointed by the Town Council. Members of the Board shall serve for terms of three years. Each member of the Board is required to be a resident of the Town of Palm Beach, except that one member of the Board may be a non-Town resident who possesses specific knowledge or skills directly related to shore protection, coastal management, and beach nourishment. The Board shall hold at least four meetings per year and more if deemed necessary.

Application for Service

Profile

Barbara J Altenburg
First Name Middle Initial Last Name

2850 S Ocean Blvd Apt 306
Home Address Suite or Apt

Palm Beach FL 33480
City State Postal Code

barbaraaltenburg@comcast.net
Email Address

Home: (908) 337-1961
Primary Phone Alternate Phone

Question applies to multiple boards

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

YES - BJA

Question applies to multiple boards

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

Question applies to multiple boards

verified kmc
Please upload proof of residency

Which Boards would you like to apply for?

Shore Protection Board: Submitted

In what area of town do you live?

☒ South

Interests/Experience

Question applies to Shore Protection Board

Why are you interested in serving on the Shore Protection Board?

I would like to participate and provide the expertise of my training in Ocean Engineering and years of experience as a practicing Professional Engineer to preserve and protect the shorelines of Palm Beach.

Question applies to Shore Protection Board

How many meetings of the Shore Protection Board have you attended in the last year?

None

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

I can be available all year although traveling more in summer.

Question applies to multiple boards

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

No recent Board Experience, however I have worked with State Utility Boards, professional Engineering Boards, Technical Society Boards and worked for Planning Boards, one being the Area Planning Board of Palm Beach County a ver long time ago. No time served on boards in Town of Palm Beach

Question applies to Shore Protection Board

Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you possess.

I have a Bachelors Degree in Ocean Engineering from MIT. I was a Professional Engineer in the State of NJ. I worked for gas utilities in the northeast and am familiar with heavy construction and pipes, pumps and corrosion. I have an MBA in finance from Seton Hall University. I have experience with budgets and project management. My last position was Director of Gas Engineering for Orange and Rockland Utilities. I have strong experience in safety and regulatory compliance.

Question applies to Shore Protection Board

Please describe your experience with the design and/or construction of coastal protection projects.

My experience is in pipeline construction and operation. I believe there are strong parallels especially in regard to pumping operations. I had intended to have a career in shoreline protection but found a niche and success in gas utilities. My training at MIT was in Ocean Engineering, and I also was in the Ocean Engineering course at Florida Atlantic for a full year before returning to MIT to finish my undergraduate degree. My first jobs out of college were in coastal zone protection.

Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

When I worked at the Area Planning Board of Palm Beach County, I reviewed many coastal development applications where we steered applicants away from sea walls to planting fringes of mangrove with docks traversing to deeper water. Not an emerging technology for sure but it caught on since the dredge and fill projects on the Lake Worth are not like they used to be. I am interested in new technologies but I am very concerned with environmental impacts on wildlife and shore preservation, I don't think shoreline protection is a high tech proposition but one of being good stewards, keeping the projects tight, on budget and preserving and building dunes. Lastly it's educating the public to stay off the dunes. The dunes and grass serve a purpose.

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

- ☒ Citizens' Association of Palm Beach
- ☒ National Trust for Historic Preservation

Present Occupation

Retired

No. of years

8 yrs

Past occupation(s)

Planner/ Research Specialist Area Planning Board Palm Beach County Coastal Zone Specialist- Union County NJ Planning Department Engineer -Elizabethtown Gas Co (8 years) Engineer- Pipeline Integrity Manager-PSE&G(26 years) Auditor- Gas regulatory and safety compliance -the Shoemaker Group Director of Gas Engineering O&R Utilities

No. of years

Total- 39 yrs working

Please provide details regarding your educational background:

MIT BS Ocean Engineering Seton Hall University - MBA Finance Professional Engineer in NJ 35 years Professional Planner in NJ 30 years

Upload a Resume

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

☐ Yes ☒ No

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

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

☒ I Agree

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

Spouse : Dudley Hill Rose lives with me at 2850 S Ocean Blvd

Demographics

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

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

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Female

Physically Disabled

☐ Yes ☒ No

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

☒ I Agree

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SHORE PROTECTION BOARD

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Barbara J. Altenburg
2850 South Ocean Blvd., #306
Palm Beach, FL 33480
(C)908-337-1961
barbaraaltenburg@comcast.net

E D U C A T I O N

Massachusetts Institute of Technology, Bachelor of Science Degree - Ocean Engineering , School of Engineering 1975

Seton Hall University, Masters of Business Administration, Finance 1982

Licensed Professional Planner, NJ LI 2419 retired

Licensed Professional Engineer, NJ GE 26344 retired

E X P E R I E N C E

Orange and Rockland – Spring Valley, NY 2012 – 2014 Director Gas Engineering, Duties involved management of all the below listed activities for PSE&G but at a higher management level, including overseeing new construction budgeting and project management.

AE Systems Engineering – Self employed – Gas Industry Consulting, sub contract to Shoemaker Group for gas pipeline safety audits 2011 - 2016

Public Service Electric and Gas Company 80 Park Plaza, Newark, NJ 07102

December 1986 – 2012

Pipeline Integrity Manager – 2004- present – Responsible for development of safety programs relating to gas pipeline facilities incorporating industry best practices and preventive measures to meet or exceed the requirements of CFR 49 Part 192, and for ongoing prioritization of risks and threats to PSE&G's pipelines, following industry developments as experience is gained with pipeline assessments, and fulfilling facility documentation requirements. Personally responsible for the effectiveness of PSE&G's Pipeline Integrity Plan since inception in 2004. I interface with the public and municipal emergency responders on an ongoing basis, as well as with company management in assuring compliance and securing funds and other resources needed to complete the program requirements and maintain sustainable protection from pipeline threats. Responsible for preparing the Gas Transmission Annual Reports and the IMP Performance Measures Report to PHMSA. Under my direction, PSE&G has used GIS to capture location and facility data since 2005 to bring at a glance comprehensive understanding to the relation of facilities to test data and to HCA or environmentally sensitive areas.

Analyze metrics and performance trends, and manage all corrosion control activities and steel facility maintenance of Gas Distribution facilities (5000 miles of steel main, and 550,000 services) as well as personnel management for this specialized technical department – 13 direct reports + 17 seasonal interns. Active participant in business planning and forecast development for gas transmission delivery operations, budget control and special rate development. Oversee

construction and maintenance of gas transmission lines in accordance with federal mandates and to meet company operational requirements.

Distribution Manager – Gas Operations, 2002-2004 -Managed a field location of 150 craft and supervisory employees. Responsible for 15MM budget, labor negotiations and productivity as well as operational performance in safety and reliability for the department. Performed safety and budget benchmarking against other Districts as a management tool, and personally headed morning discussions at crew morning meetings on gas operator safety on a wide span of gas construction safety issues daily for two years. Responsible for construction procedure approvals including live gas operations. Work in District was subject to State audits for operator qualification and construction and maintenance practices in conformance with Part 192 and NJ State Administrative Codes.

Consultant - Business Pricing, 1999-2002 Conservation incentive development for competitive energy services. Combined technical and business intelligence gathered from customers and contacts in the industry for development of design incentive awards, commissioning incentives, and rebate incentives. Interface with engineer/architects to gather intelligence to effectively incorporate energy conserving equipment and design into new energy efficiency equipment subsidy requests. Performed nationwide market research on innovative measures that complied with regulatory mandates for efficiencies, and served as PSE&G's representative in the deployment of the NJ Smart Start Program in conjunction with the other NJ Utilities.

Manager - Proposals - PSEG Energy Technologies, 1997-1999 Competitive services, bundling technical solutions with large volume commodity offerings. Managed a team to develop unique energy solutions that delivered the best overall combination of financing, risk and cost effective capital improvements. Prepared complex presentations for clients on projects that aligned parallel resources for delivery of complex engineering solutions that could be self-financing out of future energy savings if the projects were implemented. My major role was to master the software models, which were intricate, and required a high degree of technical analysis, and then, upon reaching an optimum combination, translate the project into laymen terms with a high level of persuasive reasoning

Utilization Manager, and various engineering positions, Public Service Electric and Gas Company 1986-1997 As a gas utilization expert, I was the go-to person for all gas matters from the meter and then beyond on the customer side of the meter. I resolved customer problems and gas safety concerns by providing expertise and guidance involving fuel supply pressures, quality, energy management, code compliance, and environmental compliance issues. I promulgated gas safety code information for PSE&G personnel as well as to independent plumbers and HVAC installers and engineers through networking, presentations, consultations and the publication of several updates to the PSE&G Gas Appliance Installation Safety Guide and through development of trade ally partnerships in each geographical area of PSE&G.

As Utilization Manager, I was a local driver for the development of new national guidance for appliance venting and chimney/venting integrity as necessitated by the adverse effects of condensation from cooler flue gases of higher efficiency gas equipment introduced in the mid 1980's. I worked with AGA, GRI (GTI) and Battelle Labs on an analysis of vent size and length and appliance size to create new flue gas vent sizing tables. Carbon monoxide detectors were also being developed by industry at this time, and the first ones commercially available were promoted by PSE&G to customers under my direction. I had been on several carbon monoxide investigations and used this experience to develop a joint education program regarding flue gas spillage and carbon monoxide response with the US Fire Marshalls, which was then rolled out to all fire departments within PSE&G

territory as a joint presentation between the two agencies and the State of NJ Dept. of Community Affairs division of Code Enforcement. It was very effective and has proactively addressed many of the circumstances that can cause CO poisoning from improperly installed gas appliances.

In Gas Utilization, my operational responsibility was within PSE&G's Service Department, and included budget development, code interpretation and technical oversight. I performed analytical studies of leak trends and main replacement requirements using data and models from several sources. I had oversight for the management of inputs to the information systems that maintained asset performance data. I was a contributor in several gas base rate requests to address revenues and depreciation formulas, as well as leading teams to resolve other tariff operational issues for rate cases.

Elizabethtown Gas Company, 1 Elizabethtown Plaza, Elizabeth, NJ 07200 (1978 - 1986)

Manager – Measurement and Environmental 1984-1986 – Responsible for all metering and gas regulation, including code compliance with MAOP and overpressure protection at gate stations. Meter Sampling Program for quality control, including statistical analysis of meter families and regression results for predicting meter accuracy degradation with time. Corrosion prevention responsibilities.

Rate Analyst 1983 – Cost of Service studies.

Staff Engineer, then Sr. Staff Engineer 1978-1982 – Responsible for maintenance of Codes and Standards, ensuring the company had the latest codes that were incorporated by reference. Assigned to the Codes and Standards Committee to evaluate how new equipment or methods for construction met current codes and standards. Responsibility for filing the Annual reports to DOT. Performed energy audits within the company to reduce energy used at company facilities. Designed new pipeline facilities, gate stations and gas indirect fired heater installations. Specified materials and ratings and construction procedures for pipeline jobs.

Union County NJ Planning Dept – 1978 Associate – Coastal Zone Planning – conducted and completed a Coastal Zone Study of the onshore impacts of offshore oil and gas development, including identifying landing sites for support c=faciolities that would bear the associated impact of development.

Area Planning Board of Palm Beach County – 1975-1978 – Research Specialist – Review of Dredge and Fill applications for development, presentation to Area Planning Board on modification requests to minimize impact on environment, Lots of dock applications, some big developments, Represented the County Planning Department on Coastal Zone issues . Assignment was withing the non-point pollution impact group.

C O M M I T T E E S A N D A W A R D S

- 2011 Engineer of the Year, NJ Society of Professional Engineers
- Engineer of the Year 1997 - N.J. Chapter of the American Society of Mechanical Engineers
- American Gas Assoc. International Committee for Gas Appliance Safety (Japan-USA 1995-97)
- Gas Research Institute Industrial Utilization Advisory Group (1991-93, 1995-96)
- Gas Research Institute Carbon Monoxide Detector Technical Advisory Group (1994-95)
- Gas Research Institute Power Generation Advisory Group (1992-94)
- AGA Corrosion Control Committee 2004-present
- AGA Pipeline Integrity Management Task Force 2004

- Leadership award from NJ Women Business Owners for starting a mentoring network 2003
 - Participation on several New Jersey Energy Master Plan subcommittees. 2006-2007
 - Engineer of the Year 2010 - NJ Society of Professional Engineers
-

P R O F E S S I O N A L A S S O C I A T I O N S

American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) (1988 to present) President of the New Jersey Chapter - (1996-97) -

New Jersey Society of Professional Engineers (NJSPE) - (1978 to 2019)

Elected State Trustee at Large 1996-98 - State Board 1990 - 1998

President of the Union County Chapter 1992-93

Chapter Trustee – Union County Chapter 1999 to 2009

American Institute of Chemical Engineers - AIChE (1979 to present)

Society of Gas Operators (1995 to present) Executive Board 2000 to present, President 2004-2005

Gateway Chamber of Commerce (Union County Chamber of Commerce)- Board of Directors 2002 to 2005

US Green Building Council – (2002 to 2010) Founding member of the NJ Chapter

NJ Association of Energy Engineers (2002 to present) –President of the New Jersey Chapter 2007-2008
Chapter Treasurer 2009 to 2011

Application for Service

Profile

Melissa

First Name

Ceriale

Middle Initial

Last Name

230 S Ocean Blvd

Home Address

Suite or Apt

Palm Beach

City

FL

State

33480

Postal Code

mceriale@mac.com

Email Address

Mobile: (203) 820-4608

Primary Phone

Alternate Phone

Question applies to multiple boards

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

Msc

Question applies to multiple boards

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

Question applies to multiple boards

VERIFIED - KMC

Please upload proof of residency

Which Boards would you like to apply for?

Shore Protection Board: Submitted

In what area of town do you live?

☒ Midtown

Interests/Experience

Question applies to Shore Protection Board

Why are you interested in serving on the Shore Protection Board?

Continuing my service to the town.

Question applies to Shore Protection Board

How many meetings of the Shore Protection Board have you attended in the last year?

All

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

None

Question applies to multiple boards

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

SPB since 2016. I believe this would be my last service extension due to town limits now.

Question applies to Shore Protection Board

Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you possess.

History of service. Hopeful that it will count!

Question applies to Shore Protection Board

Please describe your experience with the design and/or construction of coastal protection projects.

Working with Robert Weber and Town Staff for the past several years on groins, sea walls, Woods Hole resiliency.

Question applies to Shore Protection Board

Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

Engagement with organizations like the Aspen Institute on Climate Change and technology, continual reading on advancements in the field, reliance on experts that have been hired by the Town of Palm Beach and others.

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

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

Present Occupation

Homemaker

No. of years

Past occupation(s)

Hotel Sales, Construction Management

No. of years

Please provide details regarding your educational background:

BS, Michigan State University, Hospitality, Restaurant and Institutional Management

Upload a Resume

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

☐ Yes ☒ No

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

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

☒ I Agree

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

None

Demographics

12-13-22 TCM Backup

Melissa Ceriale

Question applies to Shore Protection Board

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

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

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Female

Physically Disabled

☐ Yes ☒ No

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

☒ I Agree

Question applies to Shore Protection Board

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Melissa Ceriale

Melissa S Ceriale

230 S Ocean Blvd
Palm Beach, FL 33480

203.820.4608
Mceriale@mac.com

Skills

- Public Speaking
- Philanthropy
- Development
- Activism
- Project Management
- Hospitality
- Entertaining

Experience - Healthcare, Education and Other

Montefiore Medicine / Board of Trustees, Chair of Development

August 2013 - PRESENT, Bronx, New York

Chair of the Montefiore Medicine Foundation and active member of both the development and governance efforts of the Montefiore Health System in the Bronx for the past decade. As one of the nation's premiere Accountable Care Organizations, MM is a leader in population health and providing transformational care to the poorest congressional district in the United States.

Einstein College of Medicine / Board of Trustees

August 2020 - PRESENT, Bronx New York

Officially a trustee to the Einstein College of Medicine this past summer as well as an advisor and overseer for the past 4 years during the acquisition of one of the country's top-ranked and highly-funded NIH research and medical education facilities by Montefiore Medicine. While heading development for the Einstein College of Medicine for the past four years, now also active in the governance of both the medical education of our next generation's leaders in medicine and the science and research of this institution.

Montefiore School Based Health Clinics / Advisory Council Member

August 2019 - PRESENT, Bronx New York

As a key fundraiser and leader in the expansion of the nation's leading school-based health clinics, worked to establish a formal Advisory Council to change the landscape for school programs in the Bronx and around the country. Although the Advisory Council is a recent creation, have been a key member of this work for a decade. Currently serving 40% of all kids in the Bronx, our SBHC's are providing full healthcare

including physical, dental, vision and social medicine to this constituency in their school settings as well as telemedicine with the onset of Covid-19 restrictions. We have established state and federal funding along with private philanthropy partnerships to bring the full spectrum of health delivery to all children in the Bronx and to also show communities across the country that this can be done with tremendous long-term savings on all levels.

The Aspen Institute / Society of Fellows

July 2019 - PRESENT, Aspen Colorado

Actively participate in Aspen Institute programming, serving as an advocate and ambassador, and upholding the Institute's commitment to a free, just, and equitable society. Established the inaugural programming in Palm Beach, FL in March of 2020.

Shore Protection Advisory Council / Board Member

December 2015 - PRESENT, Palm Beach Florida

Active in the beach management activities in the county of Palm Beach, FL, working with local community members and town staff to oversee and advise the Town Council of Palm Beach on appropriate actions to protect both the residents and structures of the county as well as the waters and wildlife of our ocean. We are keenly observing the science of global climate change and the effects on our shorelines of this coastal state.

The Cornell Institute for Healthy Futures / Inaugural Council Member

November 2015 - PRESENT, Ithaca New York

As an inaugural funder and founder of the Institute, an integral part in furthering research and education across the disciplines of hospitality, design and healthcare. In part preceded by the establishment of Medicare and Medicaid funding requirements, working to firmly implant customer service-facing skills in the space of healthcare delivery and also bringing new technologies and data on the impact of facilities and design in overall health and well-being.

Teach For America, Connecticut Chapter / Member

August 2009 - August 2013, Connecticut

Participated in fundraising and the Sponsor A Teacher programs, mentoring both first and second year corps members in their journeys.

Achievement First Academy / Board Member

September 2009 - October 2010, Bridgeport Connecticut

Contributed to the critical thinking of the Bridgeport-based AF school as well as the expansion of the organization into Rhode Island and Brooklyn, NY.

Prospect Design & Build, LLC / Principal

February 2004 - August 2017

Established and ran a design/build firm for home restoration and new build. Worked for many clients in the construction management role of all phases of design, implementation and cost management of projects across the country.

Marriott Hotels and Resort s / Sales

August 1986 - October 1995

Worked in group sales on both a national level while based in Washington DC from 1986-1989 and then on a local level while based in San Francisco, CA from 1989-1995. Cultivated relationships within the national association market in the DC area for their convention and meeting business both across the country and in San Francisco. Rose to prominent sales level within the industry during this tenure.

Education

Michigan State University / Bachelor of Science; Hotel, Restaurant and Institutional Management

September 1982 - May 1986, East Lansing, Michigan

Graduated with a degree in HRI Managment while holding employment on-campus as a TA in food management and offcampus in retail sales. Worked throughout my academic progress with both spring and summer internships for Marriott Hotels and Resorts in Washington, DC, Anaheim, CA and Atlanta, GA

Philanthropy and Politics

The Melissa and John Cerialle Family Foundation / President

November 2009 - PRESENT, Palm Beach, Florida

As a family, we stand for human rights and equality for all. Therefore, the Cerialle Family Foundation promotes equality of access and opportunity for disadvantaged people through the support of educational, environmental, health, and arts and culture programs.

Biden-Harris Transition Team

Biden for President, Finance Committee

Harris for President, Finance Committee

DCCC Speaker's Cabinet

DSCC Speaker's Cabinet

Florida Alliance

Florida Democratic Party

Profile

First Name

Middle Initial

Last Name

Home Address

Suite or Apt

City

State

Postal Code

Email Address

Primary Phone

Alternate Phone

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

Please upload proof of residency

☒ South

Page 1 of 5

Question applies to Shore Protection Board

Why are you interested in serving on the Shore Protection Board?

I m currently on the Shore Protection Board and I want to continue to contribute to this important Board.

Question applies to Shore Protection Board

How many meetings of the Shore Protection Board have you attended in the last year?

All of them

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

Question applies to multiple boards

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

None

Question applies to Shore Protection Board

Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you possess.

I have circumnavigated the world in my sailboat and am familiar with coastal conditions worldwide along with an understanding of the ocean's currents.

Question applies to Shore Protection Board

Please describe your experience with the design and/or construction of coastal protection projects.

I have followed closely the specifications and requirements for the Town's coastal construction projects.

Question applies to Shore Protection Board

Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

I have read all proposed coastal management proposals in the past three years.

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

☒ Citizens' Association of Palm Beach

Present Occupation

Retired

No. of years

25

Past occupation(s)

Vice President at Chrysler and Ford Motor as General Manager and CEO of various organizations including Powertain Operation, New Venture Gear, Chrysler Mexico, Product Planning, etc.

No. of years

30

Please provide details regarding your educational background:

BS in Electrical Engineering at Northwestern University and MBA at Harvard Business School.

[Upload a Resume](#)

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

☐ Yes ☒ No

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None

12-13-22 TCM Backup

Erick A Reickert

Demographics

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Physically Disabled

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ERICK A. REICKERT

3100 S Ocean Blvd, PH 601S
Palm Beach, Florida, 33480
Cell- 248-310-7922

Résumé

BACKGROUND SUMMARY:

Extensive experience in the automotive industry, including nine years in international assignments. CEO and President of New Venture Gear, Inc., CEO and Chairman of Acustar, Inc., and CEO and Chairman of Chrysler de Mexico. Improved the financial condition of each of these companies. Corporate officer of Chrysler Corporation for eight years with positions in manufacturing, program management and product strategy. Planned products including Fiesta, Escort, Tempo, Mustang, Probe at Ford Motor Company. Primary skills in general management, planning/strategy, manufacturing, marketing, engineering management and in international. Highly self-motivated and analytical, and applies innovative approaches to achieving goals. Utilizes interpersonal and communication skills to build effective teams and to increase employee performance. Successfully served on several Boards of Directors.

GENERAL MANAGEMENT:

- Led Chrysler Mexico, a company with \$2 billion in sales and 11,000 employees. from last place in the industry to first place in nine months with a carry-over product line. This was accomplished by turning around the attitude of the dealers, a new advertising campaign, and an innovative retail credit arrangement unmatched in the industry.
- At New Venture Gear, achieved profitability the first year as CEO, after three years of losses. This was accomplished by cost cutting measures, redesigning the products, a revised purchasing strategy, and employee participation at all levels.
- Turned profits around from a loss to a profit at Chrysler Mexico. This was achieved during 150% inflation, price controls (but not cost controls), and heavy government intervention. Became the leading private exporter in the country of Mexico.
- At Acustar, a component parts manufacturing company with sales of \$3 billion, 25,000 employees in three countries and 25 plants, achieved profitability in an industry down year, improved manufacturing performance, improved quality 42% over the prior year, and laid the groundwork for sales to Japanese companies.
- Negotiated the basics and specifics of two major transplant operations with Japanese companies. These included the building of new assembly plants, and the product. All business, legal, financial, marketing, and engineering issues were involved.

- Experienced in the establishment of new organizations and their staffing as well as reorganization of existing activities to achieve cost reductions and manpower savings. Also experienced in dealing with unions and their work environments.
- Utilized leadership skills to successfully inspire teamwork, and developed people by delegation and empowering. Have created the vision and established goals for organizations. Acting as a “change agent”, successfully built organizations into better functioning and higher performing units.
- Developed and implemented a manufacturing strategy for a manufacturing division that included lean production concepts, a business orientation, and a new culture. The division consists of 10 plants with sales of \$3 billion, and 16,000 employees. Quality improved 23% over the prior year, all objectives were met or exceeded and the division achieved credibility.

PLANNING/STRATEGY:

- Planned and implemented the European Fiesta program from start to finish (5 years). It was launched on-target and was still successful ten years later. Directed this project as team leader, which was the largest and most complex program at Ford up to that time. The program achieved all goals and objectives.
- Developed the 1990-1995 basic product strategy and cycle plan for Chrysler. This is the basis for the resurgence of Chrysler.
- Directed car product planning for Ford of Europe during the 1970's, which was the first time a profit of \$1 billion was achieved. This was a result of an effective management team.
- Directed the small car strategy for Ford in the U.S. in the early 1980's. Conceived and implemented the Tempo in a very short time and with minimum investment. Prior attempts by other planners at selling similar programs had failed.
- Headed a diversified parts manufacturing company, which consisted of six separate businesses. Developed strategic business plans for each business unit. Each was selected to grow, drop, joint venture, sell or improve. These actions improved the profitability in all units.
- Revitalized an existing product line without major expenditures by utilizing a successful product content and marketing program. This increased profitability and doubled market share immediately.

PROFESSIONAL EMPLOYMENT HISTORY

NEW VENTURE GEAR, INC.

CEO and President

Board Director

1990-1996

1992-1996

1990-1996

CHRYSLER CORPORATION

Vice President, Power Train Operations

CEO and Chairman, Acustar, Inc.

CEO and Chairman, Chrysler de Mexico

Vice President, Program Management

Vice President, Advance Product Planning

1984-1992

1991-1992

1990-1991

1987-1990

1986-1987

1984-1986

FORD MOTOR COMPANY

Executive Director, Small Car Programs

V.P. Special Manufacturing Programs, Ford of Europe

V.P. Export Operations, Ford of Europe

V.P. Car Product Planning, Ford of Europe

Various Executive Positions

1965-1984

1979-1984

1978-1979

1977-1978

1976-1977

1965-1976

EDUCATION

M.B.A..Harvard Business School (Baker Scholar with High Distinction)

B.S. Northwestern University (Electrical Engineering)

1965

1958

PROFESSIONAL AFFILIATIONS

Board Member, Junior Achievement of Southeastern Michigan (1991-2013)

Board Member, The Children's Center of Detroit (since 1992)

Alumni Regent Emeritus, Northwestern University (for the Detroit area since 1984)

Council Member. Northwestern Engineering School Advisory Council (1985-1995)

American Chamber of Commerce of Mexico (Officer, 1987-1990)

PERSONAL Married to Lady Susan Willis-Reickert

Two grown children. Excellent health.

INTERESTS Sailing, travel, photography, and skiing

March 28, 2017



TOWN OF PALM BEACH
APPLICATION FOR SERVICE ON
SHORE PROTECTION BOARD

RECEIVED
DEC 01 2022
Town Clerk's Office

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

Name: James C. Wheat, III E-mail Address: jcw3vamt@comcast.net

Residence Address: 340 S. Ocean Blvd. PH1, Palm Beach, 33480

Mailing Address: 1506 Willow Lawn Drive, Suite 205, Richmond, Virginia 23230

Home Telephone: 804-920-7210 Work Telephone: N/A

I am a resident of the Town of Palm Beach _____ (please initial)

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

*Verified KMC
12/1/22*

1. Why are you interested in serving on the Shore Protection Board?

I live on the ocean and have watched at least two beach replenishment projects. I believe there are better long term solutions than

pumping sand.

2. How many meetings of the Shore Protection Board have you attended in the last year? 0

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

No

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

I can get to Palm Beach if needed. I have been here every month for the last 12 months. July & August are the worst times for me.

5. Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you may possess.

I had educational project working with Virginia Institute of Marine Science concentrating on marine and shore erosion in particular,

Eastern Shore of Virginia

6. Please describe your experience with the design and/or construction of coastal protection projects.

I have experience with shoreline protection at my farm which is a mile wide section of river with constant tidal change. In

particular building groins and plastic netting installed on hillsides.

7. Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

Mostly empirical, Town of Palm Beach detrimental effects erosion by cleaning beach of seaweed. It could be pushed above

lateral annex to build dunes, additional groins needed

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

☐ Palm Beach Chamber of Commerce

☐ Preservation Foundation of Palm Beach

☐ Palm Beach Civic Association

☐ North End Property Owners Association

☐ Citizens' Association of Palm Beach

☐ Neighborhood Alliance of Palm Beach

☐ Other _____

9. Present occupation: Land Management & Investing Number of years 40

Employer: Blandfield Associates

10. Past occupation(s): Securities Sales & Management Number of years 20

Employer(s): Saloman Bros. (NY, ATL), Merrill Lynch (ATL), Wheat First Securities (Richmond, VA)

11. Please provide details regarding your educational background.

BA History Hampden-Sydney College, Virginia

MBA University of Virginia

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

Family Member Name	Relationship	Address	Occupation	Employer
N/A				

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

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

☐ I will resign from the N/A if I am appointed to the position I am
(board/commission/committee)
seeking in this application.

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

RACE

- ☐ African American
☐ Asian American
☐ Hispanic American

- ☐ Native American
☒ Caucasian
☐ Not known

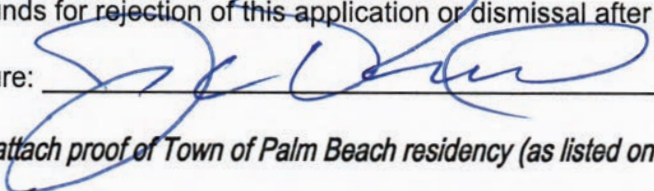
GENDER

- ☒ Male ☐ Female

PHYSICALLY DISABLED

- ☐ Yes ☒ No

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

Signature:  Date: 11/15/2022

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

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

SHORE PROTECTION BOARD

The Shore Protection Board acts in an advisory capacity and makes recommendations to the Town Council in matters relating to shore protection, coastal management, beach nourishment, coastal armoring, the sand transfer plant, and matters relating to the Town's Lake Worth lagoon shoreline. The scope of the Board shall include long term planning, budgeting, lobbying, public education, and intergovernmental coordination.

Members of the Board shall possess knowledge of or interest in shore protection, coastal management, and/or beach nourishment. The Board shall be composed of seven members to be appointed by the Town Council. Members of the Board shall serve for terms of three years. Each member of the Board is required to be a resident of the Town of Palm Beach, except that one member of the Board may be a non-Town resident who possesses specific knowledge or skills directly related to shore protection, coastal management, and beach nourishment. The Board shall hold at least four meetings per year and more if deemed necessary.

Profile

Joel M Zylstra
First Name Middle Initial Last Name

1438 North Ocean Blvd
Home Address Suite or Apt

Palm Beach FL 33480
City State Postal Code

jzylstra@jnzdevelopment.com
Email Address

Home: (517) 896-9728
Primary Phone Alternate Phone

Question applies to multiple boards

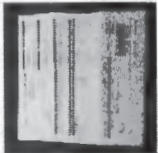
I am a resident of the Town of Palm Beach (Initial below)

JMZ

Question applies to multiple boards

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

Question applies to multiple boards



Please upload proof of residency

Which Boards would you like to apply for?

Shore Protection Board: Submitted

In what area of town do you live?

☒ North

Interests/Experience

Question applies to Shore Protection Board

Why are you interested in serving on the Shore Protection Board?

Our current residence in Palm Beach is on the coast and we were able to observe first hand the most recent coastal restoration project which generated an interest in serving on the Shore Protection Board.

Question applies to Shore Protection Board

How many meetings of the Shore Protection Board have you attended in the last year?

One -November 2, 2022

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

I reside in northern Michigan in the summer months but would be willing to either fly down for mandatory meetings or join in virtually as necessary.

Question applies to multiple boards

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

No previous service.

Question applies to Shore Protection Board

Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you possess.

I earned a Bachelor of Science in Engineering and I am currently a licensed Profession Engineer (Civil/Environmental Concentrations). Additionally I have spent the previous two years attending Cooley Law School in Lansing Michigan with intentions to complete a law degree specializing in property and environmental law.

Question applies to Shore Protection Board

Please describe your experience with the design and/or construction of coastal protection projects.

I participated with the most recent shore restoration project by granting the necessary construction easements and observing the daily construction activities of the project.

Question applies to Shore Protection Board

Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

I spent over 30 years working in the waste and renewable energy fields working on the design and implementation of projects across the country and evaluating new and emerging technologies along the way. Open minded and out of the box thinking may be helpful in evaluating relevant shore protection technology or coastal management processes.

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

None Selected

Present Occupation

Principal of JMZ Development

No. of years

4

Past occupation(s)

Engineer/Project Manager/President/Chief Operating of the Granger Companies (see attached resume)

No. of years

15 years

Please provide details regarding your educational background:

See attached Resume

Joel Zylstra Resume 10-16-22.docx

Upload a Resume

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

☐ Yes ☒ No

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

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

☒ I Agree

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

Spouse- Linda Zylstra

Demographics

Question applies to Shore Protection Board

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

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

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Physically Disabled

☐ Yes ☒ No

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

☒ I Agree

Question applies to Shore Protection Board

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SHORE PROTECTION BOARD

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JOEL M. ZYLSTRA

1438 North Ocean Blvd, Palm Beach, Florida 33480 ♦ (517) 896-9728 ♦ jzylstra@jmzdevelopment.com

EDUCATION

Western Michigan University Cooley Law School- Lansing, MI (Attended September 2020 -September 2022)

Juris Doctor: Business Law Concentration, Anticipated May 2024/ Dean's List -all completed terms

Calvin University - Grand Rapids, MI

Bachelor of Science: Civil/Environmental Engineering, August 1987

WORK HISTORY

Business Owner/Operator, 08/2017 to Current

JMZ Development – Lansing, MI

Southside High-Btu LLC - Formed a new partnership to develop, own, and operate a state-of-the-art renewable natural gas processing plant in Indianapolis, Indiana. (Design Capacity: 4,000 SCFM)

Delamar Traverse City LLC - Entered a partnership to develop, own, and operate a boutique style hotel property in Traverse City, Michigan

PA Land Holdings LLC – Formed a new company and partnership to prospectively develop, own, and operate a state-of-the art renewable natural gas processing plant in Eastern U.S. (Design Capacity: 6,000 SCFM- Currently in negotiation stages)

President/Chief Operating Officer, 01/2001 to 08/2017

Granger Energy Services – Lansing, MI

Successfully grew an innovative renewable energy company from one local project to a national company consisting of 17 operating projects with annual revenue exceeding \$44 million. Position involved forming and leading a team of professionals to manage all aspects of the company. Direct development responsibilities included strategic planning, marketing, and negotiations with municipalities, corporations, and private landowners. Legal responsibilities included interfacing with licensed attorneys to create, negotiate, and execute all types of agreements necessary for successful project development.

Managed directly all aspects of the successful sale of the Energy Services company including marketing, solicitation of qualified bidders, evaluation of offers, and all due diligence prior to closing. Negotiated directly with acquiring company leadership team to ensure that every associate was able to make the transition from Seller to Buyer under equal or better terms.

Project Manager/Vice President of Operations, 01/1991 to 12/2000

Granger Energy Services – Lansing, MI

Formed and managed a team of technicians to safely operate multiple gas processing facilities. Responsibilities included: supervision of all field associates, plant performance monitoring, safety programs, and financial accounting for the division.

Project Engineer, 06/1987 to 12/1990

Granger Waste Services – Lansing, MI

Designed and managed construction projects for two distinct landfills in Lansing, Michigan. Responsibilities included creation of drawings and specifications necessary for the design, permitting, and construction of landfill cells.

Waste Acceptance/Well Field Technician, 06/1986 to 08/1986

Waste Management – Fort Lauderdale, FL

Interfaced with incoming waste customers and inspected incoming waste loads. Operated heavy equipment for use in waste management activities and maintained one of the first active gas collection systems in the country.

PROJECTS

Wood Road Direct-use and Electrical Generation Facility (Granger Landfill #1 -Lansing Michigan)

Grand River Electrical Generation Facility (Granger Landfill #2 -Lansing Michigan)

Ottawa Electrical Generation Facility (Republic Landfill -Coopersville Michigan)

Grand Blanc Electrical Generation Facility (Republic Landfill -Grand Blanc Michigan)

Seymour Road Electrical Generation Facility (Waste Management Landfill -Montrose Michigan)

Brent Run Electrical Generation Facility (Waste Connection Landfill -Montrose Michigan)

Pinconning Electrical Generation Facility (Republic Landfill -Pinconning Michigan)

Lake County Direct-Use Facility (Municipal Landfill -Painesville, Ohio)

South Side Direct-Use Facility (South Side Landfill -Indianapolis, Indiana)

Hancock Electrical Generation Facility (Municipal Landfill -Hancock County Ohio)

Kent County Electrical Generation Facility (Municipal Landfill -Byron Center Michigan)

Watervliet Electrical Generation Facility (Orchard Hill Landfill -Watervliet Michigan)

Honeybrook Direct-Use and Electrical Generation Facility (Municipal Landfill -Honeybrook, Pennsylvania)

Morgantown Direct-Use and Electrical Generation Facility (Republic Landfill -Morgantown, Pennsylvania)

Decatur Direct-Use and Electrical Generation Facility (Municipal Landfill -Decatur, Alabama)

South Jordan Electrical Generation Facility (Municipal Landfill -South Jordan, Utah)

South Side High-Btu Renewable Natural Gas Facility (South Side Landfill -Indianapolis, Indiana)

LICENSES

Licensed Professional Engineer-State of Michigan

COMMUNITY INVOLVEMENT (CURRENT OR PRIOR)

Granger Executive Board of Directors

Elder-Omena Presbyterian Church

Capital Area United Way Board of Directors

Clerk of Session-Omena Presbyterian Church

Lansing Christian School Board of Directors

Capital Angel Group Member

Lansing Christian Foundation Board of Directors

Calvin University Engineering Mentor

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda Minutes

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

November 8, 2022, Town Council Meeting
November 9, 2022, Town Council Development Review Meeting
November 15, 2022, Town Council Development Review Meeting
December 9, 2022, Special Town Council Meeting

Presenter

ATTACHMENTS:

- ▣ **November 8, 2022, Town Council Meeting Minutes**
- ▣ **November 9, 2022 Town Council Development Review Meeting Minutes**

The November 15, 2022, Development Review and December 9, 2022, Special Town Council Meeting minutes will be placed in the purple folders



MINUTES OF THE TOWN COUNCIL MEETING HELD ON NOVEMBER 8, 2022

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of November 8, 2022, was called to order at 9:30 a.m. On roll call, all council members were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. MODIFICATIONS TO THE AGENDA

The following additions were made to the agenda:

After PRESENTATIONS: Discussion Regarding Town Council Development Review meeting for 11/9/22 relative to preparation for Tropical Storm Nicole.

XI.C.8. Review of a Stop Work Order Due to the Three Strike Rule at 221 El Vedado Road

IV. APPROVAL OF AGENDA

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

V. PRESENTATIONS

A. Update on Palm Beach County Schools Proposed Tax Referendum
Erica Whitfield, Palm Beach County School Board Member, District 4

Ms. Whitfield provided information on the tax referendum that is on the ballot on November 8. She answered Council Members' questions. She discussed potential school

closures due to the impending hurricane. Town Manager Blouin provided additional background information on school closures. Ms. Whitfield provided further information on how the funds would be allocated if the tax measure passes in response to Council Members' questions and discussed what can be done about teachers' pay.

Town Manager Blouin spoke regarding Tropical Storm Nicole and the potential of cancelling the Development Review meeting, as well as potential issues of storm surge, flooding and wind. Discussion ensued regarding rescheduling the Development Review meeting and potential dates and times. It was the consensus of Council to wait until after the 2:00 update to determine if the meeting will be rescheduled.

VI. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore encouraged everyone to vote today. She announced the following employee milestones: Paul Brazil, Director of Public Works, 20 years of service; Craig Johnson, Fire Department, 20 years of service; Joseph Sekula, Fire Department, 20 years of service; Michael Lane, Police Department, 10 years of service; Gisele Bido, Police Department, 10 years of service; Anducci Augustine, Police Department, 5 years of service; Michael Ogrodnik, Police Department, 5 years of service.

Mayor Moore provided an update on the Strategic Planning Board and discussed a recent community meeting and upcoming meetings and focus groups. She spoke regarding an upcoming Florida League of Cities Legislative Committee meeting that she will be attending.

She introduced Bob Miracle, the new Deputy Town Manager, who provided background information on his experience.

VII. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Pro Tem Lindsay spoke regarding traffic congestion in mid-town and spoke regarding construction projects that are causing additional congestion.

Council Member Crampton spoke regarding traffic congestion in the South end, as well. In response to a query by Mr. Crampton, Town Manager Blouin provided an update on the discussions with FDOT on the proposed widening in the South end of Town. Mr. Crampton requested that staff return with proposed plans at the next month's meeting. Mr. Brazil provided additional information on the discussions. Council Member Crampton spoke regarding the potential of organizations sending petitions to the Governor regarding the proposed project.

Council Member Araskog spoke regarding the proposed FDOT project and asked questions regarding the potential of the Mayor sending a letter to the Governor, to which Mr. Brazil responded. She encouraged residents to vote. Ms. Araskog expressed concern over construction sites being prepared in the event that Tropical Storm Nicole impacts the Town,

to which Mr. Blouin responded. She emphasized the importance of residents preparing for the storm.

Council President Zeidman spoke regarding the Planning & Zoning Commission meeting that occurred regarding the Zoning Code Update. She announced that Council Member Cooney, Sue Patterson and Jeff Smith will be making a presentation entitled, “My Palm Beach” at the Preservation Foundation.

VIII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

John David Corey, Australian Avenue, spoke regarding issues with the Café Seating permits and expressed concern over the process and situations that are occurring with increased capacity at certain restaurants in Town. Discussion ensued by Town Manager Blouin and Town Council regarding enforcement of this issue.

IX. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

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

Pat Gayle-Gordon, Acting Town Clerk

October 12, 2022 Town Council and Planning and Zoning Commission
Joint Meeting

October 12, 2022 Town Council Development Review Meeting

October 13, 2022 Town Council Meeting

2. Approval of Major Matters Considered by the Architectural Review Commission at its Day 2 Meeting of September 28, 2022 and of October 26, 2022

Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 139-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Waiver to the Town Code for Construction Hours and Authorizing Additional Appropriation for the North Ocean Seawall Repair and Painting Project, in the Amount of \$110,845 and Increasing the Original Construction Phase Budget of \$264,155 for this Project, for a Revised Total Budget of \$375,000.

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

2. RESOLUTION NO. 140-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to the Award Authority of Resolution No. 083-2019 from \$240,000 annually to \$400,000 annually to support Planning, Zoning, and Building Plans Review Requirements.
Dean Mealy, Procurement and Contract Manager
3. RESOLUTION NO. 141-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Orlando Freightliner Isuzu Truck of Ocala for the Purchase of a 20 CY Trash Truck in the Amount of \$193,826 and Establishing a Project Budget of \$213,382.
Dean Mealy, Procurement and Contract Manager
4. RESOLUTION NO. 142-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. in the Amount of \$18,735 and Establishing a Project Budget of \$22,482 for Town-wide Undergrounding of Utilities Program, Phase 4 North and Phase 2 South Easement Abandonment.
Dean Mealy, Procurement and Contract Manager
5. RESOLUTION NO. 143-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Retroactive Change Order to Resolution No. 121-2022, Par 3 Restroom Renovation in the amount of \$23,597 for an Updated Budget Authorization of \$190,097 to Hedrick Brothers Construction Company Inc.
Dean Mealy, Procurement and Contract Manager
6. RESOLUTION NO. 144-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Duval Ford in the Amount of \$122,685.82 and Establishing a Project Budget of \$134,685.82 for Two Ford Police Interceptors Hybrid AWD.
Dean Mealy, Procurement and Contract Manager
7. RESOLUTION NO. 146-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2023-01, Request for Qualifications, CMAR for Phipps Ocean Park Improvements to Burkhardt Construction Inc.
Dean Mealy, Procurement and Contract Manager
8. RESOLUTION NO. 147-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract and a Purchase Order to Health Fitness Corporation in the Annual Amount of \$207,413.
Dean Mealy, Procurement and Contract Manager

X. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

B. Old Business

1. Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status
H. Paul Brazil, P.E., Director of Public Works

Patricia Strayer, Town Engineer provided a brief update of the project status. Council Member Cooney spoke in support of the paving being done by Grainger.

The Town Council recessed at 10:55 a.m. and reconvened at 11:10 a.m.

2. Water Feasibility Study Update
TIME CERTAIN: 11:00 AM
H. Paul Brazil, P.E., Director of Public Works

Director Brazil provided background information on the options that have been researched in the water feasibility study and introduced Jason Lee from Kimley-Horn, who presented further information on the options that were studied, including associated costs involved. He provided an update on meetings and discussions that have occurred pertaining to the options. John Potts provided additional information on what is required for directional drilling in the intercoastal for the option of the Intercoastal Waterway Transmission Line and explained potential issues with the option.

Council Member Crampton spoke regarding the regulation of “forever chemicals” and inquired about the treatment of those chemicals, to which Mr. Potts responded.

Mayor Moore inquired about the increased allocation proposed by the Town of Lake Worth Beach, to which Mr. Lee responded.

Council Member Araskog spoke in support of no longer investigating the option of the Intracoastal Waterway Transmission Line. She spoke regarding the issue of not knowing if permits will be issued, to which Mr. Potts responded. Ms. Araskog spoke regarding trying to get agreement prior to moving forward.

Council Member Cooney inquired about the potential cost of the West Palm Beach facility, to which Mr. Lee and Mr. Blouin responded.

Council President Pro Tem Lindsay stated that she feels that the only options they should continue pursuing are the membrane technology options. She brought up the desalinization plant option and spoke regarding the possibility of looking at that option again.

Council President Zeidman spoke in support of the three options that involve the membrane technology and expressed support for sending the options to the Finance and Tax Committee to start looking at costs. She outlined the options that she feels should continue to be reviewed and raised questions regarding the various options.

Mayor Moore expressed concern over the option of the desalinization plant due to various issues.

Council Member Crampton spoke regarding the options that should move forward and spoke in support of the Tax and Finance Committee meeting and receiving a report of more specific costs.

Council President Zeidman spoke regarding staff bringing back more specific costs and feasibility of the desalinization option, to which Mr. Brazil responded.

Council Member Araskog expressed concern over looking at a desalinization plant on the west side of A1A and stated that she does not feel that this option should continue to be researched. She spoke regarding the possibility of not doing anything at this time to see what the regulation of forever chemicals might require the City of West Palm Beach to do to upgrade their equipment. In response to Ms. Araskog, Council Member Crampton spoke regarding the regulatory and standards process. Mr. Brazil responded to a question from Ms. Araskog regarding Phipps Park. She spoke in support of the option of not doing anything at this time.

Council President Pro Tem Lindsay expressed concern over the amount of time of the regulatory process and spoke in support of being on the front end of this issue rather than waiting until the regulatory process occurs. She spoke in support of having staff look at the desalinization process on the west side of A1A.

Discussion ensued regarding moving forward with investigating the desalinization option.

Council President Zeidman spoke in support of looking at the desalinization plant on the west side of A1A and if it is not feasible, then this option will be removed from consideration.

Council Member Crampton expressed concern over the impacts to Ibis Isle and neighboring communities in that area if a desalinization plant was located there.

Director Brazil provided an overview of the options that will be further researched to be returned to Town Council at the December meeting. The Council did not provide consensus to research the desalinization plant.

The Town Council provided consensus to further research the following options: City of West Palm Beach membrane upgrade and overlay of pipes that need to be replaced; City of Lake Worth Beach membrane technology with new distribution and pipes that need to be replaced. The option of not changing anything at this time will also be a consideration.

Discussion ensued regarding scheduling a public workshop and Finance and Tax Committee meetings.

The Town Council recessed at 12:25 p.m. and reconvened at 12:33 p.m.

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

C. New Business

2. Discussion on Naming Rights Regarding Donations
Kirk W. Blouin, Town Manager

Council Member Cooney inquired regarding the procedures for materials that are included after the posting of the agenda, to which Mr. Blouin responded.

Council President Zeidman spoke regarding the importance of moving ahead and getting an answer to the naming rights issue due to time constraints and additionally developing a policy for the naming rights. Discussion ensued regarding what will be discussed as it relates to Phipps Ocean Park.

Amanda Skier, Preservation Foundation of Palm Beach, presented background information on the project, outlined the goals and presented the request for 99-year naming rights for donors.

Betsy Shivricks, Chair of the Preservation Foundation, spoke regarding the work of the foundation and provided further on the request for naming rights for 99 years.

Mayor Moore spoke regarding capital grants and naming rights in perpetuity and spoke regarding the need to work out the details of the agreements.

Council Member Crampton spoke in support of allowing the Foundation to extend naming rights in perpetuity and spoke regarding the importance of the Town assisting in developing the pledge agreements. Ms. Skier responded. Discussion ensued on the pledge agreements and the agreement for naming rights.

Assistant Town Manager, Carolyn Stone, provided additional background information on the project and the request for naming rights. Town Manager Blouin provided further information on the issues related to the naming rights and spoke regarding the Council only providing direction on the naming policy and not adopt a formal policy at this time.

Council Member Araskog expressed concern over naming rights in perpetuity due to certain potential issues and inquired what happens if the plaque or buildings, etc. get destroyed. Town Attorney Randolph clarified what is being discussed at today's meeting.

Council President Zeidman asked if there is a maximum gift amount for the 99-year naming rights, to which Ms. Skier responded. Ms. Zeidman spoke regarding the importance of those negotiating the agreement look at Item 1.B. Liability for Cost of Replacement.

The Town Council provided consensus to provide direction that naming rights will be granted, including 99-year naming rights for "major" donors.

The Town Council recessed at 1:23 p.m. and reconvened at 2:13 p.m.

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

5. Special Events Request from Worth Avenue Association for December 3, 2022
Nicholas Caristo, Chief of Police

Capt. Will Rothrock, Police Department, provided background information on the request and provided staff comments.

Marianna Abate, Worth Avenue Association, provided further information on the request and explained issues that had occurred at the previous event. She answered Council Members' questions.

Council President Pro Tem expressed concern over the timing of the event and the issue of parking and the capability of this event with Worth Avenue.

Council Member Crampton inquired about the timing of the event, to which Ms. Abate responded.

Council President Zeidman expressed concern over the capability of Worth Avenue handling this event during the holiday season with increased car and foot traffic. She expressed serious concern over the increased needs for police to monitor such a large event over the holidays. She expressed her opinion that the event is too large and draws too many people for the event to be scheduled during the holidays.

Council Member Araskog spoke in support of the possibility of the event being held on a Sunday, to which Ms. Abate responded.

Discussion ensued regarding moving the event being moved to April.

Town Council provided consensus to provide the Town Manager with the authorization to review and approve the event to be held in April.

B. Old Business

3. RESOLUTION NO. 145-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Hedrick Brothers Construction Company Inc. for the North Fire Station Rehabilitation Phase 1 GMP in the Amount of \$2,417,019 for a total Purchase Order of \$3,402,083 which Encompasses the Previously Awarded Resolution No. 133-2021 and Resolution No. 161-2021 and Establishing a Project Budget to date of \$3,810,227.

Dean Mealy, Procurement and Contract Manager

Paul Brazil, Public Works Director, provided an update on the status of the project and provided background information on the item.

Council Member Crampton expressed concern over the cost of the building increasing since the beginning, to which Mr. Brazil responded. Mr. Crampton spoke in support of staff ensuring that they continue to find ways to reduce costs for this project.

Council Member Cooney and Mayor Moore spoke regarding the historic nature of this building and the importance of preserving the structure appropriately and that higher costs may be involved to do so.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 145-2022. On roll call, the Motion passed unanimously.

C. New Business

1. Discussion Regarding Town Caucus To Be Held on Tuesday, December 6, 2022
Margaret A. Zeidman, Town Council President

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve that the Town Caucus will be held on Tuesday, December 6, 2022 at 6:00 PM. On roll call, the Motion passed unanimously.

2. Discussion on Naming Rights Regarding Donations
Kirk W. Blouin, Town Manager

This item was heard out of order of the agenda.

3. Request for Waiver of Construction Limitations in the Right-of-Way November 12, 2022, for Delivery of a Tree to 756 Hi-Mount Road
H. Paul Brazil, P.E., Director of Public Works

Director Brazil provided background information on the item.

Mayor Moore expressed concern over traffic issues when there was a delivery of a tree a few weeks ago, to which Mr. Brazil responded.

Council Member Araskog expressed concern over the request being two Saturdays in a row.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to grant a waiver of construction limitations in the Right of Way to 756 Hi Mount Road. On roll call, the Motion passed unanimously.

4. Waiver of Third Charitable Solicitation Event Permit for MorseLife Health System
Carolyn Stone, Deputy Town Manager

Assistant Town Manager Stone provided background information on the item.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to approve a waiver of a third Charitable Solicitation Permit to MorseLife Health System. On roll call, the Motion passed unanimously.

Mayor Moore inquired about the charitable solicitation process and if the applications were vetted, to which Ms. Stone responded.

5. Special Events Request from Worth Avenue Association for December 3, 2022
Nicholas Caristo, Chief of Police

This item was heard out of order of the agenda.

6. Review of a Stop Work Order Due to the Three Strike Rule at 266 Colonial Lane
Wayne Bergman, Director of Planning, Zoning and Building

Director Bergman provided background information on the item.

Jeff Brokov, General Contractor, stated that the fines have been paid and explained the violations that had been done by a delivery contractor.

Council Member Araskog spoke regarding a construction site on her street with a full-time monitor, which helps with these types of issues.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to lift the Stop Work Order, rescind the third strike and issue right-of-way permits conditional to all fines being paid. On roll call, the Motion passed unanimously.

7. Review of a Stop Work Order Due to the Three Strike Rule at 1540 South Ocean Boulevard
Wayne Bergman, Director of Planning, Zoning and Building

Director Bergman provided background information on the item.

Josh McAlees, Seagate Capital Construction, explained the violations that had occurred and spoke regarding getting a second monitor for the site.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to lift the Stop Work Order, waive the third strike and issue right-of-way permits subject to all fines being paid. On roll call, the Motion passed unanimously.

8. Review of a Stop Work Order Due to the Three Strike Rule at 221 El Vedado Road
Wayne Bergman, Director of Planning, Zoning and Building

Director Bergman provided background information on the item and explained that since it is a 5th strike, then it is a \$5,000 fine and 30 days of no work allowed.

Gabriel Otheguy, Hedrick Brothers Construction, explained the violations that had occurred and explained that the first two strikes listed were from a previous permit. He spoke regarding the Police Department assisting with parking enforcement, as well as a parking monitor. He explained the future mitigation measures.

Mayor Moore expressed concern over Hedrick Brothers having these issues due to their experience on the island.

Council President Pro Tem Lindsay spoke regarding the parking for the right-of-way permits.

Council Member Araskog spoke regarding issues that have been occurring during the construction project on this site and spoke regarding violations she has personally seen. She spoke in support of the \$5,000 fine and no work for 30 days.

Mr. Otheguy spoke regarding the proposed timeline for the remainder of the job.

Motion was made by Council Member Araskog spoke regarding maintaining the Stop Work Order for two weeks, and to issue right-of-way permits after two weeks subject to all fines being paid; and to waive the third, fourth and fifth strikes. Motion died to a lack of second.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to lift the Stop Work Order, waive the third, fourth and fifth strikes and issue right-of-way permits subject to all fines being paid. On roll call, the Motion passed 4-1 with Council Member Araskog dissenting.

XI. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Amend the FY22 Budget

ORDINANCE NO. 017-2022 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, 2021, and Providing an Effective Date.

Jane Le Clainche, Director of Finance

Attorney Randolph read the Ordinance by title.

Motion was made by Council Member Crampton and seconded by Council Member Araskog to adopt Ordinance No. 017-2022. On roll call, the Motion passed unanimously.

XII. ANY OTHER MATTERS

Chief Donatto provided an update on Tropical Storm Nicole and explained that the barrier island has been issued a mandatory evacuation and spoke regarding closures of Palm Beach County and Palm Beach County Schools. Town Manager Blouin provided additional information. Discussion ensued regarding rescheduling the Development Review Meeting. The consensus was to hold the Development Review meeting as scheduled, via Zoom.

XIII. ADJOURNMENT

The Town Council meeting of November 8, 2022 was adjourned at 3:40 PM without benefit of a Motion.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

Date



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on November 9, 2022

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order November 9, 2022, at 9:30 a.m. via Zoom.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

Council President Zeidman stated that after the Town Council made the decision to hold the Town Council Development Review meeting via Zoom, she received emails objecting to the decision. Two of these emails came from attorneys who were representing parties on two of the projects; both questioned their due process of holding the meeting on Zoom. She further explained that it was likely that there was a perception that the meeting would be canceled due to the mandatory evacuation of the island. After consulting with Town Attorney Randolph, she indicated that he recommended the meeting be postponed and moved to a future date, where proper notice could be provided to all interested parties.

Further, Council President Zeidman acknowledged that while it was a prudent decision to move the meeting to a future date, she believed the Town Council could hear the Code Review Update item by Sean Suder and other consultants. She explained since the meeting would be recorded, the Town Council could move forward and listen to the presentation, and other interested parties could review the recorded meeting after the presentation is concluded. She added that there would be many upcoming opportunities for the public to weigh in on the issues at hand.

Town Attorney Randolph indicated that the Town Council could hear the Code Review Update since it was informational, and no actions would be taken on the item. However, he advised against hearing other matters where decisions would be made.

Many of the Town Council members expressed their concern on hearing the Code Review Update since the material was challenging and complicated. They thought it would be best to hold the update in person, with the opportunity for the community to be present and participating.

Council President Zeidman understood the Council's concerns. She agreed to postpone the Code Review Update and stated the Town Council needed to decide on a future meeting date.

After a lengthy discussion regarding possible meeting dates and times, the Town Council decided to move their Development Review meeting to Tuesday, November 15, 2022 at 3:00 p.m. Council President Zeidman asked Sean Suder and other consultants to put together a list of dates and times that they could present the Code Review Update to the Town Council.

Wayne Bergman, Director of Planning, Zoning and Building, discussed the immediate issue of demolitions in the Town. He explained that his department had not issued any demolition permits for the week due to the impending storm. He further explained the issue of contractors trying to complete a demolition before the Monday prior to the Thanksgiving holiday, which is outlined in the Code. He indicated that one remaining week was insufficient for the demolitions to be completed on the permits that were in process. Mr. Bergman requested a few extra days for demolition, either the first few days during the week of Thanksgiving, or the week following Thanksgiving.

Council Member Araskog cautioned against making this decision without the public's input. She was opposed to allowing demolition during the week of Thanksgiving. Council Member Araskog also inquired about the last-minute applications for demolition.

Mr. Bergman stated that contractors were allowed to demolish homes until the Monday prior to Thanksgiving. He explained the steps that would need to occur prior to a demolition and believed that with the loss of days due to the storm, it would not allow enough time for the demolitions.

Council Member Lindsay agreed that demolitions should not be permitted during the week of Thanksgiving. She also suggested the hours to be shifted from 9 a.m. to 5 p.m. on the week following Thanksgiving.

At the request of Council Member Lindsay, Mr. Bergman clarified that he was requesting extended time for demolition permits that had already been submitted to Planning and Zoning; this did not include any new permits.

Council Member Lindsay thought that the Town should accommodate those who had already submitted permits for demolition. Her suggestion was to allow demolition during the week following Thanksgiving, with limited hours beginning at 9:00 a.m. and ending by 5:00 p.m.

Council Member Crampton agreed with Ms. Lindsay and believed the Town Council could make the decision without the public comment since the applications for permit had already been submitted. Council Member Cooney and Mayor Moore agreed with this assessment as well.

Council Member Araskog agreed with Ms. Lindsay. She suggested looking at a demolition permit application deadline to alleviate this issue in the future.

Council President Zeidman agreed to allow the extra time for demolition, which would be the

week following Thanksgiving, with the constricted hours of 9 a.m. to 5 p.m.

Town Attorney Randolph asked the Town Council to make a motion to formally move the meeting to another date.

Motion made by Council Member Araskog and seconded by Council Member Crampton to cancel the Town Council Development Review Meeting, scheduled for November 9, 2022, and to reschedule the meeting to Tuesday, November 15, 2022 to begin at 3:00 p.m. Motion carried unanimously, 5-0.

III. ADJOURNMENT

The meeting adjourned at 10:03 a.m. on November 9, 2022 without the benefit of a roll call.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Kelly Churney, Deputy Town Clerk
Date: _____

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of November 18, 2022.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated December 7, 2022 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Action Minutes of the Architectural Review Commission Meeting of November 18, 2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Approval of the Architectural Review Commission Meeting Action Minutes of November 18, 2022 meeting

Date: December 7, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of November 18, 2022.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Review Commission recommends that the Town Council approve major items that were considered at the regularly scheduled meeting of November 18, 2022.

GENERAL INFORMATION

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

Attachment

kmc



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

SUMMARY OF THE ACTIONS TAKEN AT THE ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, NOVEMBER 18, 2022

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

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **APPROVAL OF THE MINUTES FROM DAY 2 – SEPTEMBER 28, 2022 AND OCTOBER 26, 2022 MEETINGS**
MOTION: APPROVED, AS PRESENTED
- V. **APPROVAL OF THE AGENDA**
MOTION: APPROVED, AS PRESENTED
- VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**
- VII. **COMMENTS FROM THE ARCHITECTURAL COMMISSION MEMBERS**
- VIII. **PROJECT REVIEW**
 - A. **CONSENT AGENDA OF MINOR PROJECTS**
 1. **ARC-22-230 300 SEMINOLE AVE UNITS 4A AND 4B.** The applicants, Mr. and Mrs. Baron, have filed an application requesting Architectural Commission review and approval for exterior modifications to a portion of the fourth floor south and north façades, including window changes and enlargement of existing terrace balconies, in an existing five-story multifamily building in order to combine two residential units.
MOTION: APPROVED ON CONSENT

B. MAJOR PROJECTS – OLD BUSINESS

1. **ARC-22-022 (ZON-22-021) 160 SEAVIEW AVE. (COMBO)** The applicant, Coral Beach Corporation (Angela Feldman, President) (160 Seaview Ave) and Seaview Holdings, Inc. (David Feldman, Director) (170 Seaview Ave), has filed an application requesting Architectural Commission review and approval of the construction of a new two-story guest house including variances from setback and point of measurement requirements on a unified site of 160 and 170 Seaview Avenue. Town Council will review the variance portion of the application. *(contd. from 08/24/22).*

MOTION: DEFERRED TO DECEMBER 16, 2022

2. **ARC-22-029 411 BRAZILIAN AVE.** The applicant, Holy Union PB Limited (Sean Sheridan), has filed an application requesting Architectural Commission review and approval for the construction of a new approximately 3700 SF two story residence designed in a mix of modern and classical style architecture. *(contd. from 08/24/22).*

MOTION: APPROVED WITH CONDITIONS

3. **ARC-22-126 (ZON-22-088) 240 OLEANDER AVE. (COMBO)** The applicant, PTMJM Florida Investment Properties, LLC (Patricia Lambrecht), has filed an application requesting Architectural Commission review and approval for the demolition of an existing two-story apartment building and the construction of a new two-story single-family residence with final hardscape, landscape and pool, requiring variances due to deficient lot area and depth in the R-C zoning district and not provide required garage enclosure for two vehicles. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. *(contd. from 08/24/22).*

MOTION: DEFERRED TO JANUARY 25, 2023

4. **ARC-22-136 (ZON-22-101) 980 S. OCEAN BLVD. (COMBO)** The applicant, 980 South Ocean (Emma), LLC; 980 South Ocean (Ian), LLC; 980 South Ocean (Jane), LLC (JANE HOLZER), has filed an application requesting Architectural Commission review and approval for the demolition of an existing two-story residence and two-story accessory structure and the construction of a new two-story residence with basement on a lot deficient in width and lot area requirements the R-A Zoning District with related landscape and hardscape improvements. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. *(contd. from 09/28/22).*

MOTION: APPROVED AS PRESENTED

5. **ARC-22-142 232 MOCKINGBIRD TR.** The applicant, The Beach House Trust, has filed an application requesting Architectural Commission review and approval for the demolition of an existing 3,371 square foot residence. Construction of a new two-story 4,629 square foot residence with associated landscape and hardscape. *(contd. from 07/27/22).*

MOTION: DEFERRED TO JANUARY 25, 2023

6. **ARC-22-148 (ZON-22-105) 150 SEMINOLE AVE. (COMBO)** The applicant, James Lansing and Haviva D. Langenauer, as Trustee of the Haviva D. Langenauer Trust u/a/d/8/10/92, has filed an application requesting Architectural Commission review and approval for a demolition and redesign of the southern portion of the existing two-story residence, a redesign of all facades, the construction of an approximately 680 SF addition to the second story, and new pool, and new hardscape and landscape, requiring variances to maintain existing nonconforming setbacks

with more than 50% demolition of a nonconforming structure as part of a renovation. Town Council will review the variance portion of the application. (*contd. from 09/28/22*).

MOTION: APPROVED WITH CONDITIONS

7. **ARC-22-184 (ZON-22-138) 1540 S OCEAN BLVD (COMBO)**. The applicant, 1540 S OCEAN LLC (Steven Kirsch), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story guest house connected to a previously approved two-story structure with related landscape and hardscape improvements. This is a combination project that shall also be reviewed by Town Council as it pertains to the Special Exception w/ Site Plan Review.

MOTION: APPROVED AS PRESENTED

8. **ARC-22-097 142 PERUVIAN AVE.** The applicant, Susan & Robert Taylor, has filed an application requesting Architectural Commission review and approval for the replacement of two pedestrian courtyard gates on a two-story condominium building. (*contd. from 08/24/22*)

MOTION: DEFERRED TO DECEMBER 16, 2022

9. **ARC-22-160 269 JAMAICA LN.** The applicant, Marrano Holdings 2022 INC, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence with hardscape and landscape improvements. (*contd. from 09/28/22*).

MOTION: DENIED

10. **ARC-22-198 265 LA PUERTA WAY** The applicant, John and Christie Fennesbrequé, has filed an application requesting Architectural Commission review and approval for a new two-story residence with associated hardscape, landscape, and new swimming pool.

MOTION: APPROVED WITH CONDITIONS

11. **ARC-22-209 (ZON-22-146) 1020 N LAKE WAY (COMBO)** The applicant, Robert Morse, has filed an application requesting Architectural Commission review and approval for exterior alterations to an existing single-family residence, including the modifications to and enlargement of an existing rear loggia, including a variance to exceed allowable lot coverage. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

MOTION: APPROVED WITH EXCEPTION OF FRONT ENTRY PORTICO

12. **ARC-22-213 (ZON-22-139) 144 CHILEAN AVE. (COMBO)** The applicant, Allen Perl, as Trustee of the 144 Chilean Trust dated April 13, 2022, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single family residence with hardscape and landscape, requiring special exception with site plan review for a lot deficient in width, and variances for lot coverage, overall landscaped open space, and cubic content ratio (CCR). This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

MOTION: APPROVED AS PRESENTED WITH SECTION MOTION TO INDICATE THAT IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACT TO THE SUBJECT PROPERTY.

C. MAJOR PROJECTS – NEW BUSINESS

1. **ARC-22-202 (ZON-22-157) 256 RIDGEVIEW DR (COMBO).** The applicant, Rotman Property Partnership (Francis Lynch), has filed an application requesting Architecture Commission review and approval for the construction of a new one-story single-family residence with related landscape and hardscape improvements, including variances to exceed to maximum allowable fill in required yards, to exceed the allowable height of a generator in a setback, and to exceed the allowable wall height in a setback. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

MOTION: APPROVED WITH CONDITIONS WITH SECTION MOTION TO INDICATE THAT IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACT TO THE SUBJECT PROPERTY.

2. **ARC-22-211 (ZON-22-145) 375 S OCEAN BLVD—MID TOWN SEAWALL (COMBO).** The applicant, the Town of Palm Beach (Public Works Department), has filed an application requesting Architectural Commission review and approval for the construction of a new 2,715 linear feet Mid-Town seawall along South Ocean Boulevard from south of Gulfstream Road to north of Royal Palm Way and design modifications to the Clock Tower and proposed new overlook and demolition and replacement of existing knee walls, gates and wood beach access stairs and ramps, including a setback variance from the bulkhead line. This is a combination project that shall also be reviewed by Town Council as it pertains to the Site Plan Review and Variance relief for approval.

MOTION: APPROVED WITH CONDITIONS WITH SECTION MOTION TO INDICATE THAT IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACT TO THE SUBJECT PROPERTY.

3. **ARC-22-232 120 DUNBAR RD.** The applicant, 120 Dunbar Road Trust (Maura Ziska, Trustee), has filed an application requesting Architectural Commission review and approval for construction of a new two-story residence with associated landscape and hardscape.

MOTION: APPROVED WITH CONDITIONS

4. **ARC-22-234 (ZON-22-151) 760 N OCEAN BLVD—PALM BEACH COUNTRY CLUB (COMBO).** The applicant, Palm Beach Country Club, Inc. (Robert Schlager, President), has filed an application requesting Architectural Commission review and approval for the replacement of windows and doors along all façades and the construction of a second floor covered 3,500 SF terrace addition and new balconies along the rear (west) façade of an existing two-story country club and golf course and installation of a rooftop skylights including a variance from the height regulations. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

MOTION: APPROVED REPLACEMENT OF THE WINDOWS AND DOORS WITH APPLICANT RETURNING FOR A RESTUDY OF THE OTHER ELEMENTS ON DECEMBER 16, 2022

D. MINOR PROJECTS – OLD BUSINESS

None

E. MINOR PROJECTS – NEW BUSINESS

1. **ARC-22-225 (ZON-22-147) 201 EL VEDADO RD (COMBO).** The applicants, Perri and Robert Bishop, have filed an application requesting Architectural Commission review and approval for the installation of two vehicular driveway gates, including a variance from the backup/cueing distance requirement. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

MOTION: DEFERRED TO DECEMBER 16, 2022 WITH SECTION MOTION TO INDICATE THAT IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACT TO THE SUBJECT PROPERTY.

2. **ARC-22-228 1464 N OCEAN BLVD.** The applicant, Manuel J Castelo, has filed an application requesting Architectural Commission review and approval alterations to a previously approved driveway configuration and the relocation of an outdoor barbeque in the rear yard.

MOTION: APPROVED; HOWEVER, APPROVAL DID NOT INCLUDE THE BARBEQUE

3. **ARC-22-235 214 DUNBAR RD.** The applicant, 214 Dunbar LLC (Mr. & Mrs. Georgas), has filed an application requesting Architectural Commission review and approval for exterior modifications and the extension of an existing parapet to a previously approved two-story residence.

MOTION: APPROVED AS PRESENTED

4. **ARC-22-227 640 ISLAND DR.** The applicant, 640 Land Trust, has filed an application to the Architectural Commission for review and approval for a second-story addition over an existing one-story garage attached to an existing two-story residence.

MOTION: DEFERRED TO DECEMBER 16, 2022

IX. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

- X. NEXT MEETING DATE:** Friday, December 16, 2022

XI. ADJOURNMENT

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 148-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Pre-Construction Phase Services to Burkhardt Construction Inc. for the Phipps Ocean Park Improvement Project in the Amount of \$106,760.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated December 1, 2022 from Dean Mealy, II
Procurement and Contract Manager**
- ▣ **Resolution No. 148-2022**
- ▣ **Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy II, NIGP-CPP, CPPO Procurement and Contract Manager

RE: Resolution No. 148-2022, Approving the Award of Pre-Construction Phase Services to Burkhardt Construction, Inc. in the Amount of \$106,760 for Phipps Ocean Park Improvements, RFQ No. 2023-01 – **Resolution No. 148-2022**

DATE: December 1, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council Approve Resolution No. 148-2022, approving the Award of Pre-Construction Phase Services to Burkhardt Construction, Inc. in the amount of \$106,760 for Phipps Ocean Park Improvements.

GENERAL INFORMATION

Town Council approved Resolution No. 146-2022 that awarded the CMAR for Phipps Ocean Park Improvements in November 2022.

Pre-Construction Phase Services is the next phase of the overall project. Burkhardt Construction, Inc. will be focused on the following deliverables:

The work designed and to be constructed is generally described as obtaining all necessary permits, the relocation of the historic Little Red School House, reconfiguration of park entry points, installation of native vegetation, reconfiguration of existing parking lots, new signage, lighting, demolition, tree relocations, earthwork/grading, traffic control, proposed pathways, pickleball courts, new playground, various park amenities, coastal restoration facility, new restrooms and picnic areas. The Construction Manager at Risk will coordinate the schedule of the work performed by his own forces and subcontractors, as well as any work that may be performed by utility owners and monitor the progress and schedule of the overall project. Existing local traffic must be maintained with special attention paid to access to/from the Fire Station and training facilities, and Public Works facilities which are located within the park. Public access will also need to be maintained to the beach and tennis facility located within the park.

As CMAR, BCI shall function as an agent of the Owner, shall be paid a fixed fee for services performed and shall be an integral part of the design team. Pre-construction services will include:

- Preconstruction meeting attendance;
- Review and input of schedule;
- Review of proposed construction documents and a cost estimate;
- The development of Guaranteed Maximum Price (GMP) for the construction of the facilities

based on the design;

- Develop maintenance costs accordingly

FUNDING/FISCAL IMPACT

Funding for the project will be provided by the Preservation Foundation.

At the September 13, 2022, Town Council meeting, Resolution No. 123-2022 was approved accepting a \$250,000 donation from the Preservation Foundation of Palm Beach to establish a project account and to proceed with the CMAR RFQ solicitation process for Phipps Ocean Park.

USER DEPARTMENT CONCURRENCE

This item has been reviewed by the Town Manager's Office and the Public Works Department and is approved as recommended.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Carolyn Stone, Deputy Town Manager, Business Enterprise and Culture
Jane Le Clainche, CPA, Finance Director
H. Paul Brazil, P.E., Public Works Director
Eric Brown, P.E., Assistant Public Works Director
Jason Debrincat, P.E., Senior Project Engineer

RESOLUTION NO. 148-2022

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE AWARD OF PRE-CONSTRUCTION PHASE
SERVICES TO BURKHARDT CONSTRUCTION INC. FOR THE
PHIPPS OCEAN PARK IMPROVEMENT PROJECT IN THE
AMOUNT OF \$106,760**

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. 148-2022, approving the Award of Pre-Construction Phase Services to Burkhardt Construction Inc. for the Phipps Ocean Park Improvement Project in the Amount of \$106,760.

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 13TH day of *December* 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

Vincent G. Burkhardt
President



November 1, 2022; Rev. 11/22/2022

Town of Palm Beach
Public Works/Engineering Department
Attn: Mr. Dean Mealy, Purchasing Manager
951 Old Okeechobee Road, Ste. "A"
West Palm Beach, FL 33401

**RE: Phipps Ocean Park Improvements – 2023-01
Construction Manager at Risk Pre-construction Services Proposal**

Dear Mr. Mealy:

Burkhardt Construction, Inc. (BCI), acting as Construction Manager at Risk (CMAR) is pleased to provide this proposal to the Town of Palm Beach (Owner) for Pre-construction Services for Phipps Ocean Park Improvements. The Preservation Foundation of Palm Beach, in collaboration with the Town of Palm Beach, has developed a master plan to guide the improvements to Phipps Ocean Park located in the Town of Palm Beach.

The work designed and to be constructed is generally described as obtaining all necessary permits, the relocation of the historic Little Red School House, reconfiguration of park entry points, installation of native vegetation, reconfiguration of existing parking lots, new signage, lighting, demolition, tree relocations, earthwork/grading, traffic control, proposed pathways, pickleball courts, new playground, various park amenities, coastal restoration facility, new restrooms and picnic areas. The Construction Manager at Risk will coordinate the schedule of the work performed by his own forces and subcontractors, as well as any work that may be performed by utility owners and monitor the progress and schedule of the overall project. Existing local traffic must be maintained with special attention paid to access to/from the Fire Station and training facilities, and Public Works facilities which are located within the park. Public access will also need to be maintained to the beach and tennis facility located within the park.

As CMAR, BCI shall function as an agent of the Owner, shall be paid a fixed fee for services performed and shall be an integral part of the design team. Pre-construction services will include:

- Preconstruction meeting attendance;
- Review and input of schedule;
- Review of proposed construction documents and a cost estimate;
- The development of Guaranteed Maximum Price (GMP) for the construction of the facilities based on the design;
- Develop maintenance costs accordingly

Pre-construction services shall be rendered and invoiced in the following format:

TASK I**PRE-CONSTRUCTION PROGRESS MEETINGS**

The scope includes the CMAR to participate in team progress meetings, attended by the CMAR, Design Professionals, Owner and others as requested. It is anticipated that these meetings will be held at the Owner's office, Design team's office or location as designated by the Owner.

Estimated 12 meetings required.

Public meetings and presentations shall be as directed by the Owner and may be requested at 90% or 100% plan completion. The public outreach shall consist of the CMAR facilitating a meeting with the residents and public to discuss the project. The presentation shall include introduction of the project team, who & how to contact team individuals, discussion of the project sequences, project phasing/ schedule, pedestrian/traveling public access during construction and additional details as requested by the Owner.

Estimated 2 meetings anticipated

TASK I – GUARANTEED NOT TO EXCEED \$20,440.00

TASK II**PRE-CONSTRUCTION AND CONSTRUCTION PHASE SCHEDULING**

Based on the provided information, CMAR will develop a master Pre-Construction phase bar chart schedule incorporating design development, permitting, plan review, guaranteed maximum price preparation, submittal review & approval, long lead item identification & procurement and construction phase sequencing.

TASK II – GUARANTEED NOT TO EXCEED \$8,400.00

TASK III**PLAN REVIEW / CONSTRUCTABILITY REVIEW / 60% COST ESTIMATE**

This scope includes review of the plans as provided by the Design Team. The review shall report to the Owner any design criteria which may present considerable constructability challenges. This scope also will assist the Design Team in any plan modifications and re-design.

This scope includes one (1) 60% construction drawing cost estimate.

TASK III – GUARANTEED NOT TO EXCEED \$43,020.00

TASK IV**GUARANTEED MAXIMUM PRICE (GMP) - 90% Plans**

BCI will prepare and submit a GMP to the Owner after completion of the pre-construction services phase of the project. The GMP proposal will be prepared in accordance with the guidelines and delivered in the format specified by the Owner. The Owner, at its sole option and discretion, may specify different requirements for the GMP proposal. The GMP will be valid for 90 days after submission. BCI will submit the GMP proposal in a bound format which will include, but not be limited to the following:

- Cover sheet including project title and Owner project number;
- Summary sheet of GMP Proposal including subcontractor bids, allowances, contingencies, bonds, insurance, conditions and exclusions. This sheet will also contain contract time, construction start date, date of substantial completion, date of final completion, critical path schedule and proposed work hours
- Schedule of values
- Detailed summary of general conditions
- Allowance list statement amounts and uses
- Proposed subcontractor list
- Subcontractor bid sheets
- Plans, drawings and specifications specific to the GMP
- Any supporting documents referenced in the GMP

At such time as the GMP preparation process results in a mutually agreeable GMP value, the Owner will document its acceptance thereof in writing and both parties shall execute a contract amendment for the project that incorporates the GMP and its supporting documents into the contract. CMAR's scope of basic and additional services shall be detailed and subject to a final determination of the project scope and size and careful negotiation and coordination between BCI and the Owner.

TASK IV – GUARANTEED NOT TO EXCEED \$19,100.00

TASK V**DEVELOPMENT OF MAINTENANCE COSTS**

BCI will assist the Town in the development of a unique set of maintenance costs. BCI will evaluate and take into consideration the different elements proposed for this project and the necessary maintenance needs that go above standard operational requirements.

TASK V – GUARANTEED NOT TO EXCEED \$15,800.00

TOTAL PRECONSTRUCTION SERVICES FEE ALL TASKS I THROUGH V:

\$106,760.00

**BURKHARDT
CONSTRUCTION, INC.**

All tasks and fees include supplies, presentation materials, equipment, personnel, travel and related costs associated with performing the services described.

Presentation and acceptance, by the Owner, of a mutually acceptable GMP shall conclude preconstruction services.

We have attached our current hourly rates for your use should additional pre-construction services be requested.

Thank you for the opportunity to submit this pre-construction services proposal. If you have any questions on this proposal, please contact us at (561) 659-1400.

Submitted By:
Construction Manager

Burkhardt Construction, Inc.


Marc R. Kleisley Title: Vice President

Accepted by:
Owner

Town of Palm Beach

By: _____
Printed Name

Title: _____

Date: _____

Upon your acceptance of this letter agreement Burkhardt Construction, Inc. shall begin work immediately. Please return one original for our files.

Preconstruction Services Backup

From **Burkhardt Construction, Inc.**
 1400 Alabama Ave., Suite #20
 West Palm Beach, Fl., 33401
 Att: Marc R. Kleisley
 Telephone: (561)-659-1400

To: **Town of Palm Beach**
 951 Old Okeechobee Road
 West Palm Beach, Fl., 33401
 Telephone: (561)-838-5440

Regarding: Phipps Ocean Park Improvements
 Preconstruction Services Agreement

Contract Date: 11/1/2022; Rev. 11/22/2022

Item Description

Task I, Preconstruction Progress Meetings				\$	20,440.00
	QTY	HRS	RATE		
Snr. Project Mgr.	7	4	\$ 150.00	\$	4,200.00
Project Mgr.	14	4	\$ 120.00	\$	6,720.00
Vert. Proj. Mgr	14	4	\$ 120.00	\$	6,720.00
Clerical	14	4	\$ 50.00	\$	2,800.00

Task II, Preconstruction / Construction Phase Scheduling				\$	8,400.00
Snr. Project Mgr.	2	6	\$ 150.00	\$	1,800.00
Project Mgr.	2	10	\$ 120.00	\$	2,400.00
Vert. Proj. Mgr	2	10	\$ 120.00	\$	2,400.00
Const. Field Mgr.	2	6	\$ 100.00	\$	1,200.00
Clerical	2	6	\$ 50.00	\$	600.00



Task III					\$	43,020.00
Plan Review / Constructability Review						
Snr. Project Mgr.	2	32	\$	150.00	\$	9,600.00
Project Mgr.	2	32	\$	120.00	\$	7,680.00
Vert. Proj. Mgr	2	16	\$	120.00	\$	3,840.00
Const. Field Mgr.	2	32	\$	100.00	\$	6,400.00
60% Cost Estimate						
Snr. Project Mgr.	1	8	\$	150.00	\$	1,200.00
Project Mgr.	1	40	\$	120.00	\$	4,800.00
Vert. Proj. Mgr	1	40	\$	120.00	\$	4,800.00
Const. Field Mgr.	1	20	\$	100.00	\$	2,000.00
Cost. Engineer	1	20	\$	75.00	\$	1,500.00
Clerical	1	24	\$	50.00	\$	1,200.00
Task IV, Guaranteed Maximum Price (GMP)					\$	19,100.00
Project Principal	1	10	\$	200.00	\$	2,000.00
Snr. Project Mgr.	1	20	\$	150.00	\$	3,000.00
Project Mgr.	1	40	\$	120.00	\$	4,800.00
Vert. Proj. Mgr	1	40	\$	120.00	\$	4,800.00
Const. Field Mgr.	1	20	\$	100.00	\$	2,000.00
Cost. Engineer	1	20	\$	75.00	\$	1,500.00
Clerical	1	20	\$	50.00	\$	1,000.00
Task V, Maintenance Cost Development					\$	15,800.00
Snr. Project Mgr.	1	12	\$	150.00	\$	1,800.00
Project Mgr.	1	40	\$	120.00	\$	4,800.00
Vert. Proj. Mgr	1	40	\$	120.00	\$	4,800.00
Const. Field Mgr.	1	16	\$	100.00	\$	1,600.00
Cost. Engineer	1	16	\$	75.00	\$	1,200.00
Clerical	1	32	\$	50.00	\$	1,600.00
TOTAL					\$	106,760.00



TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 155-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Insight Public Sector for Server Equipment and Supporting Peripherals that Operate the Virtual Computer and Data Storage Environment in the Amount of \$382,769.80 and Establishing a Project Budget of \$421,047.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated December 1, 2022 from Dean Mealy, II
Procurement and Contract Manager**
- ▣ **Resolution No. 155-2022**
- ▣ **Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on December 13, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy II, NIGP-CPP, CPPO Procurement, and Contract Manager

RE: Resolution No. 155-2022, Approving a Purchase Order to Insight Public Sector for Server Equipment and Supporting Peripherals that Operate the Virtual Computer and Data Storage Environment in the Amount of \$382,769.80 and Establishing a Project Budget of \$421,047 – **Resolution No. 155-2022**

DATE: December 1, 2022

STAFF RECOMMENDATION

The Town staff recommends Award of a Purchase Order to Insight Public Sector for Server Equipment and Supporting Peripherals that Operate the Virtual Computer and Data Storage Environment in the Amount of \$382,769.80 and Establish a Project Budget of \$421,047 for Phase 1 of the overall project.

GENERAL INFORMATION

The Office of Information Technology is planning to upgrade the Town’s computer and storage infrastructure, more specifically, the server equipment and supporting peripherals that operate the virtual compute and data storage environment. The last major upgrade of this type was completed in FY16. This needed upgrade is the first step of a strategic IT plan that will include a resilient infrastructure; improved disaster recovery; better data backup; and enhanced cybersecurity. The IT department worked with several vendors to develop the right solution for the Town, and Insight provided a “turnkey” solution that provides equipment installation, configuration, and training that will provide the Town with computing capacity that will meet our needs for several years ahead.

The overall project consists of two phases as follows:

- Phase 1 will consist of server equipment and supporting peripherals that operate the main compute and virtual compute environments; and includes main data storage. The approval of this resolution will authorize the funding and purchase order for Phase 1.
- Phase 2 of the project will be consist of a data backup and disaster recovery systems refresh which will include data storage equipment and peripherals. The Office of Information Technology is currently evaluating proposals for the Data Backup System Refresh.

The Office of Information Technology anticipates that Phase 1 and 2 will have an estimated cost of \$675,000. When the evaluation of proposals are completed for Phase 2, Procurement and the

Office of Information Technology will request authorization for the award of the anticipated funding for Phase 2 of the project.

The requested equipment was quoted from the OMNIA Partners IT Products & Services Contract #4400006644. This is a federal contract that governmental agencies have access to which provides best pricing and service

FUNDING/FISCAL IMPACT

Phase 1 of the Data Center Refresh project will be funded by the Equipment Replacement Fund.

USER DEPARTMENT CONCURRENCE

This item has been reviewed by the Office of Information Technology and is approved as recommended.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 155-2022

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A PURCHASE ORDER TO INSIGHT PUBLIC
SECTOR FOR SERVER EQUIPMENT AND SUPPORTING
PERIPHERALS THAT OPERATE THE VIRTUAL COMPUTER
AND DATA STORAGE ENVIRONMENT IN THE AMOUNT OF
\$382,769.80 AND ESTABLISHING A PROJECT BUDGET OF
\$421,047**

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. 155-2022, approving a Purchase Order to Insight Public Sector for Server Equipment and Supporting Peripherals that Operate the Virtual Computer and Data Storage Environment in the Amount of \$382,769.80 and Establishing a Project Budget of \$421,047.

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 13TH day of December, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

SOLD-TO PARTY 10167194

TOWN OF PALM BEACH
360 S COUNTY RD
PALM BEACH FL 33480-6735

SHIP-TO

TOWN OF PALM BEACH
360 S COUNTY RD
PALM BEACH FL 33480-6735

We deliver according to the following terms:

Payment Terms : Net 30 days
Ship Via : CLIENT OWNED/LTL
Terms of Delivery: : FOB DESTINATION
Currency : USD

In order for Insight to accept Purchase Orders against this contract and honor the prices on this quote, your agency must be registered with OMNIA Partners Public Sector (formerly U.S. Communities).
Our sales teams would be happy to assist you with your registration. Please contact them for assistance -- the registration process takes less than five minutes.

Quotation

Quotation Number : [225668358](#)
Document Date : 10-NOV-2022
PO Number :
PO release: :
Sales Rep : Margaret Pickles
Email : MARGARET.PICKLES@INSIGHT.COM
Telephone : +15143738075
Sales Rep 2 : Edcarlo Padolina
Email : EDCARLO.PADOLINA@INSIGHT.COM
Telephone : +12133627103

Material	Material Description	Quantity	Unit Price	Extended Price
R9Q10A-TPB1	PALM BEACH - HPE NS DHCI W/ ALLETRA 5000 BC TRK OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	1	0.00	0.00
P28948-B21-TPB1	HPE ProLiant DL360 Gen10 Plus Network Choice - rack-mountable - no CPU - 0 GB - no HDD OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	3	1,950.00	5,850.00
P28948B21ABA-TPB1	HPE ProLiant DL360 Gen10 Plus Network Choice - rack-mountable - no CPU - 0 GB - no HDD OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	3	0.00	0.00
P36931-B21-TPB1	Intel Xeon Gold 5317 / 3 GHz processor OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	6	1,030.00	6,180.00
P06031-B21-TPB1	HPE SmartMemory - DDR4 - module - 16 GB - DIMM 288-pin - 3200 MHz / PC4-25600 - registered OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	48	375.00	18,000.00
P23532-B21-TPB1	Intel Optane Persistent Memory 200 Series - DDR-T - module - 128 GB - DIMM 288-pin - 3200 MHz / PC4-25600 OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	24	600.00	14,400.00
P26427-B21-TPB1	HPE 8SFF SAS/SATA 12G Basic Carrier Backplane Kit - backplane	3	85.00	255.00

Material	Material Description	Quantity	Unit Price	Extended Price
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
P12965-B21-TPB1	HPE NS204i-p Gen10 Plus - storage controller - M.2 NVMe Card / PCIe 3.0 (NVMe)	3	692.00	2,076.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
P26262-B21-TPB1	Broadcom BCM57414 - network adapter - PCIe 3.0 x8 - Gigabit Ethernet / 10Gb Ethernet / 25Gb Ethernet SFP28 x 2	3	675.00	2,025.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
P10115-B21-TPB1	Broadcom BCM57414 - network adapter - OCP 3.0 - Gigabit Ethernet / 10Gb Ethernet / 25Gb Ethernet SFP28 x 2	3	675.00	2,025.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
P26477-B21-TPB1	HPE High Performance Fan Kit - system fan kit	3	230.00	690.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
P38995-B21-TPB1	HPE Flex Slot Platinum - power supply - hot-plug - 800 Watt	6	305.00	1,830.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
BD505A-TPB1	HPE Integrated Lights-Out Advanced - license + 3 Years 24x7 Support - 1 server - Coverage Dates: 10-NOV-2022 - 10-NOV-2025 OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644) List Price: 576.99 Discount %: 59.965%	3	231.00	693.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
867998-B21-TPB1	HPE - system cabinet bezel kit - 1U	3	37.00	111.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
875519-B21-TPB1	HPE - system cabinet bezel lock kit	3	43.00	129.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
P13771-B21-TPB1	HPE - Trusted Platform Module 2.0 Gen10 Plus Rivets Kit	3	55.00	165.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
P14604-B21-TPB1	HPE Chassis Intrusion Detection Kit - intrusion detect option	3	30.00	90.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
P26479-B21-TPB1	HPE High Performance - processor heatsink	6	49.00	294.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
P26485-B21-TPB1	HPE Small Form Factor Easy Install Rail Kit - rack rail kit - 1U	3	90.00	270.00

Material	Material Description	Quantity	Unit Price	Extended Price
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
P26489-B21-TPB1	HPE - cable management arm - 1U	3	48.00	144.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
R8E93A-TPB1	HPE Nimble Storage dHCI (v. 7.0) - license - 1 license	3	0.00	0.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644) List Price: 1.99 Discount %: 100.000%			
Q1J18A-TPB1	HPE D3710 - storage enclosure	1	19,535.00	19,535.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
R7G28B-TPB1	PALM BEACH - HPE STOREEASY 1860 MS WS IOT19	1	9,535.00	9,535.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
P06033-K21-TPB1	HPE SmartMemory - DDR4 - module - 32 GB - DIMM 288-pin - 3200 MHz / PC4-25600 - registered	1	1,250.00	1,250.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
P27194-B21-TPB1	HPE - storage drive cage	2	351.00	702.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
P28352-K21-TPB1	HPE Mission Critical - hard drive - 2.4 TB - SAS 12Gb/s	24	1,100.00	26,400.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
P40502-K21-TPB1	HPE Mixed Use - SSD - 480 GB - SATA 6Gb/s	2	846.00	1,692.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
P06367-B21-TPB1	Broadcom MegaRAID MR416i-p - storage controller (RAID) - SATA 6Gb/s / SAS 12Gb/s / PCIe 4.0 (NVMe) - PCIe 4.0 x8	1	1,370.00	1,370.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
P10115-B21-TPB1	Broadcom BCM57414 - network adapter - OCP 3.0 - Gigabit Ethernet / 10Gb Ethernet / 25Gb Ethernet SFP28 x 2	1	675.00	675.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
P07818-B21-TPB1	HPE DDR4 DIMM Blank Kit - blank panel	1	75.00	75.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			
Q9E63A-TPB1	HPE StoreFabric SN2010M - switch - 24 ports - managed - rack-mountable	2	14,000.00	28,000.00
	OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)			

Material	Material Description	Quantity	Unit Price	Extended Price
455883-B21-TPB1	HPE - SFP+ transceiver module - 10 GigE OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	8	380.00	3,040.00
JL487A-TPB1	HPE Aruba Direct Attach Cable - 25GBase direct attach cable - 2 ft OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	2	189.00	378.00
844477-B21-TPB1	HPE Copper Cable - 25GBase direct attach cable - 10 ft OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	20	245.00	4,900.00
QK734A-TPB1	HPE PremierFlex - network cable - 5 m OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	8	80.00	640.00
H29BSA1-TPB1	HPE Installation Service - installation - 1 hour OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	3	821.00	2,463.00
HU4A6A5-TPB1	HPE Pointnext Tech Care Essential Service - extended service agreement - 5 years - on-site OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	1	0.00	0.00
HU4A6A5#ZSA-TPB1	HPE Pointnext Tech Care Essential Service - extended service agreement - 5 years - on-site OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	3	4,575.00	13,725.00
HU4A6A5#R2M-TPB1	HPE Pointnext Tech Care Essential Service - technical support - for HPE Integrated Lights-Out (iLO) Advanced Pack non Blade - 5 years OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	3	30.00	90.00
HU4A6A5#14C-TPB1	HPE Pointnext Tech Care Essential Service - extended service agreement - 5 years - on-site OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	1	2,590.00	2,590.00
HU4A6A5#W0P-TPB1	HPE Pointnext Tech Care Essential Service - extended service agreement - 5 years - on-site OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	2	2,900.00	5,800.00
HU4A6A5#ZVL-TPB1	HPE Pointnext Tech Care Essential Service - extended service agreement - 5 years - on-site OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	1	4,500.00	4,500.00

Material	Material Description	Quantity	Unit Price	Extended Price
HA124A1-TPB1	HPE Installation & Startup Service - installation / configuration - 1 incident - on-site OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	1	0.00	0.00
HA124A1#5WX-TPB1	HPE Installation & Startup Service - installation / configuration - on-site OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	1	9,475.00	9,475.00
HB983A1-TPB1	PALM BEACH - HPE INSTALLATION COMM SVRS HOURLY SVC OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	1	168.00	168.00
R7L32A-TPB1	PALM BEACH - HPE NS DHCI W/ ALLETRA 5030 CTO ARRAY OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	1	15,500.00	15,500.00
R3Q00A-TPB1	HPE Nimble Storage - network adapter - 25 Gigabit SFP28 x 2 OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	2	2,680.00	5,360.00
R4U49A-TPB1	PALM BEACH - HPE ALLETRA 5000 11.52TB FIO CACHE BDL OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	2	29,250.00	58,500.00
Q8J27A-TPB1	HPE Nimble Storage - power cable - IEC 60320 C13 to IEC 60320 C14 - 6 ft OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	2	0.00	0.00
R4U43A-TPB1	PALM BEACH - HPE ALLETRA 5000 84TB SAS FIO HDD BDL OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	1	22,500.00	22,500.00
R9X15A-TPB1	PALM BEACH - HPE ALLETRA TIER 1 STORAGE ARRAY STD TRK OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	1	0.00	0.00
R8E98A-TPB1	HPE Nimble Storage dHCI NOS PG for ESXi 7.0 Software - license - 1 license - OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644) List Price: 1.99 Discount %: 100.000%	1	0.00	0.00
S0L81AAE-TPB1	PALM BEACH - HPE ALLETRA 5030 SW/SUP 5YR SAAS - Coverage Dates: 10-NOV-2022 - 10-NOV-2027 OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644) List Price: 58449.99 Discount %: 15.312%	1	49,500.00	49,500.00

Material	Material Description	Quantity	Unit Price	Extended Price
HU4A6A5-TPB1	HPE Pointnext Tech Care Essential Service - extended service agreement - 5 years - on-site OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	1	0.00	0.00
HU4A6A5#ZDW-TPB1	HPE Pointnext Tech Care Essential Service - extended service agreement - 5 years - on-site OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	2	1,436.40	2,872.80
HU4A6A5007E-TPB1	PALM BEACH - HPE ALLETRA 5030 CTO BASE ARRAY SUPP OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	1	2,827.00	2,827.00
HU4A6A5007N-TPB1	PALM BEACH - HPE ALLETRA 5000 84TB SAS HDD BDL SUPP OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	1	4,250.00	4,250.00
HU4A6A5007V-TPB1	PALM BEACH - HPE ALLETRA 5000 11.52TB FIOCACHBDL SUPP OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	2	5,550.00	11,100.00
		Product Subtotal		304,779.00
		Services Subtotal		59,860.80
		TAX		0.00
		Total		364,639.80

Thank you for choosing Insight. Please contact us with any questions or for additional information about Insight's complete IT solution offering.

Sincerely,

Margaret Pickles
+15143738075
MARGARET.PICKLES@INSIGHT.COM

Edcarlo Padolina
+12133627103
EDCARLO.PADOLINA@INSIGHT.COM

OMNIA Partners (formerly U.S. Communities) IT Products, Services and Solutions Contract No. 4400006644

Insight Public Sector (IPS) is proud to be a contract holder for the OMNIA Partners Technology Products, Services & Solutions Contract.

This competitively solicited contract is available to participating agencies of OMNIA Partners. OMNIA Partners assists local and state government agencies, school districts (K-12), higher education, and nonprofits in reducing the cost of purchased goods by pooling the purchasing power of public agencies nationwide. This is an optional use program with no minimum volume requirements and no cost to agencies to participate.

Thanks for choosing Insight!

OMNIA Partners (formerly U.S. Communities) IT Products, Services and Solutions Contract No. 4400006644

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<https://www.insight.com/terms-and-policies>

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 156-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2023-03, Aluminum Compactor Transfer Trailer to Spector Manufacturing Inc. in the Amount of \$171,076 and Establishing a Project Budget of \$179,629.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated December 1, 2022 from Dean Mealy, II
Procurement and Contract Manager**
- ▣ **Resolution No. 156.2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on December 13, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy II, NIGP-CPP, CPPO Procurement, and Contract Manager

RE: Resolution No. 156-2022, Approving the Award of ITB No. 2023-03, Aluminum Compactor Transfer Trailer to Spector Manufacturing Inc. in the Amount of \$171,076 and Establishing a Project Budget of \$179,629 – **Resolution No. 156-2022**

DATE: December 1, 2022

STAFF RECOMMENDATION

The Town staff recommends approving the Award of ITB No. 2023-03, Aluminum Compactor Transfer Trailer to Spector Manufacturing Inc. in the Amount of \$171,076 and Establishing a Project Budget of \$179,629.

GENERAL INFORMATION

The trailer being replaced is a critical unit in the transfer station operation of hauling the towns commercial and residential garbage to the county processing facility for final disposal. This unit has exceeded the scheduled useful life cycle by 2 years and is no longer cost effective to maintain.

Town Procurement and Contract Management issued ITB No. 2023-01 on October 24, 2022. It was broadcast to 67 suppliers nationwide through DemandStar.

The solicitation was also advertised through Public Purchase, Town website, Bonfire, and the Palm Beach Post.

The Town only received one bid. The bidder was Spector Manufacturing Inc. who has previously supplied equipment to the Town in 2009 and 2016 with above satisfactory ratings. Procurement found the vendor to be responsive and responsible to the solicitation and recommends award.

FUNDING/FISCAL IMPACT

This project will be funded by the Equipment Replacement Fund.

USER DEPARTMENT CONCURRENCE

This item has been reviewed by Public Works and is approved as recommended.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 156-2022

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE AWARD OF ITB NO. 2023-03, ALUMINUM
COMPACTOR TRANSFER TRAILER TO SPECTOR
MANUFACTURING INC. IN THE AMOUNT OF \$171,076 AND
ESTABLISHING A PROJECT BUDGET OF \$179,629**

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. 156-2022, approving the Award of ITB No. 2023-03, Aluminum Compactor Transfer Trailer to Spector Manufacturing Inc. in the Amount of \$171,076 and Establishing a Project Budget of \$179,629.

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 13TH day of *December* 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 157-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Regions Security Services, Inc. in the Amount of \$133,000 for the Remainder of FY23 for the Town Marina and Establishing a Three-Year Contract Award Amount of \$526,308 based on Satisfactory Performance, Mutual Agreement and Budget Authorization.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated December 1, 2022 from Dean Mealy, II
Procurement and Contract Manager**
- ▣ **Resolution No. 157-2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy II, NIGP-CPP, CPPO Procurement and Contract Manager

RE: Resolution No. 157-2022, Approving the Award of Regions Security Services, Inc. in the Amount of \$133,000 for the Remainder of FY23 for the Town Marina and Establishing a Three-Year Contract Award Amount of \$526,308 based on Satisfactory Performance, Mutual Agreement and Budget Authorization – **Resolution No. 157-2022**

DATE: December 1, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 157-2022, approving the Award of Regions Security Services, Inc. in the Amount of \$133,000 for the Remainder of FY23 for the Town Marina and Establishing a Three-Year Contract Award Amount of \$526,308 based on Satisfactory Performance, Mutual Agreement and Budget Authorization.

GENERAL INFORMATION

In the fall of 2021, Procurement and Contract Management issued an RFP for Security Services for the Town Marina. The Selection Committee recommended Sunstates Security LLC as the awardee and the Town Council Awarded Resolution No. 126-2021 on October 12, 2021.

With the onset of the Covid Pandemic, the firm struggled with hiring and maintaining qualified staffing to support the requirements of the contract.

The dockmaster, Mike Horn documented every issue of guards not reporting or other contractual issues. Procurement and Mike Horn met with the Sunstates numerous times for corrective action plan summaries.

On November 8, 2022, I sent a Notice of Termination for Cause to Sunstates, with their final date of service of November 30, 2022.

A review of the original Selection Committee Scoring ranked Regions Security Services, Inc. as the second ranked firm. The Town met with Regions Executives to discuss their onboarding for a December 1, 2022, start date.

With the Notice of Termination to Sunstates with less than a month notice did not provide an opportunity to issue a new solicitation. Town staff will monitor the success of Regions Security as they begin providing services. In the event of issues, we will issue a new RFP Solicitation.

FUNDING/FISCAL IMPACT

This project will be funded from the Marina Fund.

USER DEPARTMENT CONCURRENCE

This item has been reviewed by Town Manager's Office and the Dockmaster and is approved as recommended.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 157-2022

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE AWARD OF REGIONS SECURITY
SERVICES, INC. IN THE AMOUNT OF \$133,000 FOR THE
REMAINDER OF FY23 FOR THE TOWN MARINA AND
ESTABLISHING A THREE-YEAR CONTRACT AWARD
AMOUNT OF \$526,308 BASED ON SATISFACTORY
PERFORMANCE, MUTUAL AGREEMENT AND BUDGET
AUTHORIZATION**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 157-2022, approving the Award of Regions Security Services, Inc. in the Amount of \$133,000 for the Remainder of FY23 for the Town Marina and Establishing a Three-Year Contract Award Amount of \$526,308 based on Satisfactory Performance, Mutual Agreement and Budget Authorization.

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 13TH day of *December* 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 158-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2022-22, Worth Avenue Living Wall Maintenance Program to GSky Plant Systems, Inc. in the Annual Amount of \$36,000 and a Proposed Five-Year Award of \$180,000 Contingent Upon Satisfactory Performance, Mutual Agreement and Budget Authorization.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated December 1, 2022 from Dean Mealy, II
Procurement and Contract Manager**
- ▣ **Resolution No. 158-2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy II, NIGP-CPP, CPPO Procurement and Contract Manager

RE: Resolution No. 158-2022, Approving the Award of RFP 2022-22, Worth Avenue Living Wall Maintenance Program to GSky Plant Systems, Inc. in the Annual Amount of \$36,000 and a Proposed Five-Year Award of \$180,000 Contingent Upon Satisfactory Performance, Mutual Agreement and Budget Authorization – **Resolution No. 158-2022**

DATE: December 1, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 158-2022, approving the Award of RFP 2022-22, Worth Avenue Living Wall Maintenance Program to GSky Plant Systems, Inc. in the Annual Amount of \$36,000 and a Proposed Five-Year Award of \$180,000 Contingent Upon Satisfactory Performance, Mutual Agreement and Budget Authorization.

GENERAL INFORMATION

The current award for the Worth Avenue Living Wall Maintenance Program expired on September 30, 2022, and the Town has been operating on a month-to-month program as the contract was rebid. The previous contract was for a five-year award.

Town Procurement and Contract Management issued RFP No. 2022-22 for the Worth Avenue Living Wall Maintenance Program on August 31, 2022. The RFP was broadcast through the following platforms:

- DemandStar – 296 firms
- Bonfire -
- Public Purchase
- Town Website
- Palm Beach Post

The Selection Committee consisted of the following members:

Voting

Paul Colby
Jeff Coleman
Mike Roach, P.E.

Non-Voting

Ryan Canterbury – Facilitator

The RFP garnered two submissions, one from the GSky Plant Systems, Inc and one from Ambius. GSky Plant Systems, Inc, is the current incumbent has had above satisfactory vendor performance rankings during their tenure.

The Selection Committee unanimously ranked GSky Plant Systems, Inc. as the top ranked firm.

FUNDING/FISCAL IMPACT

This project will be funded from the Worth Avenue Assessment.

USER DEPARTMENT CONCURRENCE

This item has been reviewed by Public Works and is approved as recommended.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 158-2022

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE AWARD OF RFP NO. 2022-22, WORTH
AVENUE LIVING WALL MAINTENANCE PROGRAM TO
GSKY PLANT SYSTEMS, INC. IN THE ANNUAL AMOUNT OF
\$36,000 AND A PROPOSED FIVE-YEAR AWARD OF \$180,000
CONTINGENT UPON SATISFACTORY PERFORMANCE,
MUTUAL AGREEMENT AND BUDGET AUTHORIZATION**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 158-2022, approving the Award of RFP 2022-22, Worth Avenue Living Wall Maintenance Program to GSKY Plant Systems, Inc. in the Annual Amount of \$36,000 and a Proposed Five-Year Award of \$180,000 Contingent Upon Satisfactory Performance, Mutual Agreement and Budget Authorization.

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 13TH day of *December* 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 159-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Sovereignty Submerged Lands Fee Waived Lease Renewal No. 500026426.

Presenter

Carolyn Stone, Deputy Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated November 30, 2022, from Carolyn Stone, Deputy Town Manager**
- ▣ **Resolution No. 159-2022**
- ▣ **Sovereignty Submerged Land Lease**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Carolyn Stone, Deputy Town Manager, Business Enterprise & Culture

RE: Resolution No. 159-2022, A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving the Sovereignty Submerged Lands Fee Waived Lease Renewal no. 500026426

DATE: November 30, 2022

STAFF RECOMMENDATION

Staff recommends Town Council approval of Resolution No. 159-2022, which is the renewal of the Sovereignty Submerged Lands Fee Waived Lease for the Town inlet dock commonly known as ‘Annie’s or Inlet Dock.’

GENERAL INFORMATION

The Florida Department of Environmental Protection notified the Town on November 28, 2022, of the renewal notice for the submerged land lease instrument BOT 500026426. This renewal term is through November 13, 2027. The general terms of the lease have not changed from the previous five-year lease term.

FUNDING/FISCAL IMPACT

There is no fiscal impact as no fees are associated with this lease.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Robert Miracle, Deputy Town Manager for Finance and Administration
H. Paul Brazil, Director of Public Works
John ‘Skip’ Randolph, Town Attorney

RESOLUTION NO. 159-2022

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE SOVEREIGNTY SUBMERGED LANDS
FEE WAIVED LEASE RENEWAL NO. 500026426**

WHEREAS, the Town of Palm Beach received a notification from the Florida Department of Environmental Protection for BOT File NO. 500026426 Sovereignty Submerged Lands Fee Waived Lease Renewal; and

WHEREAS, the lease is needed to continue the usage of the area commonly known as ‘Annie’s or Inlet Dock” and

WHEREAS, a copy of the lease renewal is attached hereto

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

Section 1: The Town Council hereby approves the lease renewal in the manner and form attached hereto.

Section 2: The Town Council hereby authorizes Mayor Danielle H. Moore to execute the lease on behalf of the Town.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of December 2022.

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

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 160-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Resolution No. 091-2019, Landscaping Services to Batallan Enterprises Inc. DBA Property Works for Newly Acquired Services in FY23 in the Amount of \$324,405.90 for FY23 and FY24 for a Total Revised Authorization of \$2,223,865.90 Contingent Upon Satisfactory Service, Mutual Agreement and Budget Authorization.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated December 1, 2022 from Dean Mealy, II
Procurement and Contract Manager**
- ▣ **Resolution No. 160-2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy II, NIGP-CPP, CPPO Procurement and Contract Manager

RE: Resolution No. 160-2022, Approving a Change Order to Resolution No. 91-2019, Landscaping Services to Batallan Enterprises Inc. DBA Property Works for Newly Acquired Services in FY23 in the Amount of \$324,405.90 for FY23 and FY24 for a Total Revised Authorization of \$2,223,865.90 Contingent Upon Satisfactory Service, Mutual Agreement and Budget Authorization– **Resolution No. 160-2022**

DATE: December 1, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 160-2022, approving a Change Order to Resolution No. 91-2019, Landscaping Services to Batallan Enterprises Inc. DBA Property Works for Newly Acquired Services in FY23 in the Amount of \$ \$324,405.90 for FY23 and FY24 for a Total Revised Authorization of \$2,223,865.90 Contingent Upon Satisfactory Service, Mutual Agreement and Budget Authorization.

GENERAL INFORMATION

The Town awarded ITB No. 2019-31 Landscape Maintenance to Batallan Enterprises Inc. DBA Property Works and Total Maintenance Building Services Inc.in October 2019 for various zones of services.

When the Town was notified that Total Building Maintenance Services Inc. had insurance deficiencies, I provided the firm with Stop Work Notice on June 1, 2022. In outreach to the firm, they were not able to address their insurance issues.

With the objective to maintain continuous services to the Town for zones that had been awarded to Total Building Maintenance Services Inc. we reached out to Batallan Enterprises Inc. DBA Property Works that originally participated in the bid to see if they were still interested in the zones that were awarded to Total Building Maintenance Services Inc. of which they were. They took over the work zones within a week of being requested and have been performing to the standards of the contract.

In addition to Batallan Enterprises Inc. DBA Property Works assuming the new zones, we added the Lake Drive Park and Town Hall Square to their portfolio.

Total Maintenance FY22 costs for Zone 3 were \$138,322.53 with and additional \$10,858.87 for Lake Drive Park Maintenance, while under construction.

Projected costs for Batallan Enterprises Inc. DBA Property Works to assume Zone 3 is \$178,656.57 with an additional \$41,600.00 for the new Lake Drive Park. The Maintenance for Town Hall Square has also been incorporated to this Resolution for a projected amount of \$53,141.00.

The need for these changes for FY23 and for FY24, including a contingency of 5%, is \$324,405.90, resulting in a new total resolution amount of \$2,223,865.90 for the five-year term of the contract.

FUNDING/FISCAL IMPACT

The requested funding will be from the Public Works Operating Budget.

USER DEPARTMENT CONCURRENCE

This item has been reviewed by Public Works and is approved as recommended.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 160-2022

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A CHANGE ORDER TO RESOLUTION NO. 091-
2019, LANDSCAPING SERVICES TO BATALLAN
ENTERPRISES INC. DBA PROPERTY WORKS FOR NEWLY
ACQUIRED SERVICES IN FY23 IN THE AMOUNT OF
\$324,405.90 FOR FY23 AND FY24 FOR A TOTAL REVISED
AUTHORIZATION OF \$2,223,865.90 CONTINGENT UPON
SATISFACTORY SERVICE, MUTUAL AGREEMENT AND
BUDGET AUTHORIZATION**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 160-2022, a Change Order to Resolution No. 91-2019, Landscaping Services to Batallan Enterprises Inc. DBA Property Works for Newly Acquired Services in FY23 in the Amount of \$324,405.90 for FY23 and FY24 for a Total Revised Authorization of \$2,223,865.90 Contingent Upon Satisfactory Service, Mutual Agreement and Budget Authorization.

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 13TH day of *December* 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Consent - Other

Agenda Title

Donation Acceptance - PBP&FF

Presenter

Nicholas Caristo, Chief of Police

ATTACHMENTS:

- ▣ **Memorandum dated November 30, 2022, from Nicholas Caristo, Chief of Police**
- ▣ **Attachment A - Donation Policy 1-08-8**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: Accept Donation of Body Armor from Warren and Allison Kanders via the Palm Beach Police & Fire Foundation with a value of \$377,139

Date: November 30, 2022

STAFF RECOMMENDATION

Staff recommends the Town Council accept a donation of body armor from Warren and Allison Kanders via the Palm Beach Police & Fire Foundation valued at \$377,139.

GENERAL INFORMATION

The Palm Beach Police Department continues to benefit from the generosity of the residents and businesses of the Town of Palm Beach. The Department has recently received intentions of a donation of body armor from residents Warren and Allison Kanders via the Palm Beach Police & Fire Foundation valued at \$377,139. The Kanders are providing the Police Department with state-of-the-art body armor for the protection of the Town's police officers. This donation will provide uniformity and additional rifle-rated protection to all Town police officers.

Per Town Administration Policy No. 1-08-08 (Attachment A), any donation with a value over \$25,000, which is not included in the Town's budget, must be approved by Town Council.

FUNDING/FISCAL IMPACT

Currently, the Police Department pays for new officer body armor and existing officer replacement body armor through the regular budgetary process. This donation will impact that process as follows. New officers hired within the next five years will have body armor purchased through regular expenditure account budgeting. Existing officer body armor purchases will not need to be made for the next five years, allowing for a drastic reduction in that budgetary expenditure. In five years' time, replacement body armor will need to be purchased in one larger transaction. Managing that larger replacement will best be accomplished by creating an asset with this donation and depreciating it annually with transfers to the Equipment Replacement Fund.

Attachment

cc: Robert Miracle, Deputy Town Manager
Jane Le Clainche, Director of Finance



TOWN OF PALM BEACH

Administrative Procedures

TOWN DONATIONS PROCEDURES

Procedure No.:.....1-08-8

Effective Date:..... September 25, 2008

Revision to Procedure No.:..... 1-08-5

APPROVED: *Peter B. Elwell*
Peter B. Elwell, Town Manager

OBJECTIVE: To formally establish clear procedures for implementation of the donations policy adopted by the Town Council at the January 8, 2008 Town Council meeting.

RESPONSIBILITY: Department directors and/or the Town Manager shall be responsible for the implementation of this procedure. The Finance Director shall be responsible for ensuring completion of those actions required of the Finance Department. Town Council is responsible for approving certain donations as described below.

DEFINITIONS:

Donation:	May refer to either money or items. (Donations of food are exempted from this policy.)
Town budget:	Refers to the Town Council adopted budget, the Equipment Replacement Program, or the approved five-year Capital Improvement Program
Department director:	May also refer to his or her designee
Town Manager:	May also refer to his or her designee

POLICY: Donations with a value over \$25,000, which are not included in the Town budget or the Council-approved Capital Improvement Program (CIP) or Equipment Replacement Fund (ERF), must be individually approved by Town Council. All other donations require administrative approval under the following guidelines:

- Donations of any value, which are of or for items included in the Town budget, are subject to the approval of the department director or Town Manager, as appropriate.

- Donations of money are accepted so long as items bought with the donated money follow the same guidelines as those of a donated item.
- Donations of items with a value of \$25,000 or less, which are not included in the Town budget, may be approved by the department director if there will be no future maintenance or replacement cost, but are subject to the approval of the Town Manager if there could or would be future maintenance or replacement cost.

The department director or Town Manager may seek Town Council approval of any donation which they determine should be subject to Town Council review.

PROCEDURE:

- Donations of cash or gift cards will not be accepted, with the exception of gift certificates or cards donated to the Recreation Department for the use as program prizes. Said certificates or cards will be subject to appropriate cash handling and tracking procedures to insure accountability.
- Departments must follow the Town's formal written purchasing procedures when using donation funding to buy an item.
- If the Town receives a donation for an item in the ERF that is not scheduled for purchase until a future date, the department shall use the donation when the next available purchase for such item occurs in the ERF. Acceleration of such purchases is allowed only upon the advance written approval of the Town Manager.
- All donations shall be reported to the Finance Department for processing and recording.
- The Finance Department will administer a central database, which shall record the date of every donation, name and address of donor, purpose of the donation and the amount of the donation. Departments should submit such information to the Finance Department the same business day the donation is received.

CONSIDERATIONS:

When determining whether to accept a donation, the department director and/or Town Manager should consider whether the public, professional or community benefit is clear. The Town should also

avoid any impression that a private entity might receive a favor, naming rights, or any other quid pro quo consideration from the Town or a Town official in exchange for the donation.

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Consent - Other

Agenda Title

Request for Approval of Payment under Town's Supplemental Life Insurance Program - Valerie Tonge

Presenter

Gillian Barth, Director of People & Culture

ATTACHMENTS:

- ▣ **Memorandum dated December 2, 2022 from Gillian Barth, Director of People & Culture**



TOWN OF PALM BEACH

People & Culture Department

MEMORANDUM

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager 

FROM: Gillian Barth, Director of People & Culture

RE: Request for Approval of Payment under Town's Supplemental Life Insurance Program- Valerie Tonge

DATE: December 2, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council approve a payment of \$49,200 from the Health Insurance Fund Contingency account to the daughter of former Town Employee Valerie Tonge who passed away on October 2, 2022. Ms. Jennifer Mattatall, is the sole appointed beneficiary of Ms. Tonge in the Town's supplemental life insurance program.

GENERAL INFORMATION

As part of the benefit improvement suggested in the WMS study conducted in FY2005, staff proposed offering life insurance for all employees in the amount of \$100,000. Thankfully, it is a rare occurrence that an employee dies while still in service with the Town. Therefore, it was decided by Town Council to self-insure the program rather than purchase a fully insured package at an additional approximate cost of \$55,500 per year. This program is self-insured for the difference between the employee's salary and \$100,000.

On October 2, 2022, Ms. Valerie Tonge, a Parking Enforcement Officer within the Police Department passed away. Val was a valued member of our team and is greatly missed by all of her colleagues.

The differential between Ms. Tonge's salary and \$100,000 is \$41,000. The Town is required to withhold Federal Tax on this distribution in the amount of 20% and report it as income on a 1099R form. In keeping with past practice, and to ensure that Ms. Mattatall receives the full \$100,000 that the Town Council intended, we will "gross up" the differential from \$41,000 to \$49,200 to cover the tax payment.

FUNDING/FISCAL IMPACT

The cost to the Town for the supplemental life insurance payment to Ms. Mattatall is \$49,200. Funding for the payment will come from the Health Insurance Fund Contingency Account.

GB/jj

cc: Nicholas Caristo, Chief of Police

Jane Le Clainche, Director of Finance

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Consent - Other

Agenda Title

Public Employees Relations Commission 2022 Reappointments

Presenter

Gillian Barth, Director of People & Culture

ATTACHMENTS:

- ▣ **Memorandum dated November 28, 2022 from Gillian Barth, Director of People & Culture**
- ▣ **Biography of Donald Singer**
- ▣ **Biography of Stephen Jacobs**
- ▣ **PERC Roster**



TOWN OF PALM BEACH

People & Culture Department

MEMORANDUM

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager 

FROM: Gillian Barth, Director of People & Culture

RE: Reappointment to the Public Employees Relations Commission Panel for PERC Ordinance Appendix "A" Section 1.003.

DATE: November 28, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council reappoint Mr. Stephen Jacobs and Mr. Donald Singer to fill the positions of "Chair and Employee Representative" to the Town of Palm Beach Public Employees Relations Commission (PERC).

GENERAL INFORMATION

Section 447.022 of the Public Employment Relations Act, a part of Chapter 74-100, Laws of Florida, provided for the adoption of an ordinance ([Appendix A -Public Employee Relations](#)) by municipalities in lieu of the requirement of the State Public Employment Relations Act. This allowed the Town of Palm Beach to create and provide administration for the Public Employees Relations Commission (PERC.)

The purpose for the establishment of the PERC is to provide implementation of Section 447.603, Florida Statutes, Chapter 77-343, and to provide harmonious and cooperative relationships between the Town and its employees, both collectively and individually. It also provides for protection of the public by assuring the orderly and uninterrupted operations and functions of government.

Adoption of the Ordinance providing for the Town of Palm Beach Public Employees Relations Commission:

1. Grants to Town employees the right to organize and have representation.
2. Requires the Town to negotiate with bargaining agents duly certified to represent public employees; and
3. Recognizes the constitutional prohibition against strikes by public employees and provides for remedies for violation of such prohibitions.

The Public Employees Relations Commission consists of three individuals, appointed by an independent "Blue Ribbon" panel appointed by the Town Council to four-year staggered terms. Members may succeed themselves in office.

The most recent date the Committee was required to meet on its established 'as needed' basis was September 27, 2012.

However, to meet the requirements of the Ordinance, new members have been appointed or reappointed in the years following.

On November 30, 2022, the current four-year term of the Employee Representative, held by Donald Singer, of the Public Employees Relations Commission (PERC) expired. On December 31, 2022, the current four-year term of the Commission Chair, held by Stephen Jacobs, will also expire.

Mr. Singer who has served since December 2014, has indicated his interest in seeking another four-year term. Mr. Jacobs, who has serviced since January 2019, has also indicated his interest in serving another four-year term.

As there is no new appointment to the Commission, the Blue-Ribbon Panel has not been assembled to (re)recommend these appointments.

Attached you will find bios for both Mr. Singer and Mr. Jacobs, in addition to a list of current PERC members.

FUNDING/FISCAL IMPACT

There is no funding impact to the Town of Palm Beach regarding this issue.

Attachments

BRIEF RESUME: Donald Singer

Personal: married 54 years to wife, Sylvia, 3 children, 6 grandchildren; 76 years of age

Town of Palm Beach experience:

Resident since 2004 (address—2295. South Ocean B'lv.)

Board member and President at Harbour House 2005-2009;

Mayor's Liaison City of West Palm Beach (2008-2013); Town of South Palm Beach, 2013 today;

Member of Town of Palm Beach Recreation Advisory Board, 2009 to today;

Board Member and 2nd Vice Chair Citizens' Association of Palm Beach 2007-today;

Graduate Palm Beach Citizens Police and Fire Academies, Palm Beach Government Class;

Member Civic Association, Crime Watch (VIPS);

Member Palm Beach Fellowship of Christians and Jews;

Members of Temple Emanuel

Current Experience:

Lecturer on "SENIOR CIVICS," including "CIVILITY AND MEDIATION" at S. Palm Beach Weinstein Lecture Series, Academy of Continuing Education (ACE) JCC, Boynton Beach, W. Palm Century Village, Palm Beach County Libraries, and Palm Beach Country Clubs;

Member of Board of ALLIANCE FOR RETIRED AMERICANS, Florida and New York Chapters, 2002-today; Member of CSA Retiree units, Long Island, NY and South Florida.

Former Experience:

President, New York City Council of Supervisors and Administrators, a union representing over 5,000 school administrators 1989-2001; successfully negotiated 4 contracts with Mayors Koch, Dinkens and Guiliani;

School Administrator and Teacher of Social Studies in NYC Schools 1959-2001;

Lecturer, SUNY (State of New York University), on Labor Studies 2001-2004;

Education: Professional Diploma (St. John's University, 1973), M.A. B.A. (Brooklyn College, 1963, 1959)

Information Re: Stephen E. Jacobs
Resident of Bellaria Condominium
3000 S Ocean Blvd., #201N, Palm Beach, FL 33480

Mr. Jacobs has served on Bellaria's Board of Directors since 2007 and has been President since 2012. He also serves on the Board of The Citizens Association of Palm Beach, Inc. and is its General Counsel.

Profession: Attorney at law

Professional Experience:

- Weil, Gotshal & Manges is an international law firm with more than 1200 lawyers and with 20 offices in the U.S., Europe and China.
- Started in the New York office (then the only office) in 1962, as the firm's 25th lawyer and retired as a senior partner at the end of 2004.
- Headed the firm's Corporate Department (its largest) for many years.
- Now serves as Counsel to Jefferies Financial Group (formerly Leucadia National Corporation), a long-time client, a NYSE corporation which invests in a variety of business, including real estate.
- Advised many corporate boards over the years on transactional, finance and governance issues.

Education:

- Graduate of Columbia University Law School; Decisions Editor, Columbia Law Review; both a James Kent and Harlan Fiske Stone Scholar.
- Graduate of the Wharton School of Finance and Commerce at the University of Pennsylvania (Accounting Major); graduated with distinction; Member of both Beta Gamma Sigma and Beta Alpha Psi (national honorary business and accounting societies).

Personal:

- Married with four children and seven grandchildren.

Please feel free to call with any questions or concerns (917) 680-1061.

Public Employees Relations Commission (PERC)

(Four-Year Terms)

	<u>First Appointed (FA)</u> <u>Re-Appointed (RA)</u>	<u>Term Expires</u>
<u>CHAIR</u> Stephen E. Jacobs 3000 S. Ocean Blvd. #201N Palm Beach, FL 33480 (C) 917-680-1061 stephen.jacobs@weil.com	FA – 01/2019	12/2022
<u>EMPLOYER MEMBER</u> J. Patterson Cooper 3920 North Flagler Drive Apt. #401 West Palm Beach, FL 33407 (C) 561-308-4433 jpattersoncooper@gmail.com	FA – 11/2019	10/2023
<u>EMPLOYEE MEMBER</u> Donald Singer 2295 South Ocean Boulevard Palm Beach, FL 33480 (561) 585-4400, or (718) 544-9756 donaldsylvia@bellsouth.net	FA- 12/2018	11/2022
<u>ATTORNEY</u> Jeff Pheterson Ward Damon 4420 Beacon Circle West Palm Beach, FL 33407-3270 (PH) 561.842.3000 (C) 561.239.0025 jpheterson@warddamon.com	1992 - Present	N/A

FA = First Appointed

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Consent - Other

Agenda Title

206 Phipps Plaza Right-of-Way Permit for Scaffolding During Season

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated December 1, 2022, from H. Paul Brazil, P.E.,
Director of Public Works**
- ▣ **Scaffolding Request Email**
- ▣ **Scaffolding Drawings**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: 206 Phipps Plaza Right-of-Way Permit for Scaffolding During Season

DATE: December 1, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council authorize staff to issue a Right-of-Way Permit to 206 Phipps Plaza and allow the contractor to keep scaffolding within the rights-of-way over the sidewalk on Seaview Avenue for a duration of three (3) months during season.

GENERAL INFORMATION

In accordance with Town Code of Ordinances, Chapter 106, Section 160-4, Rights-of-Way Manual adopted, the Director of Public Works shall establish and maintain a manual pertaining to construction standards and Town policy concerning work within road rights-of-way and easements. The Manual was authorized by Ordinance Number 10-94, adopted by the Town Council on July 12, 1994.

Within the Manual under 2.24 Construction Hours; Except for Emergency Work, work is prohibited in the road rights-of-way from December 1st through April 30th unless operation will not negatively affect area residences, and businesses, is of short duration, and will not block major roadways of the Town.

The site activities propose to keep scaffolding for a duration of three (3) months to facilitate the installation of windows, repair of stucco, and painting of the existing building. The scaffolding will be covered with approved netting material to conceal the construction and prevent debris and/or overspray from leaving the work area. The scaffolding is proposed over the sidewalk on Seaview Avenue for the length of the project. There will be no disruption to the existing parking specifically in front of the site on Seaview Avenue. For the remainder of the duration that the scaffolding is in place, parking along Seaview Avenue adjacent to the site will remain available.

Attached is an email from the applicant and a copy of the right-of-way permit drawings requesting the approval for the scaffolding.

Attachments

cc: Patricia Strayer, P.E., Town Engineer
Craig Hauschild, P.E., Civil Engineer

Craig Hauschild

From: Maura Ziska <MZiska@floridawills.com>
Sent: Tuesday, October 18, 2022 11:20 AM
To: Craig Hauschild
Cc: James Murphy; Wayne Bergman
Subject: RE: 206 Phipps Plaza

*****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.*****

An extension for 3 months. Thanks.

Maura A. Ziska, Esq.
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401
561-802-8960 (telephone)
561-802-8995 (fax)

This electronic message transmission contains information from the law firm of Kochman & Ziska PLC which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited.

From: Craig Hauschild <chauschild@TownOfPalmBeach.com>
Sent: Tuesday, October 18, 2022 10:58 AM
To: Maura Ziska <MZiska@floridawills.com>
Cc: James Murphy <jmurphy@TownOfPalmBeach.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>
Subject: RE: 206 Phipps Plaza

Morning,

We reached out to the contractor this morning due to a ROW permit in the queue already.
Thanks for also looking into this.
We need to know what the ask is.

Craig A. Hauschild, P.E., CFM
Civil Engineer, PW / PZB
360 South County Road
Palm Beach, FL 33480
Office: 561-227-7042
Fax: 561-835-4621
chauschild@townofpalmbeach.com

From: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Sent: Tuesday, October 18, 2022 10:51 AM
To: Maura Ziska <MZiska@floridawills.com>

Cc: Craig Hauschild <chauschild@TownOfPalmBeach.com>; James Murphy <jmurphy@TownOfPalmBeach.com>

Subject: RE: 206 Phipps Plaza

Absolutely Public Works. Craig is copied. Thanks.

**Wayne Bergman, MCP, LEED® AP
Director**

Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6426
www.townofpalmbeach.com

From: Maura Ziska <MZiska@floridawills.com>

Sent: Tuesday, October 18, 2022 10:31 AM

To: Wayne Bergman <wbergman@TownOfPalmBeach.com>

Subject: 206 Phipps Plaza

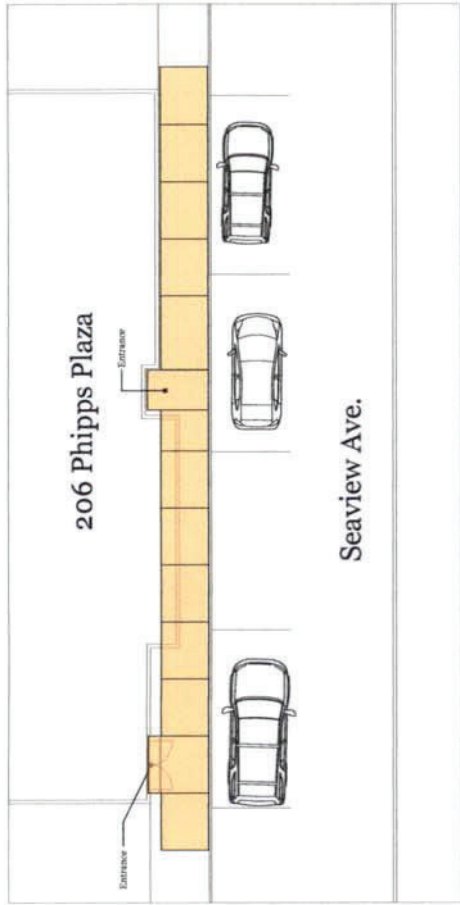
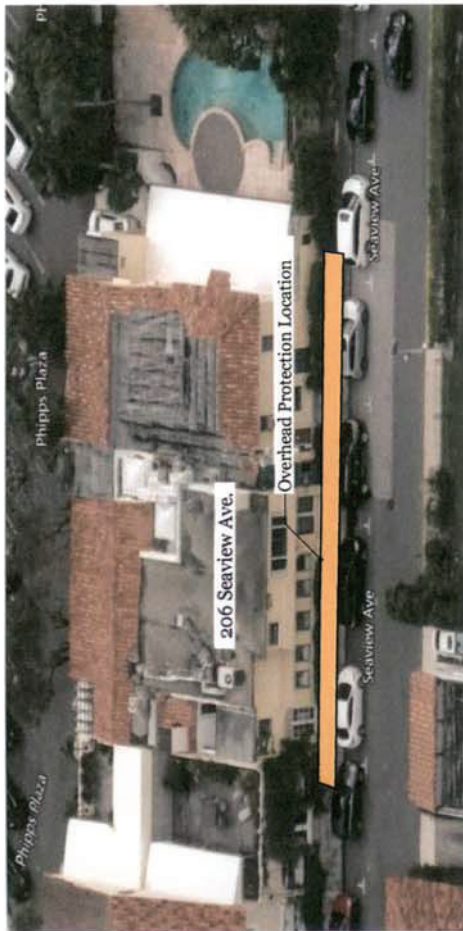
*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Hi Wayne: the owner currently has scaffolding up on Seaview that expires Nov. 21st. Is there any way he can obtain an extension because the painting and stucco is not done? The structural work took longer than expected and they are putting in windows now but need more time. Otherwise it would be a worker's van parked there and workers on ladders. Maybe this is a public works question? Thanks. Maura

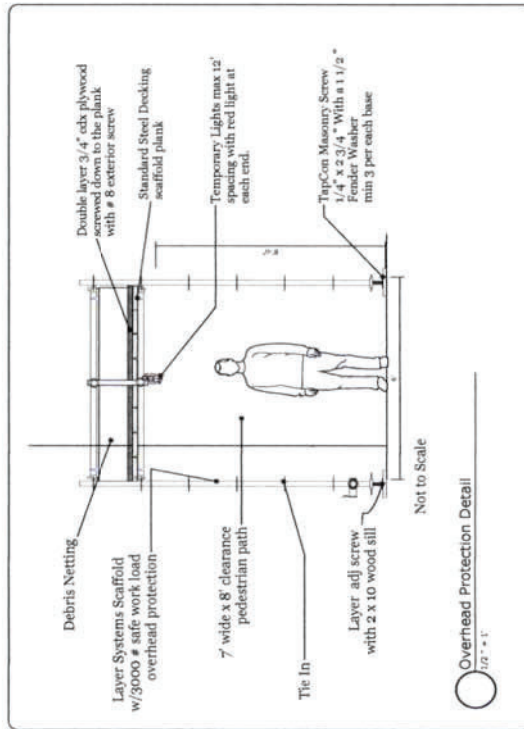
Maura A. Ziska, Esq.
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401
561-802-8960 (telephone)
561-802-8995 (fax)

This electronic message transmission contains information from the law firm of Kochman & Ziska PLC which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited.

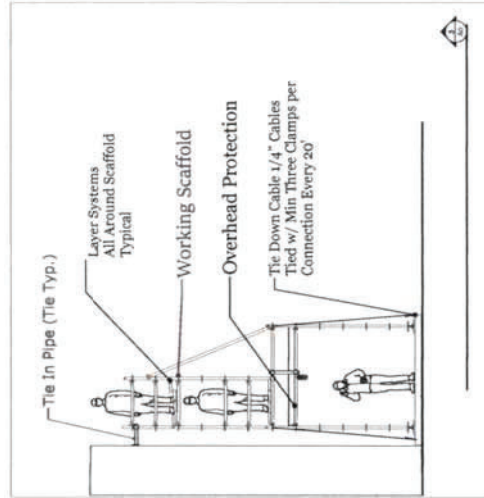
Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.



Site View Overhead Protection



Site View Overhead Protection



Detail Fall Protection / Working Scaffolding

Notes;

Minidams

In the event of sustained winds the following dismantling is required:

- A) the construction netting shall be removed in the event of sustained winds in excess of 45 mph.
- B) The sheathing on the protected walkways & material staging shall be removed in the event of sustained winds in excess of 74 miles mph.
- C) All structures shall be removed in the event of sustained winds in excess of 120 mph.

*All Construction and Materials shall conform to 2020 Florida Building Code.

*Erection and Dismantling of scaffold to conform to all OSHA, SSF and guidelines and manufacturer's recommendations.

*Scaffold shall be erected by a trained scaffold erector under the supervision of a "competent" or qualified person as defined by OSHA.

*All calculations and designs based on the use of Biljar Magnitude standard scaffold.

*Scaffold shall not be contained unless note in plan.

*Scaffold Structure shall not be altered or Modified without the knowledge and consent of the scaffold installer's competent person.

*Provide adequate sill for scaffold post and base plates.

*Coverings over Pedestrian Walkway, Turnouts and NCT to be used as a work Platform

Digitally signed
by brian maskol
DN: cn=brian maskol,
o=Haynes Scaffolding Inc.,
c=US, email=brian.maskol@haynes-scaffolding.com,
18.23.28.45700

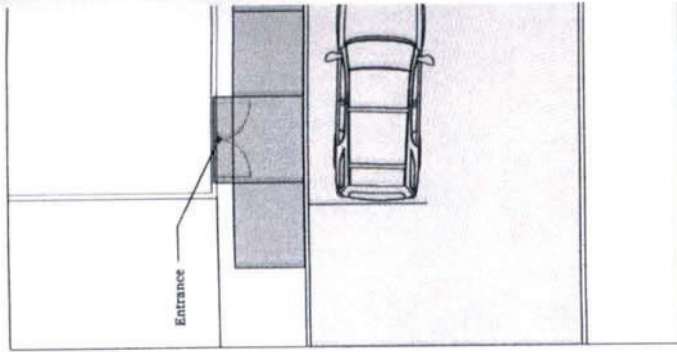
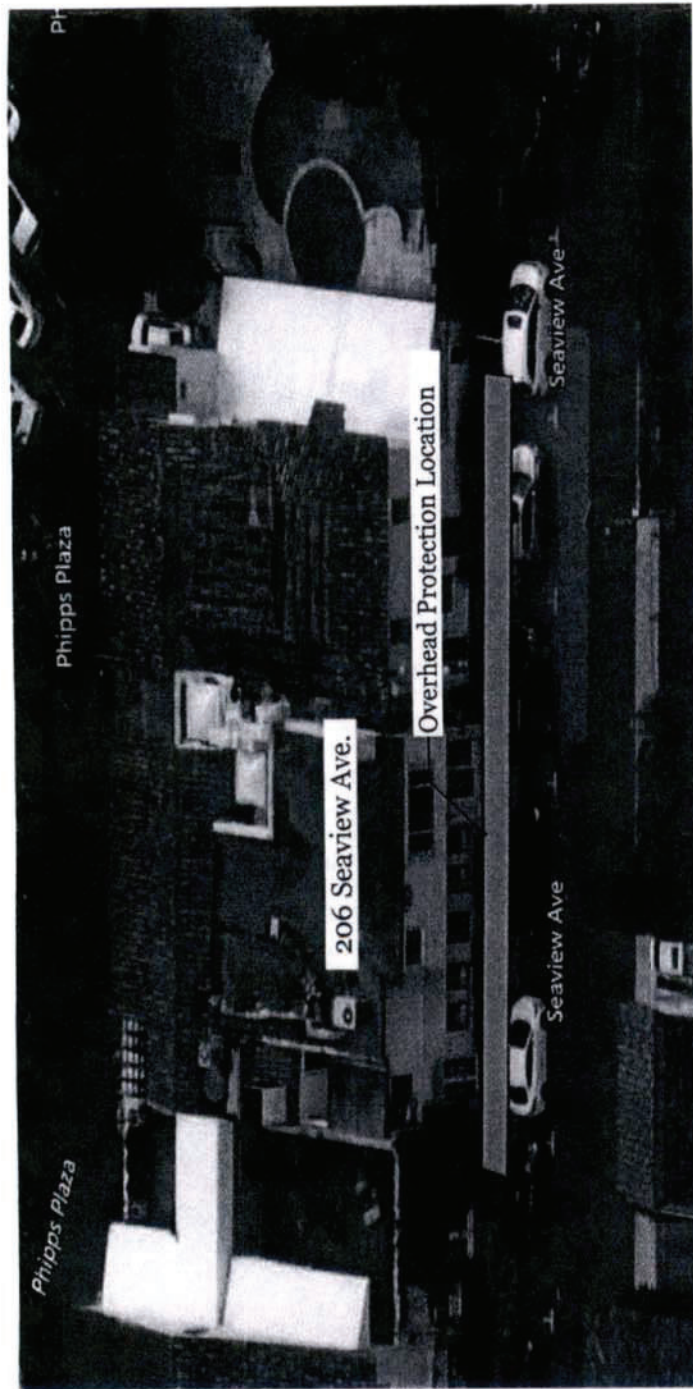


SUMMIT
Scaffolding & Scaffolding Inc.
206 Seaview Ave.
Palm Beach, Florida 33405

General Notes:
1. All construction and materials shall conform to the 2020 Florida Building Code and OSHA standards.
2. Install per Manufacturers specifications and recommendations.

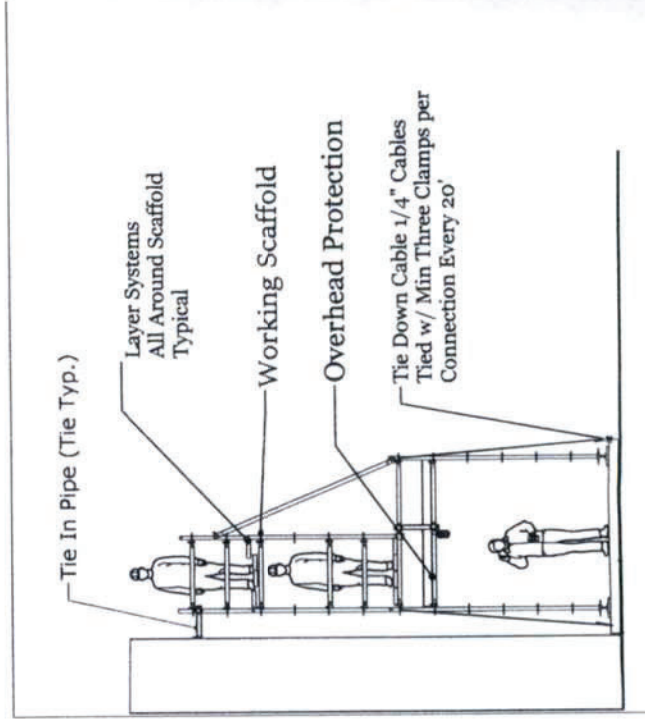
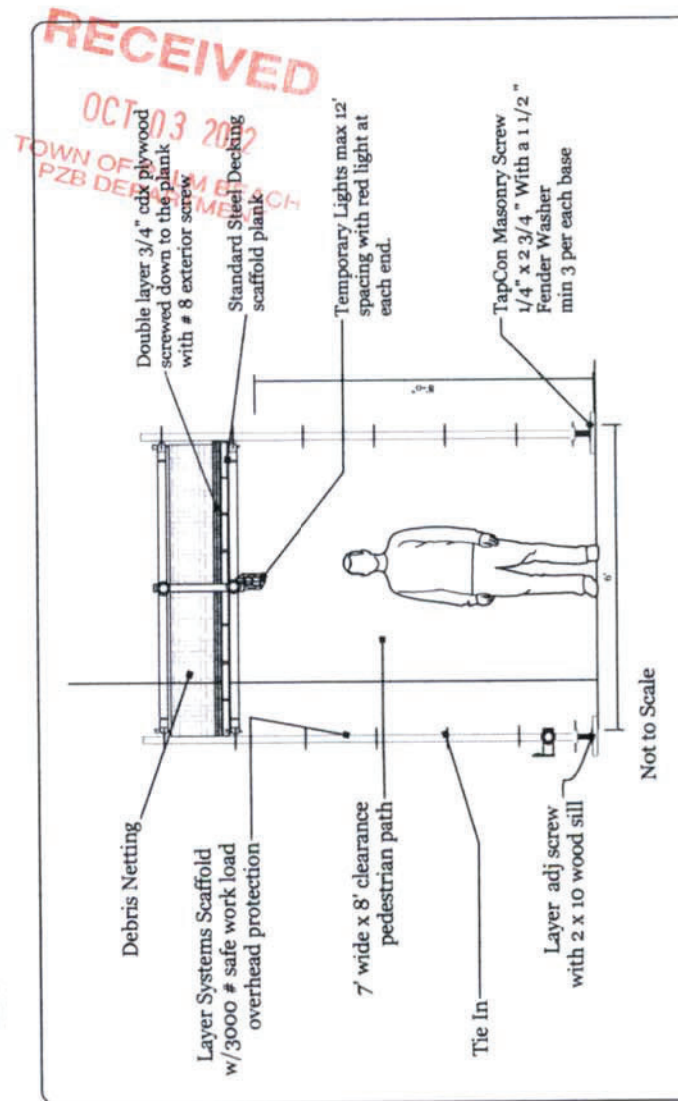
Haynes Scaffolding Inc.
1210 Ortega Road
West Palm Beach, FL 33405
561-833-8689

This is a working drawing and is for the use to describe the lay out for the installation of this job. This document is the property of Haynes Scaffolding and supply Inc. and is delivered on the condition that it and the information contained in it are not to be used or disclosed, or in part, for any purpose with out the express written consent of Haynes Scaffolding & Supply Inc.



Site View Overhead Protection

Site View Overhead Prot





TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Consent - Other

Agenda Title

Waiver to Town Code for Extended Construction Hours and Road Closure for Ranger Construction to Construction Drainage and Roadway Improvements on Via Palma

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated November 21, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Letter - Sam Hunt**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

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

RE: Waiver to Town Code for Extended Construction Hours and Road Closure for Ranger Construction to Construct Drainage and Roadway Improvements on Via Palma

DATE: November 21, 2022

STAFF RECOMMENDATION

Town staff recommends that the Town Council approve the authorization for waiver of the Town Code of Ordinances 42-196 through 199 and 42-226 through 229, restrictions for construction hours, work during season, and road closure, for Ranger Construction for the drainage and roadway improvements on Via Palma.

GENERAL INFORMATION

The construction for the Via Palma drainage and roadway improvements are currently ongoing. Via Palma is a private road, and this work is being paid by the residents on Via Palma. The donation of funds was approved by Town Council. The project started later in the construction season due to utility change over delays and unforeseen conflicts in construction. Work is anticipated to be completed mid to late January, pending no other unforeseen delays. Town staff has discussed the request and has received concurrence from the homeowners of Via Palma (see attached email).

Staff recommends a waiver to Section 42-196 through Section 42-199 of the Town Code of Ordinances to allow for extended work hours into season.

Staff also recommends a waiver to the Noise Ordinance for those same activities from Section 42-226 through Section 42-229 of the Town Code of Ordinances.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this item.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachment

cc: Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer Michael Roach, P.E., Project Engineer

SAM HUNT

November 22, 2022

The Town of Palm Beach
Public Works Department
Attention Mike Roach

Dear Mike,

Mike, I am writing you today representing all property owners on Via Palma to request that the Town of Palm Beach allow the paving work to continue after Thanksgiving until it is finished. All eleven of the owners on our street support this request and have paid their share of the paving costs and understand the necessary disruption while the work is ongoing.

The street is in bad shape and these improvements are needed for a lot of reasons, but particularly to rectify our terrible drainage problem. When you relay our request to the Town Council, please emphasize to them that a delay in the project's completion, at this time, will be far more disruptive for the residents than continuing construction until completed.

My cell phone number is 336-675-8451 if anyone needs to speak with me and of course, I know you are in contact with our owners' representative Chad Gruber, who is always available.

Thank you for presenting our request to the Town Council.

With best regards,



Sam Hunt

161 VIA PALMA, PALM BEACH, FLORIDA 33480

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Consent - Other

Agenda Title

Preservation of Dune Plantings Along Mid-Town Seawall

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated November 21, 2022, from H. Paul Brazil, P.E.,
Director of Public Works**
- ▣ **Letter from The Institute for Regional Conservation**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Preservation of Dune Plantings Along Mid-Town Seawall

DATE: November 21, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council authorize the acceptance of the donation of materials and labor from the Preservation Foundation to help preserve and restore the existing native coastal ecosystem within the dune along the Mid-Town seawall.

GENERAL INFORMATION

The Town of Palm Beach is nearing completion of the regulatory approval process for replacement of the seawall along Mid-Town's municipal beach. Construction of the new wall is expected to start in 2023. During construction, the existing vegetated dune between Royal Palm Way and Gulfstream Road will be impacted during the construction of the seawall.

The Preservation Foundation, with assistance from The Institute for Regional Conservation, has prepared a scope of work to mark native plants and collect seedlings to help repopulate the new dune in front of the new seawall after construction with the same high biodiversity plant species that exist today. Attached is a letter from The Institute that provides additional detail of the "rescue" process. Town staff recommends accepting this donation and will work in collaboration with the Preservation Foundation.

FUNDING/FISCAL IMPACT

All funding for this effort will be through the Preservation Foundation; therefore, there is no fiscal impact to the Town.

Attachment

cc: Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager
Susan Lerner, The Preservation Foundation

THE INSTITUTE FOR REGIONAL CONSERVATION

100 E LINTON BLVD SUITE 302B DELRAY BEACH, FL 33483

WWW.REGIONALCONSERVATION.ORG



November 22, 2022

RE: Participation in Dune Seawall Replacement Project

Patricia Strayer, pstrayer@townofpalmbeach.com

Robert Weber, rweber@townofpalmbeach.com

Town of Palm Beach

Dear Patricia and Robert,

As discussed at our meeting on October 6, 2022, please find this letter as a proposal for The Institute for Regional Conservation (IRC) and the Preservation Foundation of Palm Beach (PFPB, the Foundation) to collaborate with the Town of Palm Beach on native dune biodiversity conservation and restoration components of the project to replace the seawall along South Ocean Boulevard from north of Royal Palm Way to south of Gulfstream Road. This work would be done as part of IRC and PFPB's collaboration on the [Restoring the Gold Coast](#) (RGC) program. RGC was launched by the IRC in 2019 to restore the incredible beauty and diversity of plants and animals native to coastal ecosystems in southeastern Florida.

Prior to learning about the seawall replacement project, we had identified the stretch of beach near the Clock Tower as having high native biodiversity despite the narrowness of the beach in that area. We know that this is due to support from the Town over many years for biodiverse native plantings and invasive species control. With some effort, the beach dune system could harbor an even higher diversity of native plants and beneficial wildlife (e.g., butterflies, songbirds), and serve as best practice for similar beach areas in cities and towns throughout southern Florida.

The official RGC description includes this statement: "A biologically diverse beach dune ecosystem is a healthy dune and our first line of defense against sea level rise, climate change, and catastrophic storms." This statement is supported by science that shows that complex ecosystems with high integrity are more resilient than simplified ecosystems and less likely to collapse into a highly degraded state. Recent conversation with a colleague from Naples Botanical Gardens about the aftermath of Hurricane Ian in southwestern Florida has borne out this assertion. Dunes planted with only sea-oats (*Uniola paniculata*) were eroded away by storm surge and are not recovering, while dunes composed of many species were more resilient to storm surge and have already begun to recover. It is also important to monitor and treat both inappropriate native and nonnative invasive species, as these will ultimately reduce native diversity, have negative impacts on native wildlife, and act as deleterious seed sources for beaches to the south.

Our proposal is to work with the Town to conserve as much of the native biodiversity currently present at the site as possible, and to ensure that the restoration planting implemented after the seawall is replaced is biodiverse and appropriate. This process would involve ten key steps:

- 1) Conduct a rapid assessment of the public beach from just south of Gulfstream Road to just north of Royal Palm Way (completed).
- 2) Mark native plants in the field or using GPS that could potentially be rescued immediately prior to seawall construction, or from which seeds, cuttings, divisions, or other propagules could be collected in advance of the project. Identify high biodiversity areas from which biodiverse “overburden” sand could be collected at early project stages, stored, and later used to trigger natural regeneration through spreading across restored dune topography.
- 3) Collect seeds, cutting, divisions, or other propagules of native species from the site in advance of the seawall replacement project.
- 4) Work with the Town and the Town’s invasive species contractor to identify all nonnative invasive species present within the project area and maximize treatment in advance of the project. Provide expertise to treat invasive species not listed by the [Florida Invasive Species Council](#) (FISC) or that may be otherwise unfamiliar to the contractor.
- 5) Collect and stockpile whole plants or parts of plants (e.g. Spanish bayonet [*Yucca aloifolia*]; Fig. 1) for later reintroduction to the site. Collect and stockpile biodiverse overburden sand for later



Figure 1. Spanish-bayonet that could be rescued (whole or in part) for later reintroduction.

spreading over restored dune topography.

- 6) Work with the Town to design a biodiverse restoration planting and incorporate the native plants and biodiverse overburden sand collected prior to construction.
- 7) Assist Town in replanting dune and spreading biodiverse overburden sand.
- 8) Assist Town with monitoring dune undergoing restoration.
- 9) Conduct adaptive management to respond to monitoring data, to correct deficiencies or take advantage of positive trends in ecosystem recovery.
- 10) Contribute to educating Town residents on the benefits of dune conservation and restoration, and healthy biodiverse native landscapes within the Town.

The first step of this proposed project (rapid assessment) was conducted with Town permission on October 27, 2022. Findings included:

- 33 species of vascular plants were recorded, including 28 native species and five nonnative species; state listed species included beachstar (*Remirea maritima*), beach-peanut (*Okenia hypogaea*), erect pricklypear (*Opuntia stricta*), inkberry (*Scaevola plumieri*), and sea-lavender (*Tournefortia gnaphalodes*); the most common invasive species was Beach naupaka (*Scaevola taccada*).
- Larger plants that could be rescued (number approximate) include Spanish-bayonet (6), Erect pricklypear (5), Mangrove spiderlily (50 clumps [*Hymenocallis latifolia*]).
- Propagules of many native species could be collected.
- Areas with higher biodiversity and few invasive species where biodiverse overburden sand could be collected were identified.

This proposal envisions a collaborative project environment, with no cost to the Town. If approved, the Foundation and IRC are committed to securing funds for the project, which can be implemented to the extent that resources are available to do so.

We look forward to your thoughts and the opportunity to discuss this with the Town Council when and if appropriate.

Sincerely,



George Gann

Executive Director and Chair of the Board, [The Institute for Regional Conservation](#)
International Policy Lead, Chair Emeritus, [Society for Ecological Restoration](#)
Member, North American Plant Red List Authority, [IUCN Species Survival Commission](#)
Member, IUCN [Commission on Ecosystem Management](#)
Profile on [LinkedIn](#)

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Consent - Other

Agenda Title

2000 S Ocean Blvd – Parking Adjacent to Rights-of-Way

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated December 1, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **ROW Impact Email**
- ▣ **ROW Impact Photographs**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: 2000 S Ocean Blvd – Parking Adjacent to Rights-of-Way

DATE: December 1, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council authorize staff to issue a Right-of-Way Permit to 2000 South Ocean Boulevard for parking adjacent to the Florida Department of Transportation Rights-of-Way during Season. The restoration project is on going with a scheduled completion date of September 2023.

GENERAL INFORMATION

In accordance with Town Code of Ordinances, Chapter 106, Section 160-4, Rights-of-Way Manual adopted, the Director of Public Works shall establish and maintain a Manual pertaining to construction standards and Town policy concerning work within road rights-of-way and easements. The Manual was authorized by Ordinance Number 10-94, adopted by the Town Council on July 12, 1994.

Within the Manual under 2.24 Construction Hours; Except for Emergency Work, work is prohibited in the road rights-of-way from December 1st through April 30th unless operation will not negatively affect area residences, and businesses, is of short duration, and will not block major roadways of the Town.

Concrete restoration work on the south building exterior began in May of 2022. The work entails waterproofing the balconies and atrium walkway. There is limited parking on-site for construction work. Spaces are typically reserved for visitors and residents' housekeeping staff. The contractor is requesting to continue utilize right-of-way for parking in front of the site. The request is for up to 25 vehicles. Florida Department of Transportation permission for the use has also been obtained.

Attached is email correspondence with the applicant and a photograph of the current use.

Attachments

cc: Patricia Strayer, P.E., Town Engineer
Craig Hauschild, P.E., Civil Engineer

Craig Hauschild

From: Anthony Fichera <anthonyjfichera@gmail.com>
Sent: Tuesday, November 29, 2022 9:24 PM
To: Craig Hauschild
Cc: Hector Pages; Larry Zabik; Michelle Sentmanat
Subject: Re: 2000 S OCEAN BLVDRE: Town Council Meeting Request - USE OF ROW FOR CONSTRUCTION PARKING ONLY (APPROX. 25 VEHICLES ON A1A)
Attachments: Temp Parking Photos.pdf

*****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.*****

Good Evening Craig -

Working on obtaining the HOA Approval Letter and providing scope of work being performed, should have to you early tomorrow.

With regard to all other questions, see below for answers in red.

Additionally, attached are the photos that you requested of the current temp parking on the site.

- Reason why parking cannot be accommodated on site? **During season there is only additional parking; 9 spaces at S building and 7 spaces on the N building, total of 16 spaces for guests and housekeeping.**
- Picture clearly showing the use. **ATTACHED**
- How long will the request be for (please state a projected completion date)? **September 1, 2023**
- Provide FDOT permission to continue using the ROW. **This permit has been approved and is extended every 3 months as requested to the FDOT. via email.**

Regards,



Anthony Fichera

 561-715-

8609  www.ajfconsultant.com

 anthonyjfichera@gmail.com

 6503 N Military Trail #506,
Boca Raton FL 33496



On Tue, Nov 29, 2022 at 10:16 AM Craig Hauschild <chauschild@townofpalmbeach.com> wrote:

Morning,

Thank you for the follow up phone call this morning.

The request would need to go before council. Please provide at a minimum the following back up.

- HOA Letter allowing the work to continue into season.
- Reason why parking cannot be accommodated on site?
- Picture clearly showing the use.
- Detailed description of the work being performed on the site, what it entails, and why it cannot wait until after season (after May 1st)?
- How long will the request be for (please state a projected completion date)?
- Provide FDOT permission to continue using the ROW.

Craig A. Hauschild, P.E., CFM

Civil Engineer, PW / PZB

360 South County Road

Palm Beach, FL 33480

Office: 561-227-7042

Fax: 561-835-4621

chauschild@townofpalmbeach.com

From: Michelle Sentmanat <MSentmanat@TownofPalmBeach.com>

Sent: Thursday, November 03, 2022 11:38 AM

To: Anthony Fichera <anthonyfichera@gmail.com>; Craig Hauschild <chauschild@TownOfPalmBeach.com>

Cc: Hector Pages <hpages@zabikandassociates.com>; Larry Zabik <lzabik@zabikandassociates.com>

Subject: RE: Town Council Meeting Request

I have no knowledge of parking needing to go before council. I have copied Craig Hauschild in this as he is the one who reviews/approves the construction parking placards and may have more knowledge into this.

Kind Regards,

Michelle Sentmanat

Senior Development Permit Technician

Town of Palm Beach

Planning, Zoning & Building Department

360 S. County Road

Palm Beach, FL 33480

Phone: 561-227-6413

www.townofpalmbeach.com

From: Anthony Fichera <anthonyfichera@gmail.com>

Sent: Thursday, November 03, 2022 10:30 AM

To: Michelle Sentmanat <MSentmanat@TownofPalmBeach.com>

Cc: Hector Pages <hpages@zabikandassociates.com>; Larry Zabik <lzabik@zabikandassociates.com>

Subject: Re: Town Council Meeting Request

*****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.*****

Good morning Michelle,

My apologies for not being more specific, this is for the construction parking permits. We were informed that we only have the ability to extend our parking permit up to a specific date which we have received approval for. Due to the scope of work that's being done we need to go before town Council to request their approval to have the ability to extend.

Please confirm receipt and advise, your assistance is greatly appreciated.

On Tue, Nov 1, 2022 at 1:09 PM Michelle Sentmanat <MSentmanat@townofpalmbeach.com> wrote:

This is not something that would go before Town Council. The Town of Palm Beach has moratorium for any place other Worth Ave. If the condo itself has working restrictions we cannot intervene in that. You would need to get with the condo.

Kind Regards,

Michelle Sentmanat

Senior Development Permit Technician

Town of Palm Beach

Planning, Zoning & Building Department

[360 S. County Road](#)

[Palm Beach, FL 33480](#)

Phone: 561-227-6413

www.townofpalmbeach.com

From: Anthony Fichera <anthonyfichera@gmail.com>

Sent: Tuesday, November 01, 2022 12:54 PM

To: Michelle Sentmanat <MSentmanat@TownofPalmBeach.com>

Cc: Hector Pages <hpages@zabikandassociates.com>; Larry Zabik <lzabik@zabikandassociates.com>

Subject: Re: Town Council Meeting Request

*****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.*****

Good Afternoon Michelle -

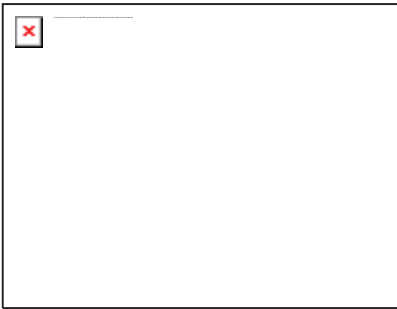
Need to go before Council to request approval for working through the moratoriums that are in place.

We are requesting approval to continue working on the Concrete Restoration and related projects at 2000 S Ocean.

Work would briefly halt for the holidays of Christmas and New Years, but would need to resume through the months of January - August 2023.

Please confirm receipt and advise next steps. Thank you!

Regards,



Anthony Fichera

561-715-8609

anthonyjfichera@gmail.com

[6503 N Military Trl Suite 506, Boca Raton FL 33496](#)

<https://www.ajfconsultant.com/>

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Excuses are easy, we find solutions.

On Tue, Nov 1, 2022 at 7:26 AM Michelle Sentmanat <MSentmanat@townofpalmbeach.com> wrote:

What is the request to go before council for?

Kind Regards,

Michelle Sentmanat

Senior Development Permit Technician

Town of Palm Beach

Planning, Zoning & Building Department

[360 S. County Road](#)

[Palm Beach, FL 33480](#)

Phone: 561-227-6413

www.townofpalmbeach.com

From: Anthony Fichera <anthonyjfichera@gmail.com>

Sent: Monday, October 31, 2022 7:48 PM

To: Michelle Sentmanat <MSentmanat@TownofPalmBeach.com>

Subject: Town Council Meeting Request

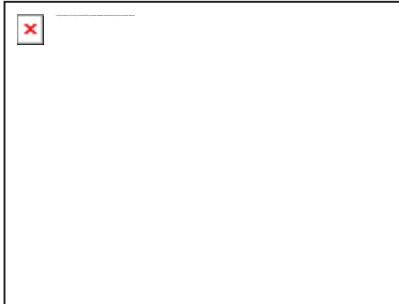
*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Good Evening Michelle -

Will be submitting a request to be placed on the next available Town Council meeting. Can you please advise what the process is or who I should reach out to with regard to getting this started.

Thank you for your assistance as always!

Regards,



Anthony Fichera

561-715-8609

anthonyfichera@gmail.com

[6503 N Military Trl Suite 506, Boca Raton FL 33496](#)

<https://www.ajfconsultant.com/>

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Excuses are easy, we find solutions.

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: [360 S. County RD, Palm Beach, FL 33480](#).

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: [360 S. County RD, Palm Beach, FL 33480](#).

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Sent from Mobile, apologies for any misspellings.

Anthony Fichera

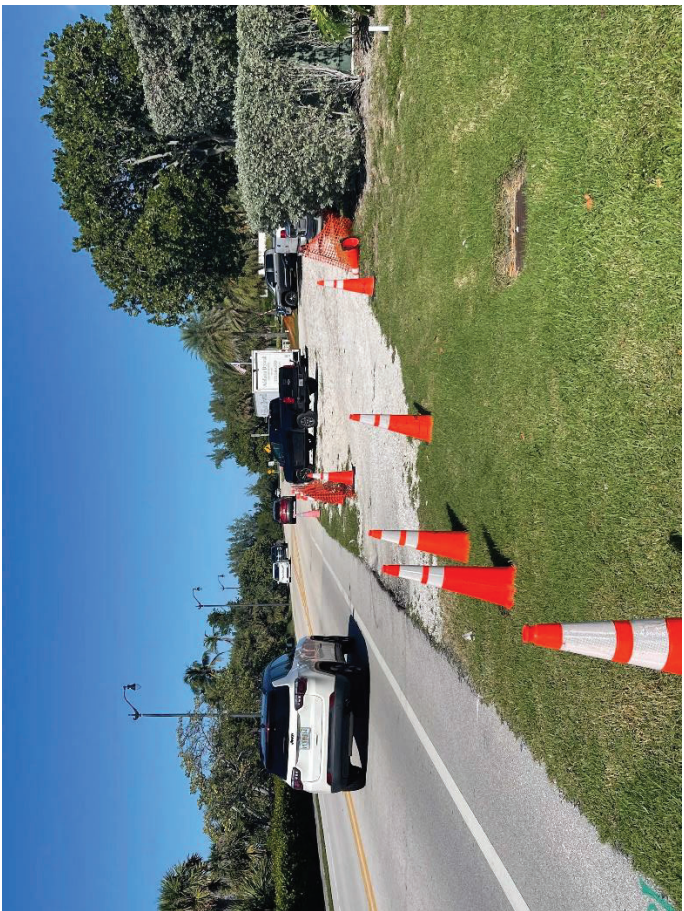
561-715-8609

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.





12-13-22 TCM Backup



TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Consent - Other

Agenda Title

217 Mockingbird Trail, Large Bismarck Palm Tree Replacement

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated December 1, 2022, from H. Paul Brazil, P.E.,
Director of Public Works**
- ▣ **Letter Correspondence**
- ▣ **ROW Permit Request**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: 217 Mockingbird Trail, Large Bismarck Palm Tree Replacement

DATE: December 1, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council authorize staff to issue a Right-of-Way Permit to 217 Mockingbird Trail and allow the contractor to replace a Bismarck Palm Tree. The work will take approximately 3 to 4 hours and impact a travel lane on Mockingbird Trail. Two-way traffic would be maintained safely by a flagging operation. Door-hanger notices to the surrounding residents would be required.

GENERAL INFORMATION

In accordance with Town Code of Ordinances, Chapter 106, Section 160-4, Rights-Of-Way Manual adopted, the Director of Public Works shall establish and maintain a manual pertaining to construction standards and Town policy concerning work within road rights-of-way and easements. The Manual was authorized by Ordinance Number 10-94, adopted by the Town Council on July 12, 1994.

Within the Manual under 2.24 Construction Hours; Except for Emergency Work, work is prohibited in the road rights-of-way from December 1st through April 30th unless operation will not negatively affect area residences and businesses, is of short duration, and will not block major roadways of the Town.

Construction of a new 2-story single family house at 217 Mockingbird Trail starting in October of 2020 is nearly complete. The applicant is finalizing minor items and the tree replacement is one of the final items. A crane and flatbed truck would be used to remove and install the new tree. Work would take approximately half a day and impact one travel lane. An acceptable maintenance of traffic has been submitted for the proposed work. If approved, Public Works will work with the applicant to issue a right-of-way permit.

Attached is letter correspondence with the applicant, photographs of the site and a copy of the right-of-way permit depicting the request.

Attachments

cc: Patricia Strayer, P.E., Town Engineer
Craig Hauschild, P.E., Civil Engineer



3R Landscape Design, Inc.

284 E Shadyside Cir
West Palm Beach, FL 33415
Phone: 561. 306.7221

Dec. 01, 2022

Town of Palm Beach
360 South County Rd
P.O Box 2029
Palm Beach, FL 33480

To: Town of Palm Beach

This past summer we planted a large Bismarck Palm at the front of the property 217 Mockingbird Trail, Palm Beach, FL 33480, unfortunately it died last week and we are hoping we can replace it during this time of the year. We understand its not the right season to do it, but our client just built this beautiful home and landscape and does not want to be looking at a dead palm all Season. Therefore we are requesting your permit to proceed with the above mentioned work. In order for us to do such job we will be using a truck and trailer not grater than 30 ft in length, (pictures attached). The tree being replaced is a Bismarck Palm 8' CT 16' OA. This type of work cannot be performed from on site because of the type of driveway the house has. The work will be completed in 4 hours or less with the use of the ROW, 40 ton crane, pick up truck and trailer. If approved the work can be completed whenever is good for the town.

Thank you for your consideration.

Kind regards

Ivan Romo R.

Ivan Romo
President





Town of Palm Beach
Building Division

360 South County Road
Palm Beach, FL 33480
561.838.5431
(fax) 561.835.4621

FOR OFFICE USE ONLY
RECEIVED
NOV 21 2022

Town of Palm Beach
PZB Dept

PUBLIC WORKS

RIGHT-OF-WAY, ENGINEERING OR UTILITY PERMIT APPLICATION

SITE ADDRESS/LOCATION <u>217 HOCKING BLVD</u>									
DESCRIPTION <u>REPLACING A DEAD PALM</u>									
PROPERTY OWNER NAME _____									
TENANT NAME _____									
DESCRIPTION OF USE / WORK IN THE RIGHT-OF-WAY <u>REMOVING & PLANTING A PALM WITH THE USE OF A CRANE SET ON THE STREET BLOCKING ONE LANE</u>									
MASTER PERMIT NUMBER	B - <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>								
CONTRACTOR CORPORATE NAME <u>3R LANDSCAPE DESIGN INC</u>									
CONTRACTOR DBA NAME <u>IVAN ROWO</u>									
CONTRACTOR ADDRESS <u>284 EAST SHADYSIDE CIR WPR</u>									
PHONE # <u>561-306 7221</u>									
QUALIFIER'S NAME/EMAIL _____									
QUALIFIER'S LICENSE # _____									
EMERGENCY CONTACT INFORMATION									
NAME <u>ERIC NICOL</u> PHONE # <u>561-3233827</u>									
TITLE <u>MANAGER</u>									

PERMIT CONDITIONS: The undersigned applicant has the authority to and affirms that all work done under any permit that may be issued as a product of this application will be executed in compliance with the "Department of Public Works, Engineering Division, Standards Applicable to Public Rights-of-Way and Easements Within the Town of Palm Beach" and as may be directed by the Town Engineer or the Public Works Inspector. The applicant further acknowledges that submitting this application with payment for a permit is no guarantee of receiving a permit. No work is authorized until a permit is issued. All permits must be on the job when work is in progress. Failure to comply with permit conditions can result in job shut-down and/or fines for violation.

CONSTRUCTION PARKING CERTIFICATION: If application is related to CONSTRUCTION PARKING, signature below certifies that the property owner has been provided with a copy of the NOTICE OF "3-STRIKE" CONSTRUCTION PARKING RULE pertaining to construction parking and that a parking plan needs to be submitted. Property Owner's and Contractor's signatures must be provided (Schedule 7 Affidavit).

DATE: NOV 21 /22 APPLICANT SIGNATURE: [Signature]

U	U	U
2		
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1		
9		
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7		

9780

PUBLIC WORKS

RIGHT-OF-WAY, ENGINEERING OR UTILITY PERMIT SCHEDULES

Choose ALL permit types that apply. See pg 3 Checklist for additional requirements

☐	U-CONSTRUCTION PARKING (1,7)	Req'd for any construction related parking that is not confined within job site.
☒	U-USE OF/WORK IN RIGHT-OF-WAY (3,8)	Req'd for operating trucks (based on size), cranes, loaders, & similar equipment in ROW.
☐	U-DE-WATERING PERMIT (4)	Req'd to discharge water from a property or facility into the Town drainage system.
☐	U-DRIVEWAY PERMIT (2)	Req'd for alteration, addition or removal of any driveway in the Town.
☐	U-EXCAVATE IN RIGHT-OF-WAY (6)	Req'd for digging in or under any pavement, sidewalk, median or easement.
☐	U-WATER/SEWER SERVICE (4)	Req'd to connect or disconnect these services in ROW or easement.
☐	U-PRIVATE LATERAL LOCATES (4)Dates	Req'd for Private Lateral Locates. Provide dates only in Schedule (4)
☐	U-OTHER PERMIT REQUESTS (3)	Req'd for activities in ROW or easements not addressed above.
☐	U-DELIVERY PERMIT - 2 HOUR (5)	Req'd for loading/unloading of materials by <u>HAND</u> . NO EQUIPMENT ALLOWED

SCHEDULE 1 - CONSTRUCTION PARKING TYPE

Choose one parking type and complete schedule:

☐ GENERAL	START DATE _____
	END DATE _____
	# MONTHS _____
☐ METERED	START DATE _____
	END DATE _____
	# WORK DAYS _____
☐ WORTH AVE	START DATE _____
	END DATE _____
	# DAYS _____
	# MONTHS _____
☐ OWNER	START DATE _____
	END DATE _____
	# MONTHS _____
☐ CLOSEOUT	START DATE _____
	END DATE _____
	# WEEKS _____

SCHEDULE 2

NUMBER OF OPENINGS: _____
 WIDTH OF OPENING #1 _____
 WIDTH OF OPENING #2 _____
 WIDTH OF OPENING #3 _____
 CONSTRUCTION TYPE: _____
 CONCRETE ASPHALT PAVERS OTHER
 START DATE _____
 END DATE _____

SCHEDULE 3

WORKING DAYS 2

START DATE NOV 29 - 2022
 END DATE NOV 30 - 2022
 LANE CLOSURE? YES NO
 ROAD CLOSURE? YES NO

SCHEDULE 4

HOSES <= 2" _____
 # HOSES >2"-6" _____
 # HOSES > 6" _____
 START DATE _____
 END DATE _____

SCHEDULE 5

DATE _____
 START TIME _____
 END TIME _____

SCHEDULE 6

START DATE _____
 END DATE _____
 BOND REQ'D Y / N AMT: _____
 LANE CLOSURE: Y / N _____
 ROAD CLOSURE: Y / N _____

SCHEDULE 8

VEHICLE TYPE: 40TON CRANE
 VEHICLE WEIGHT (GVW): _____

SCHEDULE 7 - PROPERTY OWNER'S / CONTRACTOR'S AFFIDAVIT

I have received and acknowledge the Town's NOTICE OF "3-STRIKE" CONSTRUCTION PARKING RULE pertaining to construction parking.

OWNER'S SIGNATURE: _____

OWNER'S EMAIL ADDRESS (REQUIRED): _____

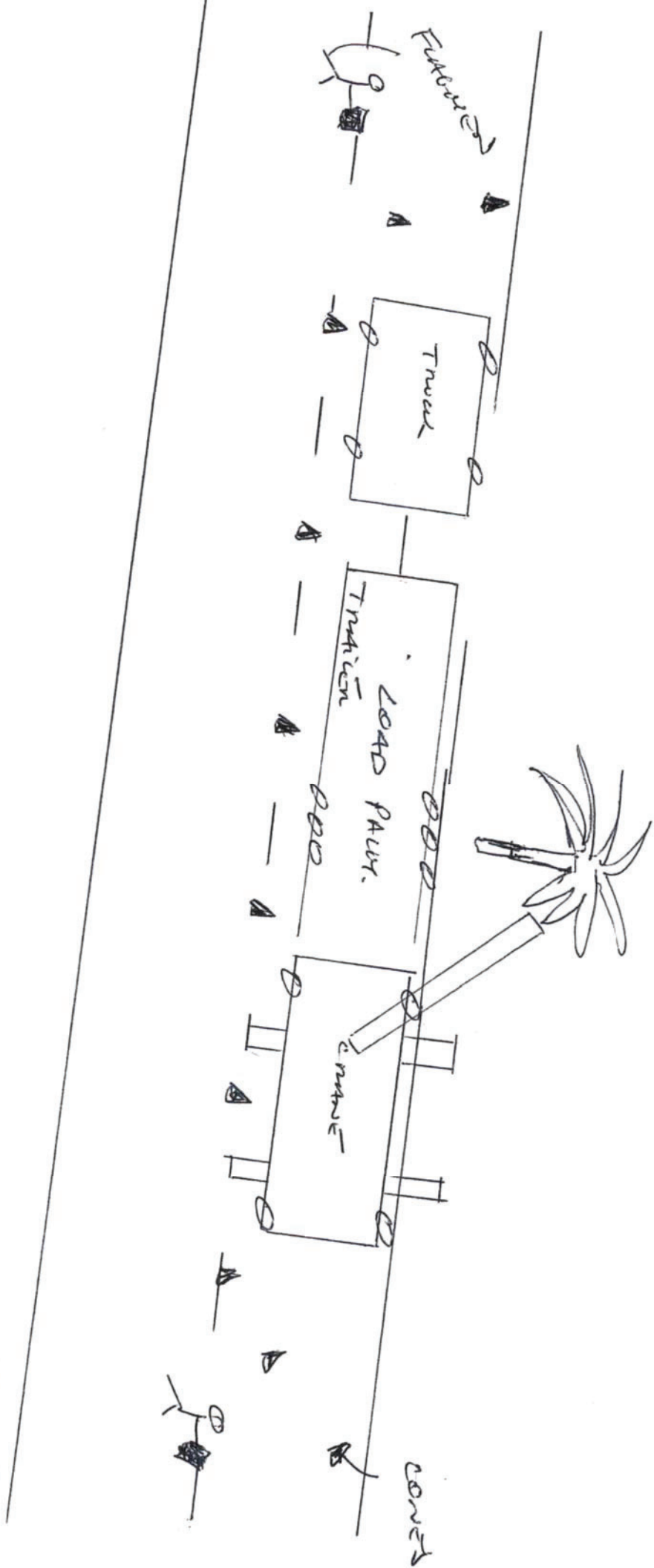
CONTRACTOR'S SIGNATURE: _____

- * Must be signed by the property owner AND contractor. If owner is corporation, must be signed by officer of corporation or someone with written authorization.
- * A Residential Tenant may not sign for property owner unless written authorization from property owner is attached.
- * A Commercial Tenant may not sign for property owner; store manager or corporate officer signature required.
- * If owner is a trust, must be signed by an officer of trust or someone with written authorization.

RECEIVED

NOV 21 2022

Town of Palm Beach
PZB Dept
12-13-22 TCM Backup



217 ROCKING BIRD
NOV 29-30/2022

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Consent - Other

Agenda Title

218 Debra Lane, Fire Hydrant Relocation, Sewer Lateral Replacement, and Gas Service

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated December 1, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Impact Letter Request**
- ▣ **ROW Impact Drawing**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: 218 Debra Lane, Fire Hydrant Relocation, Sewer Lateral Replacement, and Gas Service

DATE: December 1, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council authorize staff to issue Right-of-Way Permits to 218 Debra Lane and allow the contractor to relocate an existing fire hydrant, remove and replace the sewer lateral to Public Works Standards, and install a new gas connection to the residence currently under construction.

GENERAL INFORMATION

In accordance with Town Code of Ordinances, Chapter 106, Section 160-4, Rights-of-Way Manual adopted, the Director of Public Works shall establish and maintain a manual pertaining to construction standards and Town policy concerning work within road rights-of-way and easements. The manual was authorized by Ordinance Number 10-94, adopted by the Town Council on July 12, 1994.

Within the Manual under 2.24 Construction Hours; Except for Emergency Work, work is prohibited in the road rights-of-way from December 1st through April 30th unless operation will not negatively affect area residences and businesses, and is of short duration, and will not block major roadways of the Town.

Construction of a new Single-Family Residence at 218 Debra Lane started in October of 2020 and is nearly complete. If the sewer and gas connections are allowed, the contractor is scheduled to complete the project in January of 2023. The fire hydrant relocation work is within the green area and impact a portion of the travel lane on Debra Lane for approximately three (3) days. Two-way traffic will be maintained. Due to the width of Debra Lane, a road closure would be required for the sewer and gas work. The road closure would be for two (2) days from the hours of 9:00 a.m. to 5:00 p.m. Door hangers notices for each impact to the surrounding residents would be required. The relocation of the fire hydrant is necessary to provide fire protection for the immediate neighbors. The hydrant is currently too close to the constructed site wall and is inoperative. The sewer lateral and gas connection would allow for the resident to move in during season. A bond for the milling and resurfacing of the roadway required per Public Works Standards shall be required.

Attached is a letter correspondence from the contractor and a drawing depicting the right-of-way impacts requested. Right-of-way permits for each request shall be required.

Attachments

cc: Patricia Strayer, P.E., Town Engineer
Craig Hauschild, P.E., Civil Engineer

The Town of Palm Beach
345 South County Road
Palm Beach, FL 33480

Master Permit Number: **B-20-84720**

To Whom it may concern,

I am writing to request the following work be done at our project at 218 Debra Lane; A sewer lateral replacement, a gas service connect and a Fire Hydrant Relocation. The work in question is to be completed by SMC Contracting and will be completed one after the other. We are unable to wait until end of season due to the work being necessary to obtain a CO and close the permit. We expect to obtain a Temp C.O. by January 1st 2023. This work was inherited by the previous contractor. We had Chad Gruber involved and the city of WPB for the hydrant since July but had delays with the city of WPB and permitting.

The sewers lateral replacement will require the closure of Debra Ln which will be plated at the end of each workday until it is complete and take approximately 2 Days. We apologize that we had missed this comment in the online portal that was under 'CEA building Group' and not in our permit section.

At the same time as the sewer lateral replacement, we have FPU connect the gas service to the Gas Main in the street. They will be able to use the same area that was excavated to connect the gas service.

The Fire Hydrant relocation will take place in the grass ROW area on the corner of Laurie Ln and Debra Ln and not require excavation in the road. Additionally, it will not require the closure of either road, but flaggers will be present on Debra Lane. The Fire Hydrant relocation will take 3 days.

In addition to this, the permit has since expired for the construction, again under 'CEA Building Group' who had received the permit in June of 2020 for the Construction, and October 2020 for the Demolition. We took over this permit in May of 2021 and there was little to no work completed aside from the demolition. We are requesting to complete this work, extend the permit, and execute in a timely manner.

Best,

Jim Hiler
Vice President - Sciame Homes – CGC 152188

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Board/Commission Annual Report

Agenda Title

Shore Protection Board Annual Report

Presenter

Melissa Ceriale, Chair

ATTACHMENTS:

- ▣ **Memorandum dated November 2, 2022, from H. Paul Brazil, P.E.,
Director of Public Works**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Melissa Cerialle, Shore Protection Board Chairperson
Robert Weber, Coastal Program Manager

RE: Shore Protection Board Annual Report

DATE: November 2, 2022

The Shore Protection Board (SPB) is currently comprised of seven (7) regular members by the Town Council for three-year terms.

A chairperson and vice-chairperson are selected by the members. The 2022 SPB membership was as follows:

2022 Shore Protection Board Member	Position	Current Term Expires
Melissa Cerialle	Chairperson	12/2022
Warren Belmar	Vice-chairperson	12/2024
Robb Allan	Regular Member	12/2022
Peter Matwiczuk	Regular Member	12/2024
Ronald Matzner	Regular Member	12/2024
Erick Reickert	Regular Member	12/2022
Vladimir Rapoport	Regular Member	12/2022
Doug Rogers	Regular Member	12/2024

Melissa Cerialle and Erick Reickert are currently completing their first full term, and both are eligible for reappointment in December 2022 for a second full 3-year term. Robb Allan is currently completing a partial term taking the seat from Vladimir Rapoport, who resigned April 22, 2022. Mr. Allan is eligible for reappointment in December 2022 for a first full 3-year term. Warren Belmar is currently serving in his second full term. Peter Matwiczuk, Ronald Matzner, and Doug Rogers are all serving in their first year of their first full 3-year term, as appointed by Town Council in January 2022. SPB members are allowed to serve for two (2) consecutive full 3-year terms.

The Board met three (3) times during the 2022 calendar year.

2022 Shore Protection Board Member	Meetings Attended	Absences	Mar 24	Apr 28	Nov 2
Melissa Ceriale	3	0	P	P	P
Warren Belmar	3	0	P	P	P
Robb Allan	1	0	NA	NA	P
Peter Matwiczuk	2	0	P	P	E
Ronald Matzner	3	0	P	P	P
Vladimir Rapoport	0	1	E	NA	NA
Erick Reickert	3	0	P	P	P
Doug Rogers	2	0	P	P	E

P = Present

E = Excused

U = Unexcused

CURRENT SHORELINE CONDITION

The Town's proactive on-going coastal management efforts have maintained storm protection along the 12.2 miles of Town shoreline. The shorelines in Reaches 1 and northern part of Reach 2 were further stabilized with beach placement of inlet-management sand and sand forepassing efforts in early 2022. As a result of Hurricane Ian, most of the sand from the sand forepassing project was displaced.

Hurricane Nicole Update: On Tuesday, November 8, 2022, a hurricane warning was issued for the Town of Palm Beach. In the early morning hours of Thursday, November 10, Hurricane Nicole made landfall approximately 60 miles north of Palm Beach, just south of Vero Beach as a Category 1 hurricane on the Saffir-Simpson scale. Town staff made an initial assessment of the shoreline later that morning and requested state and federal personnel plan to perform an preliminary damage assessment. On Wednesday, November 16, the Federal Emergency Management Agency, the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, and the Florida Department of Emergency Management toured both the Federal and non-Federal beach project areas with Town staff. Estimated sand losses were made based on visual observations and dry beach shore-perpendicular measurements. It is indeterminate at this time if the erosion in Mid-Town and Phipps will result in action to be taken by both the Corps in Mid-Town and FEMA in Phipps/Reach 8/Reach 9. Post-storm survey data is being collected by a Town consultant. This information will be used to help the agencies confirm any disaster declarations and determine if any relief is eligible. Although some areas sustained high volumetric sand losses, no habitable structures along the shoreline were damaged and the current shoreline conditions do not warrant any emergency action in our project areas to be taken at this time.

2022 COASTAL PROTECTION PROJECTS

The Town worked closely with the U.S. Army Corps of Engineers on the next inlet maintenance

dredging project with dry beach placement of sand. The project started in January and was completed by May 15, 2022. The volume of sand to be placed on the beach was approximately 300,000 cubic yards, of which 15,000 cubic yards was stockpiled in Reach 1 for Sand Forepassing in Reach 2. Sand Forepassing in Reach 2 was completed by May 1, 2022, placing sand between Palmo Way and approximately Queens Lane.

Biological, physical, sea turtle nesting, and shorebird monitoring work continued, as required by State's Beach Management Agreement (BMA) and/or Federal permits, as previously approved by Town Council.

2022 SHORE PROTECTION BOARD ACTIONS

During the March 24, 2022 SPB meeting, the SPB members discussed goals for the upcoming calendar year and held a subsequent workshop on April 28th. The focus of the 2022 SPB was to "Improve Communication and Public Relations" as the primary goal to address in 2022 in an effort to increase public engagement and participation. The following four (4) goals and objectives will be evaluated and reconsidered again as necessary in future years:

- Support and Implement a coastal vulnerability and resiliency implementation plan;
- Develop and implement permitted coastal hard structure technology;
- Work with State and Federal agencies and governments to implement projects; and
- Continue maximal sand bypassing and inlet dredging.

Each of these four (4) goals were considered ongoing or completed and required no additional input by the board during the 2022 calendar year.

The board determined that the four (4) topics that requires improved communication included:

- History of Beach Nourishment
- Reach 8
- Hard Structures
- Easements

Professionally produced videos for each of these four (4) topics were developed during 2022. These videos are to be distributed in various outlets in late 2022 to promote viewing by the public. This may include YouTube, the Town's website, the Palm Beach Post, and partnering with the Palm Beach Civic Association, and Citizens' Association of Palm Beach.

ANTICIPATED 2023 SHORE PROTECTION BOARD ACTIONS

With three (3) of the seven (7) Shore Protection Board positions to be filled potentially with new appointees, and two (2) members currently serving their first year on the Board, it is expected that the SPB will schedule some additional educational and informational sessions. The first meeting in January 2023 always includes a presentation of the sediment budget with the short-term and long-term shoreline and volumetric changes of our beaches. The January 2023 meeting will also include a presentation on coastal resiliency.

The Board is expected to continue the Education Videos Series to promote and support the Coastal Management Program.

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

Patricia Strayer, P.E., Town Engineer

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda Committee Reports

Agenda Title
Report of the Business and Administrative Committee Meeting Held on October 27, 2022

Presenter
Lew Crampton, Chair

ATTACHMENTS:

- ▣ **10/27/22 BAC Meeting Report**



TOWN OF PALM BEACH

Town Clerk's Office

REPORT OF THE BUSINESS AND ADMINISTRATIVE COMMITTEE MEETING HELD ON OCTOBER 27, 2022

I. CALL TO ORDER AND ROLL CALL

The Business and Administrative Committee Meeting of October 27, 2022, was called to order at 9:30 a.m. On roll, call all Committee Members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Crampton led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion was made by Member Lindsay and seconded by Chair Crampton to approve the Agenda. On roll call, the Motion passed unanimously.

IV. COMMUNICATIONS FROM CITIZENS

John David Corey, 426 Australian Avenue thanked the committee members for their leadership and spoke regarding parking in the commercial and residential areas in Town. He stressed that there was no such thing as free parking as there are expenses incurred such as asphalt, street maintenance, curb painting, signage, operation of the program and opportunity costs. He cautioned the committee on spending too much time trying to resolve commercial parking issues which should be handled by the commercial entities.

Member Lindsay spoke regarding the expansion of office space in downtown West Palm Beach and pointed out that this would lead to more traveling across the bridges and more traffic in Town.

Chair Crampton spoke regarding the history of trying to resolve the parking issue in Town. He stated that having turnover for businesses and convenience for residents were key goals of the committee.

V. REGULAR AGENDA

A. Old Business

1. Expansion of Paid Parking
Nicholas Caristo, Chief of Police

Paul Alber, Police Lieutenant, Professional Standards Division, presented the various steps to be taken regarding transitioning to the ParkMobile app-based paid parking system using mobile devices. He stated that there were several incentives which could be offered to the residents such as discounted parking and transaction fees for their guests. There will also be opportunity for merchants to log into their ParkMobile account to pay for parking for their customers. Merchants will also be able to purchase promotional codes which they can provide to their customers for them to access free or discounted parking. He explained that the codes could be set up with expiry dates as necessary. Lt. Alber further explained the different methods merchants could use to differentiate between employees and customers whenever an account is created for their business.

Public Comments

Michael Maus, 312 Worth Avenue spoke regarding the transactional costs and enquired how a merchant would be able to make these transactions. Lt. Alber explained that the merchant would have to access the app on their device and that a business could either give the customer a promotional code or pay the parking for the customer.

Dr. Richard Lynn, Palm Beach Midtown Business Association, enquired about reimbursement to the customer from the merchant and about assistance needed by elderly users. Lt. Alber stated that parking enforcement would be available to provide assistance as needed.

Chair Crampton stated that the rise in use of ParkMobile in Palm Beach has been exponential in the past few years.

Lt. Alber stated that community outreach was one of the aspects of making the community aware of this new system. He stated that staff recommends a comprehensive implementation throughout the entire community instead of a phased-in approach.

Member Lindsay stated there should be option for on-site valet due to some people opting for convenience and expressed her concerns regarding the signage. She stated that signs should be minimal and requested that the Council be given the opportunity to see the signage during the design phase before they are finalized. Lt. Alber stated that the Town would have wide latitude regarding the creation of the signs but stated that it would have to include the ParkMobile app sign.

Dr. Lynn inquired how the valet parking system would handle the ParkMobile program and if it would also be a comprehensive implementation for the valet parking.

Laurel Baker, Palm Beach Chamber of Commerce expressed her concern regarding the number of parking spaces in Town and some of the resident placard parking

spaces which did not seem to be used on a regular basis.

Dr. Lynn, speaking as a Town resident, expressed his disagreement regarding Ms. Baker's concerns about use of street parking by residents. Mr. Corey expressed his agreement with Dr. Lynn's comments.

Mr. Maus stated that increasing paid parking will increase turnover for the commercial areas which would be a good thing for the Town and the merchants.

Member Lindsay thanked the residents/business owners for their input and made comments regarding parking in commercial and residential areas.

Wayne DaCote, the Esplanade Garage, stated that he agreed with the thirty-minute parking in the commercial district.

Lt. Alber summarized that, if Town Council approves the measure, paid parking using ParkMobile will be implemented in the commercial district using strategically placed kiosks and a few 30-minute spaces on the various streets, including Worth Avenue, S. County Road and Royal Poinciana Way.

2. Worth Avenue Valet Parking
 Nicholas Caristo, Chief of Police

Lt. Alber stated that the Town would have to create partnerships with the valets and various parking lots.

Member Lindsay gave a brief history of the Town Council's request regarding valet parking.

Public Comments

Dr. Lynn spoke regarding the area of S. County Road between Royal Palm Way and Brazilian Avenue and suggested that the best place for a valet stand would be the northwest corner of Brazilian Avenue.

Mr. DaCota stated that there was capacity for valet service in the Esplanade garage but directional signs were needed to direct people to the valet stands.

Chair Crampton stated that outreach was needed to the Apollo lot in order to develop a partnership with the Town to increase capacity.

VI. ANY OTHER MATTERS

There were none.

VII. ADJOURNMENT

Motion was made by Member Lindsay and seconded by Chair Crampton to adjourn the Business and Administrative Committee meeting at 10:40 a.m. The Motion passed unanimously.

APPROVED:

Lewis S.W. Crampton, Chair

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 162-2022 A Resolution of The Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating And Abandoning Portions of an Existing Public Utility Easements Within the Property Commonly Known as 1265 South Ocean Boulevard, in The Town of Palm Beach, Florida.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated December 2, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 162-2022**
- ▣ **Application**
- ▣ **Legal Ad**
- ▣ **Notice to Adjacent Property Owners and Property Owner**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Authorization to Vacate and Abandon Existing Utility Easement at 1265 South Ocean Boulevard, Blossom Estates Replat No. 2
Resolution No. 162-2022

DATE: December 2, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 162-2022 authorizing the abandonment of existing public utility easements located on the Blossom Estates Replat No. 2 a portion of 1265 South Ocean Boulevard.

GENERAL INFORMATION

In accordance with Town Code of Ordinances, Chapter 106, Article IV, the owner of the property has made application to abandon the public utility easements on the Blossom Estates Replat No. 2 a portion of 1265 South Ocean Boulevard. The easements to be abandoned are shown as Exhibit A, Sketch and Legal description of the proposed Resolution. An application fee of \$1,200 was received with the application for abandonment to cover direct costs and processing by the Town.

All undergrounding in the area has been completed. All existing utilities within portions of the easements proposed to be abandoned have provided consent. The utility easements located on the Blossom Estates Replat No. 2 a portion of 1265 South Ocean Boulevard as described in Exhibit A are no longer necessary, and do not serve a public purpose.

Information packages were sent to the 14 neighboring property owners within 300 feet of the easements to be abandoned via certified mail on November 29, 2022. To date, no responses have been received from the neighboring property owners. The abandonment request was also advertised prior to this Town Council meeting as required by Town Code.

This is an abandonment of existing utility easements, and no property is being gained by the owner. Therefore, a privilege fee is not applicable.

FUNDING/FISCAL IMPACT

There is no fiscal impact to the Town.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Patricia Strayer, P.E., Town Engineer
Craig Hauschild, P.E., Civil Engineer

RESOLUTION NO. 162-2022

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, VACATING AND ABANDONING PORTIONS OF AN EXISTING PUBLIC UTILITY EASEMENTS WITHIN THE PROPERTY COMMONLY KNOWN AS 1265 SOUTH OCEAN BOULEVARD, IN THE TOWN OF PALM BEACH, FLORIDA.

WHEREAS, the owner of the land hereinafter described has proposed the construction of a new single family residence on 1265 South Ocean Boulevard.

WHEREAS, portion of the property 1265 South Ocean Boulevard fall with Blossom Estate Replat No. 2

WHEREAS, utility easements were required to be designated along the perimeter of each lot created, Lots 1 through Lots 6.

WHEREAS, the property owner has combined the lots under a Unity of Tile.

WHEREAS, the owner of the land hereinafter described has proposed the construction of a new single family residence on 1265 South Ocean Boulevard.

WHEREAS, it is necessary to abandon the certain portion of the public utility easement on 1265 South Ocean Boulevard, Blossom Estates Replat No.2 which will conflict with the construction of that new single family residence; and

WHEREAS, all utilities have agreed to the abandonment of the existing utility easements; and

WHEREAS, the Town Council of the Town of Palm Beach does hereby find and determine that the utility easements located on 1265 South Ocean Boulevard as described below are no longer necessary and do not serve any public purpose nor are necessary for public use, 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 foregoing recitals are hereby ratified and confirmed.

Section 2. That the utility easements described and illustrated on Exhibit A on 1265 South Ocean Boulevard are hereby vacated and abandoned.

Section 3. That the easement described and illustrated on Exhibit A on 1265 South Ocean Boulevard designate as a beach access easement for pedestrian access to Atlantic Ocean shall remain.

Section 4. The Town Clerk is hereby authorized to advertise and record the Resolution pursuant to law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of December 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

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KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska
Alexander D. Kochman

Amy D. Bahl

*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA HAND DELIVERY

October 20, 2022

Director of Public Works
Town of Palm Beach
951 Old Okeechobee Road
West Palm Beach, FL 33401

RE: Application for Abandonment Dedicated Public Property
1265 South Ocean Boulevard, Palm Beach, Florida

To whom it may concern:

Enclosed, please find the following in accordance with the above referenced matter:

- **Original** Application for Abandonment of Dedicated Public Property
- 20 copies of the Application for Abandonment of Dedicated Public Property
- Check #7998 from Kochman & Ziska PLC in the amount of \$1,200.00 representing the application fee

Please put this matter on the agenda for the next available Town Council meeting. Should you have any questions, please feel free to contact me at 561-802-8960.

Very truly yours,


Maura Ziska



Enclosure
53071.DOC

**TOWN OF PALM BEACH
ABANDONMENT OF DEDICATED PUBLIC PROPERTY
(RIGHT-OF-WAY AND EASEMENTS)**

A pre-application meeting with the Public Works Department (Town Engineer) is required prior to submission of application for abandonment of dedicated public property.

Application Form

In accordance with "Town of Palm Beach Code of Ordinances, Chapter 106, Article IV. Vacation and Abandonment of Streets and Easements," please complete this application for Abandonment of Dedicated Public Property. Submit an application fee of \$1,200.00 and one original plus twenty (20) copies of the signed application to the Director of Public Works, Town of Palm Beach, 951 Okeechobee Road, West Palm Beach, FL 33401. A privilege fee of 100 percent of the total land value of the petitioned site may be required upon approval of the application by the Town Council, and a portion of the application fee may be credited towards the privilege fee.

1. APPLICANT'S NAME:

Blossom Way Holdings LLC

ADDRESS:

c/o Kochman & Ziska PLC

222 Lakeview Ave., Ste 1500, West Palm Beach, FL 33401

2. TYPE OF PUBLIC PROPERTY TO BE ABANDONED (Easement or Right-of-Way):

Easement

3. PROPERTY ADDRESS:

1265 South Ocean Boulevard, Palm Beach, FL 33480

4. LEGAL DESCRIPTION OF PETITIONED SITE: (Provide legal description and a scaled map, drawing or plat showing the area involved and the location of the specific property of interest to be abandoned. Label as "EXHIBIT A")

Blossom Estate Replat No. 2, according to the map or plat thereof as recorded in

Plat Book 133, Page 33, Public Records of Palm Beach County, Florida.

5. REASON FOR ABANDONMENT REQUEST: (Use additional sheets, if necessary, and label as "EXHIBIT B")

As part of the above referenced Replat No. 2; interim utility easements were required to be dedicated as part of the

approval. The lots have all been joined by a Unity of Title to create a property for one home on the North side of the Replat

and one home on the South side of the Replat. As such, the interior easements will not be necessary.

7. ATTACH CONSENT LETTERS FROM ALL UTILITY PROVIDERS LISTED BELOW WHETHER THEY HAVE FACILITIES IN THE PETITIONED SITE OR NOT:

☒ AT&T - Telephone

☒ Florida Public Utilities - Gas

☒ City of West Palm Beach - Water

☒ Town of Palm Beach - Electrical Bureau

☒ Comcast - Cable Services

☒ Town of Palm Beach - Water Resources Div.

☒ Florida Power & Light

Other: _____

CHECK-MARK (✓) ONLY THOSE UTILITY PROVIDERS OCCUPYING THE PETITIONED SITE

8. APPLICANT'S SIGNATURE:

9. DATE: 10-20-22

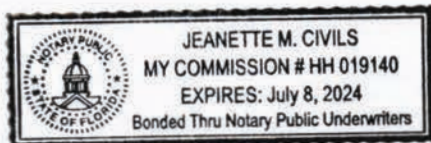
I Certify that the information given in this application is true and correct to the best of my knowledge.

Mara Ziska, Authorized Representative

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 20th day of OCTOBER, 20 22,
MAURA ZISKA, who is personally known to me, or showed _____
(type of identification; i.e., driver's license number, etc.), and who did take an oath.

(NOTARY SEAL)



Jeanette M. Civils
NOTARY PUBLIC - STATE OF FLORIDA
Print Name: Jeanette M. Civils
My commission expires: _____

For Use by Public Works Department

CHECK NO.: 7998

TOWN COUNCIL HEARING:

AMOUNT OF CHECK: \$1,200

DATE: 12/13/2022 RESOLUTION #: _____

RECEIVED BY: Public Works

Approved: _____ Denied: _____

EXHIBIT A

2022-0071168

BLOSSOM ESTATE REPLAT NO. 2

BEING A REPLAT OF LOTS 1 THROUGH 6 AND THE PRIVATE ROAD KNOWN AS BLOSSOM WAY, ACCORDING TO THE REPLAT OF THE BLOSSOM ESTATE AS RECORDED IN PLAT BOOK 54, PAGE 121, PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, ALL LYING IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 43 EAST, TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

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STATE OF FLORIDA
COUNTY OF PALM BEACH
This plat was filed for record at 11:00 AM, May 11, 2022, at the Office of the Clerk of the Circuit Court, Palm Beach County, Florida.
JENNIFER J. BARNETT
Clerk of the Circuit Court & Comptroller

SHEET 1 OF 3



WOMIT SKETCH N.T.S.

DEVELOPMENT AND SUBDIVISION

KNOW ALL MEN BY THESE PRESENTS THAT BLOSSOM WAY HOLDINGS LLC, A DELAWARE LIMITED LIABILITY COMPANY, SUCCESSOR BY MERGER TO BLOSSOM WAY HOLDINGS LLC, A DELAWARE LIMITED LIABILITY COMPANY, HAS CAUSED THE REPLAT OF LOTS 1 THROUGH 6 AND THE PRIVATE ROAD KNOWN AS BLOSSOM WAY, ACCORDING TO THE REPLAT OF THE BLOSSOM ESTATE AS RECORDED IN PLAT BOOK 54, PAGE 121, PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, ALL LYING IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 43 EAST, TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, TO BE REPLATED AS SHOWN ON THIS PLAT.

DEVELOPMENT

LOTS 1 THROUGH 6 AND THE PRIVATE ROAD KNOWN AS BLOSSOM WAY, ACCORDING TO THE REPLAT OF THE BLOSSOM ESTATE AS RECORDED IN PLAT BOOK 54, PAGE 121, PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, ALL LYING IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 43 EAST, TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, TO BE REPLATED AS SHOWN ON THIS PLAT.

COMMENTS

THE UNDERSIGNED HAVE CAUSED THIS PLAT TO BE REPLATED AND PLATED AS SHOWN HEREON AND DO HEREBY CERTIFY OF RECORD AS FOLLOWS:

WHEREAS BLOSSOM WAY HOLDINGS LLC, A DELAWARE LIMITED LIABILITY COMPANY, HAS CAUSED THE REPLAT OF LOTS 1 THROUGH 6 AND THE PRIVATE ROAD KNOWN AS BLOSSOM WAY, ACCORDING TO THE REPLAT OF THE BLOSSOM ESTATE AS RECORDED IN PLAT BOOK 54, PAGE 121, PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, ALL LYING IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 43 EAST, TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, TO BE REPLATED AS SHOWN ON THIS PLAT.

WHEREAS BLOSSOM WAY HOLDINGS LLC, A DELAWARE LIMITED LIABILITY COMPANY, HAS CAUSED THE REPLAT OF LOTS 1 THROUGH 6 AND THE PRIVATE ROAD KNOWN AS BLOSSOM WAY, ACCORDING TO THE REPLAT OF THE BLOSSOM ESTATE AS RECORDED IN PLAT BOOK 54, PAGE 121, PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, ALL LYING IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 43 EAST, TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, TO BE REPLATED AS SHOWN ON THIS PLAT.

WHEREAS BLOSSOM WAY HOLDINGS LLC, A DELAWARE LIMITED LIABILITY COMPANY, HAS CAUSED THE REPLAT OF LOTS 1 THROUGH 6 AND THE PRIVATE ROAD KNOWN AS BLOSSOM WAY, ACCORDING TO THE REPLAT OF THE BLOSSOM ESTATE AS RECORDED IN PLAT BOOK 54, PAGE 121, PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, ALL LYING IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 43 EAST, TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, TO BE REPLATED AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF, THE UNDERSIGNED HAVE CAUSED THIS PLAT TO BE REPLATED AND PLATED AS SHOWN HEREON AND DO HEREBY CERTIFY OF RECORD AS FOLLOWS:

THE STATE OF FLORIDA, COUNTY OF PALM BEACH, THIS 11th day of May, 2022.

JENNIFER J. BARNETT, Clerk of the Circuit Court & Comptroller

STATE OF FLORIDA, COUNTY OF PALM BEACH, THIS 11th day of May, 2022.

JENNIFER J. BARNETT, Clerk of the Circuit Court & Comptroller

ACKNOWLEDGMENT

THE FOREGOING INSTRUMENT HAS BEEN ACKNOWLEDGED BEFORE ME BY JENNIFER J. BARNETT, CLERK OF THE CIRCUIT COURT AND COMPTROLLER OF PALM BEACH COUNTY, FLORIDA, AND BY BLOSSOM WAY HOLDINGS LLC, A DELAWARE LIMITED LIABILITY COMPANY, SUCCESSOR BY MERGER TO BLOSSOM WAY HOLDINGS LLC, A DELAWARE LIMITED LIABILITY COMPANY, ON MAY 11, 2022, AT 11:00 AM, AT THE OFFICE OF THE CLERK OF THE CIRCUIT COURT AND COMPTROLLER OF PALM BEACH COUNTY, FLORIDA.

NOTARY PUBLIC, STATE OF FLORIDA, COMMISSION EXPIRES 12/31/2024

NOTARY PUBLIC, STATE OF FLORIDA, COMMISSION EXPIRES 12/31/2024

NOTARY PUBLIC, STATE OF FLORIDA, COMMISSION EXPIRES 12/31/2024

DEVELOPMENT AND SUBDIVISION - BLOSSOM ESTATE HOLDINGS LLC

IN WITNESS WHEREOF, THE ABOVE-SIGNED CORPORATOR HAS CAUSED THIS REPLAT TO BE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BY BLOSSOM WAY HOLDINGS LLC, A DELAWARE LIMITED LIABILITY COMPANY, SUCCESSOR BY MERGER TO BLOSSOM WAY HOLDINGS LLC, A DELAWARE LIMITED LIABILITY COMPANY, ON MAY 11, 2022, AT 11:00 AM, AT THE OFFICE OF THE CLERK OF THE CIRCUIT COURT AND COMPTROLLER OF PALM BEACH COUNTY, FLORIDA.

STATE OF FLORIDA, COUNTY OF PALM BEACH, THIS 11th day of May, 2022.

JENNIFER J. BARNETT, Clerk of the Circuit Court & Comptroller

STATE OF FLORIDA, COUNTY OF PALM BEACH, THIS 11th day of May, 2022.

JENNIFER J. BARNETT, Clerk of the Circuit Court & Comptroller

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JENNIFER J. BARNETT, Clerk of the Circuit Court & Comptroller

STATE OF FLORIDA, COUNTY OF PALM BEACH, THIS 11th day of May, 2022.

JENNIFER J. BARNETT, Clerk of the Circuit Court & Comptroller

STATE OF FLORIDA, COUNTY OF PALM BEACH, THIS 11th day of May, 2022.

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BEING A REPLAT OF LOTS 1 THROUGH 5 AND THE PRIVATE ROAD KNOWN AS BLOSSOM WAY, ACCORDING TO THE REPLAT OF THE BLOSSOM ESTATE AS RECORDED IN PLAT BOOK 54, PAGE 127, PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, ALL LYING IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 43 EAST, TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

SHEET 2 OF 3

[illegible][illegible]

THE INSTRUMENT PREPARED BY:
SEAN WALLACE IN THE OFFICE OF
WALLACE SURVEYING CORPORATION
135 VILLAGE BOULEVARD
WEST PALM BEACH, FLORIDA 33411

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6. NAMES AND ADDRESSES OF ALL PROPERTY OWNERS WITHIN 300 FEET OF THE PETITIONED SITE: (Use additional sheets, if necessary, and label as "EXHIBIT C")
-

See attached property owners list

Property Appraiser GIS - Property Detail list by parcel control number

Buffer:

50434402100000010
BLOSSOM WAY HOLDINGS LLC
131 S DEARBORN ST
CHICAGO IL 60603 5517

BLOSSOM ESTATE REPL

LTS 1 THRU 4 &

2-44-43, N 292 FT OF S 1092 FT OF GOV LT 1 LYG E OF & ADJ TO

Acres 12.02
Value \$ 299,038,850.00
Taxbl \$ 243,802,900.00
Bldg \$ 0.00
Land \$ 299,038,850.00

Sales Instr

WD

Price \$ 37,950,000.00

Date 12/27/2012

Book 25678

Page 1803

MTG

PUSE VACANT

TaxDist 50447

NAV

Buffer: 300

50434402000010022
PROVIDENCIA PARTNERS LLC
60 BLOSSOM WAY
PALM BEACH FL 33480 5002

2-44-43, TH PT OF GOV LT 1 LYG E OF OCEAN BLVD AS IN OR3752 P1353

Acres 3.59
Value \$ 87,133,200.00
Taxbl \$ 69,792,800.00
Bldg \$ 0.00
Land \$ 87,133,200.00

Sales Instr

DT

Price \$ 99,132,500.00

Date 8/28/2019

Book 30868

Page 1910

MTG

PUSE VACANT

TaxDist 50447

NAV

50434402000010070
MAHONEY MERRILL TRUST LLC
1296 S OCEAN BLVD
PALM BEACH FL 33480 5022

2-44-43, TH PT OF N 292 FT OF S 1092 FT OF GOV LT 1 LYG W OF S OCEAN BLVD & S 292 FT TR OF SUBMERG LANDS ADJ THERETO WITHIN LIMITS OF US GOVT PIERHEAD LI IN TR DEED IN

Acres 3.21
Value \$ 38,189,244.00
Taxbl \$ 36,214,148.00
Bldg \$ 1,315,344.00
Land \$ 36,873,900.00

Sales Instr

WD

Price \$ 40,000,000.00

Date 3/5/2020 1

Book 31273

Page 1468

MTG

PUSE SINGLE FAMILY

TaxDist 50447

NAV

BLOSSOM ESTATE REPL LT 5

Acres 1.61
Value \$ 34,600,384.00
Taxbl \$ 21,251,832.00
Bldg \$ 7,344,784.00
Land \$ 27,255,600.00

Sales Instr

WD

Price \$ 20,250,000.00

Date 5/1/2018 1

Book 29857

Page 1068

MTG

PUSE SINGLE FAMILY

TaxDist 50447

NAV

BLOSSOM ESTATE REPL LT 6

Acres 1.45
Value \$ 27,460,924.00
Taxbl \$ 17,711,198.00
Bldg \$ 1,923,874.00
Land \$ 25,537,050.00

Sales Instr

WD

Price \$ 15,250,000.00

Date 6/29/2015

Book 27640

Page 36

MTG

PUSE SINGLE FAMILY

TaxDist 50447

NAV

Property Appraiser GIS - Property Detail list by parcel control number

504344021000000070 PETERFFY THOMAS P 1255 S OCEAN BLVD PALM BEACH FL 33480 5008	Acres Value \$ Taxbl \$ Bldg \$ Land \$	5.98	Sales Instr Price \$ Date Book Page	DT \$ 22,660,000.00 4/8/2011 1 24453 539	MTG PUSE SINGLE FAMILY TaxDist 50447 NAV	BLOSSOM ESTATE REPL	LT 7 & LT 8 (LESS 5 7.50 FT)
504344021000000081 PETERFFY THOMAS P TRUST & 1255 S OCEAN BLVD PALM BEACH FL 33480 5008	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.08	Sales Instr Price \$ Date Book Page	DT \$ 22,660,000.00 4/8/2011 1 24453 539	MTG PUSE VACANT TaxDist 50447 NAV	BLOSSOM ESTATE REPL	5 7.50 FT OF LT 8
504344021000000090 1275 SOUTH OCEAN BOULEVARD LLC 885 3RD AVE STE 8 NEW YORK NY 10022 5264	Acres Value \$ Taxbl \$ Bldg \$ Land \$	1.84	Sales Instr Price \$ Date Book Page	WD \$ 28,500,000.00 12/2/2013 26480 1349	MTG PUSE SINGLE FAMILY TaxDist 50447 NAV	BLOSSOM ESTATE REPL	LT 9
504344021000000100 LUNGOMARE LLC 230 S CLARK ST # 336 CHICAGO IL 60604 1406	Acres Value \$ Taxbl \$ Bldg \$ Land \$	1.90	Sales Instr Price \$ Date Book Page	QC \$ 10.00 2/26/2018 29725 1287	MTG PUSE SINGLE FAMILY TaxDist 50447 NAV	BLOSSOM ESTATE REPL	LT 10
504344021000010000 BLOSSOM EST HMOVWERS ASSN INC 505 S FLAGLER DR STE 1002 WEST PALM BEACH FL 33401 5949	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.58	Sales Instr Price \$ Date Book Page		MTG PUSE RESIDENTIAL COMMON AR TaxDist 50447 NAV	BLOSSOM ESTATE REPL	PRIVATE RD K/A BLOSSOM WAY
504344021100000010 WEMIO LLC 1295 S OCEAN BLVD PALM BEACH FL 33480 5008	Acres Value \$ Taxbl \$ Bldg \$ Land \$	2.11	Sales Instr Price \$ Date Book Page	DT \$ 16,200,000.00 6/20/2019 30718 1776	MTG PUSE VACANT TaxDist 50447 NAV	CASA APAVA	LT 1

Property Appraiser GIS - Property Detail list by parcel control number

504344021100000020	1334 S OCEAN BLVD	1334 S OCEAN BLVD	1.94	Value \$ 43,717,037.00	Sales Instr Price \$ 10.00	WD	MTG PUSE SINGLE FAMILY TaxDist 50447	CASA APAVA LT 2
				Taxbl \$ 43,717,037.00	Date 4/1/2022 1			
				Bldg \$ 18,535,487.00	Book 33455		NAV	
				Land \$ 25,181,550.00	Page 1898			
PALM BEACH FL 33480 5021								
504344021100000051	WEMO LLC	1295 S OCEAN BLVD	2.61	Value \$ 136,542,854.00	Sales Instr Price \$ 78,291,000.00	DT	MTG PUSE SINGLE FAMILY TaxDist 50447	CASA APAVA LT 5 (LESS S 10 FT) & N 82 FT OF LT 6 LYG WITHIN N 210 FT OF LT 5
				Taxbl \$ 85,380,758.00	Date 6/20/2019			
				Bldg \$ 67,018,949.00	Book 30718		NAV	
				Land \$ 69,523,905.00	Page 1782			
PALM BEACH FL 33480 5008								
504344021100000052	JONES PAUL TUDOR II	1300 S OCEAN BLVD	5.13	Value \$ 140,365,601.00	Sales Instr Price \$ 10.00	WD	MTG PUSE SINGLE FAMILY TaxDist 50447	CASA APAVA S 10 FT OF LT 5 & LT 6 (LESS N 82 FT)
				Taxbl \$ 65,417,570.00	Date 3/30/2015			
				Bldg \$ 30,671,126.00	Book 27465		NAV	
				Land \$ 109,694,475.00	Page 124			
PALM BEACH FL 33480 5021								

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska
Alexander D. Kochman

Amy D. Bahl
*Also admitted in New York
AT&T

Attention: Cassandra Hendrix
2012 S Military Trail, Room 107
West Palm Beach, FL 33415

March 21, 2022

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

Re: **Easement Abandonment**
Blossom Estate RePlat No. 2

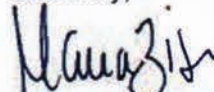
Dear Ms. Hendrix:

Attached is the recently recorded RePlat that shows 5 foot utility and drainage easements and 10 foot utility and drainage easements along the perimeter property lines of the individual lots within the Replat. These easements were dedicated in Plat Book 133 at Page 33, Official Records of Palm Beach County, Florida. There is currently a unity of title and there will be an amended unity of title to combine all of the lots into two properties and construct one residence on the north side of the Replat and one residence on the south side of the Replat. As such, the interior easements will not be necessary and will hinder the new house designs and permitting process. I am requesting all interior easements in the attached Replat be abandoned. There will be an easement along South Ocean Boulevard to bring the drainage and utilities to the houses.

The Town of Palm Beach, as part of the procedure for abandonment of easements, requires that letters of no objection be received from all utilities. If you do not object to the abandonment of the utility and drainage easements as outlined in this letter, please sign and date at the bottom of this letter and return via email to the attention of Maura Ziska, Esquire at mziska@floridawills.com. Should you have any questions or concerns about this request or wish to meet on-site, please call me at 561-802-8960 at the earliest possible time. Time is of the essence with regard to our submittal to the Town. Please respond with a signed letter no later than **March 31, 2022**.

Thank you for your assistance with is matter.

Sincerely,


Maura Ziska

Utility Company has no objection to the abandonment of the easements within the Replat No. 2 of Blossom Estate, Palm Beach as illustrated in on the attached sketch.



Area Manager AT&T

Date 3/22/2022

DARRELL DAVIS

No objection with the understanding that if existing services to Lot 6 are in conflict with project AT&T is compensated for relocation to replacement easement.

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska
Alexander D. Kochman

March 21, 2022

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Amy D. Bahl
*Also admitted in New York
City of West Palm Beach
Attention: Vincent Noel
401 Clematis Street, 4th Floor
West Palm Beach, FL 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

Re: **Easement Abandonment**
Blossom Estate RePlat No. 2

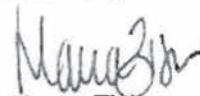
Dear Mr. Noel,

Attached is the recently recorded RePlat that shows 5 foot utility and drainage easements and 10 foot utility and drainage easements along the perimeter property lines of the individual lots within the Replat. These easements were dedicated in Plat Book 133 at Page 33, Official Records of Palm Beach County, Florida. There is currently a unity of title and there will be an amended unity of title to combine all of the lots into two properties and construct one residence on the north side of the Replat and one residence on the south side of the Replat. As such, the interior easements will not be necessary and will hinder the new house designs and permitting process. I am requesting all interior easements in the attached Replat be abandoned. There will be an easement along South Ocean Boulevard to bring the drainage and utilities to the houses.

The Town of Palm Beach, as part of the procedure for abandonment of easements, requires that letters of no objection be received from all utilities. If you do not object to the abandonment of the utility and drainage easements as outlined in this letter, please sign and date at the bottom of this letter and return via email to the attention of Maura Ziska, Esquire at mziska@floridawills.com. Should you have any questions or concerns about this request or wish to meet on-site, please call me at 561-802-8960 at the earliest possible time. Time is of the essence with regard to our submittal to the Town. Please respond with a signed letter no later than **March 31, 2022**.

Thank you for your assistance with is matter.

Sincerely,


Maura Ziska

Utility Company has no objection to the abandonment of the easements within the Replat No. 2 of Blossom Estate, Palm Beach as illustrated in on the attached sketch.



Date 3/23/22

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska
Alexander D. Kochman

March 21, 2022

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Amy D. Bahl
Comcast Cable
*Also admitted in New York

PBC Construction Dept.
Attention: Daniel Tiburcio or Vanessa Guerrero
10435 Ironwood Road
Palm Beach Gardens, FL 33410

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

Re: **Easement Abandonment**
Blossom Estate RePlat No. 2

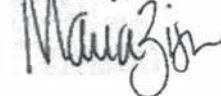
Dear Mr. Tiburcio or Ms. Guerrero:

Attached is the recently recorded RePlat that shows 5 foot utility and drainage easements and 10 foot utility and drainage easements along the perimeter property lines of the individual lots within the Replat. These easements were dedicated in Plat Book 133 at Page 33, Official Records of Palm Beach County, Florida. There is currently a unity of title and there will be an amended unity of title to combine all of the lots into two properties and construct one residence on the north side of the Replat and one residence on the south side of the Replat. As such, the interior easements will not be necessary and will hinder the new house designs and permitting process. I am requesting all interior easements in the attached Replat be abandoned. There will be an easement along South Ocean Boulevard to bring the drainage and utilities to the houses.

The Town of Palm Beach, as part of the procedure for abandonment of easements, requires that letters of no objection be received from all utilities. If you do not object to the abandonment of the utility and drainage easements as outlined in this letter, please sign and date at the bottom of this letter and return via email to the attention of Maura Ziska, Esquire at mziska@floridawills.com. Should you have any questions or concerns about this request or wish to meet on-site, please call me at 561-802-8960 at the earliest possible time. Time is of the essence with regard to our submittal to the Town. Please respond with a signed letter no later than **March 31, 2022**.

Thank you for your assistance with is matter.

Sincerely,



Maura Ziska

Utility Company has no objection to the abandonment of the easements within the Replat No. 2 of Blossom Estate, Palm Beach as illustrated in on the attached sketch.

Date _____



West Palm Area / Florida Region
3960 RCA Blvd. Ste. 6002
Palm Beach Gardens, FL 33410

March 23, 2022

Kochman & Ziska PLC
222 Lakeview Ave, Suite 1500
West Palm Beach, FL 33401

RE: PETITION TO ABANDON Easement- Blossom Estate RePlat No.2

Dear Maura Ziska:

After carefully surveying the above referenced Abandonment Request Located in Palm Beach County Area Comcast does not have any objection to the above request to Abandon/Vacate the utility easement. Provided in the future some type of Utility Easement will be granted for future use also that the Builder and or Owner will be held financially responsible for all cost to relocate the said Comcast Cable facilities to the newly dedicated right of way and or utility easement to feed remaining/existing and or new customers.

Please call 1-800-432-4770, 811 or www.callsunshine.com before you dig.

If you have any further questions, please feel free to contact me during normal business hours at 561-454-5846 or email miya_fisher@comcast.com

Sincerely,

A handwritten signature in black ink, appearing to read "Miya Fisher".

Mr. Miya Fisher

Construction Specialist 2.

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska
Alexander D. Kochman

Amy D. Bahl

*Also admitted in New York

Florida Power & Light
Attention: Amanda Tunno, Associate Engineer
810 Charlotte Avenue
West Palm Beach, FL 33401

March 21, 2022

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

Re: **Easement Abandonment**
Blossom Estate RePlat No. 2

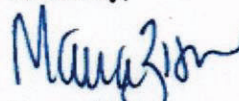
Dear Ms. Tunno:

Attached is the recently recorded RePlat that shows 5 foot utility and drainage easements and 10 foot utility and drainage easements along the perimeter property lines of the individual lots within the Replat. These easements were dedicated in Plat Book 133 at Page 33, Official Records of Palm Beach County, Florida. There is currently a unity of title and there will be an amended unity of title to combine all of the lots into two properties and construct one residence on the north side of the Replat and one residence on the south side of the Replat. As such, the interior easements will not be necessary and will hinder the new house designs and permitting process. I am requesting all interior easements in the attached Replat be abandoned. There will be an easement along South Ocean Boulevard to bring the drainage and utilities to the houses.

The Town of Palm Beach, as part of the procedure for abandonment of easements, requires that letters of no objection be received from all utilities. If you do not object to the abandonment of the utility and drainage easements as outlined in this letter, please sign and date at the bottom of this letter and return via email to the attention of Maura Ziska, Esquire at mziska@floridawills.com. Should you have any questions or concerns about this request or wish to meet on-site, please call me at 561-802-8960 at the earliest possible time. Time is of the essence with regard to our submittal to the Town. Please respond with a signed letter no later than **March 31, 2022**.

Thank you for your assistance with is matter.

Sincerely,



Maura Ziska

Utility Company has no objection to the abandonment of the easements within the Replat No. 2 of Blossom Estate, Palm Beach as illustrated in on the attached sketch.

Nicolas Geraci

Nicolas Geraci

Date 10/10/2022

Florida Power & Light
Distribution Engineer

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska
Alexander D. Kochman

Amy D. Bahl

*Also admitted in New York

Florida Public Utilities

Attention: Brad Collins or Peter Bono

P.O. Box 3395

West Palm Beach, FL 33401

March 21, 2022

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

Re: **Easement Abandonment**
Blossom Estate RePlat No. 2

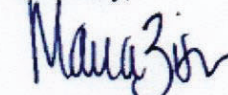
Dear Mr. Collins or Mr. Bono:

Attached is the recently recorded RePlat that shows 5 foot utility and drainage easements and 10 foot utility and drainage easements along the perimeter property lines of the individual lots within the Replat. These easements were dedicated in Plat Book 133 at Page 33, Official Records of Palm Beach County, Florida. There is currently a unity of title and there will be an amended unity of title to combine all of the lots into two properties and construct one residence on the north side of the Replat and one residence on the south side of the Replat. As such, the interior easements will not be necessary and will hinder the new house designs and permitting process. I am requesting all interior easements in the attached Replat be abandoned. There will be an easement along South Ocean Boulevard to bring the drainage and utilities to the houses.

The Town of Palm Beach, as part of the procedure for abandonment of easements, requires that letters of no objection be received from all utilities. If you do not object to the abandonment of the utility and drainage easements as outlined in this letter, please sign and date at the bottom of this letter and return via email to the attention of Maura Ziska, Esquire at mziska@floridawills.com. Should you have any questions or concerns about this request or wish to meet on-site, please call me at 561-802-8960 at the earliest possible time. Time is of the essence with regard to our submittal to the Town. Please respond with a signed letter no later than **March 31, 2022**.

Thank you for your assistance with is matter.

Sincerely,



Maura Ziska

Utility Company has no objection to the abandonment of the easements within the Replat No. 2 of Blossom Estate, Palm Beach as illustrated in on the attached sketch.

IVAN GIBBS

Date 4-15-2022

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska
Alexander D. Kochman

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Amy D. Bahl
*Also admitted in New York

March 21, 2022

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

Town of Palm Beach
Public Works Department - Electrical
Attention: Paul Colby
951 Old Okeechobee Boulevard, Suite A
West Palm Beach, FL 33401

Re: **Easement Abandonment**
Blossom Estate RePlat No. 2

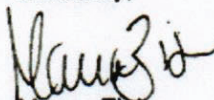
Dear Mr. Colby:

Attached is the recently recorded Replat that shows 5 foot utility and drainage easements and 10 foot utility and drainage easements along the perimeter property lines of the individual lots within the Replat. These easements were dedicated in Plat Book 133 at Page 33, Official Records of Palm Beach County, Florida. There is currently a unity of title and there will be an amended unity of title to combine all of the lots into two properties and construct one residence on the north side of the Replat and one residence on the south side of the Replat. As such, the interior easements will not be necessary and will hinder the new house designs and permitting process. I am requesting all interior easements in the attached Replat be abandoned. There will be an easement along South Ocean Boulevard to bring the drainage and utilities to the houses.

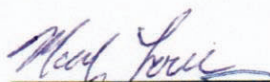
The Town of Palm Beach, as part of the procedure for abandonment of easements, requires that letters of no objection be received from all utilities. If you do not object to the abandonment of the utility and drainage easements as outlined in this letter, please sign and date at the bottom of this letter and return via email to the attention of Maura Ziska, Esquire at mziska@floridawills.com. Should you have any questions or concerns about this request or wish to meet on-site, please call me at 561-802-8960 at the earliest possible time. Time is of the essence with regard to our submittal to the Town. Please respond with a signed letter no later than **March 31, 2022**.

Thank you for your assistance with is matter.

Sincerely,


Maura Ziska

Town of Palm Beach Electrical Bureau has no objection to the abandonment of the easements within the Replat No. 2 of Blossom Estate, Palm Beach as illustrated in on the attached sketch.



rel C1

Date 3/24/22
3/28/2022

April 19, 2022

Town of Palm Beach
Public Works Department
Attention: Jeffery Coleman, Water Resource Div.
951 Old Okeechobee Boulevard, Suite A
West Palm Beach, FL 33401

Re: ***Easement Abandonment***
Blossom Estate RePlat No. 2

Dear Mr. Coleman:

Attached is the recently recorded Replat that shows 5 foot utility and drainage easements and 10 foot utility and drainage easements along the perimeter property lines of the individual lots within the Replat. These easements were dedicated in Plat Book 133 at Page 33, Official Records of Palm Beach County, Florida. There is currently a unity of title and there will be an amended unity of title to combine all of the lots into two properties and construct one residence on the north side of the Replat and one residence on the south side of the Replat. As such, the interior easements will not be necessary and will hinder the new house designs and permitting process. I am requesting all interior easements in the attached Replat be abandoned. There will be an easement along South Ocean Boulevard to bring the drainage and utilities to the houses. The Owner further agrees to the following:

- The property owner is taking responsibility for all connections from the existing utilities, to the sewer main along South Ocean Blvd
- The property owner understands that the storm system is to be severed and abandoned and no flows from the property or private storm lines will be dispersed onto Town Right of Way or onto South Ocean Blvd storm system.
- The existing laterals, which includes all laterals coming from 10 Blossom Way & 70 Blossom Way (if they are connected to the main at South Ocean, and the line coming from Blossom Way connected at the manhole in the intersecting streets, need to be abandoned.
- New sanitary sewer services from both new homes will need to be constructed and connected to South Ocean.
- The Town will be provided the process in which the above will be accomplished.

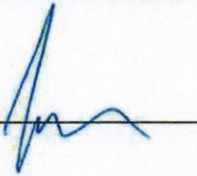
The Town of Palm Beach, as part of the procedure for abandonment of easements, requires that letters of no objection be received from all utilities. If you do not object to the abandonment of the utility and drainage easements as outlined in this letter, please sign and date at the bottom of this letter and return via email to the attention of Maura Ziska, Esquire at mziska@floridawills.com. Should you have any questions or concerns about this request or wish to meet on-site, please call me at 561-802-8960 at the earliest possible time. Time is of the essence with regard to our submittal to the Town. Please respond with a signed letter no later than **April 29, 2022**.

Thank you for your assistance with is matter.

Sincerely,

Maura Ziska

Town of Palm Beach Water Resource Division has no objection to the abandonment of the easements within the Replat No. 2 of Blossom Estate, Palm Beach as illustrated in on the attached sketch.

J.P. Coleman 

Date 5/20/22

LOCALiQ

The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune
News Herald | The Palm Beach Post
Northwest Florida Daily News

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

Town Of Palm Beach - Pbdn
Town Of Palm Beach - Pbdn
PO BOX 2029
PALM BEACH FL 33480 - 2029

STATE OF FLORIDA, COUNTY OF PALM BEACH

The Palm Beach Post, a daily newspaper printed and published in the city of West Palm Beach and of general circulation in Palm Beach, Martin, Okeechobee and St Lucie Counties, Florida; and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issues dated or by publication on the newspaper's website, if authorized, on:

11/22/2022

and that the fees charged are legal.
Sworn to and subscribed before on 11/22/2022

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$200.85

Order No: 8075924

Customer No: 733747

PO #:

of Copies:

1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

LEGAL ADVERTISEMENT
NOTICE IS HEREBY GIVEN that the Town Council of the Town of Palm Beach, Palm Beach, Florida, at a regular meeting to be held on Tuesday, December 13, 2022, beginning at 9:30 a.m., in the Council Chambers of the Town Hall, 360 South County Road, Palm Beach, Florida, will have on the agenda the following:

PETITION FOR THE ABANDONMENT OF A UTILITY EASEMENT LOCATED AT 1265 SOUTH OCEAN BOULEVARD, PALM BEACH, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PUBLIC UTILITY EASEMENT TO BE ABANDONED:

Blossom Estate Replat No. 2, according to the map or plat thereof as recorded in Plat Book 133, Page 33 Public Records of Palm Beach County, Florida.

This application for abandonment has been filed by:

Blossom Way Holdings, LLC, c/o Kochman & Ziska PLC, 222 Lakeview Ave., Ste. 1500, West Palm Beach, Florida 33401. A copy of the application is on file with the Town of Palm Beach, Public Works Department, and will be provided upon request or may be examined between the hours of 8:30 a.m. to 4:30 p.m. at 951 Okeechobee Road, Suite A, West Palm Beach, Florida 33401.

ALL PERSONS INTERESTED in this matter may appear before the Town Council of the Town of Palm Beach at the time and place aforesaid and be heard.

SHOULD ANY INTERESTED PARTY SEEK TO APPEAL ANY DECISION MADE BY THE TOWN COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC HEARING, SAID PARTY WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, 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 BEING BASED, 286.0105 F.S.S.

H. Paul Brazil, P.E.
Director, Department of Public Works
Town of Palm Beach
November 22, 2022 8075924

MARIAH VERHAGEN
Notary Public
State of Wisconsin



TOWN OF PALM BEACH

Public Works Department

NOTIFICATION TO ADJACENT PROPERTY OWNER

November 29, 2022

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**RE: TOWN OF PALM BEACH ABANDONMENT OF UTILITY EASEMENTS AT 1265
SOUTH OCEAN BOULEVARD, PALM BEACH, FL 33480**

All property owners within a three hundred-foot (300 ft.) radius of the subject property are hereby notified by mail of the proposed abandonment of utility easements on the subject property. The easements were granted as a requirement of Blossom Estate Replat No. 2. The lots have all been joined by a Unity of Title to create a property for one home on the north side of the Replat and one home on the south side of the Replat. As such, the interior easements will not be necessary. All undergrounding in the area has been completed. See attached Replat No. 2.

This notice is being provided to you in conjunction with the review by the Town Council regarding this matter.

Please be advised, Town Council will consider the following matter at the next Town Council meeting on **Tuesday, December 13, 2022**. The meeting will begin at 9:30 a.m., in the Council Chambers, 360 South County Road, Palm Beach, Florida 33480. The application will be heard at that time or soon thereafter.

This notification is not intended to solicit your approval or disapproval. If you desire, you may file your comments in writing via email to: 1265soceanblvd.easement@townofpalmbeach.com, prior to the meeting, or you may attend the meeting to speak on the matter.

Subject Property Address: 1265 South Ocean Boulevard, Palm Beach, Florida 33480

Applicant: Blossom Way Holdings LLC

Project Description: Abandonment of Existing Public Utility Easements

If I can be of further assistance, please contact me by phone at (561) 227-7042 or email at chauschild@townofpalmbeach.com.

Craig Hauschild, P.E., Civil Engineer

MAILING ADDRESS: Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480 • (561) 838-5440
LOCATION: Suite A • 951 Old Okeechobee Road • West Palm Beach, Florida 33401 • Fax No. (561) 835-4691

cc: Public Works File

MAILING ADDRESS: Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480 • (561) 838-5440
LOCATION: Suite A • 951 Old Okeechobee Road • West Palm Beach, Florida 33401 • Fax No. (561) 835-4691

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum Dated November 28, 2022, from H. Paul Brazil, P.E., Director of Public Works**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

TO: Mayor & Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Paul Brazil, Public Works Director

FROM: Patricia Strayer, Town Engineer

RE: Utility Undergrounding Project Status Report

DATE: November 28, 2022

I. COMMUNICATIONS:

A. Community Meetings:

None to report

B. Significant Residential Communications

Staff meetings for Phase 7 North and South are ongoing. Demonstration chicanes are installed in Phase 7 and are slowly progressing to eliminate these locations. Phase 8 easement meetings are ongoing. A second round of letters have been sent out to Phase 8 property owners.

II. PROGRESS SUMMARY:

Overall, Town-wide construction progress, ten (10) of fifteen (15) construction zones are either complete or in progress/funded for construction, inclusive of Phases 1N, 1S, 2N, 2S, 3N, 3S, 4N, 4S, 5N and 5S. Phase 6 North and South are awaiting delivery of materials.

A. Construction Progress:

Phase 1 North:

From the Inlet south to Onondaga Ave.

- Completed March 30, 2019

Phase 1 South:

From southern Town limits north to Sloan's Curve

- Completed April 3, 2020

Phase 2 North Construction:

From Esplanade Way to Ocean Terrace

- Completed October 29, 2020

Phase 2 South Construction:

From Sloan's Curve to the intersection of S. Ocean Blvd & S. County Road

- Phase 2 South, the project is 96% complete. Presently working with FPL on final feeder switching. All conversions are complete. Paving is complete with some items to come back and correct after the new year. Poles will be removed in May due to crews being redirected by FPL to the west coast of Florida after Hurricane Ian.

Phase 3 North Construction:

From Osceola Way to the north-side of La Puerta Way

- Completed September 17, 2021

Phase 3 South:

From S. Ocean Blvd & S. County Road to the alleyway south of Worth Ave.

- Phase 3 South construction is 76% complete. Switching is beginning after the New Year.

Phase 4 North:

From south-side of La Puerta Way to north-side of List Road

- Construction for Phase 4 North is 90% complete. All equipment has been installed. Switching is being initiated by FPL. Comcast and ATT are working on equipment installation. Conversions of homes has begun.

Phase 4 South:

From Peruvian to Royal Palm Way

- Construction is 28% complete.

Phase 5 North:

From Country Club Road to Southland Road

- Design is 100% complete.
- 87 out of 87 (100%) easements are recorded or verbally approved.
- Notice to Proceed was issued September 27, 2021.
- Construction phase is 51% complete.

Phase 5 South:

From South Lake Drive/Hibiscus Ave. & Peruvian Ave./Royal Palm Way, properties between the intracoastal waterway and the Atlantic Ocean and from Royal Palm Way to Seaspray Ave.

- Design is 100% complete.
- 83 of 83 (100%) easements are recorded or verbally approved.
- Construction phase is 30% complete.

Phase 6 North:

From Chateaux Drive & Kawama Lane to the south-side of Plantation Road

- Design is 99% complete and on schedule.
- 47 of 47 (100%) easements approved.

Phase 6 South:

Seaspray Ave. to the south of Royal Poinciana Way

- Design is 100% complete and on schedule.
- 73 of 73 (100%) easements approved.

Phase 7 North:

Palm Beach Country Club north to the south side of List Road

- Design is 74% complete and on schedule.
- 54 of 80 (68%) easements approved.

Phase 7 South:

Atlantic Ave. north to Via Los Incas & Sanford Ave.

- Design is 74% complete and on schedule.
- 38 of 57 (67%) easements approved.

Phase 8:

Royal Poinciana Way north to Everglade Ave.

- Design is 28% complete and on schedule.
- 7 of 94 (7%) easements approved.

III. FINANCIAL SUMMARY:

A. FEMA Grant Update:

- Quarterly submittals are in for approval.

B. Project Budget Summary:

There are no significant changes since the last report. Updates include processing of vendor pay applications for design and work performed in active phases. The full Underground Utility Project Financial Report is provided within your backup package with the summary page attached. The table below shows the latest construction cost summary.

Phase Area	Construction Cost Proposal	Master Plan OPC	Difference	% Difference
3S	\$8,029,384.83	\$7,710,000.00	\$319,384.83	+4.1%
4N	\$4,843,009.99	\$5,360,000.00	(\$516,990.01)	-9.6%
4S	\$8,803,506.00	\$6,400,000.00	\$2,403,506.00	+37.6%
5N	\$7,347,435.31	\$6,960,000.00	\$387,435.31	+5.6%
5S	\$8,102,327.89	\$8,940,000.00	(\$837,672.11)	-9.4%
6N	\$7,867,296.00	\$5,620,000.00	\$2,247,296.00	+40.0%
6S	\$8,149,565.00	\$10,040,000.00	(\$1,890,435.00)	-18.8%
Totals	\$53,142,525.02	\$51,030,000.00	\$2,112,525.02	+4.1%

cc: Jane LeClainche, Finance Director
Kevin Schanen, Kimley-Horn & Associates

**Underground Utility Project Budget
Project Financial Summary
November 30, 2022**

Expenditures	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 1	\$ 12,620,000	\$ 12,910,000	\$ 12,773,514	\$ 12,718,730	99.6%
Phase 2	\$ 9,170,000	\$ 13,470,000	\$ 13,348,040	\$ 13,473,022	100.9%
Phase 3	\$ 10,910,000	\$ 15,400,000	\$ 16,427,031	\$ 13,626,293	83.0%
Phase 4	\$ 10,370,000	\$ 15,220,000	\$ 18,070,904	\$ 9,472,077	52.4%
Phase 5 (Includes \$8.5 Million FEMA Grant Offset)	\$ 14,090,000	\$ 11,694,645	\$ 17,942,288	\$ 7,710,735	43.0%
Phase 6	\$ 16,820,000	\$ 20,800,000	\$ 20,017,854	\$ 3,122,497	15.6%
Phase 7	\$ 11,730,000	\$ 15,910,000	\$ 1,720,090	\$ 1,405,071	81.7%
Phase 8	\$ 12,300,000	\$ 14,500,000	\$ 1,446,577	\$ 546,736	37.8%
Total Project Costs To Date	\$ 98,010,000	\$ 119,904,645	\$ 101,746,298	\$ 62,075,161	61.0%
Other Costs Associated Directly with the Project (Page 8)	\$ 570,000	\$ 2,957,405	\$ 2,957,405	\$ 2,690,622	91.0%
Grand Total of Costs Related to Project	\$ 98,580,000	\$ 122,862,050	\$ 104,703,704	\$ 64,765,783	61.9%
Debt Service and Related Debt Issuance Costs (Page 8)			\$ 14,543,157	\$ 14,361,326	98.7%
Total Other Costs Outside Underground Budget (Page 8)			\$ 690,317	\$ 1,674,948	242.6%
Grand Total of All Costs Related to the Project	\$ 98,580,000	\$ 122,862,050	\$ 105,394,021	\$ 80,802,057	76.7%

Total Project Budget - Opinion of cost for construction	\$ 122,862,050
% Budgeted/Encumbered To Date Project Costs	85.22%
% Spent to Date - Project Costs	52.71%

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments	\$ 18,329,914	\$ 18,329,914	0.0%
Assessment Revenue	\$ 25,280,000	\$ 22,151,603	87.6%
Commercial Paper	\$ -	\$ -	0.0%
Town Owned Property Prepaid Assessments	\$ 2,797,291	\$ 2,797,291	100.0%
Interest	\$ 1,667,009	\$ 3,526,323	211.5%
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	\$ 3,083,333	61.7%
FPL	\$ 450,246	\$ 450,246	100.0%
FEMA Grant	\$ 8,500,000	\$ 827,237	9.7%
Other			
Kevin McGann - CO #9	\$ -	\$ 34,900	0.0%
Donations - Civic Association	\$ 49,250	\$ 49,250	100.0%
Transfer from (307) Fund CIP	\$ 760,200	\$ 760,200	100.0%
Transfer from (401) Fund Marina	\$ 5,200,000	\$ 3,033,333	58.3%
Transfer from (001) General Fund - PM Salary	\$ 942,116	\$ 1,049,894	111.4%
Total Project Revenues	\$ 138,674,922	\$ 125,792,319	90.7%

Underground Utility Project Budget
Phase 1 Project Costs
November 30, 2022

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Project Engineering					
Task 2.1 - Detailed Design North End	590,000		472,063	472,063	100.0%
Task 2.2 - Detailed Design South End	740,000		619,411	619,411	100.0%
Task 2.3 - Permitting Assistance			17,790	17,790	100.0%
Task 2.4 - Bid Phase Assistance			42,166	42,166	100.0%
Task 2.5 - Meetings - Design Phase			125,399	125,383	100.0%
Subtotal Design Phase	\$ 1,330,000	\$ 1,280,000	\$ 1,276,829	\$ 1,276,813	100.0%
Construction Costs					
Phase 1 North Construction					
Preconstruction			\$ 19,720	19,720	100.0%
Burkhardt Construction			\$ 3,598,144	3,606,916	100.2%
Street Light Conversion			\$ 135,322	135,322	100.0%
Change Order for AT&T and Comcast Conduit			\$ 500,655	491,883	98.2%
Utility Design Costs			\$ 15,595	79,767	511.5%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 476,776	325,523	68.3%
Construction Engineering (KH)			\$ 207,771	205,818	99.1%
	\$ 4,210,000	\$ 4,930,000	\$ 4,953,984	\$ 4,864,949	98.2%
Phase 1 South Construction					
Preconstruction			\$ 22,200	22,200	100.0%
Whiting Turner Construction			\$ 4,450,977	4,518,572	101.5%
Utility Design Costs			\$ 33,013	119,725	362.7%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 1,374,193	1,250,395	91.0%
Construction Engineering (KH)			\$ 317,963	317,483	99.8%
	\$ 6,800,000	\$ 6,350,000	\$ 6,198,347	\$ 6,228,375	100.5%
Easement Recording Fees			\$ 740	\$ 740	100.0%
Legal Costs/Easement Acquisition - Jones Foster	\$ 280,000	\$ 350,000	\$ 301,359	\$ 306,723	101.8%
Legal Sketch and Description - Easements			34,000	33,215	97.7%
Easement Abandonment			\$ 8,256	5,120	62.0%
Legal Advertising				2,795	
Total Phase 1 Costs	\$ 12,620,000	\$ 12,910,000	\$ 12,773,514	\$ 12,718,730	99.6%

**Underground Utility Project Budget
Phase 2 Project Costs
November 30, 2022**

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 2 Design					
Kimley Horn					
Task 1.1 Phase 2 North Design	335,000		\$ 281,304	\$ 281,304	100.0%
Task 1.2 Phase 2 South Design	400,000		\$ 335,353	\$ 335,353	100.0%
Task 1.3 Permitting Assistance North and South			\$ 12,674	\$ 12,674	100.0%
Task 1.4 Bid Phase Assistance North and South			\$ 40,565	\$ 40,565	100.0%
Task 1.6 Meetings North and South			\$ 136,617	\$ 131,510	96.3%
Total Phase 2 Design	\$ 735,000	\$ 807,000	\$ 806,513	\$ 801,406	99.4%
Construction Costs					
Phase 2 North Construction					
Preconstruction			\$ 35,000	31,970	91.3%
Burkhardt Construction			\$ 3,932,792	3,932,792	100.0%
Owner Purchased Supplies			\$ 83,073	253,631	305.3%
FPL Design Cost			\$ 11,759	34,936	297.1%
ATT Design Cost			\$ 5,000	\$ 10,000	200.0%
Comcast Design Cost			\$ 5,000	\$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			\$ 496,307	\$ 423,898	85.4%
FPL - Additional Vista Switches			\$ 55,000	\$ 54,938	99.9%
Construction Engineering (KH)			\$ 248,121	\$ 246,227	99.2%
Total Phase 2 North Construction	3,800,000	5,020,000	\$ 4,872,052	\$ 4,992,974	102.5%
Phase 2 South Construction	-				
Preconstruction			\$ 35,000	87,667	250.5%
Burkhardt Construction			\$ 6,322,275	6,237,992	98.7%
Owner Supplied Materials			\$ 172,321	175,898	102.1%
FPL Design Cost			\$ 13,330	34,936	262.1%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 5,000	\$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			\$ 601,448	\$ 601,448	100.0%
Reimburse John Moran				\$ 39,240	
Construction Engineering (KH)	-		\$ 325,280	\$ 304,316	93.6%
Total Phase 2 South Construction	4,435,000	7,424,000	\$ 7,479,654	\$ 7,491,078	100.2%
Easement Acquisition/Abandonment	200,000	219,000			
Kimley Horn Easement Assistance					
Task 1.5 Easement Assistance North			\$ 64,936	\$ 64,935	100.0%
Task 1.5 Easement Assistance South			\$ 77,466	\$ 77,467	100.0%
Surveys					
Task 1.7 Legal Sketch North			\$ 14,020	\$ 14,020	100.0%
Task 1.7 Legal Sketch South			\$ 21,725	\$ 20,689	95.2%
Advertising			\$ 1,200	\$ 1,101	91.7%
Recording Costs			\$ 3,605	\$ 3,359	93.2%
Easement Abandonment			\$ 6,870	\$ 5,994	87.2%
Total Easement Acquisition Costs	200,000	219,000	\$ 189,822	\$ 187,564	98.8%
Total Phase 2 Costs	\$ 9,170,000	\$ 13,470,000	\$ 13,348,040	\$ 13,473,022	100.9%

Underground Utility Project Budget
Phase 3 Project Costs
November 30, 2022

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 3 Design					
Kimley Horn					
Task 1.1 Phase 3 North Design	\$ 325,000		\$ 280,189	\$ 280,189	100.0%
Task 1.2 Phase 3 South Design	\$ 535,000		\$ 486,333	\$ 486,323	100.0%
Task 1.3 Permitting Assistance			\$ 13,739	\$ 13,739	100.0%
Task 1.4 Bid Phase Assistance			\$ 36,834	\$ 36,834	100.0%
Task 1.5 Meetings			\$ 77,411	\$ 76,626	99.0%
Total Phase 3 Design	\$ 860,000	\$ 895,000	\$ 894,505	\$ 893,710	99.9%
Construction Costs					
Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000			
Preconstruction			\$ 24,580	\$ 24,580	100.0%
Construction - Burkhardt			\$ 4,100,697	\$ 4,100,697	100.0%
Owner supplied materials			\$ 2,797	\$ 3,456	123.6%
FPL Design Cost			\$ 12,850	\$ 2,700	21.0%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 3,128	\$ 3,128	100.0%
FPL Construction			\$ 87,101	\$ 87,101	100.0%
Street Light Conversion			\$ 4,249	\$ 7,012	165.0%
Utility Costs (Comcast & ATT)			\$ 409,387	\$ 428,207	104.6%
Construction Engineering (KH)			\$ 236,976	\$ 224,829	94.9%
Daniella Construction - Nightingale/LaPuerta - Townwide portion			\$ 457,851	\$ 457,851	100.0%
FPL Nightingale/LaPuerta - Townwide Portion			\$ 85,796	\$ 85,796	100.0%
Comcast Nightingale/LaPuerta - Townwide Portion			\$ 8,885	\$ 8,885	100.0%
AT&T Nightingale/LaPuerta Townwide Portion			\$ 30,555	\$ 30,555	100.0%
Billing for Arnold Fisher relocate transformer Deanna Davis and Cohlan			\$ (17,647)	\$ (17,647)	100.0%
Total Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000	\$ 5,452,205	\$ 5,452,150	100.0%
Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000			
Preconstruction			\$ 33,400	\$ 33,400	100.0%
Construction			\$ 8,029,385	\$ 5,611,276	69.9%
Owner supplied Pipe			\$ 153,809	\$ 138,366	90.0%
FPL Construction			\$ 562,000	\$ 562,905	100.2%
FPL Design Cost			\$ 11,359	\$ 17,159	151.1%
FPL - 101 El Brillo			\$ 10,875	\$ 10,875	100.0%
ATT Design and Construction Cost			\$ 425,000	\$ 5,000	1.2%
Comcast Design and Construction Cost			\$ 195,128	\$ 335,723	172.1%
Construction Engineering (KH)			\$ 322,540	\$ 232,939	72.2%
Total Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000	\$ 9,743,496	\$ 6,947,643	71.3%
Easement Acquisition/Abandonment	\$ 260,000	\$ 330,000			
Kimley Horn Easement Assistance					
Task 1 Easement Assistance North and South			\$ 273,390	\$ 271,913	99.5%
Easement Amendment			\$ 49,285	\$ 49,198	99.8%
Surveys					
Recording Costs			\$ 6,000	\$ 5,137	85.6%
Easement Abandonment			\$ 8,150	\$ 6,542	80.3%
Total Easement Acquisition Costs	\$ 260,000	\$ 330,000	\$ 336,825	\$ 332,791	98.8%
Total Phase 3 Costs	\$ 10,910,000	\$ 15,400,000	\$ 16,427,031	\$ 13,626,293	83.0%

Underground Utility Project Budget
Phase 4 Project Costs
November 30, 2022

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 4 Design					
Kimley Horn					
Task 1.1 Phase 4 North Design	\$ 402,000		\$ 312,317	312,317	100.0%
Task 1.2 Phase 4 South Design	\$ 413,000		\$ 451,284	451,284	100.0%
Task 1.3 Permitting Assistance			\$ 14,468	14,468	100.0%
Task 1.4 Bid Phase Assistance			\$ 37,899	37,899	100.0%
Task 1.6 Meetings			\$ 77,911	77,383	99.3%
Total Phase 4 Design	\$ 815,000	\$ 894,000	\$ 893,879	893,351	99.9%
Construction Costs					
Phase 4 North Construction	4,605,000	6,275,000			
Preconstruction			\$ 22,270	22,270	100.0%
Construction Costs			\$ 5,061,056	4,249,437	84.0%
Owner Supplied Pipe and Vaults			\$ 156,238	156,238	100.0%
FPL BCE			\$ 91,543	91,543	100.0%
FPL Design Cost			\$ 12,757	12,850	100.7%
ATT Design Cost			\$ 5,000	5,000	100.0%
Comcast Design and Construction Cost			\$ 173,151	3,128	1.8%
Utility Costs (FPL, Comcast, AT&T)					
Street Light Conversion FPL			\$ 4,222	4,222	100.0%
Construction Engineering (KH)			\$ 324,309	269,338	83.0%
Total Phase 4 North Construction	\$ 4,605,000	\$ 6,275,000	\$ 5,850,546	4,814,025	82.3%
Phase 4 South Construction	4,710,000	7,640,000			
Preconstruction			\$ 34,800	34,800	100.0%
Construction			\$ 8,803,506	1,486,107	16.9%
Construction with Lake Drive Park			\$ 320,311	363,499	113.5%
Owner Supplied Pipes			\$ 2,170	2,170	100.0%
Street Light Conversion			\$ 6,688	6,688	100.0%
FPL Design Cost			\$ 13,160	1,350	10.3%
ATT Design Cost			\$ 5,000	5,000	100.0%
Comcast Design Cost			\$ 3,128	3,128	100.0%
Kimley Horn - Design services Hibiscus Ave			\$ 12,047	11,940	99.1%
Utility Costs (FPL, Comcast, AT&T)			\$ 1,334,427	1,334,427	100.0%
Construction Engineering (KH)			\$ 333,659	79,489	23.8%
Total Phase 4 South Construction	\$ 4,710,000	\$ 7,640,000	\$ 10,868,896	3,328,598	30.6%
Easement Acquisition/Abandonment	\$ 240,000	\$ 411,000			
Kimley Horn Easement Assistance					
Easement Assistance (KH)			\$ 280,270	280,254	100.0%
Easement Assistance (KH) -- Switches			\$ 67,747	67,481	99.6%
Easement Assistance (KH)			\$ 59,369	44,143	74.4%
Surveys					
Legal Sketch			\$ 38,230	38,092	99.6%
Legal Sketch - Switches			\$ 4,967		
Jones Foster - Legal					
Recording Costs			\$ 7,000	6,133	87.6%
Easement Abandonment					
Total Easement Acquisition Costs	\$ 240,000	\$ 411,000	\$ 457,583	436,103	95.3%
Total Phase 4 Costs	\$ 10,370,000	\$ 15,220,000	\$18,070,904	9,472,077	52.4%

**Underground Utility Project Budget
Phase 5 Project Costs
November 30, 2022**

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	\$ 520,000		\$ 454,210	\$ 454,210	100.0%
Task 1.2 Phase 5 South Design	\$ 600,000		\$ 606,951	\$ 606,951	100.0%
Task 1.3 Permitting Assistance North/South			\$ 17,100	\$ 17,100	100.0%
Task 1.4 Bid Phase Assistance North/South			\$ 37,899	\$ 37,899	100.0%
Task 1.6 Meetings North/South			\$ 77,911	\$ 77,905	100.0%
Total Phase 5 Design	\$ 1,120,000	\$ 1,195,000	\$ 1,194,071	\$ 1,194,065	100.0%
Construction Costs					
Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000			
Preconstruction			\$ 59,100	59,100	100.0%
Construction			\$ 6,416,942	3,344,250	52.1%
Construction Manager			\$ 940,702	376,281	40.0%
Utility Costs (FPL, Comcast, AT&T)			\$ 67,157	67,157	100.0%
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 16,223	30,330	187.0%
Reimburse Caren and Gary Marder work performed			\$ 6,100	6,100	100.0%
Construction Engineering (KH)			\$ 334,157	164,061	49.1%
Total Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000	\$ 7,845,381	\$ 4,052,279	51.7%
Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000			
Preconstruction			\$ 59,100	59,100	100.0%
Construction			\$ 6,629,361	1,198,903	18.1%
Infrastructure from Phase 4 south bid - Not part of Grant			\$ 163,350	45,019	27.6%
Construction Manager			\$ 979,098	352,475	36.0%
Utility Costs (FPL, Comcast, AT&T)			\$ 365,720	365,720	100.0%
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 19,283	20,633	107.0%
Construction Engineering (KH)			\$ 334,159	81,500	24.4%
Total Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000	\$ 8,555,071	\$ 2,128,350	24.9%
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	\$ 78,699	97.1%
Surveys					
Legal Sketch			\$ 41,080	\$ 32,603	79.4%
Legal Ads			\$ 1,000	\$ 585	58.5%
Recording Costs			\$ 6,000	\$ 5,618	93.6%
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 330,000	\$ 365,000	\$ 347,766	\$ 336,041	96.6%
FEMA Grant		\$ (8,465,355)			
Total Phase 5 Costs	\$ 14,090,000	\$ 11,694,645	\$ 17,942,288	\$ 7,710,735	43.0%

Underground Utility Project Budget
Phase 6 Project Costs
November 30, 2022

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 6 Design					
Kimley Horn					
Task 1.1 Phase 6 North Design	\$ 420,000		\$ 475,019	\$ 475,019	100.0%
Task 1.2 Phase 6 South Design	\$ 940,000		\$ 826,551	\$ 826,551	100.0%
Task 1.3 Permitting Assistance North/South			\$ 17,694	\$ 17,694	100.0%
Task 1.4 Bid Phase Assistance North/South			\$ 35,938	\$ 35,938	100.0%
Task 1.6 Meetings North			\$ 84,791	\$ 84,765	100.0%
Total Phase 6 Design	\$ 1,360,000	\$ 1,440,000	\$ 1,439,993	\$ 1,439,967	100.0%
Utility and Construction Costs					
Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000			
Preconstruction			\$ 24,270	24,270	100.0%
Construction			\$ 7,867,296	152,922	1.9%
Approved Change Orders					
FPL Design Cost			\$ 15,868	29,198	184.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)			\$ 295,632	295,632	100.0%
Construction Engineering (KH)			\$ 344,177	15,700	4.6%
Total Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000	\$ 8,547,243	\$ 517,722	6.1%
Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000			
Preconstruction			\$ 24,270	24,270	100.0%
Construction			\$ 8,400,000		
Approved Change Orders					
FPL Design Cost			\$ 29,924	29,924	100.0%
ATT Design Cost			\$ 10,000	10,000	100.0%
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)			\$ 754,815	754,815	100.0%
Construction Engineering (KH)			\$ 395,600		
Total Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000	\$ 9,614,609	\$ 819,009	8.5%
Easement Acquisition/Abandonment	\$ 400,000	\$ 447,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 351,594	\$ 312,464	88.9%
<i>Surveys</i>					
Legal Sketch			\$ 58,415	\$ 29,893	51.2%
Legal Ads			\$ 1,000	\$ 113	11.3%
Recording Costs			\$ 5,000	\$ 3,329	66.6%
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 400,000	\$ 447,000	\$ 416,009	\$ 345,798	83.1%
Total Phase 6 Costs	\$ 16,820,000	\$ 20,800,000	\$ 20,017,854	\$ 3,122,497	15.6%

Underground Utility Project Budget
Phase 7 Project Costs
November 30, 2022

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 7 Design					
Kimley Horn					
Task 1.1 Phase 7 North Design	\$ 450,000		\$ 492,488	\$ 393,990	80.0%
Task 1.2 Phase 7 South Design	\$ 480,000		\$ 630,830	\$ 504,664	80.0%
Task 1.3 Bid Phase Assistance North and South			\$ 35,938	\$ -	0.0%
Task 1.4 Meetings North and South			\$ 77,616	\$ 75,610	97.4%
Total Phase 7 Design	\$ 930,000	\$ 1,237,000	\$ 1,236,872	\$ 974,265	78.8%
Utility and Construction Costs					
Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000			
Preconstruction			\$ 47,500	11,515	24.2%
Construction					
Approved Change Orders					
FPL Design Cost			\$ 15,806	27,165	171.9%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000	\$ 63,306	\$ 38,680	61.1%
Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000			
Preconstruction			\$ 47,500	11,515	24.2%
Construction					
Approved Change Orders					
FPL Design Cost			\$ 19,953	19,953	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000	\$ 67,453	\$ 31,468	46.7%
Easement Acquisition/Abandonment	\$ 280,000	\$ 348,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 346,459	\$ 358,013	103.3%
Surveys					
Legal Sketch					
Legal Ads			\$ 1,000	\$ 113	11.3%
American Acquisition Group					
Temp Services					
Legal Advertising					
Recording Costs			\$ 5,000	\$ 2,532	50.6%
Total Easement Acquisition Costs	\$ 280,000	\$ 348,000	\$ 352,459	\$ 360,658	102.3%
Total Phase 7 Costs	\$ 11,730,000	\$ 15,910,000	\$ 1,720,090	\$ 1,405,071	81.7%

**Underground Utility Project Budget
Phase 8 Project Costs
November 30, 2022**

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 8 Design					
Kimley Horn					
Task 1.1 Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,029,017	\$ 308,705	30.0%
Task 1.2 Permitting Assistance			\$ 17,694		0.0%
Task 1.3 Bid Phase Assistance			\$ 14,430		0.0%
Task 1.4 Meetings			\$ 89,778	\$ 346	0.4%
Total Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,150,919	\$ 309,051	26.9%
Utility and Construction Costs					
Phase 8 Construction	\$ 10,990,000	\$ 13,107,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 13,160	13,160	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 8 North Construction	\$ 10,990,000	\$ 13,107,000	\$ 13,160	\$ 13,160	100.0%
Easement Acquisition/Abandonment	\$ 300,000	\$ 242,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 227,724	\$ 189,562	83.2%
Surveys					
Legal Sketch					
Legal Ads				\$ 56	
American Acquisition Group					
Kimley Horn Grant Assistance BRIC Grant			\$ 49,774	\$ 34,716	69.7%
Temp Services					
Recording Costs			\$ 5,000	\$ 190	3.8%
Total Easement Acquisition Costs	\$ 300,000	\$ 242,000	\$ 282,498	\$ 224,525	79.5%
Total Phase 8 Costs	\$ 12,300,000	\$ 14,500,000	\$ 1,446,577	\$ 546,736	37.8%

**Underground Utility Project Budget
Other Project Costs
November 30, 2022**

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	\$ 88,021	\$ 88,021	100.0%
Task 1.1a Data Collection for Future Communications	\$ 23,511	\$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	\$ 161,756	\$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	\$ 31,244	\$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	\$ 77,660	\$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	\$ 17,448	\$ 17,448	100.0%
Task 1.6 - Master Plan Document	\$ 45,053	\$ 45,053	100.0%
Task 1.7 - Meetings Master Planning Phase	\$ 113,135	\$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	\$ 40,067	\$ 40,067	100.0%
Subtotal Master Planning	\$ 597,895	\$ 597,883	100.0%
Comcast Preplanning - Master Plan	\$ 12,015	\$ 12,015	100.0%
Assessment Costs, Legal, Fees and Discounts	\$ 950,000	\$ 947,590	99.7%
Project Manager -Pay and benefits	\$ 840,000	\$ 652,370	77.7%
Temp Services - Easement Acquisition	\$ 150,000	\$ 106,050	70.7%
Other Miscellaneous Expenses		\$ 24,620	
General Easement Assistance	\$ 24,976	\$ 24,838	99.4%
Community Outreach	\$ 282,519	\$ 225,256	79.7%
Peer Review Study - Patterson & Dewar (\$50,000 Offsetting Revenue)	\$ 100,000	\$ 100,000	100.0%
Total Other Project Costs	\$ 2,957,405	\$ 2,690,622	91.0%

Debt Service and Related Debt Issuance Costs

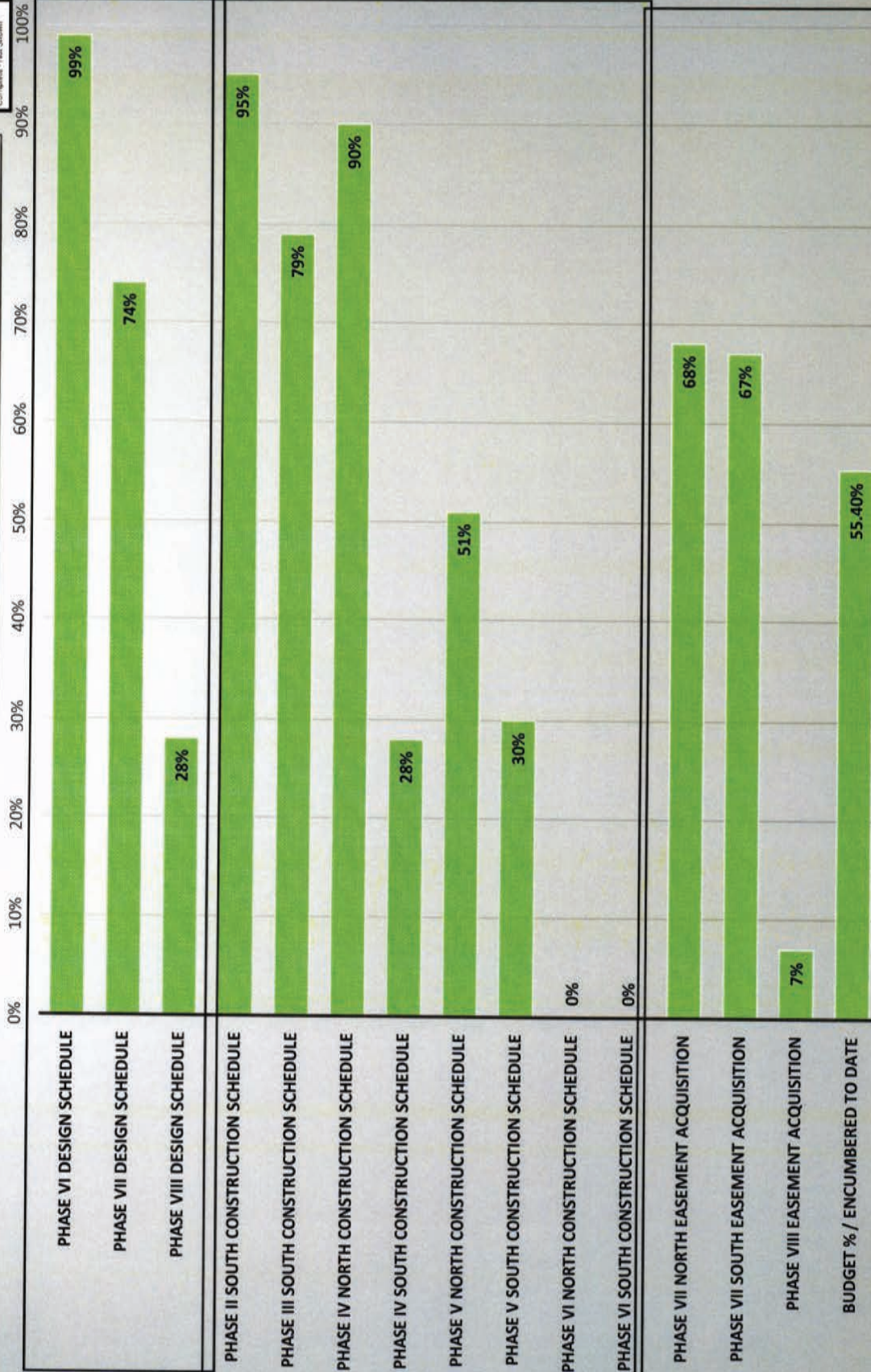
	Budget	Actual	% Expended
Commercial Paper Issuance Cost	\$ 260,116	\$ 260,116	100.0%
Commercial Paper Interest	\$ 243,096	\$ 243,096	100.0%
Arbitrage Rebate Calculation	\$ 2,500	\$ 2,900	116.0%
Debt Service Fees	\$ 2,000	\$ -	0.0%
GO Bond Closing Costs 2018	\$ 488,271	\$ 487,471	99.8%
GO Bond Closing Costs 2021	\$ 202,169	\$ 202,380	100.1%
GO Bond Debt Service	\$ 13,345,005	\$ 13,165,364	98.7%
Total Debt Service and Related Debt Issuance Costs	\$ 14,543,157	\$ 14,361,326	98.7%

Related Costs Outside of the Underground Project Budget

	Budget	Actual	% Expended
Costs paid from (307) Fund CIP			
Underground City of Lake Worth Section			
Project Design	\$ 25,231	\$ 24,430	96.8%
Project Construction	\$ 351,081	\$ 351,081	100.0%
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	\$ 518,805	98.7%
Ibis Way PGD Improvements	\$ 14,583	\$ 14,583	100.0%
Crosswalk Spare Conduits	\$ 26,148	\$ 13,335	51.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		\$ 183,701	
Kosberg v TPB Legal and Other Costs		\$ 615,602	
PBT Real Estate v TPB		\$ 197,178	
Gardner, Bist Bowden, Bush (Shef Wright)		\$ 24,799	
Telecommunications Consultant	\$ 89,000	\$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	\$ 35,000	\$ 23,735	67.8%
Total Related Costs Outside of the Budget	\$ 690,317	\$ 1,674,948	242.6%

Town of Palm Beach - Underground Utility Project Dashboard - November 2022

Status Legend
 Green - On Task
 Yellow - Caution
 Red - Not on Task
 Grey - Not Started



The pace for easement acquisition has increased significantly.

THE GOOD, THE BAD AND THE UGLY

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Water Feasibility Study Update

TIME CERTAIN: 11:00 AM

Time Certain

11:00 AM

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated November 30, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Water Supply Feasibility Study**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

TO: Mayor and Town Council
VIA: Kirk W. Blouin, Town Manager
FROM: H. Paul Brazil, P.E., Director of Public Works
RE: Water Feasibility Study Update
DATE: November 30, 2022

STAFF RECOMMENDATION

Town staff requests that Town Council review the attached information and provide direction concerning any additional study items, a possible public workshop, and referring study items to the Tax and Finance Committee.

GENERAL INFORMATION

During the November 8, 2022 Town Council Meeting, Kimley Horn and Associates presented additional information on alternatives to include: City of West Palm Beach – As Is, City of West Palm Beach – Membrane Upgrade, City of Lake Worth Beach – Membrane Upgrade, new infrastructure and pipping on the island, new infrastructure and pipping in the intracoastal waterway.

Following the presentation at the November 8, 2022 Town Council Meeting, Council requested for staff and Kimley Horn and Associates to provide additional information on alternatives regarding the following subjects:

1. City of West Palm Beach – As Is w/cost analysis
2. City of West Palm Beach – Membrane Upgrade w/cost analysis
3. City of Lake Worth Beach – Membrane Upgrade w/cost analysis
 - i. New infrastructure and pipe upgrades on the island
 - ii. Comparison of upgrades to current age of pipes
4. Phipps Ocean Park Treatment Plant – Location on west side of South Ocean Boulevard

Kimley Horn and Associates will be presenting an update on the Water Feasibility Study at the December 13, 2022 Town Council Meeting.

FUNDING/FISCAL IMPACT

There is no fiscal impact associated with this item at this time.

Attachment

cc: Jason Debrincat, P.E., Senior Project Engineer

Town of Palm Beach Water Supply Feasibility Study

Meeting
December 2022

Overview

- City of West Palm Beach – As Is, Current Water Treatment Process Remains
- City of West Palm Beach – Membrane Upgrade, Plant to have 32 MGD Nanofiltration and 16 MGD of Brackish Water Reverse Osmosis
- City of Lake Worth Beach – Plant to have 4.5 MGD Nanofiltration and 15 MGD Brackish Water Reverse Osmosis

Cost Analysis – City of West Palm Beach – As-Is Treatment Process Does Not Change

Item	Item of Work	Subtotal
1	Current Franchise Agreement Pipeline Improvements	\$13M
2	Current Critical Pipeline Improvements per Masterplan	\$15M
Subtotal Pipeline Capital Improvements:		\$29M
	Engineering/Administration (20%)	\$6M
Subtotal Capital, Engineering and Administration:		\$35M
	Contingency (35%)	\$12M
Subtotal Capital, Engineering and Administration, and Contingency:		\$47M
Level 5 Engineers Opinion of Probable Cost (0% -+ 50%):		\$47M - \$70M

Cost Analysis – City of West Palm Beach – 48 MGD Membrane Upgrade

Item	Item of Work	Subtotal
1	16 MGD BWRO and 32 MGD NF Treatment	\$423M
2	Current Franchise Agreement Pipeline Improvements	\$10M
3	Current Critical Pipeline Improvements per Masterplan	\$3M
Subtotal Capital Improvements:		\$436M
Engineering/Administration (20%)		\$87M
Subtotal Capital, Engineering and Administration:		\$523M
Contingency (35%)		\$183M
Subtotal Capital, Engineering and Administration, and Contingency:		\$706M
Level 5 Engineers Opinion of Probable Cost (0% -+ 50%):		\$706M - \$1.05B

Cost Analysis – City of Lake Worth Beach

Item	Item of Work	Subtotal
1	10.5 MGD RO Treatment Addition 4.5 MGD NF Treatment Treatment Building Addition	\$110M
2	Lake Worth Beach Pipeline Interconnection 1 – C-51 Connection	\$17M
3	Lake Worth Beach Pipeline Interconnection 2 – Lake Worth Road	\$11M
4	Town Pipeline Distribution Improvements	\$40M
5	Current Franchise Agreement Pipeline Replacements	\$10M
6	Critical Pipeline Improvements Per Masterplan	\$3M
Subtotal Capital Improvements:		\$191M
Engineering/Administration (20%)		\$38M
Subtotal Capital, Engineering and Administration:		\$229M
Contingency (35%)		\$80M
Subtotal Capital, Engineering and Administration, and Contingency:		\$310M
Level 5 Engineers Opinion of Probable Cost (0% -+ 50%):		\$310M - \$465M

Cost Analysis Summary

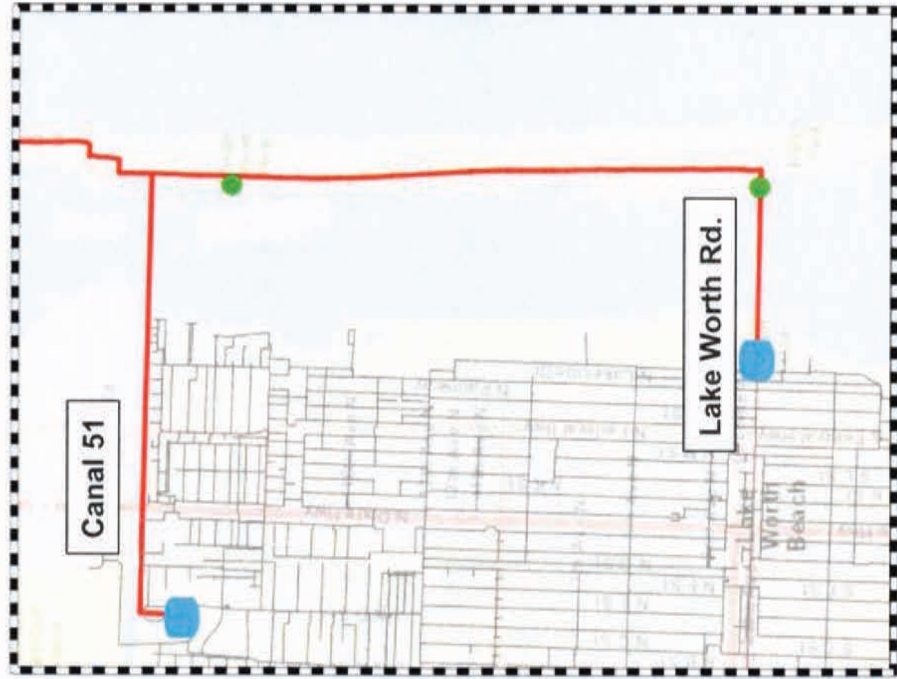
Alternative Description	Cost	Included in Cost
City of West Palm Beach – As Is	\$47M - \$70M	Pipeline Infrastructure
City of West Palm Beach – 48 MGD Membrane Upgrade	\$706M - \$1.05B (20% of capacity represents \$141M - \$211M)	Pipeline and Treatment Infrastructure
City of Lake Worth Beach	\$310M - \$465M	Pipeline and Treatment Infrastructure

**Town required capacity is 10 MGD which
is 20% of 48 MGD planned capacity**

Timeline and Complexity

Alternative Description	Cost	Town Developed Utility Required	Water Supply Security	Water Supply Permitting Complexity	Construction Complexity	Operational Complexity and System Reliability	Land Acquisition	Program Permitting Complexity	Stakeholder Coordination
City of West Palm Beach – As Is	\$47M - \$70M	No	Moderate	None – Already Permitted	Low	Low / High	None	Low	Low
City of West Palm Beach – 48 MGD Membrane Upgrade	\$706M - \$1.05B (\$141M - \$211M)	No	High	Moderate	High	High / High	None	Low	Low
City of Lake Worth Beach	\$310M - \$465M	Retail – No	Moderate - High	Moderate	High	Low / Moderate	Low	High	High

City of Lake Worth Beach – Proposed Pipeline Improvements



Legend

BOOSTER PUMPS

● PROPOSED

● EXISTING

PROPOSED STORAGE TANK

●

WATER MAIN

— TOWN OF PALM BEACH

— WEST PALM BEACH

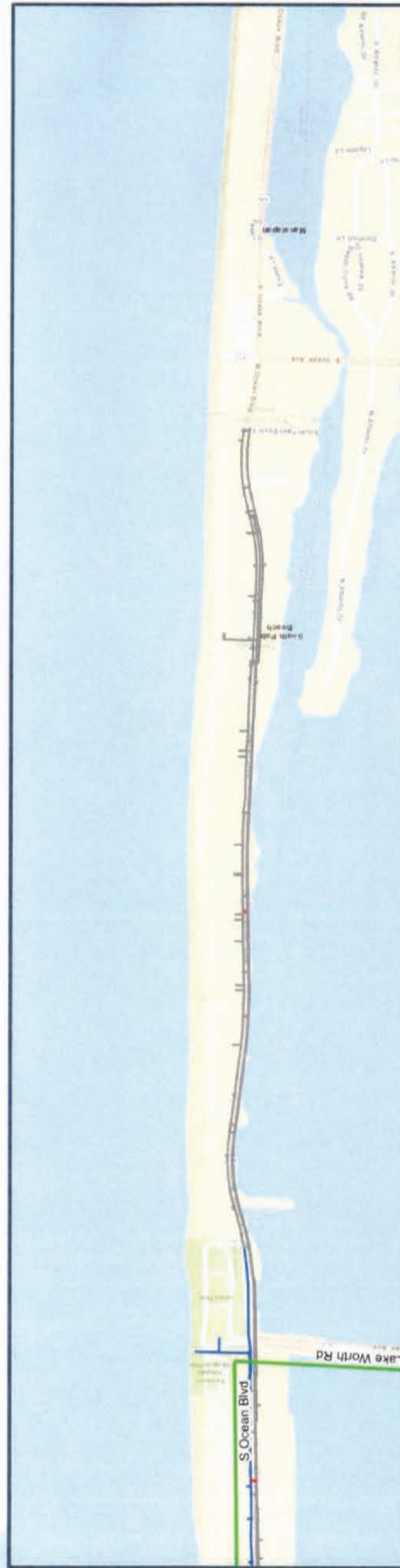
— FRANCHISE AGREEMENT WATER MAIN

— CRITICAL WATER MAIN

— PROPOSED PIPE IMPROVEMENTS

— LAKE WORTH BEACH

City of Lake Worth Beach – Proposed Pipeline Improvements



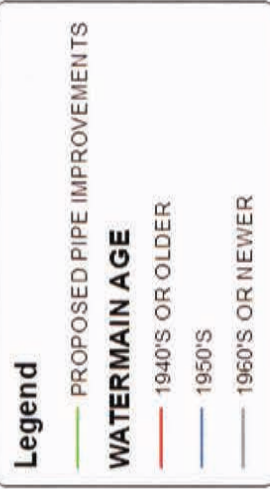
South Portion of Town



City of Lake Worth Beach – Proposed Pipeline Improvements



South Middle Portion of Town



City of Lake Worth Beach – Proposed Pipeline Improvements



North Middle Portion of Town



City of Lake Worth Beach – Proposed Pipeline Improvements



North Portion of Town

City of Lake Worth Beach – Proposed Pipeline Improvements



Summary of Existing Pipes and Their Age That Will Be Replaced

Age	Length (LF)	% of Improvements
1940's or Older	20,126	33%
1950's	11,257	19%
1960's or Newer	28,805	48%
Total Pipe Improvements	60,187	

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Phipps Ocean Park Plan Update

Carolyn Stone, Deputy Town Manager

Amanda Skier, President and CEO, Preservation Foundation of Palm Beach

TIME CERTAIN: 2:15 PM

A . ZON-22-107 (COA-22-037) 2185 S OCEAN BLVD—PHIPPS PARK (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES The applicant, the Town of Palm Beach, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for modifications to an existing 20.6-acre Municipally Owned and Operated Park and Recreation Center (Phipps Ocean Park) including modifications to the parking lot and pedestrian ways, the relocation of the existing Little Red Schoolhouse, the construction of sports courts, restroom facilities, beach pavilions and an educational facility including variances to exceed the maximum building height in the R-B zoning district and variances to reduce the minimum required Ocean Bulkhead Line setback requirement for new structures. Landmarks Preservation Commission will perform design review of the application.

Time Certain

2:15 PM

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated December 5, 2022, from Carolyn Stone, Deputy Town Manager**
- ▣ **PZB Staff Memorandum**
- ▣ **Letter of Intent**
- ▣ **Survey**

- ▢ **Site Plan**
- ▢ **Plans 1**
- ▢ **Plans 2**
- ▢ **Plans 3**
- ▢ **Plans 4**
- ▢ **Plans 5**
- ▢ **Plans 6**
- ▢ **Plans 7**
- ▢ **Plans 8**
- ▢ **Plans 9**
- ▢ **Plans 10**
- ▢ **Plans 11**
- ▢ **Plans 12**
- ▢ **Plans 13**
- ▢ **Plans 14**
- ▢ **Plans 15**
- ▢ **Plans 16**
- ▢ **Plans 17**
- ▢ **Plans 18**
- ▢ **Plans 19**

TOWN OF PALM BEACH

Information for Town Council Meeting on December 13, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Carolyn S. Stone, Deputy Town Manager- Business Enterprise & Culture

RE: Phipps Ocean Park Project Update

DATE: December 5, 2022

STAFF RECOMMENDATION

Staff recommends Town Council review and approve the Phipps Ocean Park Special Exception with Site Plan Review for Modification as presented to the Landmarks Preservation Commission. Staff also recommends approval of the site plan to facilitate the project's pre-construction phase services and GMP.

GENERAL INFORMATION

The Preservation Foundation of Palm Beach presented the proposed Phipps Ocean Park plans to the Landmarks Preservation Commission on November 16, 2022, seeking a Certificate of Appropriateness review and variance requests. This site plan will be presented at the Regular Town Council meeting on Tuesday, December 13, 2022, to seek Council approval.

In parallel, a Capital Grant and Operations Agreement has been drafted and will be presented to the Town Council at a later date. Staff is also preparing estimated future costs for the operation of the refurbished park.

Burkhard Construction has been selected for the Pre-Construction Services and, acting as an agent of the owner, will be engaged in establishing the GMP and leading the construction process.

FUNDING/FISCAL IMPACT

The Preservation Foundation of Palm Beach will raise the estimated \$20 million projected project cost and establish an endowment fund of approximately \$10 million. The Town will incur park maintenance and operations costs, including staffing, liability, property insurance coverage and claims, invasive species removal, and equipment. In addition to funding the design and construction, the Preservation Foundation will also incur costs associated with its related activities of ground maintenance, staffing, and related operations.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

cc: Bob Miracle, Deputy Town Manager for Finance and Administration
H. Paul Brazil, Director of Public Works
Wayne Bergman, Director of Planning, Zoning, and Building
John 'Skip' Randolph, Town Attorney
Amanda Skier, Executive Director and President, Preservation Foundation of Palm Beach



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Landmarks Preservation Commission

TO: LPC Chairperson and Members

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ZON-22-107 (COA-22-037) 2185 S OCEAN BLVD (COMBO)

MEETING: DECEMBER 13, 2022

ZON-22-107 (COA-22-037) 2185 S OCEAN BLVD—PHIPPS PARK (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES. The applicant, the Town of Palm Beach, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for modifications to an existing 20.6-acre Municipally Owned and Operated Park and Recreation Center (Phipps Ocean Park) including modifications to the parking lot and pedestrian ways, the relocation of the existing Little Red Schoolhouse, the construction of sports courts, restroom facilities, beach pavilions and an educational facility including variances to exceed the maximum building height in the R-B zoning district and variances to reduce the minimum required Ocean Bulkhead Line setback requirement for new structures. Landmarks Preservation Commission will perform design review of the application.

Applicant: Town of Palm Beach
Professional: Raymond Jungles, Inc, Fairfax, Sammons and Partners, LLC, and Kimley-Horn and Associates, Inc.
Representative: Harvey E. Oyer, III, Shutts and Bowen, LLP, and the Preservation Foundation of Palm Beach

HISTORY:

The Phipps Park property was originally platted as part of the Palm Beach Estates in 1920. Named after the property owner, Bessesmer Properties, Inc., a corporation of the Phipps Family, and descendants of Henry Phipps Jr, who was a successful businessman and philanthropist. Henry Phipps Jr. was also one of the pioneer investors in Florida real estate. At one time, the Phipps family owned one-third of the land on the island of the Town of Palm Beach.

In 1948, the approximate 20-acre property was donated to Palm Beach County as parkland and



stands as one of the most significant gifts in county history. Almost 10 years later, in 1957, Palm Beach County deeded Phipps Ocean Park to the Town of Palm Beach, who has maintained stewardship of the park ever since.

The Park is currently developed with recreational pathways, pavilions, beach access paths, public restrooms, and tennis courts. In addition to these amenities, Phipps Park houses municipal functions including the Palm Beach Fire Rescue Station No. 3 and Public Works buildings, and a significant historic and cultural asset, the Schoolhouse.

Constructed in 1886 to educate the growing numbers of pioneer children, the Schoolhouse originally sat approximately seven (7) miles north of its current location, on the western side of the island. After the Schoolhouse ceased operation in 1901, it became a tool shed on the John S. Phipps property. In 1960, the Schoolhouse was partially dismantled and relocated to Phipps Ocean Park. The Schoolhouse was landmarked in 1979. As such, the entire Phipps Ocean Park is now under the review of the Landmarks Preservation Commission (LPC), as an authority for historic structures and properties and as an advisory body to the Town of Palm Beach Council. The Schoolhouse sat vacant until 1989/1990 when the Preservation Foundation of Palm Beach entered a 99-year lease with the Town, restored the building, and began operating a living history program for school children. The current application is to expand upon the educational, cultural, and environmental landscapes that the Phipps Ocean Park offers to the community.



1 HISTORIC PHOTO OF WEST



2 WEST ELEVATION



3 CORNER VIEW OF WEST & NORTH SIDES



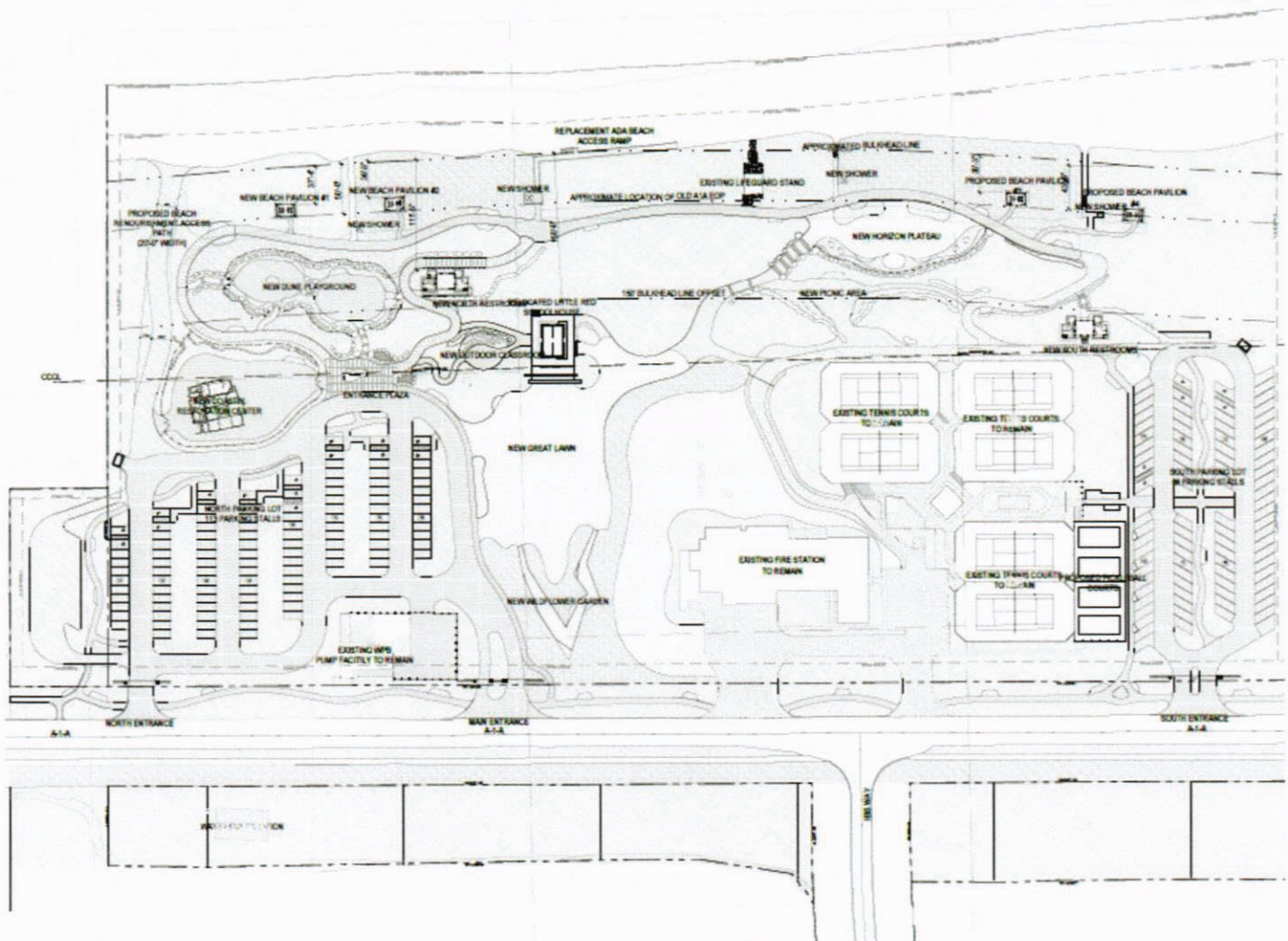
4 NORTH ELEVATION

Schoolhouse Photos

THE PROJECT:

The applicant has submitted plans, entitled "PHIPPS OCEAN PARK", as prepared by Raymond Jungles, Inc., Fairfax, Sammons and Partners, LLC, and Kimley-Horn and Associates Inc., dated September 26, 2022.

The subject property consists of approximately 20.2 acres and is located at the intersection of South Ocean Boulevard and Ibis Way. Phipps Ocean Park maintains 1,203 feet of ocean frontage. The property has a Future Land Use designation of Recreation with a Zoning classification of Low Density Residential (R-B). The proposed site plan is shown below. A colored version will be presented to the LPC at the November 16, 2022, meeting.

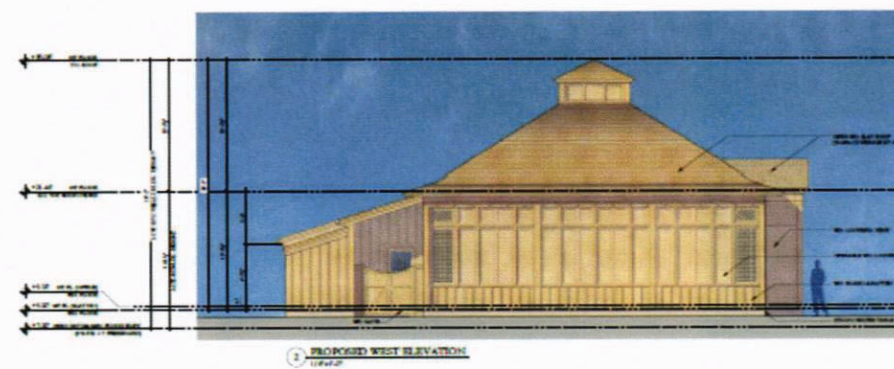
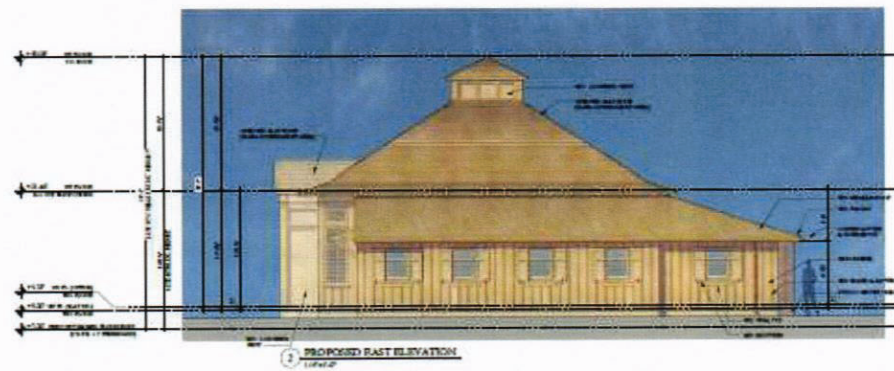


Proposed Site Plan

The proposed scope of work is as follows:

A Special Exception (SE) with Site Plan Review to modify the Park's Master Plan. Specifically, the Park will be comprised of 15 main areas. A summary of the areas are as follows:

- **Main Entrance:** A 4,930 square foot area defining the main entrance which allows open views across the Great Lawn displaying the Little Red Schoolhouse ("Schoolhouse") in the back.
- **Gold Coast Gateway:** A 4,070 square foot area defining a walkway accessed from the parking lot, shaded and framed with a large Strangler Fig and water features.
- **Dune Playground:** A 5,000 square foot dune playground area which offers recreational opportunities for children of all ages.
- **Outdoor Classroom:** A 4,200 square foot outdoor classroom strategically located in a space meant to educate and entertain while being immersed in nature.
- **Little Red Schoolhouse:** The 633 square foot historic pioneer-era schoolhouse will be relocated, elevated, and restored and located in a 2,300 square feet area with planting areas that gives hands-on learning experiences about the historic landscaping, resiliency, and sustainability.
- **Great Lawn:** A 19,450 square foot area surrounded by trees with open views of the Little Red Schoolhouse, Gold Coast Gateway, and the Great Lawn.
- **Wildflower Garden:** A 13,000 square foot area with a natural rainwater basin and planted with native species that thrive in moist conditions.
- **Horizon Plateau:** A 19,000 square foot area which serves as a gathering space for the Park offering activities, sheltered picnic areas, and open views of the Atlantic Ocean, the mangrove to the west, and the Lake Worth Lagoon.
- **New Picnic Area:** A 3,650 square foot shaded area with tables and seating spaces.
- **Coastal Restoration Center:** A 2,399 square foot building in a 12,400 square feet area which serves as an initiative to educate visitors about native species.
- **Parking Lots:** A north and south parking lot with a total of 201 parking spaces.
- **A1A Treatment and Park West:** A 100,000 square foot area with large trees planted along A1A to create a dense landscaped perimeter.
- **New Bathrooms:** Two restroom buildings totaling 1,662 square feet for visitor use.
- **New Beach Pavilions:** Four (4) beach pavilions totaling 912 square feet located on the crest of the coastal ridge offering sweeping views of the Atlantic Ocean.
- **New Pickleball Courts:** Four (4) pickleball courts located adjacent to the westernmost existing tennis courts.
- The existing **Fire Station, tennis courts, and Public Works** buildings will remain with no changes.



Proposed Coastal Restoration Center (CRS)

STAFF ANALYSIS

Zoning

Below is a summary of the subject application with regards to Zoning Code compliance and variance requests.

Site Data			
Future Land Use	Recreation	Lot Size (SF)	896,700 SF
Zoning District	R-B	Base Flood Elevation	Required: 8 feet Existing: NC Proposed: NC
C-O-R	4.72' NAVD	Flood Zone	Zone X, Zone AE8, and Zone VE-10
Lot Coverage	Required: 269,010 SF (30%) Existing: 15,455 SF (1.72 %) Proposed: 23,181 SF (2.59%)	Zero Datum for point of measurement	P317 – Elevation=17.13” NAVD88

Surrounding Properties / Zoning	
North	2100 Condo at Sloan's Curve/Planned Unit Development (PUD-B) and Beach Area (BA) Zoning District
South	Reef Condo/Medium Density Residential (R-C) Zoning District
East	Atlantic Ocean/Beach Area (BA) Zoning District
West	Ibis Isle Subdivision/ Low Density Residential (R-B) and R-C Zoning Districts

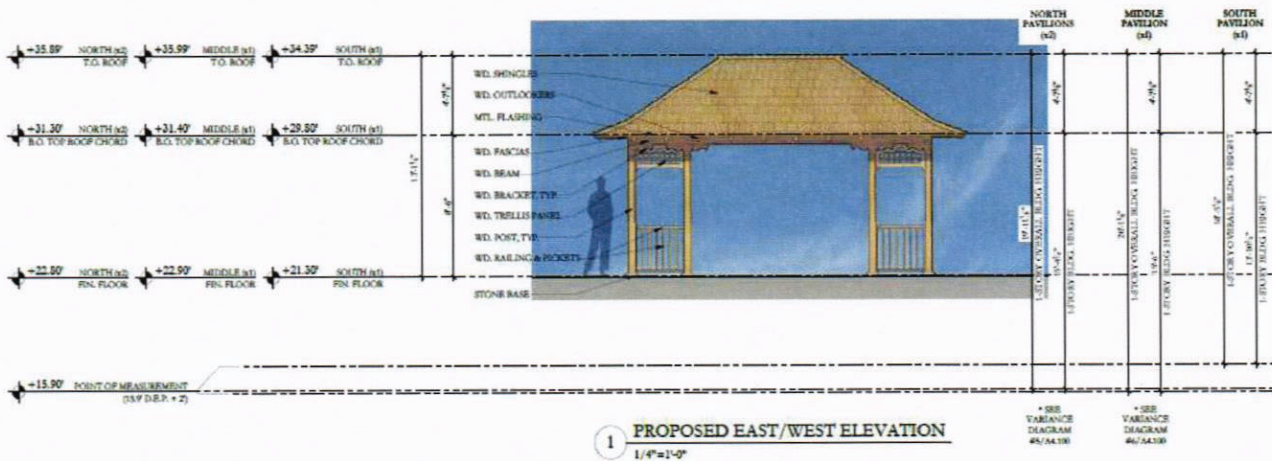
Pursuant to Chapter 54, Historical Preservation, it is the purpose and intent of the LPC to enforce as a matter of public policy, the protection, enhancement, and perpetuation of properties of special, notable, aesthetic, or architectural character or historic interest or value in the interest of health, prosperity, safety, and general welfare of the people residing within and around the Town. Chapter 54 applies to the Phipps Ocean Park application with regard to the Landmarked Schoolhouse structure, in addition to, the criteria specified in Code Section 54-122, which speaks to new construction. As proposed, the new construction under review includes the proposed Coastal Restoration Center (CRC), new bathrooms, and new beach pavilions. Below are the standards the LPC has been directed to take into consideration for application compliance:

Sec.-54-122

- (a) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related:
 - (1) The height, the gross volume, and the proportion between width and height of the facade;
 - (2) The proportions and relationships between doors and windows;
 - (3) The rhythm of solids to voids created by openings in the facade;
 - (4) The materials used in the facade;
 - (5) The texture inherent in the facade;
 - (6) The colors, pattern and trim used in the facade; and
 - (7) The design of the roof.
- (b) Existing rhythm created by existing building masses and space between them should be preserved.
- (c) The landscape plan should be sensitive to the individual building and its occupants and needs and should be visually compatible with the buildings and environment with which it is visually related.
- (d) A new street facade should blend directionally with other buildings with which it is visually related, which is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.
- (e) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

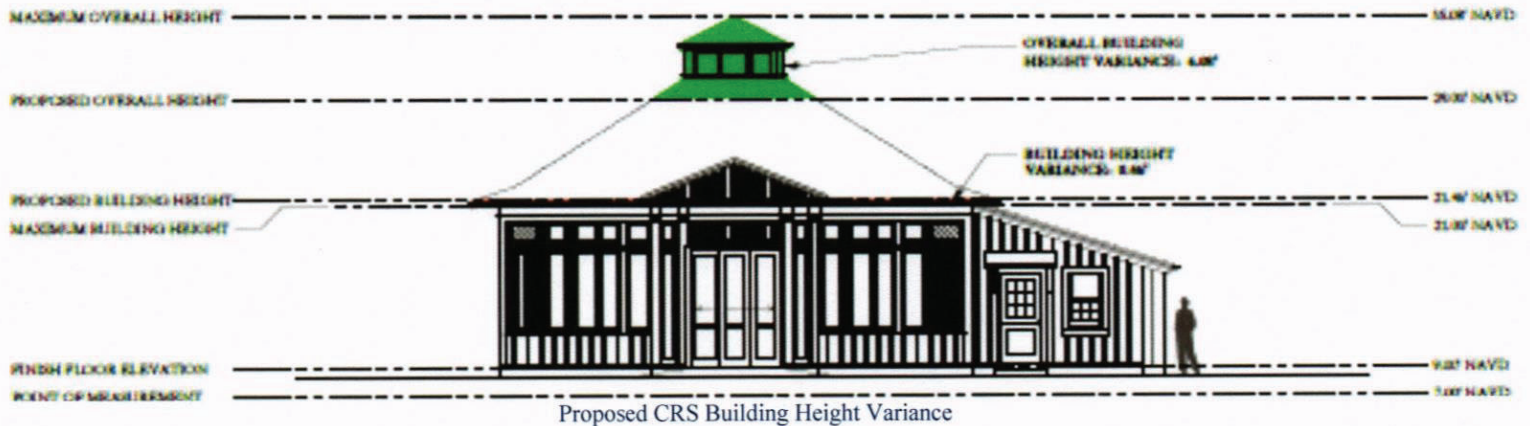
The table below details the variance request for the construction of the new structures proposed at Phipps Ocean Park.

	Required	Proposed
Sec. 134-1702	No structure of any nature that is to be constructed on land situated southward of Southern Boulevard (State Road No. 80) shall be constructed closer than 150 ft. from the designated ocean bulkhead line.	<u>To allow a reduction in the ocean bulkhead line from 150 ft. for the beach pavilions as follows:</u> <u>Variance 1:</u> Beach Pavilion #1: reduce to 37.3 ft. (- 112.7 ft.) <u>Variance 2:</u> Beach Pavilion #2: reduce to 36.25 ft. (- 113.75 ft.) <u>Variance 3:</u> Beach Pavilion #3: reduce to 36.25 ft. (- 113.75 ft.) <u>Variance 4:</u> Beach Pavilion #4: reduce to 43.5 ft. (- 106.5 ft.) <u>Variance 5:</u> To allow a reduction in the ocean bulkhead line from 150 ft. to 111.4 ft. for the North Restroom. (- 38.6 ft.)
Sec 134-893(b)(10)(a)	Height and overall height for one-story buildings, the maximum building height is 14 ft.	<u>To allow an increase in the building height from 14 ft. for the beach pavilions as follows:</u> <u>Variance 6:</u> Beach Pavilion #1: increase to 15.4 ft. (+ 1.4 ft.) <u>Variance 7:</u> Beach Pavilion #2: increase to 15.4 ft. (+ 1.4 ft.) <u>Variance 8:</u> Beach Pavilion #3: increase to 15.5 ft. (+ 1.5 ft.)



Proposed Beach Cabana Height Variance Diagram

Sec 134-893(b)(10)(a) Height and overall height for one-story buildings, the maximum building height is 14 ft. Variance 9: To allow an increase in the building height from 14 ft. to 14.5 ft. and overall height from 22 ft. to 28.1 ft. for the Coastal Restoration Center. (+ 6.1 ft)



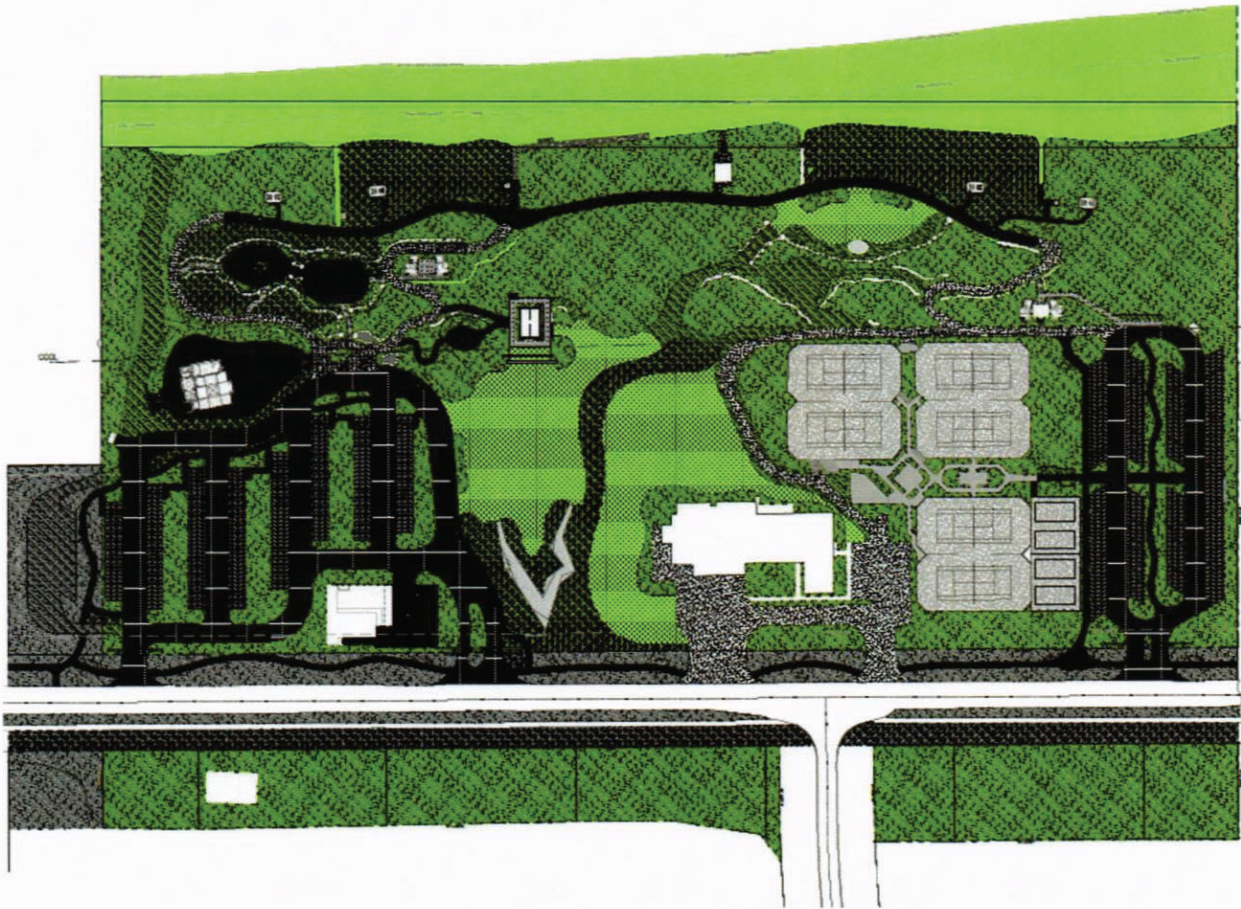
Landscape Plan

The landscape plan proposed for Phipps Ocean Park complies with the Town Code landscape requirements, which are displayed in the table below. Please note, the plant species, officus benamina and ficus nitida, are not present nor proposed on the proposed landscape plan. At least 35 percent of all new required landscaping, in the categories of trees, palms, shrubs, and a combined category of vines and ground cover plants, are required to consist of native vegetation.

Landscape Legend

Landscape Open Space (LOS)	Required: 594,984 SF (66%) Existing: 594,984 SF (66%) Proposed: 595,900 SF (66%)
Front Yard LOS	Required: 10,401 SF (40%) Existing: 18,104 SF (70 %) Proposed: 23,18,892 (73%)
Native Trees	Required: 35% Proposed: 100%
Native Palms	Required: 35% Proposed: 100%
Native Shrubs	Required: 35% Proposed: 100%
Native Vines/Ground Cover	Required: 35% Proposed: 100%

Shown below is the open space diagram that demonstrates approximately 59% of the site or 13.67 acres (595,900 square feet) will remain as open space.



Proposed Open Space Diagram

Parking

The Town of Palm Beach does not have minimum parking requirements for park and recreational uses. Phipps Ocean Park proposed parking will consist of two (2) surface parking lots on the north and south ends of the park. The parking areas have been designed with an abundance of shaded tree canopy in strategically located landscape islands. A total of 201 parking spaces are proposed, consisted of 88 angled, 96 perpendicular, and 17 handicapped accessible.

Summary

According to the applicant's Letter of Intent (LOI), the design team established five (5) general objectives that were validated through a series of public meetings. Ultimately, these objectives drove the design of the Phipps Ocean Park and consist of the following:

I. Maximize Usability

The site analysis indicates the site is primarily used as a parking lot for visitors to access the beach and tennis center. The rest of the site is mostly composed by lawn areas largely unused mostly due to the lack of program. The project aims to provide more opportunities for passive and recreational activities by diversifying the program and increasing the quantity and quality of spaces.

II. Improve Park Accessibility

The park currently offers basic ADA accessibility in the form of accessible parking spots, bathrooms and a wooden boardwalk/ramp that leads to the Beach and the Dune Crest Path. The remainder of the paths and amenities found on-site are not accessible.

This project aims to provide full accessibility to all park features by making all paths accessible. The playground is conceived with accessibility and inclusiveness in mind, where special structures are integrated into the design. Restoration and preservation are core values of this project. The design aims to remove all exotic and invasive species inside the park. This is part of a larger mission of restoring the park's ecosystems and ecotones to a new historic reality, that returns species (flora and fauna) that are part of the historical landscape of the area. The project also aims to improve circulation and visibility by designing intuitive paths and implementing signage.

III. Restore and Preserve Natural Environment

Restoration and preservation are core values of this project. The design aims to remove all exotic and invasive species inside the park. This is part of a larger mission of restoring the park's ecosystems and ecotones to a new historic reality, that returns species (flora and fauna) that are part of the historical landscape of the area.

IV. Increase Educational Opportunities

Preservation through education is a very effective way of protecting valuable environmental assets. The Little Red Schoolhouse is expanding its educational reach to a larger demographic in the community. Also, the creation of an Outdoor Classroom as an additional space to experience education from an experiential standpoint is vital to the overall mission. Additionally, the Coastal Restoration Center, a focused environmental educational space, will produce and promote the use of native landscape species for Phipps Ocean Park and the community. Visitors are able to learn firsthand how plants are propagated and utilized within a larger context. Lastly, educational/themed paths will take visitors along the different areas of the park. With different lengths and themes, the paths will accommodate visitors of all ages, and provide recreation, exercise, and education. A series of educational stations will reinforce and highlight special topics and moments across the park. These spaces will also serve as small plazas to take a rest and enjoy the view.

V. Beautify and Establish Resiliency

The project will assess and improve existing stormwater infrastructure by restoring historic ecosystems and habitats. Part of this will include the removal of all existing invasive and exotic plant species found in the park. Stormwater management techniques like rain gardens will also be implemented throughout the park and emphasized at the north and south parking lots. Finally, the Little Red Schoolhouse is relocated and raised from its current elevation, ensuring its safety from future potential floods.

The criteria employed aimed to align with the objectives of the residents, the Town elected and appointed officials' directives, and the Preservation Foundation's overall mission.

WRB/JGM/JHD

LETTER OF INTENT FINAL SUBMITTAL

DATE: October 31, 2022
TO: Town of Palm Beach, Planning, Zoning & Building Dept.
RE: COA-22-037 (ZON-22-107) 2185 S OCEAN BLVD

REQUEST

On behalf of The Town of Palm Beach (**“Applicant”**) and the Preservation Foundation of Palm Beach (**“Foundation”**), Shutts & Bowen LLP and Kimley-Horn (**“Agents”**), along with Raymond Jungles, Inc. as the landscape architect, and Fairfax, Sammons and Partners, LLC. as the design architect; submits a request for a Special Exception (**“SE”**), a Site Plan Review (**“SPR”**), Variances, and a Certificate of Appropriateness (**“COA”**) for Phipps Ocean Park (**“Park”**). The Park is comprised of a 20.2-acre parcel with approximately 1,203 feet of ocean frontage located at the intersection of S. Ocean Boulevard and Ibis Way (**“Site”**).

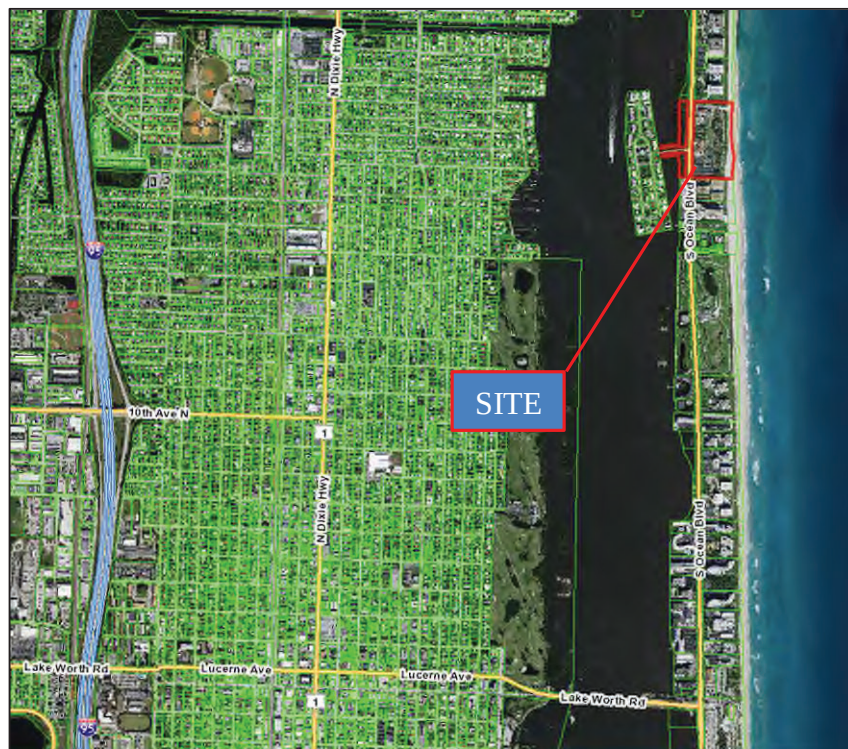


FIGURE 1 – Location map

Property Address:	2185 S. Ocean Blvd. (Figure 1)
Parcel Control Number (PCN):	50434411030001201
Zoning:	R-B Low Density Residential District (“R-B District”)
Municipality:	Town of Palm Beach (“Town”)

REQUEST

• A SE and SPR to modify the Park’s Master Plan (**“Plan”**). Specifically, the Park will be comprised of 15 main areas (**“Project”**). See a complete detail of the Project prepared by Raymond Jungles, Inc. (**“Jungles”**) included as **Exhibit G**. A summary of the Project areas are as follows:

- Main Entrance: A 4,930 square foot (**“sq. ft.”**) area defining the main entrance which allows open views across the Great Lawn displaying the Little Red Schoolhouse (**“Schoolhouse”**) in the back.
- Gold Coast Gateway: A 4,070 sq. ft. area defining a walkway accessed from the parking lot, shaded and framed with a large Strangler Fig and water features.
- Dune Playground: A 5,000 sq. ft. dune playground area which offers recreational opportunities for children of all ages.
- Outdoor Classroom: A 4,200 sq. ft. outdoor classroom strategically located in a space meant to educate and entertain while being immersed in nature.
- Little Red Schoolhouse: The 633 sq. ft. historic pioneer-era schoolhouse will be relocated, elevated, and restored and located in a 2,300 sq. ft. area with planting areas that gives hands-on learning experiences about the historic landscaping, resiliency, and sustainability.
- Great Lawn: A 19,450 sq. ft. area surrounded by trees with open views of the Little Red Schoolhouse, Gold Coast Gateway, and the Great Lawn.
- Wildflower Garden: A 13,000 sq. ft. area with a natural rainwater basin and planted with native species that thrive in moist conditions.
- Horizon Plateau: A 19,000 sq. ft. area which serves as a gathering space for the Park offering activities, sheltered picnic areas, and open views of the Atlantic Ocean, the mangrove to the west, and the Lake Worth Lagoon.
- New Picnic Area: A 3,650 sq. ft. shaded area with tables and seating spaces.
- Coastal Restoration Center: A 2,399 sq. ft. building in a 12,400 sq. ft. area which serves as an initiative to educate visitors about native species.
- Parking Lots: A north and south parking lot with a total of 201 parking spaces.
- A1A Treatment and Park West: A 100,000 sq. ft. area with large trees planted along A1A to create a dense allée.
- New Bathrooms: Two restroom buildings totaling 1,662 sq. ft. for visitor use.
- New beach pavilions: Four beach pavilions totaling 912 sq. ft. located on the crest of the coastal ridge offering sweeping views of the Atlantic Ocean.
- The existing Fire Station, tennis courts, and Public Works buildings will remain with no changes.
- New pickleball courts: Four pickleball courts located adjacent to the westernmost existing tennis courts.

- Variances as follows:

Code Section	Required	Proposed
Section 134-1702	No structure of any nature that is to be constructed on land situated southward of Southern Boulevard (State Road No. 80) shall be constructed closer than 150 ft. from the designated ocean bulkhead line.	To allow a reduction in the ocean bulkhead line from 150 ft. for the beach pavilions as follows: Variance 1: Beach Pavilion #1: reduce to 37.3 ft. (- 112.7 ft.) Variance 2: Beach Pavilion #2: reduce to 36.25 ft. (- 113.75 ft.) Variance 3: Beach Pavilion #3: reduce to 36.25 ft. (- 113.75 ft.) Variance 4: Beach Pavilion #4: reduce to 43.5 ft. (- 106.5 ft.)
		Variance 5: To allow a reduction in the ocean bulkhead line from 150 ft. to 111.4 ft. for the North Restroom. (- 38.6 ft.)
Section 134-893(b)(10)(a)	Height and overall height for one-story buildings, the maximum building height is 14 ft.	To allow an increase in the building height from 14 ft. for the beach pavilions as follows: Variance 6: Beach Pavilion #1: increase to 15.4 ft. (+ 1.4 ft.) Variance 7: Beach Pavilion #2: increase to 15.4 ft. (+ 1.4 ft.) Variance 8: Beach Pavilion #3: increase to 15.5 ft. (+ 1.5 ft.)
		Variance 9: To allow an increase in the building height from 14 ft. to 14.5 ft. and overall height from 22 ft. to 28.1 ft. for the Coastal Restoration Center. (+ 6.1 ft.)

- A COA:
 - o New construction of the Coastal Recreation Center, new bathrooms, and new beach pavilions.
 - o Relocate, elevate, and restore the existing Schoolhouse.

BACKGROUND

The Park was originally platted as part of the “Palm Beach Estates” by The Palm Beach Estates, Inc. in December 1920. In May 1948, Bessemer Properties, Inc., a corporation of the Phipps Family, donated the land for the Park to Palm Beach County (**“County”**). The County hired landscape architect A.D. Taylor in 1950 in order to create a master plan for the Park, which was only partially implemented. The County held the Park until October 1957, when they deeded the Park to the Town, who still steward the Park today.

The Park is currently developed with recreational pathways, pavilions, beach access paths, public restrooms, and tennis courts. In addition to these amenities, the Park houses municipal functions including the Palm Beach Fire Rescue Station No. 3 and Public Works buildings, and an important historic and cultural asset, the Schoolhouse. Constructed in 1886 to educate the growing numbers of pioneer children, the Schoolhouse originally sat approximately seven miles north of its current location, on the western side of the island. After the Schoolhouse ceased operation in 1901, it became a tool shed on the John S. Phipps property. In 1960, the Schoolhouse was partially dismantled and relocated to the Park where it sat vacant until 1989/1990 when the Foundation entered into a 99-year lease with the Town, restored the building, and began operating a living history program for school children. The Schoolhouse is the oldest remaining one-room schoolhouse in southeast Florida, and based on preliminary research, may be the oldest remaining one-room schoolhouse built for that purpose in the State of Florida.

In August of 2020, the Foundation received permission from the Town Council to commission Jungles to design a Plan for the Park. Over the past two years, the Foundation and Jungles design team have met with interested stakeholders to develop the Plan so it matches the needs of the community while integrating the cultural and botanical properties of the Park. As such, the proposed Project continues the public, private partnership for the redevelopment of the Park.

The Plan for the Park presents the opportunity to connect the Foundation's educational programming at the Little Red Schoolhouse with its influential work in Pan's Garden. The goal for the Project is to demonstrate on a large scale how native plants can be used to create beautiful, environmentally sustainable landscapes, and restore habitats for wildlife. The Park is unique in that it contains varied ecosystems spanning from the Atlantic Ocean to the Lake Worth Lagoon Estuary. Once completed, the Park will broaden the reach of the Town's green initiative, and, like Pan's Garden, showcase a palette of native plants that can be used in gardens throughout the island.

The Foundation's Project also presents the opportunity to unite the educational missions of the Schoolhouse and Pan's Garden in one location while building on the Foundation's legacy of town-serving projects.

The Foundation has a history of creating extraordinary spaces for the Town. As a result of the collaborative efforts between the Town and the Foundation, the Foundation is pleased to bring this Project forward for review, and move one step closer to bringing the Plan to fruition. The Project will be funded by the Foundation, creating the largest contribution in the Town's history.

SUPPLEMENTAL APPLICATION REQUIREMENTS

- As required, attached are the responses to the review standards/guidelines for the SE, SPR and the COA request:
 - o **Exhibit A:** Special Exception in accordance with Section 134-229, and requirements to grant Special Exception for modification of a municipally owned parks and recreation center within the R-B zoning district in accordance with Section 134-890(15).
 - o **Exhibit B:** Review by Town Council in accordance with Section 134-329.

- o **Exhibit C:** Sec. 134-201. Findings prior to authorization of a Variance.
- o **Exhibit D:** Sec. 54-122 and 54-123 Issuance of a Certificate of Appropriateness.
- A Property Info sheet with the Location Map is attached as **Exhibit E**.
- The Legal Description is attached as **Exhibit F**.
- A detailed history in chronological order of all zoning-related requests processed on or after January 1, 1970 specific to the Site attached as **Exhibit G**.
- The Design Narrative as prepared by Raymond Jungles, Inc. is attached as **Exhibit H**.

PARKING STATEMENT

Two parking lots are proposed on the Site located on the north and south ends of the Park. The parking lots will provide a total of 201 parking spaces (88 angled spaces, 96 perpendicular spaces, and 17 ADA spaces). See the Site Plan Sheet GI.000, a copy of which is included with this application submittal.

EXHIBIT A

Sec. 134-229. Requirements for granting a Special Exception.

The requirements for granting a special exception use under this chapter are as follows:

(1) The use is a permitted special exception use as set forth in article VI of this chapter.

RESPONSE: *The Park was originally platted as part of the “Palm Beach Estates” by The Palm Beach Estates, Inc. in December 1920 and has been in existence since then. It is permitted as a Special Exception use as a Municipally Owned and Operated Park and Recreation Area.*

(2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.

RESPONSE: *The Park currently offers basic ADA accessibility in the form of accessible parking spots, bathrooms and a wooden boardwalk/ramp that leads to the Beach and the Dune Crest Path. The remainder of the paths and amenities found on-site are not accessible. This Project aims to provide full accessibility to all park features by making all paths accessible. The playground is conceived with accessibility and inclusiveness in mind. The Park is designed, located and proposed to be operated so that the public health, safety, welfare and morals will be protected.*

(3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

RESPONSE: *The Project will not cause substantial injury to the value of other properties in the neighborhood where it is to be located. The Park exists today as a public park and will continue to operate as a public park.*

(4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.

RESPONSE: *The proposed Project is and continues to be compatible with the adjoining development and the intended purpose of the district in which it is located. The Project aims to align with the objectives of the residents of Palm Beach, immediate neighbors, authorities, and the Foundation’s overall mission.*

(5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.

RESPONSE: *As noted above, the Park is and continues to be a Special Exception use as a Municipally Owned and Operated Park and Recreation Area. Being a park, it is predominantly open space areas. As such, it far exceeds the yard and open space requirements set out in Article VI. In fact, the Project proposes the restoration and preservation as core values. The design aims to remove all exotic and invasive species inside the Park. This is part of a larger mission of restoring the Park's ecosystems and ecotones to a new historic reality, that returns species (flora and fauna) that are part of the historical landscape of the area.*

(6) The use will comply with all elements of the comprehensive plan.

RESPONSE: *The Park complies with all the elements of the comprehensive plan.*

- (7) The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.

RESPONSE: *The Project has been designed and situated in such a manner to have no impact on adjoining properties and will not result in substantial economic, noise, glare, or odor impacts on adjoining properties or properties generally in the district.*

- (8) Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

RESPONSE: *The Site exists today with seven points of ingress and egress, some of which are dedicated one-way ingress and egress points. The Plan proposes to significantly improve the vehicular circulation by combining four currently dedicated one-way drive aisles into two two-way drive aisles (one access point comprised of both ingress and egress). This in turn reduces the curb cuts from seven to five resulting in safer crosswalks for pedestrians, and safer and more efficient traffic flow. As a result, the proposed modification to the existing ingress and egress to the Site remains adequate and actually improves safety and efficiency for both vehicles and pedestrians, and access in case of fire or catastrophe. It should be noted that there are no changes proposed to the access points to the Fire Station.*

- (9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.

RESPONSE: *Any proposed building signage will be compatible and in harmony with the adjacent properties in the district. Park signage will be submitted as a separate application as needed for the issuance of building permits for the signage.*

- (10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.

RESPONSE: *The current request does not affect the location, availability or compatibility of utility services.*

- (11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.

RESPONSE: *The Project proposes to improve the efficiency of the refuse and service areas and thus has no adverse effects on automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.*

- (12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to

arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.

RESPONSE: *The Park, as with any other public park within a jurisdictional limit, is customarily intended to serve the jurisdiction. The Park is and continues to be a Special Exception use as a Municipally Owned and Operated Park and Recreation Area, has been in existence since 1920 and does not affect or alter the existing Town-serving status. The Special Exception use is not proposed to change and neither is the intensity of the use.*

- (13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.

RESPONSE: *The Project will assess and improve the historic ecosystems and habitats, part of this will include the removal of all existing invasive and exotic plant species found in the Park. Stormwater management techniques like rain gardens will also be implemented throughout the Park and emphasized at the north and south parking lots.*

- (14) The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

RESPONSE: *The Park currently operates as a Municipally Owned and Operated Park and Recreation Area and the Project does not expand on the Park area. As such, there is no increase in intensity of the Park and thus does not place an additional burden on Town Police or Fire Rescue Services.*

EXHIBIT B

Sec. 134-329. Review by town council.

Within 30 days of receipt of the application for site plan review, the town council shall review and consider the application. Before any site plan shall be approved, approved with changes, or denied, the town council shall make a finding that the approval of the site plan will or will not adversely affect the public interest and certify that the specific zoning requirements governing the individual use have or have not been met and that, further, satisfactory provision and an arrangement has or has not been made concerning the following matters, where applicable:

- (1) Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.

RESPONSE: *The Town is the fee simple owner and in control and possession of the entire parcel which is subject of this application. As such, the Town is already the property owner and is responsible for the care and upkeep of the entire site.*

- (2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce residential densities below that permitted by the use regulations in article VI of this chapter.

RESPONSE: *There are no new land uses, programming or intensities of use proposed for the Site. It will continue to operate as a Municipally Owned and Operated Park and Recreation Area and provide the amenities customary to a public park. In fact, the Project will add amenities to the Park such as the Coastal Restoration Center, new bathrooms, and improved new beach pavilions. These added amenities do not increase the intensity of the use or the purpose of the Park.*

- (3) Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.

RESPONSE: *The Site exists today with seven points of ingress and egress, some of which are dedicated one-way ingress and egress points. The Plan proposes to significantly improve the vehicular circulation by combining four currently dedicated one-way drive aisles into two two-way drive aisles (one access point comprised of both ingress and egress). This in turn reduces the curb cuts from seven to five resulting in safer crosswalks for pedestrians, and safer and more efficient traffic flow. As a result, the proposed modification to the existing ingress and egress to the Site remains adequate and actually improves safety and efficiency for both vehicles and pedestrians, and access in case of fire or catastrophe. It should be noted that there are no changes proposed to the access points to the Fire Station.*

- (4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to

automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.

RESPONSE: *The Project proposes to redesign and improve the off-street parking. There will be two parking lots strategically located along the north and south ends of the Park.*

- (5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.

RESPONSE: *The Project proposes a significant enhancement to all landscaping on the Site which improves and protects the uses inside and outside of the Site boundaries.*

- (6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.

RESPONSE: *The Project will assess and improve existing stormwater infrastructure by restoring historic ecosystems and habitats. Part of this will include the removal of all existing invasive and exotic plant species found in the Park. Stormwater management techniques like rain gardens will also be implemented throughout the Park and emphasized at the north and south parking lots. Finally, the Little Red Schoolhouse is relocated and raised from its current elevation, ensuring its safety from future potential floods.*

- (7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

RESPONSE: *There are no changes proposed that will impact hook-in locations, availability or capacity of utilities. The existing utility lines will be relocated on-site as needed.*

- (8) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.

RESPONSE: *There are no changes proposed that impact the recreation facilities. In fact, the Project proposes to improve the recreational facilities and open spaces within the Park.*

- (9) Such other standards as may be imposed by this chapter for the particular use or activity involved.

RESPONSE: *The request is to renovate, redevelop, and improve the Park which has been operating as a park for over 72 years. All standards applicable to a park will be complied with.*

- (10) Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low-profile scale of commercial architecture.

RESPONSE: *There are no changes proposed to the building height of any of the existing buildings.*

- (11) Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the

intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

RESPONSE: *The Project proposes a significant increase in landscaping materials on the Site which will minimize the visible bulk of all structures to drivers and pedestrians on abutting roadways. Note that there are no changes proposed to the building visible size and bulk of any of the existing buildings and the proposed Coastal Restoration Center is located almost 300 ft. from the abutting roadway.*

EXHIBIT C

Sec. 134-201. Findings prior to authorization.

(a) The town council may authorize upon appeal such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the town council must and shall find the following:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

RESPONSE:

Bulkhead line variances 1-5: Chapter 62 of the Code requires a 50-foot setback to a designated bulkhead line. This bulkhead line was established in a historic 1932 map and are not easily scaled to match existing conditions since it has not been updated. As such, the request is to allow a reduction in the ocean bulkhead line from 150 ft. for the beach pavilions and the north restroom as follows:

Variance 1: Beach Pavilion #1: reduce to 37.3 ft. (- 112.7 ft.)

Variance 2: Beach Pavilion #2: reduce to 36.25 ft. (- 113.75 ft.)

Variance 3: Beach Pavilion #3: reduce to 36.25 ft. (- 113.75 ft.)

Variance 4: Beach Pavilion #4: reduce to 43.5 ft. (- 106.5 ft.)

Variance 5: North Restroom: reduce to 111.4 ft. (- 38.6 ft.)

Note that several similar variances have been requested and approved by the Town and this variance request is not uncommon.

Height variances 6-9: To allow an increase in the building height from 14 ft. for the beach pavilions as follows:

Variance 6: Beach Pavilion #1: increase to 15.4 ft. (+ 1.4 ft.)

Variance 7: Beach Pavilion #2: increase to 15.4 ft. (+ 1.4 ft.)

Variance 8: Beach Pavilion #3: increase to 15.5 ft. (+ 1.5 ft.)

Variance 9: To allow an increase in the building height from 14 ft. to 14.5 ft. and overall height from 22 ft. to 28.1 ft. for the Coastal Restoration Center. (+ 6.1 ft.)

The proposed height and overall height of the beach pavilions are subservient in style and massing to the other structures on the Site. These pavilions are designed primarily as shade structures with picnic tables. With varying elevations throughout the Site, the placement of these structures created the need for the variance. Additionally, these beach pavilions were designed to be consistent with each other since designing a beach pavilion tailored to the location had its challenges.

The proposed height and overall height of the shade house portion of the CRC in excess of allowable maximums will improve the air flow needed for the propagation of sensitive plants within this space, which is its primary purpose. Additionally, the proposed finish floor elevation of +9.00 ft. NAVD will be in compliance with the pending flood zone of this portion of the site rather than merely its current flood zone, making the structure more resilient given the probable increase in future flooding events.

Further, from an architectural standpoint, the proposed height gives it appropriate prominence as a public building that is also the signature new structure of the park renovation project, and its lack of proximity to either the South Ocean Boulevard ROW or other nearby structures removes any potentially negative effects of increased height. And since the shade house roof is a hip roof, its visual impact will be greatly reduced by perspective relative to its "on-paper" elevational height.

(2) The special conditions and circumstances do not result from the actions of the applicant.

RESPONSE: *The special conditions and circumstances do not result from the actions of the Applicant.*

Bulkhead line variances 1-5: As indicted above, the bulkhead line setback was established in a 1932 map and which has not been updated creating the need for the variances. Moreover, this variance is not uncommon with several being granted by the Town in the past.

Height variances 6-9: As indicted above, the variances are a result of the varying Site elevations for the location of the beach pavilions and a design element for the CRC building to allow for the proper air flow for the propagation of the plants.

(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in this same zoning district.

RESPONSE:

Variances 1-9: The granting the variance requested will not confer on the Applicant any special privilege that is denied by the Code to other lands, buildings or structures in this same zoning district. In fact, these variances can be requested by any property owner affected by the applicable regulations.

(4) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

RESPONSE:

Variances 1-9: The literal interpretation of this chapter would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the Applicant. As indicated above, the requested variances are not uncommon and routinely granted by the Town.

(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

RESPONSE:

Variances 1-9: The requested variances are the minimum variances that will make possible the reasonable use of the land. The Site is developed as a public park and the requested variances are reasonable to better serve the public.

(6) For granting of a variance to sections 134-387 or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings shall be made pertaining to the nonconforming use for which the variance is requested:

- a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and

- b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:
 1. Be granted only for the continuation of the same hotel or residential use; and
 2. Require the applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

RESPONSE:

Variances 1-9: N/A

- (7) The grant of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In granting any variance, the town council may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a variance the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

RESPONSE:

Variances 1-9: Granting of the variances will be in harmony with the general intent and purpose of the Code. Additionally, granting of the variances will not be injurious to the area involved or otherwise detrimental to the public welfare, in fact, it will be a benefit to the public and provide a more enhanced experience to the patrons of the Park.

EXHIBIT D

Sec. 54-122. New construction. (Coastal Restoration Center, New bathrooms, and New beach pavilions)

- (a) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related:
- (1) The height, the gross volume, and the proportion between width and height of the facade;
 - (2) The proportions and relationships between doors and windows;
 - (3) The rhythm of solids to voids created by openings in the facade;
 - (4) The materials used in the facade;
 - (5) The texture inherent in the facade;
 - (6) The colors, pattern and trim used in the facade; and
 - (7) The design of the roof.

RESPONSE:

*Coastal Restoration Center ("**CRC**"):* The CRC is separated into two main components: the shade house, and the program offices and service areas. The shade house is emphasized architecturally, with relatively tall eaves, vertical proportions of the nearly-continuous louvered shutter openings, a pitched roof structure over which are attached slats to provide partial light filtration appropriate to the plants grown within, and a cupola capping the roof that gives visual emphasis while further encouraging airflow. The offices and service areas, in contrast, are more deferential in their architectural treatment, contained as they are underneath a shed roof with a low eave, less frequent and less vertical window openings, and more informal detailing. However, building materials unify the design across these functions, with natural, unfinished wood appropriate to the local climate used for walls, roofs, windows and doors, trim, and more to provide a rich texture made especially vibrant by the building's park setting. Wood shingles are used over the office and service areas, which are either interior or weather-protected spaces, but because of the wood materials these will look consistent with the open slats of the shade house.

New Bathrooms: The architectural treatment of the restroom buildings recalls that of the CRC, without attempting to compete with that important building. Two centralized pavilions containing the main men's and women's restrooms receive a vertical treatment, while a lower and more horizontal covered breezeway connects them, and smaller family restroom volumes project to the east below shed roofs. The restroom pavilions and shed roof volumes share a similar treatment of unfinished natural wood for board-and-batten and lap siding, vents, and eaves, while the open breezeway has a decorative post-and-beam system. The roofs of all portions of the building are covered by wood shingles.

Beach pavilions: The beach pavilions are fully open and utilize timber framing, with all posts, beams, rafters, purlins, shingles, etc. of unfinished natural wood and held together with concealed connections that provide resiliency without sacrificing appearance. The pavilions have a fairly low eave height to provide shading and a sense of enclosure for occupants, but the high level of detail applied to all elements of what are conceptually basic structures provides visual interest. The approach from the west and the ocean view to the east are largely open, whereas latticework to the north and south defines the space while still allowing movement of breezes and visual connection with the landscaping. The architectural treatment of the pavilions is

consistent with that of the CRC and restroom buildings, so that all proposed buildings can be understood as components of a unified design scheme.

- (b) Existing rhythm created by existing building masses and space between them should be preserved.

RESPONSE:

CRC/New Bathrooms/Beach pavilions: Due to the open park setting, there is no existing building massing/spacing rhythm to be preserved in the proposed buildings. Further, the proposed buildings are remote from one another and will not be seen adjacent to one another, though they have been given compatible architectural treatments as parts of a unified design approach across the site.

Beach pavilions: The location of the pavilions is the same as the current chikee huts, thus maintaining the space and rhythm along the Dune Crest Path.

- (c) The landscape plan should be sensitive to the individual building and its occupants and needs and should be visually compatible with the buildings and environment with which it is visually related.

RESPONSE:

CRC: From its main south approach, mature landscaping frames the CRC as a building at the end of a clearing, in which a variety of juvenile plants provide color and interest in the outdoor growing area in front of the center. The natural wood materials of the CRC building call back to the native plant species used in the landscaping, with constructed and planted components of the park design all working together to provide visual harmony.

New Bathrooms: The two restroom buildings are located near turns in the main pedestrian paths, in areas that have substantial tree canopy to provide shading and relative privacy while not attempting to conceal the buildings. The natural wood materials of the restroom buildings interact favorably with the appearance of the adjacent trees.

Beach pavilions: Each pavilion and access walk from the main path will be tucked into consistent dune landscaping, which opens up to the east for broad views of the ocean.

- (d) A new street facade should blend directionally with other buildings with which it is visually related; which is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.

RESPONSE:

CRC/New Bathrooms/Beach pavilions: The proposed structures do not directly front on any street. The structures are internal to the Park, with the CRC set back approximately 300 ft. from the roadway. Additionally, the structures are not adjacent to each other.

- (e) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

RESPONSE:

CRC/New Bathrooms/Beach pavilions: Like the historic Little Red Schoolhouse that is a major focus of the revitalized park, the proposed buildings all have wood exteriors and share many

architectural features, including wood board-and-batten siding, wood windows and doors, exposed wood rafter tails, and wood shingle roofs. However, the red paint of the LRS will remain unique in the context of the park, while the proposed buildings are all of natural wood and are intended to blend more into the landscape, with the LRS retaining pride of place at the east end of the Great Lawn.

Sec. 54-123. Exterior alterations. (Little Red Schoolhouse)

- (a) The criteria set forth in section 54-122, if applicable, shall be considered in passing upon an application for exterior alterations; provided that the commission may consider the original design of the building and the buildings visually related to it and disregard alterations subsequently made thereto.

RESPONSE: *The Schoolhouse is proposed to be relocated to a more suitable location within the Park, and elevated to protect the structure and prevent it from flooding. The Schoolhouse will be restored, and the main doors on the west façade are proposed to be restored to their historic 1886 appearance, based on historic photographs. The windows, doors, and siding will all be repaired, and the roof will be replaced in kind.*

- (b) Exterior alterations shall not affect the architectural quality or historical character of the building.

RESPONSE: *The proposed exterior alteration to restore the historic appearance of the front door will positively affect the understanding and interpretation of the Schoolhouse. The new foundation and steps will also better reflect the historic appearance as seen in the historic photos from 1886. The Schoolhouse was already relocated from its original context in 1960, and therefore, the request to relocate the Schoolhouse within the Park will not alter the historical character of the building.*

EXHIBIT E

PROPERTY INFORMATION

The approximately 20.6-acre site ("**Site**") is located at the intersection of S. Ocean Boulevard and Ibis Way.

Property Address:	2185 S. Ocean Blvd. (<i>Figure 1</i>)
Parcel Control Number (PCN):	50434411030001201
Zoning:	R-B Low Density Residential District (" R-B District ")
Municipality:	Town of Palm Beach (" Town ")

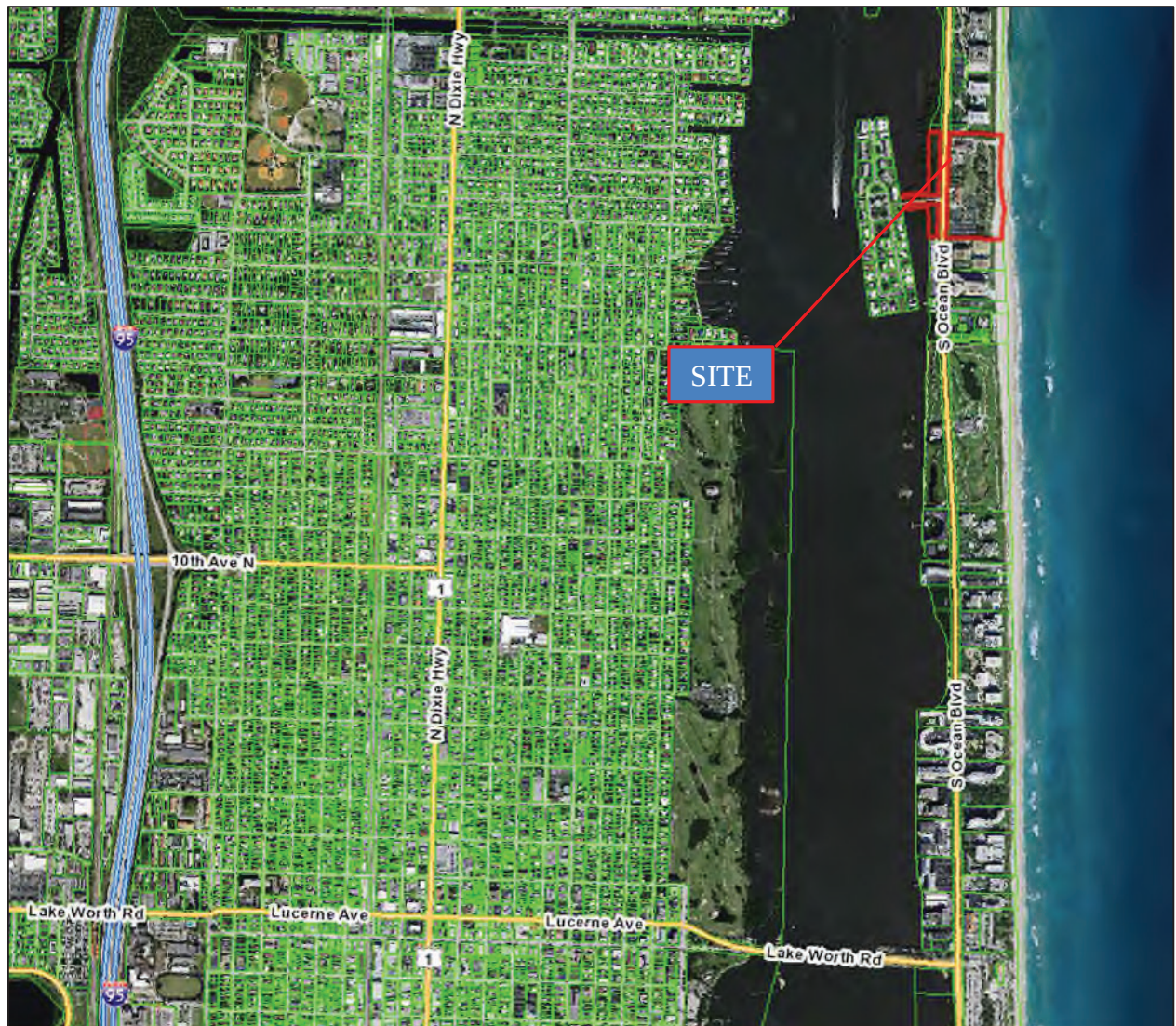


FIGURE 1 – Location map

EXHIBIT F

LEGAL DESCRIPTION

SOUTH 100' OF LOT 120 & LOTS 121 TO 125 INCLUSIVE & NORTH 100' OF LOT 126 PALM BEACH ESTATES (PLAT BOOK 8, PAGE 3)
LESS 100' WIDE RIGHT-OF-WAY FOR STATE ROAD A1A (ROAD PLAT BOOK 1, PAGE 92) LESS 100' WIDE RIGHT-OF-WAY FOR IBIS WAY (PLAT BOOK 24,
PAGE 181)

TOGETHER WITH

TRACT 1: BEING THE WEST 200 FEET OF THAT PORTION OF THE NORTH HALF OF SAID LOT 120 LYING EAST OF STATE ROAD A1A AS SHOWN IN ROAD
PLAT BOOK 1, PAGE 92, PALM BEACH COUNTY PUBLIC RECORDS;

AND

TRACT 2: BEING THAT PORTION OF THE NORTH HALF OF SAID LOT 120 LYING WEST OF STATE ROAD A1A AS SHOWN IN ROAD PLAT BOOK 1, PAGE 92,
PALM BEACH COUNTY PUBLIC RECORDS;

AREA=20.189 ACRES

EXHIBIT G

SITE HISTORY

Please provide a detailed history of all zoning-related requests applicable to this property processed on or after January 1, 1970, in chronological order, including but not limited to variances, special exceptions, site plan reviews, and existing agreements.

APPLICATION NO.	REQUEST
Unknown No. 1976-77	Rezoning from PUD-B to the R-B zoning district, variance to allow a Fire Station in the R-B zoning district, and add Municipally-owned Police and Fire Stations, Municipal Administrative Offices, and Municipally-owned and operated docks, parking lots, and nurseries, to the list of Permitted Uses in the R-B zoning district.
Variance No. 24-74	Construct a replacement Fire Station.
Variance No. 3-83	Variance authorizing the construction of the underground Booster Pump Station.
Special Exception with Site Plan Review No. 21-93	Construct a new public structure known as the South Fire-Rescue Station
Special Exception with Site Plan Review No. 18-2001	Construct four tennis courts and a tennis control building
Special Exception No. Z-17-00053	Replace an existing restroom with a pre-fabricated building to match the restroom buildings.

EXHIBIT H

Design Narrative

September 23rd, 2022
Design Narrative

jungles

Intro

The Phipps Ocean Park property was originally platted as part of the “Palm Beach Estates” by The Palm Beach Estates, Inc. in December 1920. The park occupies the south 100 feet of lot 120; the entirety of lots 121, 122, 123, 124, 125; and the north 100 feet of lot 126, of the Palm Beach Estates plat. In May 1948, Bessemer Properties, Inc., a corporation of the Phipps Family, donated the land for Phipps Ocean Park to Palm Beach County. A 1948 article in the Palm Beach Post lists the family members involved in the donation as Mrs. Frederick E. Guest, Mr. John S. Phipps, Mr. Henry C. Phipps, and Mr. Howard Phipps. The same article quotes John Prince, then chairman of the County Commission, as calling this donation “the County’s most magnificent gift” and stating that “This new gift will fulfill what I regard as the County’s greatest need, and we shall accept it with the greatest pleasure.” The County hired landscape architect A.D. Taylor in 1950 in order to create a masterplan for the park, which was only partially implemented. The County held the property until October 1957, when they deeded the property to the Town of Palm Beach, who still steward the park today.

In addition to the recreational pathways, pavilions, beach access paths, public restrooms, and tennis courts, the park houses municipal functions including the fire station and Public Works building, and an important historic and cultural asset, the Little Red Schoolhouse. Constructed in 1886 to educate the growing numbers of pioneer children, the Schoolhouse originally sat approximately 7 miles north of its current location, on the western side of the island. After the Schoolhouse ceased operation in 1901, it became a tool shed on the John S. Phipps property. In 1960, the Schoolhouse was partially dismantled and relocated to Phipps Ocean Park. It sat vacant until 1989/1990 when the Preservation Foundation of Palm Beach entered a 99-year lease with the Town, restored the building, and began operating a living history program for school children. The Schoolhouse is the oldest remaining one-room schoolhouse in Southeast Florida, and based on preliminary research, may be the oldest remaining one-room schoolhouse built for that purpose in the State of Florida.

The park has relevant adjacencies to the north and south sides where residential multifamily buildings frame views to the east. The park hosts the Palm Beach Fire Rescue Station #3 and related Lifeguard station by the dune crest. Additionally, there is an existing vehicular access road on the north side which provides vehicular access to the beach for beach nourishment purposes.

Currently the park has very basic amenities, and most of the space is underutilized. There seems to be no intentional design, and all existing program appears to be an impromptu response to needs that have arisen through time.

Maintenance is very basic, and many invasive plants have taken over areas of the park.

The Foundation's longstanding history with the Little Red Schoolhouse, combined with their commitment to public green spaces, and history of Town-serving projects all served to inspire the current proposal for Phipps Ocean Park.

Objectives

To inform and guide improvement of the site, the team has established 5 general objectives described below. These were initially proposed by the design team, and then validated through a series of Community meetings.

The overall project objectives will then be turned into specific goals and drive the design. The criteria employed aim to align with the objectives of the residents of Palm Beach, immediate neighbors, authorities, and the Preservation Foundation's overall mission.

1. Maximize Usability

The site analysis indicates the site is primarily used as a parking lot for visitors to access the beach and tennis center. The rest of the site is mostly composed by lawn areas largely unused mostly due to the lack of program. The project aims to provide more opportunities for passive and recreational activities by diversifying the program and increasing the quantity and quality of spaces.

2. Improve Park Accessibility

The park currently offers basic ADA accessibility in the form of accessible parking spots, bathrooms and a wooden boardwalk/ramp that leads to the Beach and the Dune Crest Path. The remainder of the paths and amenities found on-site are not accessible.

This project aims to provide full accessibility to all park features by making all paths accessible. The playground is conceived with accessibility and inclusiveness in mind, where special structures are integrated into the design.

The project also aims to improve circulation and visibility by designing intuitive paths and implementing signage.

3. Restore and Preserve Natural Environment

Restoration and preservation are core values of this project. The design aims to remove all exotic and invasive species inside the park. This is part of a larger mission of restoring the park's ecosystems and ecotones to a new historic reality, that returns species (flora and fauna) that are part of the historical landscape of the area.

4. Increase Educational Opportunities

Preservation through education is a very effective way of protecting valuable environmental assets. The Little Red Schoolhouse is expanding its educational reach to a larger demographic in the community.

Also, the creation of an Outdoor Classroom as an additional space to experience education from an experiential standpoint is vital to the overall mission.

Additionally, the Coastal Restoration Center, a focused environmental educational space, will produce and promote the use of native landscape species for Phipps Ocean Park and the community. Visitors are able to learn firsthand how plants are propagated and utilized within a larger context.

Lastly, educational/themed paths will take visitors along the different areas of the park. With different lengths and themes, the paths will accommodate visitors of all ages, and provide recreation, exercise, and education. A series of educational stations will reinforce and highlight special topics and moments across the park. These spaces will also serve as small plazas to take a rest and enjoy the view.

5. Beautify and Establish Resiliency

The project will assess and improve existing stormwater infrastructure by restoring historic ecosystems and habitats. Part of this will include the removal of all existing invasive and exotic plant species found in the park. Stormwater management techniques like rain gardens will also be implemented throughout the park and emphasized at the north and south parking lots. Finally, the Little Red Schoolhouse is relocated and raised from its current elevation, ensuring its safety from future potential floods.

Masterplan

Main Entrance

Zone Area: 4,930 sf.

Driving along A1A, two monumental Strangler Figs and a native rock sign mark the park's main entrance.

This space, a confluence of pedestrian and vehicular flows, offers a pause in the dense vegetation with open views into the park.

As the visitor enters by foot or vehicle, the road and sidewalk curve towards the north, allowing open views across the Great Lawn, displaying the Little Red Schoolhouse in the back.

Gold Coast Gateway

Zone Area: 4,070 sf.

A large Strangler Fig stands out as the visitor makes their way through the parking lot. This legacy tree marks the park's heart, the place where all trails and paths meet. From here, the visitor can access the Coastal Restoration Center, Dune Playground, Outdoor Classroom, Dune Crest Path and Little Red Schoolhouse.

A large drop off allows school buses and other vehicles to drop off visitors as they make their way into the park.

The paving, simple and understated will serve as a canvas to the shadows of the surrounding trees. Shaded pockets with wayfinding and educational signs, together with benches and drinking fountains will provide refuge from the sun.

The sound of water produced by two natural water features will invite the users through the park's main path towards the Dune Crest Path, into a dense hammock of existing and proposed trees.

Dune Playground

Zone Area: 5,000 sf.

Stepping down from the Dune Crest Path, the Dune Playground offers recreation opportunities for children of all ages. Split into two larger platforms, the playground is divided into an area intended for children in their middle childhood (6-11) and an area for preschoolers.

The activities vary according to the area. The older children's playground offers larger play structures embedded in the landscape, where the line between play and learn is blurred. The elevation differences provided by the park's topography is used as an opportunity for play; an interpretive experience that relates to the landscape. Using vegetation and topography as play features that also provide an educational experience.

The younger children's space, is protected from wind, shaded by trees and in proximity to the restrooms and the Little Red Schoolhouse. The program will offer a more sensory experience, where nature's colors, sounds and textures become the focus.

The area is divided into two playgrounds, the Hammock Playground and the Wetland Playground. The interface of Hammock and Wetland ecosystems is one of the most diverse habitats in Florida. Water as the source of life, will guide the user along a path of fun and education where themed play structures alternate with interpretative games.

The Hammock playground will tell the story about this habitat's flora and fauna. Guided by "The Stream" a path inspired by water; the user can experience the different layers of vegetation. Groundcovers, shrubs, and canopy all portrayed in its real form, but also as interpretative experiences provided by play equipment.

On the south side, children are able to learn about the fauna, represented by mammals, birds, reptiles and insects. At the center of the playground, a large tree with a surrounding play structure is the center of all activity.

As the water makes its way down to the Wetland Playground, children will make their way through large grass looking structures that provide a playful opportunity to learn about Florida's native grasses. The objective of the playground is to show the building blocks of our habitats. Sand, organic matter and water are the main ingredients of Florida's soil, the foundation for any landscape. Exposed to forms, colors and materials, children are able to learn about water, wind and tides, and their relevance in the context of ecosystems.

Outdoor Classroom

4,200 sf.

The Outdoor Classroom, strategically located between the Main Access Plaza and the Little Red Schoolhouse, is a space meant to educate and entertain whilst being immersed in nature.

One of the Park's main objectives is to allow users to learn by seeing, hence the importance of the Outdoor Classroom to provide a space for education (30-40 seated students), but also showcase the local habitats. The Outdoor Classroom's location will enable exactly that, as it's strategically

located in the fringe of the Maritime Hammock and the Coastal Strand habitats. Additionally, the wildflower garden, the Coastal Restoration Center, Dune Playground and other site amenities are conveniently located in close proximity.

The inner space is configured into 2 main elements. The main open space, which allows for the setup of activities and classes. The other element is the seating area, where native rock is used to create seating elements that integrate with the landscape. The seating area will provide space for approximately 30-40 students, and the main open space is approximately 1,000 sf.

Since the 02/08/2022 meeting with the PFPB Team and the Garden Club, there have been some adjustments to the design as per the feedback received.

- Reduction of Hardscape: The hardscape on the main open space has been reduced from 1,000 sf. to 693sf. Resulting in a 30% reduction. Furthermore, the material of this area is now meant to be mulched, better integrating with the natural context.
- Integration of the element of surprise and mystery: The North side access patch has been re-designed to now take the user through a winding path going through a dense planting area, accompanied by a stream, passing through a large Ficus tree, and finally revealing the main space.
- Privacy: The planting area available on the upper side of the slope has now been increased, allowing for denser planting to provide more privacy to users while the space is in use.

Little Red Schoolhouse

Zone Area: 2,300 sf.

Building Area: 633 sf.

The historic pioneer-era schoolhouse has been carefully relocated from its current location onto a new foundation further towards the east side of the dune, raising its finish floor elevation from 6.41' to 9.00' NAVD and increasing its resiliency in the face of rising waters and more frequent coastal flooding. The building has expanded its educational mission and is equipped to accommodate larger groups of people at a series of landscaped steps that face the Great Lawn. Planting areas around the building give students and visitors the opportunity to learn hands-on about the current and historic landscape, resiliency, and sustainability. The existing large and unsightly HVAC equipment and ductwork to the north and south has been eliminated in favor of a more remote system ducted underground, and the hedges that have for so long obscured the sides of the schoolhouse to conceal those systems have been removed to open the schoolhouse to its surroundings. The paired front door has been brought back to its original historic size, in lieu of the much larger doors likely dating to its later modification into a garden shed. All other architectural elements are to remain and be restored as needed. The removable Armor Screen that will be installed to cover all exterior facades of the building in the event of a hurricane, will not affect its historic elements and contributes greatly to increasing the building's resiliency.

Great Lawn

Zone Area: 19,450 sf.

Open views to Little Red Schoolhouse, Gold Coast Gateway, and horizon plateau make the Great Lawn the center of the park,

Surrounded by trees, a native lawn open space that embraces the sky, accommodates groups of all sizes for passive recreation.

Wildflower Garden

Zone Area: 13,000 sf.

The Wildflower Garden is a transformative space with the mission of receiving the rainwater from nearby garden spaces. The space becomes one of restoration, a steward for adaptation and resiliency.

Located directly across the great lawn from the Little Red Schoolhouse, water will collect in a natural basin, and naturally infiltrate into the soil, providing necessary moisture for plants to survive without irrigation.

The Wildflower Garden is planted with native species that thrive in moist conditions, bringing diversity of plants, insects and animals otherwise not present in the park.

Whether it is reflecting Florida skies during rainy season, or the constant movement of native grasses during dry season, the everchanging nature of the space will provide visual interest at all times.

A walkway will invite the visitor to explore different species along the way. Turns along the way will direct views to relevant vistas and moments. This path is part of the education circuit that runs around the park, demonstrating the importance that wildflowers and grasses have and their function within a larger ecosystem.

Horizon Plateau

Zone Area: 19,000 sf.

The Horizon Plateau is the gathering space for the park. It will offer open space for activities, sheltered areas for picnics, and open views east to the Atlantic Ocean and west to the mangroves along Lake Worth Lagoon.

Coming from the Great Lawn, the ascending path is flanked by native forest. The user can then choose to either go directly to the dune crest or pass through the food concession area. This area is sheltered from the wind, providing views over the great lawn amidst the canopy of native trees. There is space for food concession stands and access to the main service road that runs along the tennis courts. An open central space is sheltered from the rain with sail shade structures that configure the space as a small plaza that connect to the upper terrace of the Plateau.

At the distance, large legacy trees can be seen together with a large sculpture that acts as a beacon, a landmark for the park.

The Horizon Plateau's privileged elevation at the top of the dune offers views to the diverse moments of the rest of the park. This vantage point will offer an overview of all the different ecosystems present in the design, also becoming a valuable part of the park's environmental mission.

New Picnic Area

Zone Area: 3,650 sf.

Midway from the Great Lawn and the Horizon Plateau, lies the New Pic Nic Area. In the midst of Maritime Hammock trees, an open shaded space designed with tables and seating spaces. Patrons are protected from sun and rain by the dense canopy cover and carefully designed sail shade structure.

The space is ADA accessible and will also provide a vehicular access ramp for service.

Coastal Restoration Center

Zone Area: 12,400 sf.

Building Area: 2,399 sf.

North of the Gold Coast Gateway, and west of the main pathway, the Coastal Restoration Center hosts an initiative that educates visitors about native species and will in the future provide the park with native plants and trees for later phases of the project. The CRC's primary mission will consist of growing native species for the park, as well as educating the public and staff about Florida's ecology, the use of native species, and how that relates to sustainability and resiliency. The CRC area is accessed by the public from its south entrance, where informational panels begin to tell the story about the CRC's mission and objectives. The space is divided into a main exterior area for growing, and a building to the north that contains a shade house for sensitive planting, an office for staff, and storage. A service entrance aligned with the Beach Nourishment path provides staff access from the north. The building, primarily constructed of natural, unfinished wood appropriate to the local climate, is designed to highlight the CRC's mission through its design, as well as provide a beautiful backdrop for the exterior growing area, and a pleasant yet functional shaded growing area that doubles as a setting for education. The shade house is emphasized architecturally, while the offices, storage, and service areas are more deferential in their treatment.

Parking Lots

Zone Area: 85,000 sf.

As one of the parks' most extensive areas, parking lots are integrated into the overall design, and serve more than one function. Perimeter planting will buffer the park from the immediate neighbors, where a dense native canopy will prevent undesired views to and from the park.

Decomposed granite parking spots will infiltrate water, and parking islands, that run west to east, collect excess water runoff from the driving isles. The parking islands are designed to bring the landscape into the parking lot and invite users into the park. A central meandering path, flanked with native Florida landscape will provide a taste of what the park has to offer. Native rain gardens will also provide an educational experience for visitors, who can learn about water collection, retention, and infiltration within the context of native Florida flora and fauna.

A1A Treatment and Park West

Zone Area: 100,000 sf.

The project will also plant large trees alongside A1A to create a dense allée. Together with that, the revegetation of the original Hammock ecosystem will bring many new trees to the east side of A1A.

Restroom Buildings:

Building Area: 1,662 sf. (2 combined)

Two restroom buildings are provided for parkgoers near the base of the coastal ridge, located near primary park functions and major pedestrian paths of travel. Each building is arranged as a pair of centralized pavilions that contain the bathrooms themselves, connected by a generous covered loggia that offers water fountains, benches, and an opportunity to escape the elements should the need arise. The architectural treatment of the buildings in natural wood recalls that of the nearby Coastal Restoration Center, without attempting to compete with that signature structure.

Beach Pavilions:

Building Area: 912 sf. (4 combined)

Four beach pavilions are spaced along the crest of the coastal ridge, offering sweeping views for those seeking to take in the beautiful surroundings under cover, while still remaining fully open to the ocean breeze. Open timber framing and a wood shingle roof recall the architectural language of the Coastal Restoration Center, with the goal of unifying all proposed park buildings into a coherent whole that reflects the overall project emphasis on local materials and resiliency.

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Evaluation of Impacts to Right-of-Way Due to Revised Plans for “Palm Beach Transportation Planning Agency Recommended Improvements for South Ocean Boulevard (A1A) Between Lake Avenue to Ibis Way to the Florida Department of Transportation”

TIME CERTAIN: 3:30 PM

Time Certain

3:30 PM

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated November 29, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Exhibit A - CMA Technical Memorandum**
- ▣ **Exhibit B - CMA Presentation**
- ▣ **Exhibit C - Email with Images**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Evaluation of Impacts to Right-of-Way Due to Revised Plans for “Palm Beach Transportation Planning Agency Recommended Improvements for South Ocean Boulevard (A1A) Between Lake Avenue to Ibis Way to the Florida Department of Transportation”

DATE: November 29, 2022

STAFF RECOMMENDATION

Town staff is seeking guidance from Town Council on the revised plans for A1A between Lake Avenue to Ibis Way.

GENERAL INFORMATION

At the May 2022 Town Council meeting, staff presented an evaluation completed by Chen Moore & Associates of the proposed improvements for A1A based on the 2017 Palm Beach Transportation Planning Agency (TPA) study of opportunities to increase bicycle and pedestrian safety along the A1A corridor from Boca Raton to Jupiter. Where possible, this study recommended wider traffic lanes, the addition of bicycle lanes, and wider pedestrian paths. In early 2022, the Florida Department of Transportation (FDOT) initiated the engineering design for the maintenance of the section of A1A between Lake Avenue (City of Lake Worth Beach) to Ibis Way (just south of Phipps Park) with anticipated construction of the improvements to start 2025. The TPA was requesting that the proposed bicycle and pedestrian improvements be implemented as part of the FDOT project.

A public meeting was held by the FDOT on June 2, 2022 with opposition from the Town residents and alternatives to the design for bike lanes were reconsidered. Public Works had a follow-up meeting with the FDOT on October 10, 2022, which concluded with the possibility of a shared use path for bikes and pedestrians in the green space along this corridor. The summary of changes for this section of roadway were as follows:

- Widening of the traffic lanes from 11-feet to 12-feet
- Widening of the paved shoulder from 3-feet to 5-feet
- Increasing the current asphalt path width on the west side of the road from 6- feet to 10-feet and designate as a shared use path
- Reduction in western landscape from 25-feet to 21-feet
- Reduction of grass swale from 7-feet to 4-feet
- Reduction of eastern landscape from 34-feet to 31-feet

The current proposal is conceptual in nature with no formal design drawings being prepared to date. Chen Moore & Associates, Inc. (Chen Moore), has reviewed the revised recommendations and provided a Technical Memorandum which is attached as Exhibit A. Chen Moore will be presenting the revised recommendations and potential impacts at the December 13, 2022, Town Council Meeting and is attached as Exhibit B.

Lastly, FDOT recognizes that there is only a pathway on the west side of SRA1A, which is different than their standard design for shared use paths on both sides of the road. Recent project examples of shared use path projects were provided by the FDOT for discussion purposes and attached as Exhibit C.

FUNDING/FISCAL IMPACT

There are no funding impacts at this time.

PURCHASING REVIEW

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

Attachments

cc: Jane Le Clainche, Finance Director
Jason Debrincat, Senior Project Engineer
Patricia Strayer, P.E., Town Engineer
John C. Randolph, Town Attorney



EXHIBIT A

Technical Memorandum ***Review of Impacts from Proposed SR-A1A Widening***

Date: November 30, 2022
CMA Proj No.: 431.029
Client: Town of Palm Beach - Department of Public Works

Project Background

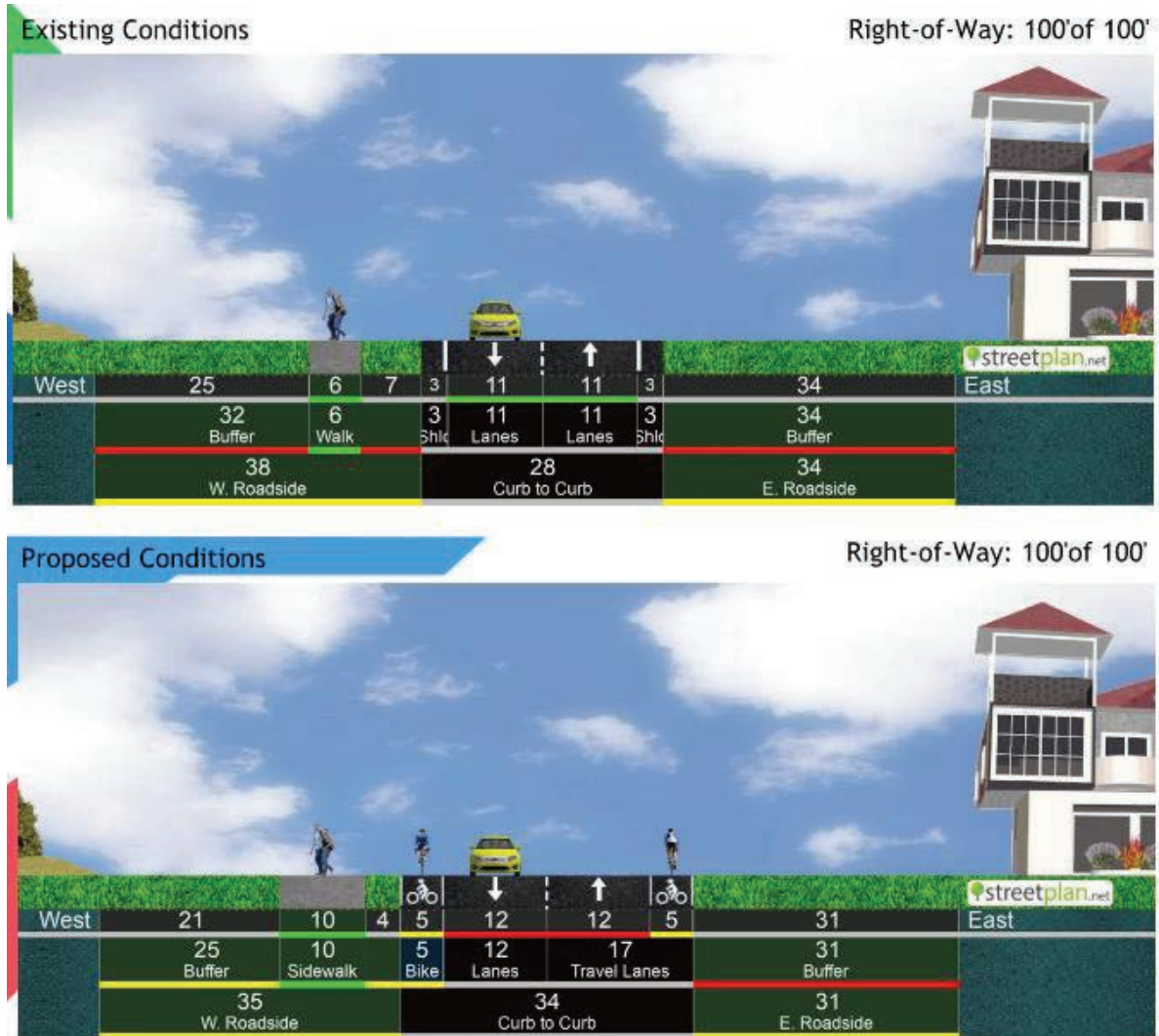
In 2021, the Palm Beach Transportation Planning Agency (TPA) conducted a study of potential improvements to better accommodate bicycles and pedestrians along the SR-A1A corridor. To facilitate implementation of the identified improvements, the TPA looked for opportunities to pair the improvements with coincident Florida Department of Transportation (FDOT) roadway resurfacing projects. During this effort, the TPA identified fourteen (14) improvement projects between the City of Boca Raton and the City of Riviera Beach where pedestrian and bicycle improvements could be made alongside proposed FDOT roadway projects. One of the FDOT projects identified by the TPA is in the Town of Palm Beach, south of Sloans Curve.

On June 2, 2022 the FDOT presented their proposed improvements for project FM #4476631 which is a resurfacing project titled "A1A FROM SOUTH OF LAKE AVE TO N OF IBIS WAY". The identified schedule for the work is Construction in 2025. According to the FDOT Five-Year Work Plan, there are no other projects currently programmed immediately to the north or south of the project identified with the exception of a drainage maintenance improvement on SR-A1A at Sloans Curve in 2023 (FM# 4400092).

At the June workshop members of the Town Council, Town Staff, and residents of the Town attended to express their displeasure with the proposed typical section which included the following elements:

- Increase the width of the roadway from 28-ft to 34-ft by
 - o Increasing the width of both north and southbound travel lanes from 11-ft to 12-ft
 - o Increasing the width of both north and southbound shoulders from 3-ft to 5-ft
- Increase the width of the paved pedestrian path from 6-ft to 10-ft
- Decrease the western landscaped area from 25-ft to 21-ft
- Decrease the grassed swale between the path and the roadway from 7-ft to 4-ft
- Decrease the eastern landscaped area from 34-ft to 31-ft

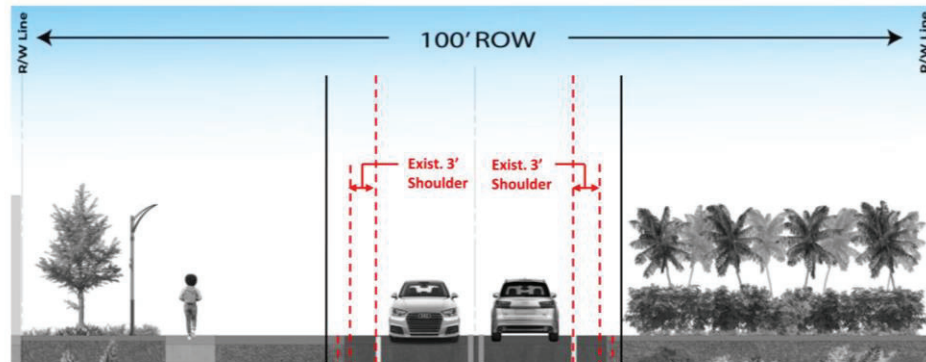
The following exhibit from FDOT and the TPA illustrates the differences between the existing and proposed roadway typical section presented in June 2022.



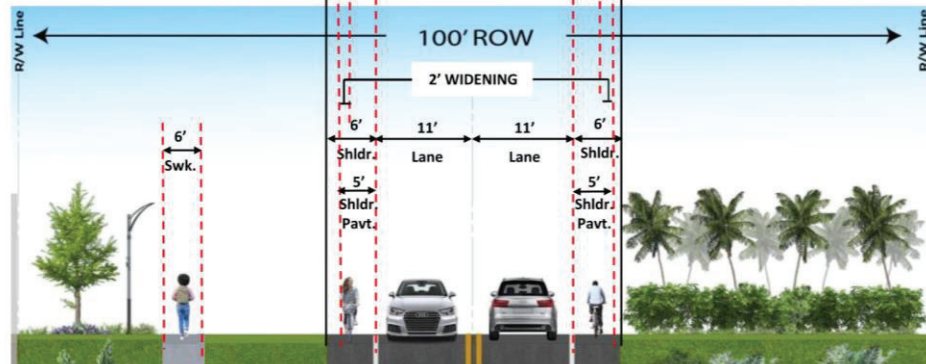
Following the June 2022 workshop, alternatives to the design were considered by FDOT staff. On October 10, 2022, the Town's Public Works Department had a follow-up meeting with the FDOT which concluded with the possibility of a shared use path for bikes and pedestrians in the green space along this corridor instead of incorporated with the roadway. FDOT recognized that there is only a pathway on the west side of the roadway which is different than their typical shared use path configurations, but they are considering a modification to their typical condition for this case. The new proposed improvement would still include widening the path from 6-feet to 10-feet.

FDOT is also proposing to widen the roadway shoulder by 2-ft in both directions as part of the revised configuration. This would create a 5-ft wide paved shoulder instead of the current 3-ft shoulder. When comparing the conceptual plan revision to the original proposed improvements, the main difference is the roadway width is decreased by 1-ft on each side. FDOT provided the exhibit below to illustrate this change (proposed widening of the path not included). The revised plan is a conceptual revision; no design drawings have been prepared.

EXISTING CONDITIONS



PROPOSED IMPROVEMENTS



The other significant change from the original proposal is with the proposed pavement marking plan. The FDOT staff discussed applying new pavement marking to the path on the west side of the road to indicate it is a “shared use path” for pedestrians and bicyclists. Also discussed was not including bicycle lane markings in the newly widened shoulders.

Investigation of Potential Impacts

As part of the due diligence to determine the potential impacts of the proposed improvements, the Town procured the services of CMA to investigate the widening of the roadway and paved path on adjacent facilities owned by either the Town or private entities. Utilizing survey files from previous projects along the corridor, CMA prepared exhibits comparing the existing and proposed pavement limits. In addition, CMA performed field measurements during site visits to quantify the extent of the potential impacts. These investigations identified the following types of impacts:

- Landscaping (sodded swales, hedges, flower beds)
- Specialty driveways
- Specialty signage
- Privately-owned irrigation equipment
- Drainage infrastructure
- Utility infrastructure

A detailed description for each type of impact is included below.

Landscaping

The largest impact of the proposed improvements to landscaping is to the sodded swales. The removal of approximately 6-ft of sod on the west side of the corridor and 2-ft of sod on the east side of the corridor removes approximately 1.4 acres of grass along the roughly 1.5-mile project. Approximately 0.3 acres of the sod removed is along the Town's Par 3 Golf Course. This is an improvement from the original plan of 0.4 acres for the full corridor and 0.1 acres for the golf course segment.

In addition to the removal of sod, there are hedges and shrubs that will be impacted by the proposed improvements. As shown below, at 2500 South Ocean Blvd, there is a sea grape hedge that is immediately adjacent to the roadway on the east side. This hedge is used by the condominium association to hide landscape debris that has been trimmed and is waiting for pickup by the Town's waste collection crews. The proposed improvements would require removal of the hedge and possible relocation farther back.



Hedge at 2500 South Ocean Blvd

At 2770 South Ocean Blvd there is a large sea grape that is approximately 6 feet from the edge of pavement. Although the tree may not necessarily need to be removed, it is expected to be impacted by the construction of the potential improvements considering the roots typically extend to the drip line of the canopy which is near the existing edge of pavement.



Seagrape at 2770 South Ocean Blvd

There are two locations where existing flower beds will be impacted by the proposed improvements. At 2760 and 2780 South Ocean Blvd there are flower beds that would require removal or relocation based on the proposed improvements.



Flower Bed at 2780 South Ocean Blvd



Flower Bed at 2780 South Ocean Blvd

There are several locations where hedges and plant material that is not highly maintained will be impacted in areas that are relatively under-developed. An example of this is on the west side of the roadway across from the condominiums at 2580 and 2600 South Ocean Blvd, where the existing vegetation is along the strip of land between the roadway and the shoreline of the Lake Worth Lagoon.



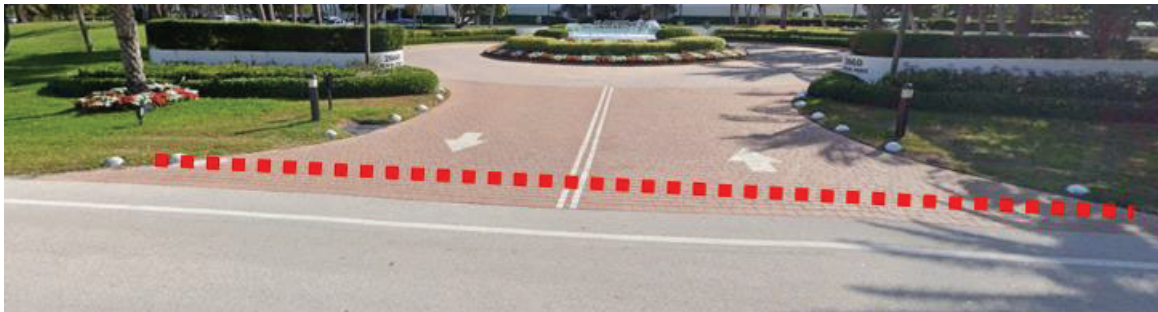
Hedge along the west side of SR-A1A

Specialty Driveways

The majority of the driveways along the proposed project corridor are asphalt and as such will not be significantly impacted by the proposed improvements. There are however four locations where specialty driveways are installed that will be impacted by the proposed widening of asphalt pavement. The types of driveways impacted are either stamped concrete or pavers. The specialty driveways that will be impacted are shown below:



Driveway at 2300 South Ocean Blvd



Driveway at 2660 South Ocean Blvd



Driveway at 2760 South Ocean Blvd

Specialty Signage

There are two locations where private condominium signage that has low voltage up-lighting will be impacted by the proposed widening of the path on the west side of the roadway. The signage at 2773 South Ocean Blvd is surrounded by a green island ficus hedge and would need to be completely relocated west based on the proposed alignment. The signage at 2860 South Ocean Blvd would need to be relocated to the west as well as the accompanying low-voltage lighting.



Lighted sign at 2773 South Ocean Blvd



Lighted sign at 2860 South Ocean Blvd

Privately Owned Irrigation Equipment

Because privately owned irrigation equipment is difficult to identify without subsurface exploration, it is difficult to identify directly in the field the locations of sprinkler heads, valves, and irrigation piping. However, considering the healthy condition of the sod and the regular maintenance activities observed, it is anticipated that there are existing irrigation systems that extend to the edge of the existing pavement at each of the condominium locations. All of these systems would have to be modified during construction to accommodate the new pavement limits.

Drainage Infrastructure

Since this portion of SR-A1A is a FDOT roadway, the drainage system is owned and operated by the State agency. It is assumed that the increase in pavement will also increase the runoff generated after rainfall events and as such may require the construction of additional drainage infrastructure. The existing system includes drainage catchbasins and inlets along the west side of the roadway that will need to be retrofit to accommodate the proposed improvements. Below are examples of FDOT drainage inlets that will need to be raised to match the new grades and retrofitted to provide a safe walking surface for pedestrians on the new path.



FDOT Catchbasin in front of 2860 South Ocean Blvd

Utility Infrastructure

There are several locations where existing electrical pullboxes, water meters, and other general utility appurtenances will require relocation or retrofit by the FDOT to accommodate the proposed improvements. The retrofits could include upgrading the box type from a fiberglass box to a concrete box to provide H-20 traffic loading. Other facilities may require complete relocation. The cost of these efforts is typically born by the utility as part of their permitting agreements with FDOT to be within the right-of-way. Below are examples of utility elements that will require retrofit or relocation. Notably, none of the new streetlights will be impacted by the proposed widening.



Existing Communications Utility Panel



Existing Water Meter and Irrigation Valve Boxes



Existing Communication Pullbox



Existing Street Lighting Pole

Summary of the Conceptual Plan Revision

In summary, the effect of the conceptual revision of the original FDOT proposal is a widening of the total roadway by 4-ft instead of 6-ft. This reduction in the proposed widening is achieved by maintaining the width of the existing travel lanes at 11-ft. The conceptual revision and the original plan both include a 5-ft paved shoulder on each side of the roadway and a 10-ft wide path on the west side. The other primary difference in the conceptual plan revision is in the pavement marking plan, where the new proposal would show bicycle markings only on the pathway and not on the roadway shoulder. The impacts of the roadway project to existing landscaping, utilities, and other facilities along the corridor are expected to be roughly the same as the original proposal, with the only difference being that the total increase in impervious area is reduced by roughly 20%.

SR-A1A Proposed Roadway Improvements
Florida Department of Transportation
Palm Beach Transportation Planning Agency

12-13-22 TCM Backup

Discussion of Potential Impacts

December 2022



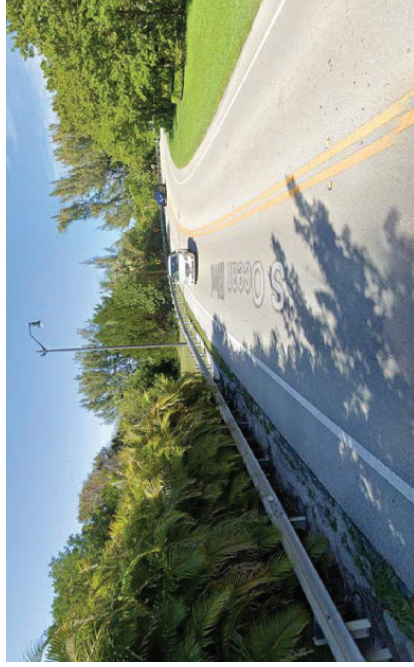
EXHIBIT B



- In 2021, the Palm Beach Transportation Planning Authority (TPA) conducted a study of proposed FDOT improvements along SR-A1A
- TPA identified 14 projects between Boca Raton and Riviera Beach where pedestrian and bicycle improvements could be made.
- The FDOT resurfacing project FM #4476631 would allow for the utilization of State funding to improve the bicycle and pedestrian facilities between Lake Avenue and Ibis Way.



- Proposed limits are from Ibis Way to Lake Ave
- No current plans for extension to the north or south
- No land available to expand bike lane and walking path north to Sloan's Curve or farther north along the beach.



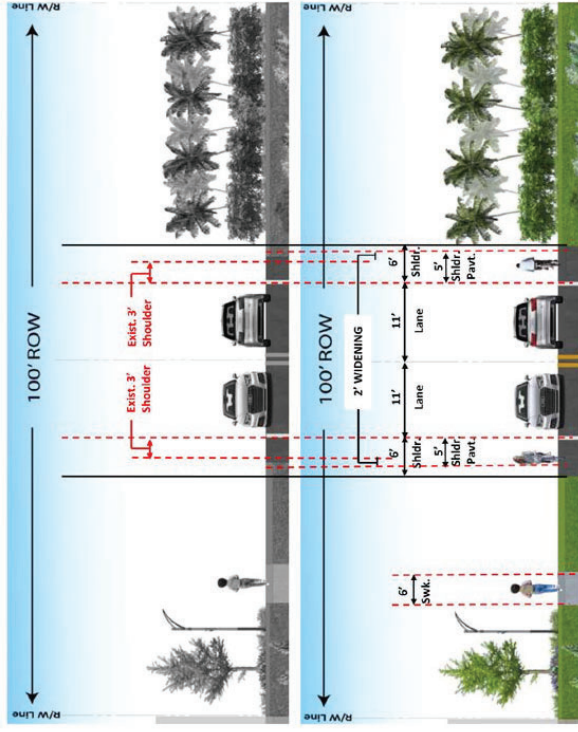
- June 2022 – FDOT Public Meeting at Tideline Hotel
 - FDOT Presentation
 - Comments from Town Council Members, Town Staff, and Town Residents
 - All public comments expressed concern with any changes to the roadway width as it applied to bicycle lanes and safety.



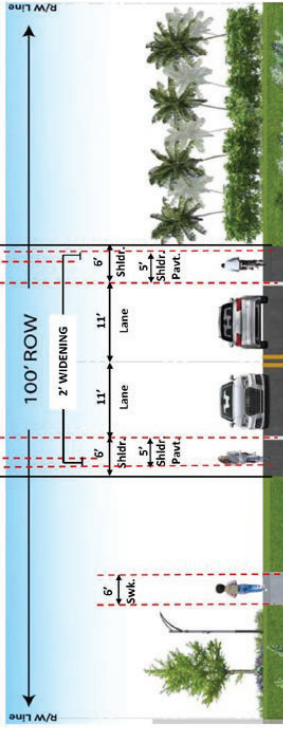
October 2022 – FDOT Meeting with Public Works

- Conceptual revision discussed
 - Roadway widening of 4-ft total instead of 6-ft
 - Pathway widening remaining at 10-ft
 - Change in pavement marking to show bicycle use on pathway as “Shared Use Path” instead of on the roadway shoulder.

EXISTING CONDITIONS



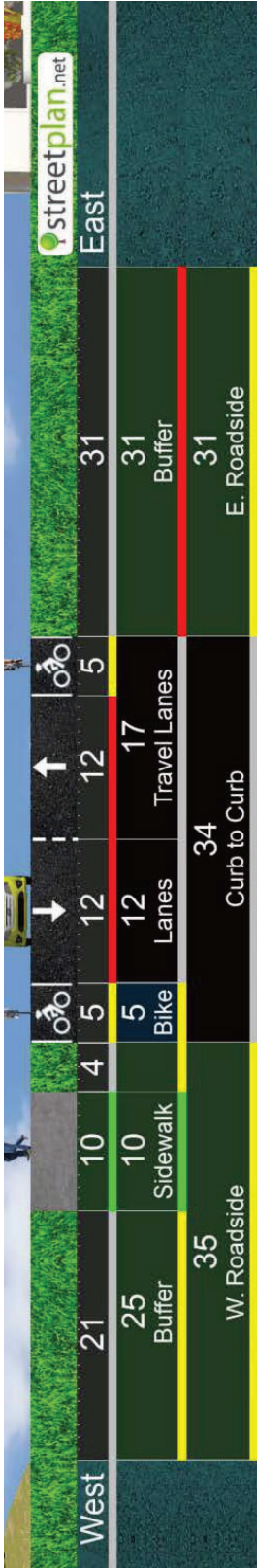
PROPOSED IMPROVEMENTS



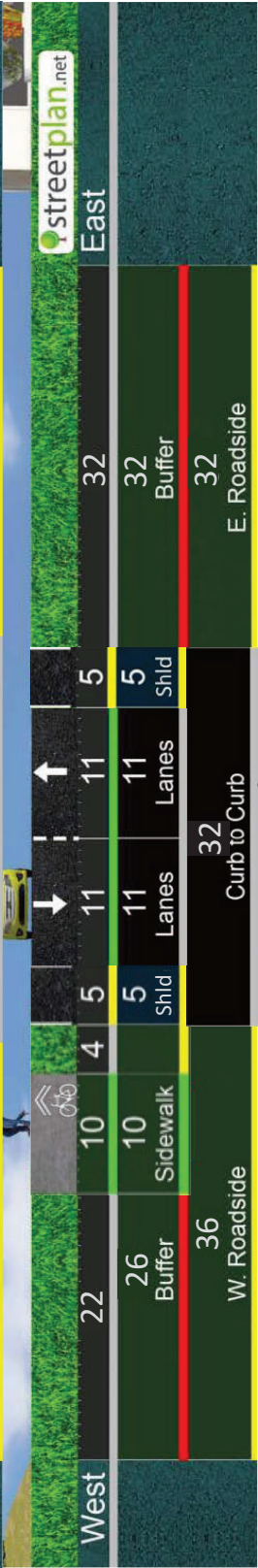
EXISTING

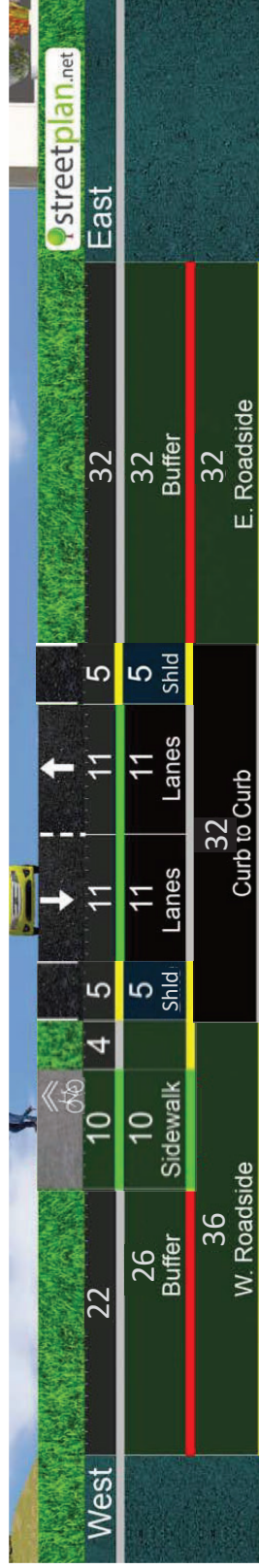


JUNE 22
PROPOSED



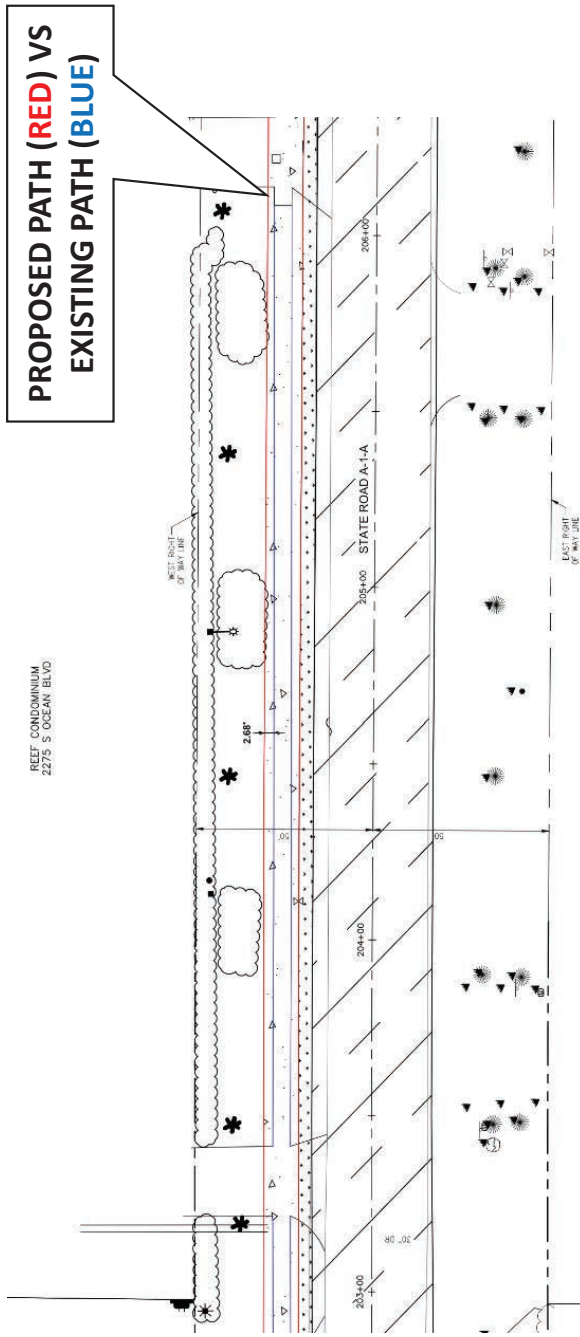
OCT 22
PROPOSED





- Widening of total roadway by 4-ft instead of 6-ft by keeping travel lanes at 11-ft.
- Both the original plan and revised plan include a 5-ft paved shoulder on each side of the roadway and a 10-ft wide path on the west side.
- Bicycle markings only on the pathway and not on the roadway shoulder.
- The impacts to existing landscaping, utilities, and other facilities are expected to be roughly the same as the original plan.

- Prepared a CAD drawing of proposed pavement compared to existing features
(Utility Undergrounding Survey)



JUNE 2022 PLAN

Removes **1.8** acres of landscaped
area for 1.5-mile corridor
Removes **0.4** acres of sod within
the Town Par 3 Golf Course

OCT 2022 PLAN

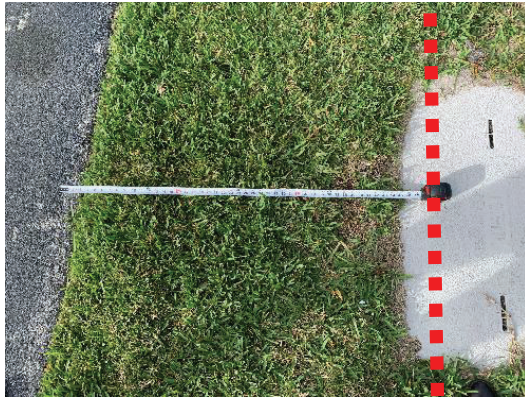
Removes **1.4** acres of landscaped
area for 1.5-mile corridor
Removes **0.3** acres of sod within
the Town Par 3 Golf Course

- October conceptual revision of 1-ft has the same impacts on existing facilities



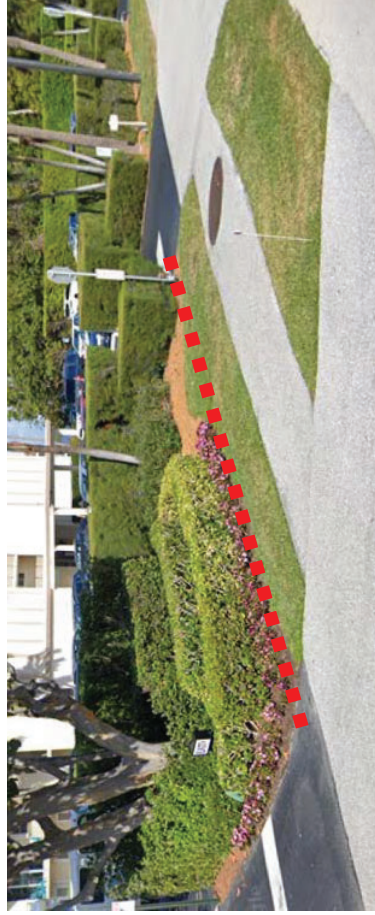
- Additional pavement will require retrofit of existing drainage infrastructure
- Could include underground construction for installation of new inlets and pipes

- Conflicts with existing utilities include pullboxes and landscape lighting, no impacts apparent to streetlights.



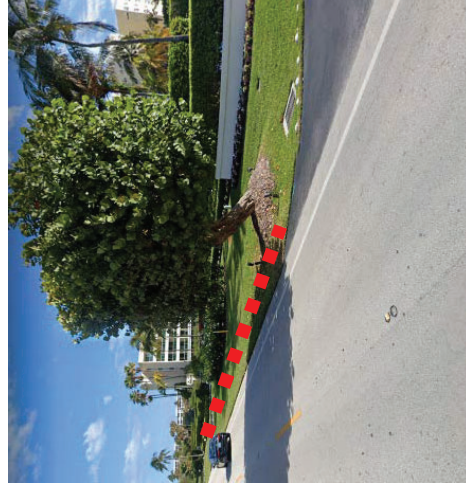
West Side of SR A1A:

- Flower beds at 2760 South Ocean Blvd
- Shrubs, trees, and brush along Lake Worth Lagoon



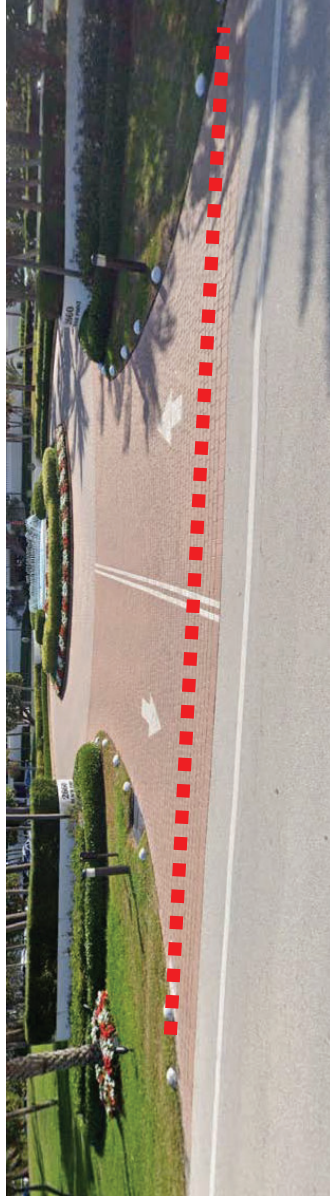
East Side of SR A1A:

- Hedge at 2500 South Ocean Blvd
- Seagrape at 2770 South Ocean Blvd
- Flower beds at 2780 South Ocean Blvd



Items that would require specialty restoration:

- Paver driveway at 2300 South Ocean Blvd
- Paver driveway at 2660 South Ocean Blvd
- Paver driveway at 2760 South Ocean Blvd



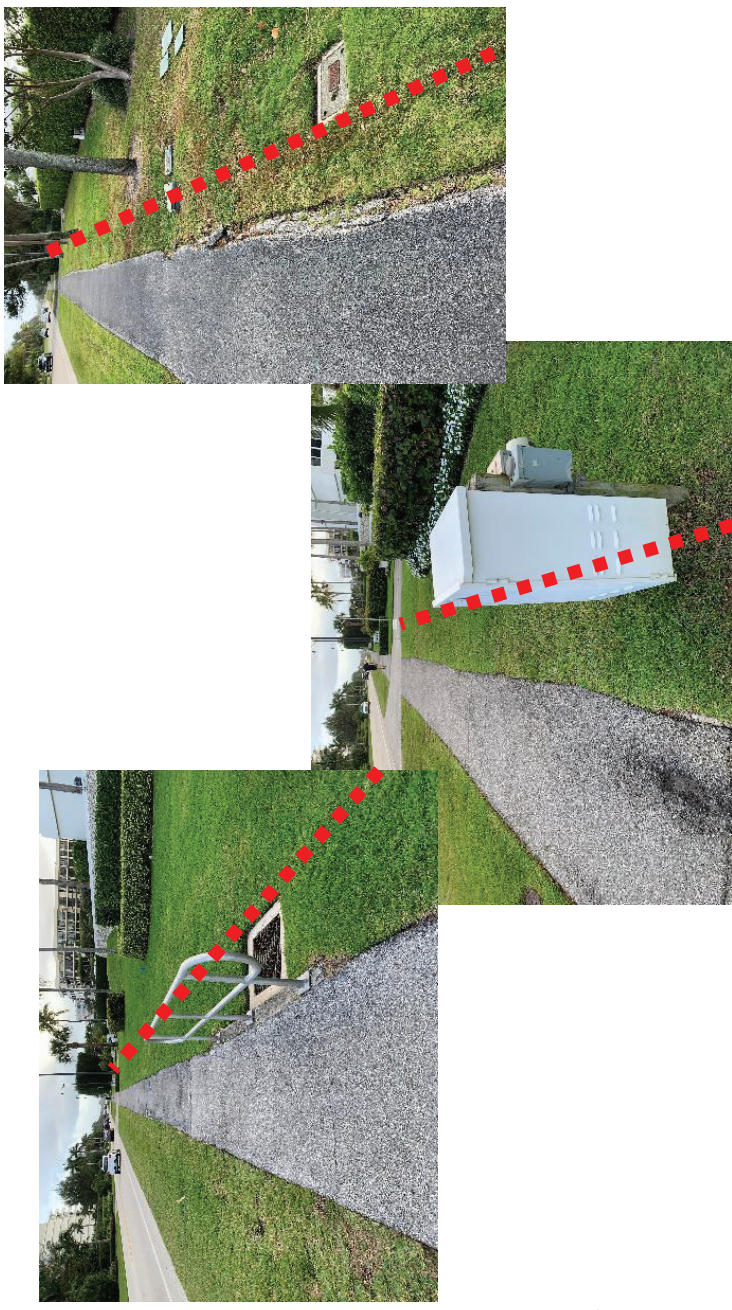
Items that would require specialty relocation:

- Lighted sign at 2773 South Ocean Blvd
- Lighted sign at 2860 South Ocean Blvd



General items that would require FDOT/FPL/WPB/Other retrofit:

- Drainage inlets
- Water meters
- Electrical pullboxes
- Communication panels
- Irrigation equipment
- Low voltage lighting equipment



None of the new *light poles* are affected

- The predominant impacts are to three types of features:

- Landscaping that will be removed, relocated, or replaced by FDOT
- Infrastructure owned by FDOT or utilities that will require retrofit or coordinated relocation
- Specialty improvements (pavers, minor lighting, minor signage, irrigation) that will require restoration or relocation coordinated by FDOT

- The proposed improvements to the bicycle lanes and pedestrian path cannot be continued to the north of Ibis Way without more significant impacts on the west side of the right-of-way.
- The increase in pavement may necessitate additional drainage improvements by the FDOT (more inlets due to more runoff).
- Construction effort for drainage installation is anticipated to be 6-9 months

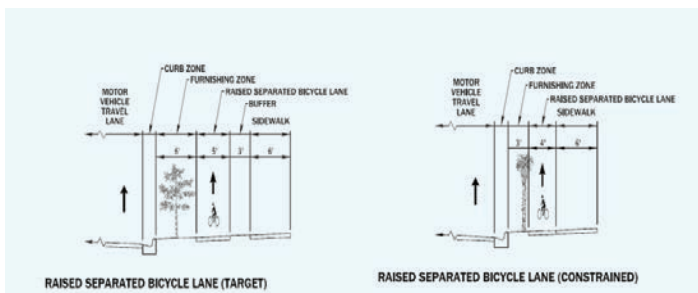
Questions and Discussion

EXHIBIT C

From: Kirk Blouin <KBlouin@TownofPalmBeach.com>
Sent: Monday, December 5, 2022 11:52 AM
To: Pat Gayle-Gordon <PGayle-Gordon@TownofPalmBeach.com>
Cc: Paul Brazil <PBrazil@TownofPalmBeach.com>
Subject: Add to Backup Item XIV B. 4.

Jim we are more than happy to provide examples. We have planned, designed and completed multiple types of shared use paths throughout the County for bike and ped travel. Please see examples below:

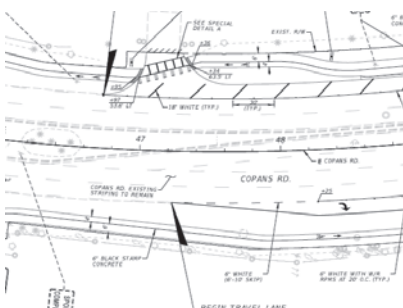
The Broward MPO published the Complete Streets Guidelines 2.0(http://www.browardmpo.org/images/CSMP/Broward_CSDG_2.0.pdf pg. 32 Raised Separated Bicycle Lanes) that provides design guidelines on how to incorporate separated bike and ped facilities.



- FM 42957655201 Copans Rd. Mobility Project (see attached signing and marking plans)

Project is currently in design

Grade separated bike and ped path along each side of the road. The “shared use paths” have bike and ped pavement markings to delineate their direction and space of travel in both directions



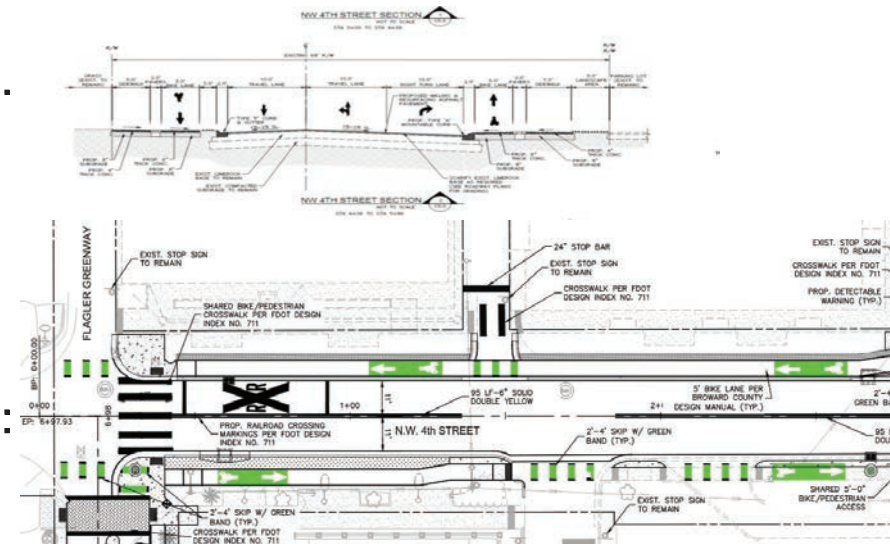
Project is completed

- Separated multiuse paths on each side of the road with pavement markings down the center of the path for two way travel

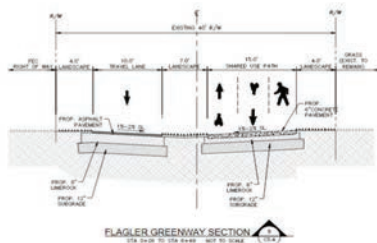


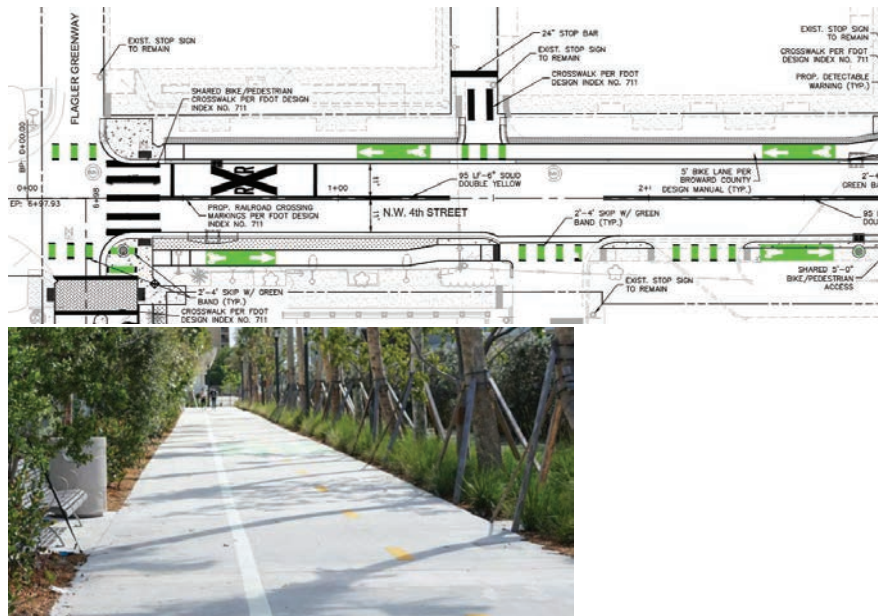
Fort Lauderdale Mobility Hub ([P12126 Bid Set SS 2019-06-05.pdf](#)) and Story Map(<https://storymaps.arcgis.com/stories/21dab33cdb964b669faab13ea770cb6a>) Project is complete and there are two types of different bike/ped facilities used that could be considered a “shared use path” with pavement markings

NW 4th St- Grade separated bike and ped path along each side of the road. The “shared use paths” have bike and ped pavement markings to delineate their direction and space of travel in both directions



Flagler Greenway - “shared use path” with two way cycle track and sidewalk with pavement markings





Jim I hope this helps and provides ample examples that the consultant could use. If the consultant would like to reach out to us and speak further, we will be more than happy to provide further guidance as well.

Sincerely,

Fazal Qureshi, P.E., LEED Green Associate
 Mobility Initiatives
 Transportation Engineering
 Project Manager



Kirk Blouin
 Town Manager



Town of Palm Beach
 360 South County Road
 Palm Beach, FL 33480
 561-838-5410

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Regular Agenda - New Business

Agenda Title

Consideration of Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon and Construction of the 2023 Palm Beach Harbor Inlet Maintenance Dredging Project

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated November 17, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **USACE Waiver Request**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

TO: Mayor and Town Council

VIA: Kirk. W. Blouin, Town Manager

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

RE: Consideration of Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon and Construction of the 2023 Palm Beach Harbor Inlet Maintenance Dredging Project

DATE: November 17, 2022

STAFF RECOMMENDATION

Town staff recommends Town Council approve a waiver for the United States Army Corps of Engineers (USACE) to allow construction related activities outside of the Town Code of Ordinances restrictions for construction dates, hours, and noise levels in the staging area shown in the request from the USACE.

In addition, staff recommends that the Town Council approve a waiver for the USACE to allow construction related services outside of the Town Code of Ordinances restrictions for construction dates, hours, and noise levels for dry beach placement activities between the inlet jetty and approximately Palmo Way.

GENERAL INFORMATION

The USACE plans to commence dredging of the Palm Beach Inlet as early as February 2023, which will include placement of the sand on the dry beaches in Reaches 1 and 2. Town staff is working with USACE staff to be sure that the project is at least-impactful to the residents as possible. The work is expected to be completed no later than April 30, 2023.

The USACE intends for their contractor to utilize the Lake Worth Lagoon for project staging of offshore equipment. Because the Lake Worth Lagoon east of the Intracoastal Waterway's centerline is within the jurisdictional limits of the Town of Palm Beach, work performed in this area must either conform to the Town Code of Ordinances or be allowed by the Town Council.

This USACE request includes waivers of the following sections of the Town Code of Ordinances:

Section 42-198 – prohibits operation of equipment or machinery during winter, Sundays, and legal holidays (commencing on December 1st and ending May 1st).

Section 42-199 – prohibits work between 5:00 p.m. and 8:00 a.m.

Sections 42-226 through 229 – regulates noise, equipment operation, work hours, and the standard Town requirement to “stand down for the season”.

The proposed staging area is the same location used successfully by the USACE in 2020 and 2021, which is located near to the Port of Palm Beach and nearly 1/3-mile from the Town’s lagoon front shoreline. No complaints were received when the proposed staging area was used during the past event.

The USACE has developed plans and specifications that include dry beach placement for the dredged sand. Heavy equipment will be brought onto the beach at Angler Avenue. Like the Mid-Town and Phipps nourishment projects, construction on the beach will occur 24 hours a day and seven (7) days a week. Therefore, Town staff recommends that Town Council include the same waivers to Sections 42-198, 199, and 226 through 229 of the Town Code of Ordinances for construction on the beach when considering approval of waivers for the staging area.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this item. The U.S. Army Corps of Engineers places all sand from the inlet maintenance dredging project on the Town’s beaches at no cost to the Town.

Attachment

cc. Patricia Strayer, P.E, Town Engineer
Robert Weber, Coastal Program Manager
Chris McNees, USACE



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

November 15, 2022

Programs and Project Management Division
Water Resources Branch

Mr. Robert Weber
Coastal Program Manager
Town of Palm Beach
951 Okeechobee Road, Suite A
West Palm Beach, FL 33401

Dear Mr. Weber:

The Jacksonville District, U.S. Army Corps of Engineers (Corps) is preparing to initiate a maintenance dredging event for Palm Beach Harbor. The dredged material will be placed on the permitted beach disposal area located within the Town of Palm Beach, immediately south of the Lake Worth Inlet's south jetty. The beach placement work may start as early as January 2023 but is anticipated no later than March 2023, and will be completed by April 30, 2023. Any additional dredge material will be placed in the Near Shore Disposal Area (NSDA) after April 30, 2023. The Contractor is anticipated to operate marine and shore-based equipment 24 hours a day / 7 days a week. The Corps requests approval from the Town Council for the Contractor to stage within the Town of Palm Beach's jurisdictional limits of Lake Worth Lagoon. In addition, a construction staging area is planned immediately south of Lake Worth Inlet, along the south jetty. The work areas are shown on the attached figures from the project's plans and circled for your ease of reference.

The Corps is requesting variance on the following Town Code of Ordinances for the proposed work:

- Section 42-198 – prohibits operation of equipment or machinery during winter, Sundays, and legal holidays
- Section 42-199 – prohibits work between 5:00 pm and 8:00 am
- Sections 42-226 through 229 – regulates noise, equipment operation, and work hours and the standard Town "stand down for the season" requirement

If you have any further questions or need any additional information, please feel free to contact the undersigned at 904-232-2132.

Sincerely,

Chris McNees

M. Chris McNees
Project Manager

ADDS TO NAVIGATION	PLANE COORDINATES	
	X (EASTING)	Y (NORTHING)
11.54"	885,037	883,014
11.54"	887,854	883,010
11.54"	885,807	883,050
11.54"	887,811	883,024
11.54"	886,258	887,497

OPEN WATER STAGING AREA
(SEE NOTE 1)

IN-WATER STAGING AREA COORDINATES	PLANE COORDINATES (NAD83/00)	
	X (EASTING)	Y (NORTHING)
11.54"	885,037	883,014
11.54"	887,854	883,010
11.54"	885,807	883,050
11.54"	887,811	883,024
11.54"	886,258	887,497



KEY PLAN
NOT TO SCALE

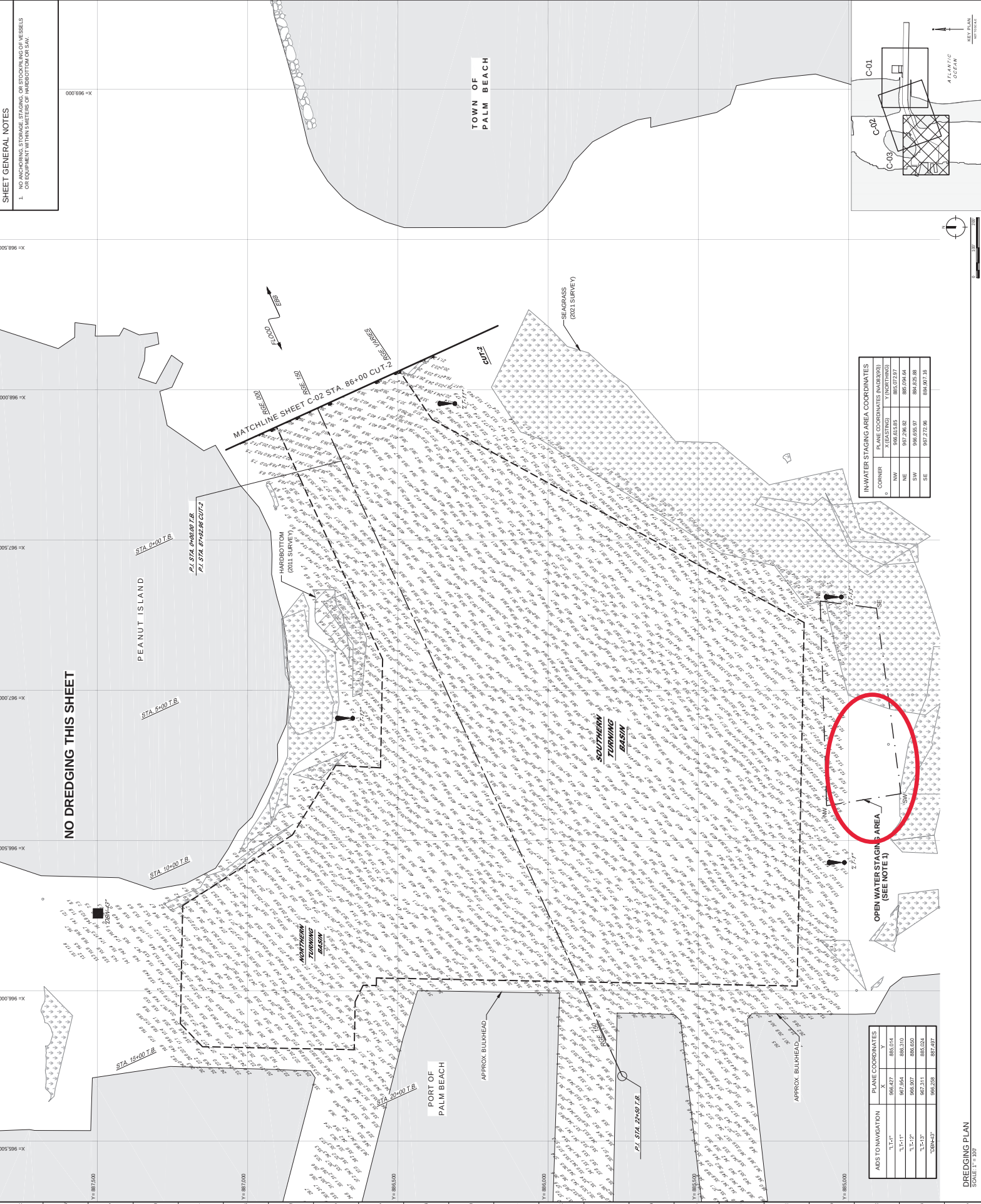
SHEET ID
C-03

CIVIL
STATION 86+00 CUT 2 TO STA 22+50 T.B.
DREDGING PLAN
PALM BEACH MARINA (MAY 2002) (REVISED)
ENTRANCE CHANNEL AND BERTHING BASIN
CUT-THROAT PROJECT

U.S. ARMY CORPS OF ENGINEERS
JACKSONVILLE DISTRICT
700 N. W. 10TH ST.
JACKSONVILLE, FLORIDA 32202-4300

DESIGNED BY: J. L. HARRIS
CHECKED BY: J. L. HARRIS
DATE: 05/02/02
PROJECT NO.: 02-03-12
SHEET NO.: 03

DATE: 05/02/02
PROJECT NO.: 02-03-12
SHEET NO.: 03



SHEET GENERAL NOTES
1. NO ANCHORAGE, STORAGE, STAGING, OR STOWING OF VESSELS OR EQUIPMENT WITHIN 5 METERS OF HARBOR BOTTOM OR SAV.

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Regular Agenda - New Business

Agenda Title

Discussion Regarding Overtime Policy for Public Safety

Presenter

Nicholas Caristo, Chief of Police

ATTACHMENTS:

- ▣ **Memorandum Dated November 29, 2022, from Nicholas Caristo, Chief of Police**
- ▣ **Attachment A - January 18, 2012 Minutes**
- ▣ **Attachment B - July 17, 2014 Memo**
- ▣ **Memorandum Dated December 4, 2022, from Darrel Donatto, Fire Rescue Chief**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: Police Officer Overtime Pay

Date: November 29, 2022

STAFF RECOMMENDATION

Staff presents for the Mayor and Town Council's review and consideration of current police officer overtime pay calculations and requested modifications. I recommend that the Town adjusts the police officer overtime pay policy to pay overtime for any hours worked over their regularly scheduled full-time work hours. This would currently be 161 hours for patrol units and 160 hours for other units in a 28-day pay period.

GENERAL INFORMATION

Through continual reviews of Police Department staffing and operations a renewed request for reversal of previous Town overtime pay calculation changes is being presented for consideration. A brief history of this topic and summary is as follows.

Prior to unionization and collective bargaining of Town police officers from 2010-2012, overtime pay was provided for all hours worked after the first 160 hours in each 28-day pay period. This was consistent with other Town general employees at the time and is still provided to other Town general employees. As the result of a collective bargaining impasse in January of 2012, the Town Council and then Town Manager Elwell imposed a change to this policy to be in line with the maximum of the Fair Labor Standards Act (FLSA) which was overtime pay provided after the first 171 hours in each 28-day pay period (Attachment A). In 2012, the Town's police officers ended their unionization and collective bargaining efforts.

In 2014, then Director of Public Safety Kirk Blouin along with former Mayor Jack MacDonald made requests on behalf of the Town's police officers to re-visit the imposed changes to the overtime policy in order to address staffing concerns due to fewer officers working extra assignments voluntarily and its negative affect on morale. This matter was brought before the Mayor and Town Council on July 17, 2014, where then Town Manager Elwell recommended no change be made primarily due to cost and overall police officer position competitiveness (Attachment B). Ultimately, the Town Council decided to adjust the police officer overtime pay policy to match the pay policy of the Palm Beach County Sheriff's Office (PBSO) deputies. PBSO provided overtime pay for all hours worked after the first 167 hours in each 28-day pay period. It should be noted that the current PBSO policy now allows for overtime pay for all hours worked after the first 161 hours in each 28-day pay period.

Essentially, this current overtime pay policy mandates that police officers are paid regular “straight” time rates for the first 7 hours worked over their regular full-time scheduled hours in a pay period. This is inconsistent with general Town employees as well as with PBSO which serves as a useful indicator for the local marketplace. The same concerns with staffing and morale that former Director of Public Safety Blouin related to the Mayor and Town Council in 2014 persist today. Mr. Elwell’s justifications for his recommendation are no longer accurate in the current year. The Police Department has maintained tight control over our overtime costs in the past few years, using only 46 percent and 44 percent respectively of the patrol services allotted overtime budget in the last two fiscal years (\$75,000).

Additionally, we applied for and received reimbursement for overtime work conducted in accordance with applicable grant programs, such as Operation Stonegarden and Presidential Protection. We do not anticipate a large fiscal impact, due to internal fiscal controls and limited use of overtime not already covered by the Critical Incident Pay policy (e.g. demonstrations, protests, natural disasters, etc.). Mr. Elwell’s comments regarding market information are not applicable in today’s highly competitive police officer employment marketplace, as we do not maintain the top-tier marketplace position described in his 2014 memorandum. Below are the results of collective bargaining agreement reviews for overtime in the local law enforcement market place.

Agency	Overtime Threshold
Boynton Beach	Paid OT for all hours in excess of regular scheduled
Boca Raton	Paid OT for all hours in excess of regular scheduled
Delray Beach	Paid OT for all hours in excess of regular scheduled
Jupiter	Paid OT for all hours in excess of regular scheduled
Lantana	Paid OT for all hours in excess of regular scheduled
Ocean Ridge	Paid OT for all hours in excess of regular scheduled
PBSO	Paid OT for all hours in excess of regular scheduled
Palm Beach Gardens	Paid OT for all hours in excess of regular scheduled
Riviera Beach	Paid OT for all hours in excess of regular scheduled
West Palm Beach	Paid OT for all hours in excess of regular scheduled

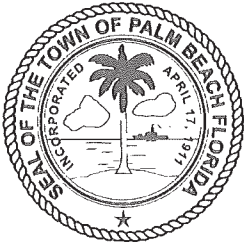
In sum, I firmly believe that providing the recommended change to the police officer overtime pay policy will be accommodable within existing budget request amounts, provide for greater management flexibility in scheduling staff and covering vacancies, bring the Town into a more competitive and equitable position in the marketplace, and improve the morale among the Town’s police officers.

FUNDING / FISCAL IMPACT

The estimated cost of implementing the recommended change would be approximately \$13,000 on an annual basis, which as indicated herein would be absorbed within the existing allocated overtime budget.

Attachment

cc: Carolyn Stone, Deputy Town Manager
Robert Miracle, Deputy Town Manager, Finance and Administration
Gillian Barth, Director of People & Culture
Jane LeClainche, Director of Finance



TOWN OF PALM BEACH

Office of the Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON WEDNESDAY, JANUARY 18, 2012

I. CALL TO ORDER

The Special Town Council meeting was called to order on Wednesday, January 18, 2012, at 9:34 a.m. in the St. Edward's Parish Hall, 144 N. County Road, Palm Beach, FL 33480.

On roll call, all of the elected officials were found to be present. Also present were Town Manager Peter B. Elwell, Town Attorney Jeff Mandel, Director of Human Resources Danielle Olson, Town Clerk Susan A. Owens, Fraternal Order of Police (FOP) Union Counsel Anthony Livotti, FOP Union Representative Bryan Wilkins, and Special Counsel Christine Hanley.

II. PLEDGE OF ALLEGIANCE

Council President Rosow led the Pledge of Allegiance.

III. INTRODUCTIONS AND OPENING COMMENT BY CHAIR

Council President Rosow announced that today the Town Council sits as a quasi-judicial body. This means that they are charged with looking at the record materials, listening closely to the presentations of the parties, and ultimately making a determination on how the imposed articles of the collective bargaining agreement for the Town police officers, both the supervisory and non-supervisory units, shall be resolved.

Council President Rosow explained the process for these proceedings. The Town Council will hear presentations from the FOP and Town Management, they will receive public comment, and then the Council will vote. Council President Rosow announced that the Council's decisions today will be based on the presentations heard and the materials submitted to the Council by both sides. Special Counsel Christine Hanley read into the record all materials received and that will be made a part of the record.

Council President Rosow announced that both parties have agreed that the Town will present its case first. Each side will have one and a half hours, including rebuttals, to present their case.

1 **IV. PRESENTATION BY MANAGEMENT**

2
3 Town Manager Elwell presented Management's case regarding those articles with a
4 significant economic impact, and responded to questions from the Council.

5
6 Town Attorney Mandel presented Management's case regarding the non-economic
7 articles, and responded to questions from the Council.

8
9 **V. PRESENTATION BY LABOR**

10
11 FOP Attorney Livotti presented the Union's case, and responded to questions from the
12 Council.

13
14 Town Manager Elwell and Town Attorney Mandel took their remaining time for rebuttal,
15 and responded to questions from the Council.

16
17 FOP Attorney Livotti took his remaining time for rebuttal, and responded to questions
18 from the Council.

19
20 **Motion was made by Council Member Kleid and seconded by Council Member Pucillo to**
21 **amend the agenda to move Item VI, Questions by Town Council, to before the lunch break.**
22 **On roll call, the motion carried unanimously.**

23
24 **VI. QUESTIONS BY TOWN COUNCIL**

25
26 Both Management and the Union representatives responded to Council questions.

27
28 *Clerk's Note: The Council recessed for lunch at 1:22 p.m., and reconvened at 2:05 p.m.*

29
30 **VII. PUBLIC COMMENTS**

31
32 The following individuals spoke in favor of Management's proposal:

33
34 J. Patterson "Pat" Cooper, 265 Orange Grove Road, Palm Beach

35 Jere Zenko, 232 Tangier Avenue, Palm Beach

36 John F. Cunningham, 353 El Bravo Way, Palm Beach (comments read into the record by
37 Ms. Hanley)

38 Jack Cohen, 3450 S. Ocean Boulevard, Palm Beach (comments read into the record by
39 Ms. Hanley).

40
41 The following individuals spoke in favor of the Union's proposal:

42
43 Adam Zeller, 345 S. County Road, Palm Beach

44 Samuel R. Riley, 345 S. County Road, Palm Beach

45 Michael Dawson, 345 S. County Road, Palm Beach

Michael Lynch, member of the Police Pension Board, 345 S. County Road, Palm Beach

Lance Marsigliano, 345 S. County Road, Palm Beach

Stanley Kriegsman, President Florida FOP Lodge NY3100, address exempt per F.S. (comments read into the record by Ms. Hanley)

Deborah Robinson, 217 Clarke Avenue, Palm Beach, spoke in favor of the Union's proposals regarding survivor rights, calculation of the multiplier, and when an officer can begin collecting his/her pension, and in support of Management's proposals regarding the remaining items.

VIII. MOTIONS

Motion was made by Council Member Pucillo and seconded by Council Member Kleid to adopt the recommendations of the Town, with respect to Article 2 (Non-Discrimination in Workplace Environment). On roll call, the motion carried unanimously.

Motion was made by Council Member Diamond and seconded by Council Member Pucillo to adopt the recommendations of the Town, with respect to Article 5 (Management Rights and Scope of Agreement). On roll call, the motion carried unanimously.

Motion was made by Council Member Kleid and seconded by Council Member Diamond to adopt the recommendations of the Town, with respect to Article 7 (Bill of Rights and Related Matters). On roll call, the motion carried unanimously.

Motion was made by Council President Pro Tem Wildrick and seconded by Council Member Kleid to adopt the recommendations of the Town, with respect to Article 9 (Vehicles and Equipment). On roll call, the motion carried 4-1, with Council Member Pucillo dissenting.

Motion was made by Council Member Pucillo and seconded by Council Member Diamond to adopt the recommendations of the Town, with respect to Article 12 (Causes for Disciplinary Action). On roll call, the motion carried unanimously.

Motion was made by Council Member Diamond and seconded by Council President Pro Tem Wildrick to adopt the recommendations of the Town, with respect to Article 13 (Grievance Resolution). On roll call, the motion carried unanimously.

Motion was made by Council Member Pucillo and seconded by Council Member Diamond to adopt the recommendations of the Town, with respect to Article 15 (Holidays). On roll call, the motion carried unanimously.

Motion was made by Council Member Kleid and seconded by Council Member Pucillo to adopt the recommendations of the Town, with respect to Article 16 (Sick Leave), with an amendment that a provision for domestic partners be included, and that the term "domestic partners" be defined using the verbiage from Palm Beach County Ordinance

1 No. 2006-002. Item was deferred to allow both parties time to review the County's
2 definition.

3
4 Motion was made by Council Member Diamond and seconded by Council Member Kleid
5 to adopt the recommendations of the Town, with respect to Article 17 (Bereavement). On
6 roll call, the motion carried unanimously.

7
8 Motion was made by Council Member Diamond and seconded by Council Member Pucillo
9 to adopt the recommendations of the Town, with respect to Article 19 (Vacation Leave).
10 On roll call, the motion carried unanimously.

11
12 Motion was made by Council Member Kleid and seconded by Council Member Pucillo to
13 adopt the recommendations of the Town, with respect to Article 20 (Extra Duty Police
14 Employment). On roll call, the motion carried unanimously.

15
16 Motion was made by Council Member Pucillo and seconded by Council Member Diamond
17 to adopt the recommendations of the Town, with respect to Article 23 (Hours of Work and
18 Overtime). On roll call, the motion carried unanimously.

19
20 Motion was made by Council President Pro Tem Wildrick and seconded by Council
21 Member Kleid to adopt the recommendations of the Town, with respect to Article 24
22 (Compensation). On roll call, the motion carried unanimously. Council further directed
23 that, if the reduction in starting salary becomes a problem, then it will be reviewed
24 immediately.

25
26 Motion was made by Council Member Diamond and seconded by Council President Pro
27 Tem Wildrick to adopt the recommendations of the Town, with respect to Article 25
28 (Uniform Safety and Equipment). On roll call, the motion carried unanimously.

29
30 Motion was made by Council Member Pucillo and seconded by Council Member Diamond
31 to adopt the recommendations of the Town, with respect to Article 30 (Safety Standards).
32 On roll call, the motion carried unanimously.

33
34 Motion was made by Council Member Diamond and seconded by Council President Pro
35 Tem Wildrick to adopt the recommendations of the Town, with respect to Article 31
36 (Prevailing Rights). On roll call, the motion carried unanimously.

37
38 Motion was made by Council Member Pucillo and seconded by Council Member Kleid to
39 adopt the recommendations of the Town, with respect to Article 33 (Retirement Benefits).
40 On roll call, the motion carried unanimously.

41
42 Motion was made by Council Member Diamond and seconded by Council President Pro
43 Tem Wildrick to adopt the recommendations of the Town, with respect to Article 34 (Drug
44 and Alcohol Free Workplace Testing). On roll call, the motion carried unanimously.

1 **Motion was made by Council President Pro Tem Wildrick and seconded by Council**
 2 **Member Diamond to adopt the recommendations of the Town, with respect to Article 35**
 3 **(Duration of Agreement). On roll call, the motion carried unanimously.**

4
 5 The Town Council came back to Article 16 (Sick Leave), which was previously deferred.

6
 7 Town Manager Elwell reported that Management and the Union had come to an
 8 agreement for the definition of "domestic partner". It would mirror the requirements
 9 delineated in Palm Beach County Ordinance No. 2006-002, which requires that a
 10 Declaration of Partnership form be submitted. Town Manager Elwell stated that the
 11 contents of the form are agreeable to both parties. The form requires that:

12
 13 *"The individuals swear or affirm, under penalty of perjury, that they are residents*
 14 *of Palm Beach County, that they are both at least 18 years old and competent to*
 15 *contract, that they are not married to each other or anyone else, that they are the*
 16 *sole domestic partner of each other, that they are not related to the other person*
 17 *by blood, that they consent to the domestic partnership relationship without force,*
 18 *duress, or fraud, that they agree to be jointly responsible for each other's basic*
 19 *food, shelter, and common necessities of life and welfare, that they have not been*
 20 *a member of another domestic partnership for the past year, that they share the*
 21 *primary residence with each other, that they consider themselves to be members*
 22 *of the immediate family of each other, and that they share the financial*
 23 *responsibilities as domestic partners."*

24
 25 Town Manager Elwell added that there is additional documentation required.

26
 27 Council Member Kleid stated that, if we approve the domestic partner definition as stated
 28 above, then the requirement to be a Palm Beach County resident should be removed.

29
 30 **Motion was made by Council Member Kleid and seconded by Council Member Pucillo to**
 31 **adopt the recommendations of the Town, with respect to Article 16 (Sick Leave), with an**
 32 **amendment including a provision for domestic partners. To be considered domestic**
 33 **partners, these individuals must meet all of the County's requirements as stated above,**
 34 **with the exception of the residency requirement, and submit to the Town a Declaration of**
 35 **Domestic Partnership form on an annual basis. On roll call, the motion failed 2-3, with**
 36 **Council President Rosow, Council President Pro Tem Wildrick, and Council Member**
 37 **Diamond dissenting.**

38
 39 **Motion was made by Council Member Diamond and seconded by Council President Pro**
 40 **Tem Wildrick to adopt the recommendations of the Town, with respect to Article 16 (Sick**
 41 **Leave). On roll call, the motion carried unanimously.**

42
 43
 44
 45 **[THIS SPACE LEFT INTENTIONALLY BLANK]**
 46

1 **IX. ADJOURNMENT**

2
3 There being no further business, the Special Town Council Meeting of Wednesday,
4 January 18, 2012 was adjourned at 3:42 p.m.
5
6

7 APPROVED:

8
9
10 
11

12 David A. Rosow
13 Town Council President
14

15 ATTEST:

16
17
18 
19 Susan A. Owens, MMC
20 Town Clerk
21

TOWN OF PALM BEACH

Information for Special Town Council Meeting on: July 17, 2014

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Police Officer Overtime Pay

Date: July 1, 2014

STAFF RECOMMENDATION

I recommend that the Town continue to follow the Fair Labor Standards Act (FLSA) in calculating police officer overtime pay, just as we follow the FLSA in calculating overtime pay for all other Town employees.

GENERAL INFORMATION

During 2013, Public Safety Director Kirk Blouin brought to my attention the Town's police officers' desire for their overtime pay policy to be restored to what it had been prior to the collective bargaining of 2010-2012. Previously, overtime pay was provided for all hours worked after the first 160 hours in each 28-day pay period. That was more generous than required by the FLSA, which states that overtime pay must be provided for all hours worked after the first 171 hours in each 28-day pay period. In the collective bargaining process, I recommended modifying the police officer overtime pay policy to conform to the FLSA standard of 171 hours per pay period. I made this recommendation primarily because the Town's policy with regard to all other employees was to pay in accordance with the FLSA's requirements and because we were reducing excess expense in every area of Town government. On January 18, 2012, the Town Council approved my recommendation.

Since implementation of this change, a police officer who works between 160 and 171 hours during a particular pay period receives extra pay for those extra hours, but the extra pay is "straight time" (an equivalent hourly rate to what is paid per hour for the first 160 hours in each pay period). "Time and a half" overtime pay begins after 171 hours.

Director Blouin advised me that the police officers' desire for the Town to revert to the pre-2012 overtime pay policy was resulting in fewer officers working extra assignments voluntarily. He indicated that, when necessary, Police Department management required officers to work the extra assignments and that this situation was negatively affecting morale among some of the officers.

Over the course of several months, I monitored this situation and discussed it several times with Director Blouin. I believed (and still do) that the Town had taken a proper action for proper

reasons in aligning this policy with the FLSA requirements, but I was concerned (and still am) about the management challenge and employee morale impact that Director Blouin described. I had not yet decided whether to recommend any particular action regarding this matter when, at the Town Council meeting on February 11, 2014, former Mayor Jack McDonald urged the Town Council to address the police officers' desire for the overtime pay policy change. Town Council referred the matter to me and asked for my recommendation. At the Town Council meeting on March 11, 2014, I recommended that this matter be addressed during the FY15 budget process so that the financial impact could be considered in full context. Town Council approved that recommendation.

Between March and June, I have further considered the factors I had previously considered. I also have reviewed market information and an analysis of what implementing the requested change would likely cost the Town's taxpayers. Here are my findings:

- I believe the Town's 2012 action was proper.
- I am concerned about the employee morale impact of this matter, but I believe that this factor alone is not sufficient reason to change the policy.
- The cost of implementing the pre-2012 policy would be approximately \$100,000 for FY15.
- The salary range for Town police officers is near the top of our market (either 2nd or 3rd depending upon whether one is comparing salary midpoint or top of the range).
- Overall, the benefits package for Town police officers is competitive in our market. Some aspects (e.g. health insurance) are at or near the top while others (e.g. pension) are not.
- Working conditions in the Town of Palm Beach are outstanding.

In sum, I cannot recommend that the Town spend \$100,000 to provide a desired benefit that is not required by the applicable law and will not make the Town materially more competitive in our employment market. Elsewhere in the proposed FY15 budget materials, I make the following recommendations:

- Increase the starting annual salary for police officers from \$47,000 to \$50,000.
- Increase pay ranges for all non-union employees, including police officers, by 3%.
- Provide a full 4% discretionary Town 401(a) contribution to all non-union employees, including police officers.
- Continue the Town's outstanding health insurance program with no changes and no premium increases for FY15.

As these recommendations indicate, I am concerned for the welfare and morale of our employee team. I also believe each of the above actions would be a good business decision. What differentiates this matter from those other matters is that I do not believe it would be a good business decision to voluntarily expend \$100,000 on additional police officer overtime.

SPECIAL CONSIDERATIONS

There is an alternative the Town Council may wish to consider. The overtime pay policy for deputies at the Palm Beach County Sheriff's Office (PBSO) provides overtime pay for all hours worked after the first 167 hours in each 28-day pay period. Matching that level of benefit, which several other local law enforcement agencies have done, would cost the Town approximately \$20,000 for FY15. For the reasons cited in this memorandum, I am not recommending that the Town match PBSO's benefit. However, if the Town Council agrees with my recommendation

not to fund the \$100,000 option but disagrees with my recommendation to maintain the current policy, then matching the PBSO policy would be a logical and affordable middle ground.

FUNDING / FISCAL IMPACT

As indicated herein, the estimated FY15 cost of reverting to the pre-2012 policy would be \$100,000 and the estimated FY15 cost of matching the PBSO policy would be \$20,000.

PBE:

cc: Kirk W. Blouin, Director of Public Safety
Danielle Olson, Director of Human Resources
Jane Struder, Director of Finance

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Darrel Donatto, Fire Rescue Chief

Re: Firefighter Overtime Pay

Date: December 4, 2022

STAFF RECOMMENDATION

Staff presents for the Mayor and Town Council's review and consideration a change to current firefighter overtime pay calculations. Staff recommends that the Town adjust the firefighter overtime pay policy to pay overtime for all hours worked over 144 hours in a 21-day (3-week) Fair Labor Standards Act (FLSA) pay cycle.

GENERAL INFORMATION

Palm Beach Fire Rescue (PBFR) maintains 16 firefighters on duty each day as a minimum staffing level to ensure all of our units are staffed and ready to respond to a request for an emergency. In order to maintain a 16 firefighter minimum, PBFR must utilize overtime to cover shortages that occur from things like sick time, injury leave and worker's compensation, long term disability leave, bereavement leave, military leave, jury duty, or other unscheduled leave time.

The problem is PBFR is experiencing challenges getting its members to voluntarily work overtime to cover staffing shortages. When employees do not accept overtime on a voluntary basis, PBFR is forced to hold employees on mandatory overtime in order to ensure operational readiness. Mandatory overtime means an employee is told at 8:00 AM that they are being forced to work up to an additional 24 hours of unscheduled and planned time after just completing a 24-hour work period.

The number of times employees have been required to work mandatory overtime has been increasing.

Year	# of Mandatory Overtimes
2018	11
2019	9
2020	10
2021	20
2022	29

As you can imagine, this is very unpopular with our employees. Many of our employees leave work to take care of their children while their spouse goes to work. We like to think that we are just as much in the customer service business as we are in the fire and EMS business. Mandatory overtime is not part of

the formula for promoting great customer service.

Currently an employee must work more than 159 hours in a 3-week (21 day) FLSA pay cycle before qualifying for time and one-half overtime pay. Our employees are scheduled to work 144 hours in a three week cycle. This means, and employee works an extra 24 hour shift will receive 15 hours of straight time ($159 - 144 = 15$) and 9 hours of overtime. If an employee is held to work 15 extra hours, then all of those hours would be paid at a straight time rate.

When asked, our employees have cited the fact that they must work 15 hours of extra time at a straight time pay rate before they qualify for overtime at a time and a half rate as an issue that makes working overtime less desirable and that contributes to the need for mandatory overtime.

Not only are PBFR's current overtime policies not attractive to our employees, but they are also not competitive with the surrounding fire rescue employment market. PBFR is the only fire rescue agency in Palm Beach County that requires its employees to work and additional 15 hours of straight time before being eligible for overtime.

Organization	Workweek	Pay Cycle Days	Overtime Threshold
Town of Palm Beach Fire Rescue	48	21	Paid 15 straight hours before qualifying for OT
Boca Raton Fire Rescue	42	14	Paid OT for all hours in excess of regular scheduled
Boynton Beach Fire Rescue	48	21	Paid OT for all hours in excess of regular scheduled
Delray Beach Fire Rescue	48	21	Paid OT for all hours in excess of regular scheduled
Greenacres Fire Rescue	48	21	Paid OT for all hours in excess of regular scheduled
North Palm Beach	48	21	Paid OT for all hours in excess of regular scheduled
Palm Beach County Fire Rescue	48	21	Paid OT for all hours in excess of regular scheduled
Palm Beach Gardens	48	21	Paid OT for all hours in excess of regular scheduled
Riviera Beach	48	28	Paid OT for all hours in excess of regular scheduled
Tequesta	48	21	Paid OT for all hours in excess of regular scheduled
West Palm Beach Fire Rescue	48	21	Paid OT for all hours in excess of regular scheduled

The current overtime policy has not always been the past practice. The current policy coming into effect in 2012 with the imposition of a bargaining agreement by the Town Council. Prior to 2012, the Town had the same overtime policy as its neighboring fire rescue departments, paying overtime for hours worked in excess of the scheduled 48 hours per week.

A change in the overtime policy to provide for overtime for hours worked in excess of 144 ours in the 3-week pay cycle will make PBFR more competitive in the fire rescue employment market, improve employee morale, and will help in getting employees to work overtime on a voluntary versus mandatory basis. PBFR can accommodate the any additional costs within its existing budget if implemented in April 2023.

FUNDING / FISCAL IMPACT

The estimated cost of implementing the recommended change effective April 2023 would be approximately \$35,000 for the remainder of this fiscal year, which will be funded from within the existing allocated overtime budget.

Attachment

cc: Carolyn Stone, Deputy Town Manager
Robert Miracle, Deputy Town Manager
Gillian Barth, Director of People & Culture
Jane LeClainche, Director of Finance

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Regular Agenda - New Business

Agenda Title

Kevin Morine vs. TOPB Special Magistrate's Report

Presenter

Gillian Barth, Director of People & Culture

ATTACHMENTS:

- ▣ **Memorandum dated December 5, from Gillian Barth, Director People & Culture**
- ▣ **Special Magistrate's Report (redacted) Morine vs TOPB**
- ▣ **Special Magistrate's Report Objections - Morine**
- ▣ **Special Magistrate's Report Objections - Caristo**



TOWN OF PALM BEACH

People & Culture Department

MEMORANDUM

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager 

FROM: Gillian Barth, Director of People & Culture

RE: Kevin Morine vs TOPB

DATE: December 5, 2022

BACKGROUND

Following a Professional Standards Investigation and Pre-Disciplinary meeting conducted on September 10, 2021, Kevin Morine was terminated from his role as Police Officer by the Town of Palm Beach on September 15, 2021. By close of business on September 15, 2021, Officer Morine requested that a Notice of Appeal be forwarded to the Special Magistrate pursuant to Section 8-4 of the TOPB Employee Manual entitled Complaints Involving Suspensions, Demotions or Discharges and in accordance with the Town of Palm Beach Code of Ordinances, [Chapter 82, Article III, Resolutions of Employee Grievances](#).

With Special Magistrate Robert Makemson presiding, three days of hearings were held on March 24, 2022, April 11, 2022, and May 19, 2022, at the Town of Palm Beach, 360 South County Road, Palm Beach, FL.

The grievant was represented by Stuart Kaplan, Stuart N. Kaplan, PA. The Town was represented by Brett Schneider, Weiss Serota, Helfman Cole + Bierman. Several witnesses appeared at the hearing. Special Magistrate Makemson's final report/"written order" was issued on November 7, 2022.

Former employee and grievant Morine and the Departmental Director, Chief Nicholas Caristo have both submitted objections in writing to Special Magistrate Makemson's Report. All exhibits are attached for the Council's review and final decision.

FUNDING/FISCAL IMPACT

In addition to other non-monetary demands, the most recent demand from the grievant Morine was a lump sum payout of \$125,000.

As per Sec. 82-211. – Appeals from town council decision:

In the event an aggrieved party wishes to appeal the decision of the town council, such review shall be by petition for writ of certiorari to the 15th Judicial Circuit Court, which must be filed within 30 days of the date of the Town Council's decision.

Should the case proceed to the circuit court, the fiscal impact would be dependent upon the outcome of that court's decision.

Attachments

ROBERT MAKEMSON



November 7, 2022

Ms. Gillian Barth
People & Culture Director
Town of Palm Beach
360 South County Rd.
Palm Beach, FL 33480

Dear Ms. Barth:

Enclosed is my Report and Recommendation on the Appeal of Kevin Morine of his termination as a police officer with the Palm Beach Police Department. Also enclosed is my invoice for serving as a special magistrate for the hearing and my W-9 form.

Thank you for letting me serve as a special magistrate for this hearing. If I can be of service to the Town of Palm Beach in the future, please let me know.

Sincerely,



Robert Makemson

**SPECIAL MAGISTRATE HEARING FOR RESOLUTION OF EMPLOYEE
GRIEVANCES, TOWN OF PALM BEACH, FLORIDA.**

In Re: Appeal of Termination by Kevin Morine

This matter came before Special Magistrate Robert Makemson on March 22, 2022, April 11, 2022, and May 18, 2022, pursuant to Article III – Resolution of Employee Grievances of the Town Code (Sections 82-206 through 82-210). The employee, Kevin Morine, was represented by his attorney, Stuart Kaplan. The Town was represented by special counsel, Brett Schneider. Chief of Police Nicolas Caristo acted as the Town representative during the hearing.

Each party had a full opportunity to present, examine and cross examine witnesses and to introduce pertinent documentary evidence. All witnesses were sworn, and the proceedings were recorded. The Special Magistrate has considered evidence presented by both sides, questioned witnesses and considered opening and closing arguments by both sides. Based upon the evidence and arguments submitted, the Special Magistrate hereby finds as follows:

Findings of Facts

On September 15, 2021, the Town issued a Notice of Termination to police officer employee Kevin Morine. Prior to the Notice of Termination being served on him, Kevin Morine had served almost twenty-six years as a police officer with the Town of Palm Beach Police Department without any prior internal investigations or discipline actions against him. The Notice of Termination specified five grounds for termination:

I: Failure to follow a clear, lawful and unambiguous direction by a supervisor to report suspected sexual abuse of his daughter to the Florida Department of Children and Families (DCF);

II: Failure to follow a clear, lawful and unambiguous direction by a supervisor to secure potential evidence on his daughter's iPad;

III: Failure to observe FS 39.201 (1)(c) when he failed to report, as mandatory reporter, suspected childhood sexual abuse of his daughter;

IV: Making contradictory and untruthful statements during his formal interview;

V: Failure to comply with the Town of Palm Beach Employee Manual IV-4 (98) Sick Leave (misuse).

I: Failure to follow order to report to DCF

While on vacation in the state of Georgia with his then five-year-old daughter, [REDACTED] and an adult friend, Diana, Diana showed Kevin Morine a Tik Tok video that Diana found on [REDACTED] iPad. As reported by Kevin Morine to Captain Guelli, the Tik Tok video was [REDACTED] and an 8-year-old female friend "spreading their butt cheeks, twerking and pulling up their skirts, exposing their vaginas."

Also, while on vacation in Georgia, on July 8, 2021, Kevin Morine received a text message from a neighbor in Florida who advised him that on July 4, 2021, [REDACTED] had told the neighbor's daughter that [REDACTED] said she had seen Kevin Morine's former wife's boyfriend's "balls and penis and wanted to kiss and lick them." After discussing the text message with [REDACTED], Kevin Morine called his former wife, [REDACTED]. During this conversation [REDACTED] became very angry and told Kevin Morine that she was going to go to the Palm Beach Police Department station and meet with the captain at the desk and cause trouble for him.

On July 9, 2021, Kevin Morine called Captain Guelli, the on-duty captain at that time. Kevin Morine called Captain Guelli because he was aware of Kevin Morine's difficult relationship with [REDACTED], and he wanted to let him know that [REDACTED] may be coming down to cause trouble for him. When Captain Guelli asked what is going on, and why is she coming down, Kevin Morine told him about the video and text message. The reason for the call to Captain Guelli was not to report the video and text message, but to alert Captain Guelli that [REDACTED] was coming to the station.

Immediately after speaking with Kevin Morine, Captain Guelli goes to speak with Chief Caristo and report to the Chief what Kevin Morine had told him. During that conversation with the Chief, the Chief told Captain Guelli to have Kevin Morine report the incident to DCF and to notify the local Georgia authorities. Right after speaking with the Chief, Captain Guelli directed Kevin Morine to call DCF and to notify the local Georgia authorities. Kevin Morine did not call DCF and did not notify local authorities.

It is Kevin Morine's position that no evidence was presented that required Kevin Morine, or anyone else, to make a report to DCF. But that is not the issue on this specification for termination. The issue is, did Kevin Morine fail to obey a direct order to report.

When the Chief told Captain Guelli to have Kevin Morine report to DCF and the local authorities, that was a direct order to Captain Guelli. When Captain Guelli told Kevin Morine to report to DCF and notify local authorities in Georgia, that was a direct order from Captain Guelli to Kevin Morine.

The Town has presented substantial, competent evidence that Kevin Morine failed to follow a clear, lawful and unambiguous order to report to DCF and to notify local Georgia authorities.

II: Failure to follow order to preserve video and text message

Chief Caristo told Captain Guelli to have Kevin Morine secure the iPad and the images that are on it. When Captain Guelli directed Kevin Morine to preserve the Tik Tok video on the iPad, Kevin Morine told Captain Guelli that he had already transferred the video to his " iPhone, e-mail account, or something to that effect." The reason Kevin Morine had transferred the Tik Tok video was so that he could give the iPad back to [REDACTED]. The Tik Tok video was preserved, just not on the iPad.

Detective Jennifer Brashear, of the Palm Beach Gardens Police Department, was able to view the video. After she viewed the video, she told Kevin Morine that he did not have to preserve it anymore, and Kevin Morine deleted it. Captain Guelli testified that he got the text message, so that was preserved.

Because Kevin Morine had already transferred the video from the iPad before Captain Guelli told him to preserve it, and because the text message was preserved, the Town has failed to present competent, substantial evidence that Kevin Morine failed to follow an order to preserve the Tik Tok video and text message.

III: Failure to observe FS 39.201(1)(c) as a mandatory reporter to DCF

This termination specification is different from the failure to follow a direct lawful order from Captain Guelli. The issue here is whether there is substantial, competent evidence that Kevin Morine, as a mandatory reporter, was legally required to make a report to DCF.

FS 39.201(1)(c): "Any person who knows, or has reasonable cause to suspect, that a child is the victim of childhood sexual abuse, or the victim of a known or suspected juvenile sexual offender, as defined in this chapter, shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2)".

The Tik Tok video is nothing more than two young girls dancing and having fun making a video. There is nothing on the video that would create reasonable cause to suspect that a child is the victim of childhood sexual abuse. The Town has failed to present substantial, competent evidence that Kevin Morine was required to report the video to DCF under FS 39.201(1)(c).

Regarding the text message that [REDACTED] said she saw the balls and penis and wanted to kiss and lick them, when Kevin Morine asked [REDACTED] about that she said she was "joking." Other than [REDACTED] mother, no one knows his daughter better than Kevin Morine. Kevin Morine was satisfied with his daughter's explanation and that there was no reason to suspect any sexual abuse. When [REDACTED] mother was told by Kevin Morine about the text message, she became very angry and accused Kevin Morine of trying to get back at her. [REDACTED] did not express any concern about the contents of the text message. Kevin Morine's concern was not that there may have been some sexual abuse of his daughter, but that [REDACTED] was going to cause trouble for him with the Town police department. The Town has failed to present substantial, competent evidence that Kevin Morine was required to report the text message to DCF under FS 39.201(1)(c).

IV: Making contradictory and untruthful statements during his formal interview

When Lieutenant Alber first spoke to Kevin Morine regarding the text message, Kevin Morine said he was "appalled." During his formal interview with Lieutenant Alber, when the Lieutenant asked what was his reaction to the text message, the following discussion took place:

LIEUTENANT ALBER: Okay. What was your reaction to that?

OFFICER MORINE: Well, I took a breath and was like, all right. So Immediately I spoke to [REDACTED].

LIEUTENANT ALBER: Uh-huh.

OFFICER MORINE: And asked her – well the text messages said it was a joke.

LIEUTENANT ALBER: Okay. When I first spoke to you when I gave you your notification, you used the term appalled.

OFFICER MORINE: Well, yes.

LIEUTENANT ALBER: So that —

OFFICER MORINE: Yeah, it's still — concerning.

LIEUTENANT ALBER: Okay.

OFFICER MORINE: Yeah.

LIEUTENANT ALBER: Okay. Did you believe what was said in the text messages?

OFFICER MORINE: At that moment, I — I couldn't make a decision.

LIEUTENANT ALBER: Do you believe the content — of the text messages, what was being said to you?

OFFICER MORINE: Did I believe it was true?

LIEUTENANT ALBER: Yes.

OFFICER MORINE: No

LIEUTENANT ALBER: So let me get back on track. Okay. So I understand, I understand the theory. And based on the luxury of hindsight, 20/20 hindsight, you can see that there probably wasn't anything that actually happened. But when you look at the statements that were sent to you.

OFFICER MORINE: Correct.

LIEUTENANT ALBER: Your initial statements to me when I gave you your disciplinary paperwork that you were appalled and — let me go back. Let me see here.

OFFICER MORINE: Yeah, that might have been my initial reaction.

The Special Magistrate does not find that there was any intent on the part of Kevin Morine to be untruthful regarding "appalled" changed to "it's still concerning". The first statement was his initial reaction. The second statement was made after speaking with [REDACTED] and after more time to reflect.

When asked by Lieutenant Alber what he did with the video, Kevin Morine said "I left it". Lieutenant Alber asked, "So you left it on the iPad". Kevin Moraine, "Right".

Previous to his formal interview with Lieutenant Alber, Kevin Moraine told Captain Guelli that he had transferred the video to his phone or e-mail.

Lieutenant Alber was the only officer conducting internal investigations for the Town police department. Kevin Morine was aware of that. On Sunday, July 11, 2021, Sergeant Dawson became aware that Lieutenant Alber's car was in the parking lot at the Palm Beach Police Department. That was unusual because Lieutenant Alber was not on duty that day. On that same day, Sergeant Dawson told Kevin Morine that Lieutenant Alber was in the building or that his car was there. Sergeant Dawson testified that he did not speak with Lieutenant Alber that day. During the formal interview with Lieutenant Alber, Kevin Morine said that he called Sergeant Dawson, and that Dawson said that Lieutenant Alber was in the office and that Dawson would call him back.

On that Sunday morning Kevin Morine started texting Lieutenant Alber. During the formal interview, the following discussion took place:

LIEUTENANT ALBER: Okay. And then — a few final questions. On Sunday morning it would have been the 11th at 6, 6:30 in the morning you started texting me.

OFFICER MORINE: Right.

LIEUTENANT ALBER: Are you aware of my normal schedule?

OFFICER MORINE: No.

LIEUTENANT ALBER: Okay. That's — I need to know what — so how did you know that I'm at the station at 6:00 on Sunday morning?

OFFICER MORINE: I talk to Mike just about every day.

LIEUTENANT ALBER: Okay.

OFFICER MORINE: And I called him. And he said, Paul's — in the office, I'll call you back, or something like that. So I knew you were there.

LIEUTENANT ALBER: So you called him at 5:30, 6:00 in the morning on Sunday morning, and he alerted you to my presence being there?

OFFICER MORINE: He said you were in the office. He'll call me back.

LIEUTENANT ALBER: Okay

OFFICER MORINE: You were having a conversation. Like he's not going to interrupt talk to me when you're talking to him.

Kevin Morine did make confusing and contradictory statements regarding the Tik Tok video on the iPad. He also made a statement that was contradictory to what Sergeant Dawson testified regarding Sergeant Dawson speaking to Lieutenant Alber on Sunday, July 11, 2021. The Special Magistrate does not find that these statements were made with the intent to be untruthful or to mislead the investigation. Specifically, regarding the contradiction with Sergeant Dawson's testimony, the Special Magistrate finds that Kevin Morine made an assumption that Sergeant Dawson had spoken to Lieutenant Alber on Sunday, July 11, 2021. There does not appear to be any advantage to Kevin Morine to be untruthful about whether or not Sergeant Dawson actually spoke with Lieutenant Alber. The significance of the discussion with Sergeant Dawson is that is how Kevin Morine learned that Lieutenant Alber was in the station on Sunday, July 11th, 2021.

V: Failure to comply with the Town Employee Manual regarding sick leave

Section IV-4 (98) of the Town Employee Manual: (in part):

Police department employees shall remain at their place of residence as documented with the police department while on sick leave. Police department employees may only leave their residence for exigent circumstances and only after immediately notifying the on-duty Watch Commander or Designee the location at which they may be reached.

Travel outside of the State of Florida while on sick leave must be approved by the Chief of Police.

Kevin Morine and his daughter, while Kevin Morine was on vacation in Georgia, contracted COVID. Kevin Morine was scheduled to return to work at 5:30 AM on Sunday, July 11, 2021. On Saturday, July 10, 2021, Kevin Morine called Sergeant Hanning, the then on duty shift supervisor and informed Sergeant Hanning that his daughter was sick and that he needed the day off. Sergeant Hanning told Kevin Morine that he would put that in the Telestaff system. Sergeant Hanning sent an e-mail to Sergeant Dawson, the shift supervisor for the shift beginning Sunday, July 11, 2021, at 5:30 AM, to advise him that Kevin Morine would be out sick for his shift.

When Kevin Morine's sick leave began at 5:30 AM on Sunday, July 11, 2021, he was away from his residence, returning from vacation in Georgia. While on sick leave that began at the end of his vacation and at the beginning of his shift at 5:30 AM on Sunday, July 11, 2021, Kevin Morine did not travel outside the state of Florida.

Based upon the fact that Kevin Morine was already away from his residence when his sick leave began and based upon the fact that Kevin Morine did not travel outside the state of Florida while on sick leave, the Town has failed to present substantial, competent evidence that Kevin Morine violated IV-4 (98) of the Town Employment Manual.

Recommendation

Sec. 82-208 sets out the role of the special magistrate in an appeal by a Town employee:

The role of the special magistrate in regard to hearing employee grievances is to (1) determine whether the determination made by the employee's department head and/or town manager was supported by substantial competent evidence, whether the disciplinary action is in compliance with the town's personnel manual, and/or whether the discipline imposed was warranted considering all relevant facts; and (2) to recommend to the town council to either sustain the decision of the department head and/or town manager or to overturn such decision. The special magistrate may also recommend less severe discipline if requested to do so by the grievant, and if it is determined, on the basis of all relevant facts, that the discipline imposed is unreasonable and an abuse of discretion.

Although the Special Magistrate has found that the Town has presented substantial, competent evidence that Kevin Morine failed to follow a clear, lawful and unambiguous direction to report to DCF and local authorities; and that Kevin Morine did make a contradictory statement regarding the iPad video, based upon all relevant facts it is the Special Magistrate's determination that termination of Kevin Morine's employment with the Palm Beach Police Department is not warranted.

The relevant facts for this determination are:

- (1) Kevin Morine had served almost twenty-six years without any disciplinary action against him.
- (2) The incident that led to this investigation concerned his then 5-year-old daughter. That was a very emotional situation for Kevin Morine.
- (3) The hostile relationship Kevin Morine has with his former wife caused him to reach out to Captain Guelli in order to alert Captain Guelli that his former wife may come to the station to cause some trouble for him. That was the reason for the call to Captain Guelli, not to report the video or text message.
- (4) Although Kevin Morine did not make a report to DCF, Captain Guelli did make a report. That report to DCF did not cause further investigation by DCF.

Therefore, pursuant to Sec. 82-208, the Special Magistrate recommends to the Town Council that the decision of Chief Caristo to terminate Kevin Morine's employment with the Palm Beach Police Department be overturned.

Sec. 82-208 provides that if requested by the grievant, the special magistrate may also recommend a less severe discipline. In his written closing argument Kevin Morine requested that the special magistrate grant all further relief that might be just and proper under all the relevant facts. Based upon this request the Special Magistrate recommends that the Town Council impose a sanction on Kevin Morine other than termination of his employment.

Submitted this 7th day of November, 2022



Robert Makemson, Special Magistrate

In Re: TERMINATION OF KEVIN MORINE,
FROM THE TOWN OF PALM BEACH

**RESPONDENT, KEVIN MORINE'S OBJECTIONS/ARGUMENT TO SPECIAL
MAGISTRATE ROBERT MAKEMSON'S NOVEMBER 7, 2022, FINDINGS AND
CONCLUSIONS**

Respondent, KEVIN MORINE, pursuant to sec. 82-210 of the Town of Palm Beach Code of Ordinances files his objections/argument to some of the findings and conclusions of Special Magistrate, Robert Makemson's November 7, 2022, report (recommendation) to the Town of Palm Beach Council, and in support, states:

1. That report (recommendation) Exhibit "A" surrounding the "termination" of Kevin Morine in connection with his employment with the Town of Palm Beach Police Department.
2. That for starters, Respondent agrees with and accepts Special Magistrate Makemson's recommendation that Chief Caristo's decision to "terminate" Kevin Morine's employment be overturned.
3. That notwithstanding, however, grievant Respondent MORINE "objects" to the Special Magistrate's finding that Respondent requested pursuant to sec. 82.208 a less severe discipline other than termination by requesting "all further relief that might be just and proper under all the relevant facts." Thus, should and was not requested by the TOWN. MORINE was seeking affirmative relief not a less severe sanction, other than termination. Rather, MORINE sought in his submission (closing argument) reinstatement, back pay, interest et. al. This expansion of his request(s) to include relief in favor of the Town of Palm Beach flies against the Town's "all

or nothing scorched earth” approach at the three (3) day arbitration hearing and in its own closing argument submission to seek nothing but termination. Accordingly, grievant, Respondent MORINE submits the TOWN is estopped from seeking a sanction against MORINE LESS than termination when it (the TOWN) only sought termination.

4. That last, grievant takes issue too with the Special Magistrate’s contradictory determination (page 3) that the Town presented substantial, competent evidence that MORINE failed to follow a clear, lawful and unambiguous order to report to DCF, and to notify local Georgia authorities, with his finding that the failure to observe F.S. 39.201 (1) (c) as a mandatory reporter to DCF was “unwarranted” or “nugatory.”

5. That stated in a more precise fashion, no competent substantial evidence was presented that the matter was not reported to DCF. Double reporting is unnecessary, and the order from Chief Caristo, to put it politely was of no force and effect. To use a French expression, applicable to this case, Chief Caristo orders (s) was a “fait accompli.” That is, in plain, English, “an accomplished fact.” Accordingly, grievant, Respondent requests the Special Magistrate modify his recommendation to include the finding that the order(s) of Chief Caristo was “void ab initio” under the facts and circumstances.” And to be sure of MORINE’S position on this issue, no competent, substantial evidence was introduced by the Town at the arbitration hearing, or in its closing submission, that MORINE was a “mandatory reporter” at any level, in Florida or Georgia. Accordingly, MORINE demands that the Special Magistrate Makemson modify his decision (recommendation) to properly reflect that Chief Caristo did not issue a lawful order to MORINE and thus by extension, MORINE did not fail to obey a lawful order from Chief Caristo.

6. That explained more fully, pages 3 and 4 of the Special Magistrate's Report, relating to III: Failure to observe Florida Statutes 39.201(1) (c) as a mandatory reporter to Department of Children and Families states in whole:

"This termination specification is different from the failure to follow a direct lawful order from Captain Guelli. The issue here is whether there is substantial, competent evidence that Kevin Morine, as a mandatory reporter, was legally required to make a report to DCF.

FS 39.201(1)(c): "Any person who knows, or has reasonable cause to suspect, that a child is the victim of childhood sexual abuse, or the victim of a known or suspected juvenile sexual offender, as defined in this chapter, shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2)".

The Tik Tok video is nothing more than two young girls dancing and having fun making a video. There is nothing on the video that would create reasonable cause to suspect that a child is the victim of childhood sexual abuse. The Town has failed to present substantial, competent evidence that Kevin Morine was required to report the video to DCF under FS 39.201(1) (c).

Regarding the text message that [REDACTED] said she saw the balls and penis and wanted to kiss and lick them, when Kevin Morine asked [REDACTED] about that she said she was "joking." Other than [REDACTED] mother, no one knows his daughter better than Kevin Morine. Kevin Morine was satisfied with his daughter's explanation and that there was no reason to suspect any sexual abuse. When [REDACTED] mother was told by Kevin Morine about the text message, she became very angry and accused Kevin Morine of trying to get back at her. [REDACTED] did not express any concern about the contents of the text message. Kevin Morine's concern was not that there may have been some sexual abuse of his daughter, but that [REDACTED] was going to cause trouble for him with the Town police department. The Town has failed to present substantial, competent evidence that Kevin Morine was required to report the text message to DCF under FS 39.201(1) (c)."

7. That in sum, the TOWN failed to present substantial competent evidence that MORINE was required to report the video or text message to Department of Children and Families. Hence, the finding above is in direct contradiction to the Magistrate's finding that MORINE failed to follow an order to report to Department of Children and Families. Stated in a different vein, there was no duty to report, so how can MORINE be found to disregard a lawful order that had no basis in law or fact? The answer is he cannot.

WHEREFORE, grievant, Respondent, KEVIN MORINE files this his objections above/arguments above in opposition to the Special Magistrate's November 7th, 2022, report (recommendation) Exhibit "A" attached.

THE LAW OFFICES OF STUART N. KAPLAN, P.A.

PGA Financial Plaza
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Palm Beach Gardens, Florida 33410
Telephone: (561) 296-7900
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By: /s/ Stuart N. Kaplan

STUART N. KAPLAN, ESQUIRE

Florida Bar No.: 647934

Email: skaplan@stuartnkapanpa.com

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Attorney for Grievant/Respondent/Kevin Morine

**SPECIAL MAGISTRATE HEARING FOR RESOLUTION OF EMPLOYEE
GRIEVANCES, TOWN OF PALM BEACH, FLORIDA.**

In Re: Appeal of Termination by Kevin Morine

This matter came before Special Magistrate Robert Makemson on March 22, 2022, April 11, 2022, and May 18, 2022, pursuant to Article III – Resolution of Employee Grievances of the Town Code (Sections 82-206 through 82-210). The employee, Kevin Morine, was represented by his attorney, Stuart Kaplan. The Town was represented by special counsel, Brett Schneider. Chief of Police Nicolas Caristo acted as the Town representative during the hearing.

Each party had a full opportunity to present, examine and cross examine witnesses and to introduce pertinent documentary evidence. All witnesses were sworn, and the proceedings were recorded. The Special Magistrate has considered evidence presented by both sides, questioned witnesses and considered opening and closing arguments by both sides. Based upon the evidence and arguments submitted, the Special Magistrate hereby finds as follows:

Findings of Facts

On September 15, 2021, the Town issued a Notice of Termination to police officer employee Kevin Morine. Prior to the Notice of Termination being served on him, Kevin Morine had served almost twenty-six years as a police officer with the Town of Palm Beach Police Department without any prior internal investigations or discipline actions against him. The Notice of Termination specified five grounds for termination:

I: Failure to follow a clear, lawful and unambiguous direction by a supervisor to report suspected sexual abuse of his daughter to the Florida Department of Children and Families (DCF);

II: Failure to follow a clear, lawful and unambiguous direction by a supervisor to secure potential evidence on his daughter's iPad;

III: Failure to observe FS 39.201 (1)(c) when he failed to report, as mandatory reporter, suspected childhood sexual abuse of his daughter;

IV: Making contradictory and untruthful statements during his formal interview;

V: Failure to comply with the Town of Palm Beach Employee Manual IV-4 (98) Sick Leave (misuse).

I: Failure to follow order to report to DCF

While on vacation in the state of Georgia with his then five-year-old daughter, [REDACTED], and an adult friend, Diana, Diana showed Kevin Morine a Tik Tok video that Diana found on Maggie's iPad. As reported by Kevin Morine to Captain Guelli, the Tik Tok video was [REDACTED] and an 8-year-old female friend "spreading their butt cheeks, twerking and pulling up their skirts, exposing their vaginas."

Also, while on vacation in Georgia, on July 8, 2021, Kevin Morine received a text message from a neighbor in Florida who advised him that on July 4, 2021, [REDACTED] had told the neighbor's daughter that [REDACTED] said she had seen Kevin Morine's former wife's boyfriend's "balls and penis and wanted to kiss and lick them." After discussing the text message with [REDACTED], Kevin Morine called his former wife, [REDACTED]. During this conversation [REDACTED] became very angry and told Kevin Morine that she was going to go to the Palm Beach Police Department station and meet with the captain at the desk and cause trouble for him.

On July 9, 2021, Kevin Morine called Captain Guelli, the on-duty captain at that time. Kevin Morine called Captain Guelli because he was aware of Kevin Morine's difficult relationship with [REDACTED], and he wanted to let him know that [REDACTED] may be coming down to cause trouble for him. When Captain Guelli asked what is going on, and why is she coming down, Kevin Morine told him about the video and text message. The reason for the call to Captain Guelli was not to report the video and text message, but to alert Captain Guelli that [REDACTED] was coming to the station.

Immediately after speaking with Kevin Morine, Captain Guelli goes to speak with Chief Caristo and report to the Chief what Kevin Morine had told him. During that conversation with the Chief, the Chief told Captain Guelli to have Kevin Morine report the incident to DCF and to notify the local Georgia authorities. Right after speaking with the Chief, Captain Guelli directed Kevin Morine to call DCF and to notify the local Georgia authorities. Kevin Morine did not call DCF and did not notify local authorities.

It is Kevin Morine's position that no evidence was presented that required Kevin Morine, or anyone else, to make a report to DCF. But that is not the issue on this specification for termination. The issue is, did Kevin Morine fail to obey a direct order to report.

When the Chief told Captain Guelli to have Kevin Morine report to DCF and the local authorities, that was a direct order to Captain Guelli. When Captain Guelli told Kevin Morine to report to DCF and notify local authorities in Georgia, that was a direct order from Captain Guelli to Kevin Morine.

The Town has presented substantial, competent evidence that Kevin Morine failed to follow a clear, lawful and unambiguous order to report to DCF and to notify local Georgia authorities.

II: Failure to follow order to preserve video and text message

Chief Caristo told Captain Guelli to have Kevin Morine secure the iPad and the images that are on it. When Captain Guelli directed Kevin Morine to preserve the Tik Tok video on the iPad, Kevin Morine told Captain Guelli that he had already transferred the video to his " iPhone, e-mail account, or something to that effect." The reason Kevin Morine had transferred the Tik Tok video was so that he could give the iPad back to [REDACTED]. The Tik Tok video was preserved, just not on the iPad.

Detective Jennifer Brashear, of the Palm Beach Gardens Police Department, was able to view the video. After she viewed the video, she told Kevin Morine that he did not have to preserve it anymore, and Kevin Morine deleted it. Captain Guelli testified that he got the text message, so that was preserved.

Because Kevin Morine had already transferred the video from the iPad before Captain Guelli told him to preserve it, and because the text message was preserved, the Town has failed to present competent, substantial evidence that Kevin Morine failed to follow an order to preserve the Tik Tok video and text message.

III: Failure to observe FS 39.201(1)(c) as a mandatory reporter to DCF

This termination specification is different from the failure to follow a direct lawful order from Captain Guelli. The issue here is whether there is substantial, competent evidence that Kevin Morine, as a mandatory reporter, was legally required to make a report to DCF.

FS 39.201(1)(c): "Any person who knows, or has reasonable cause to suspect, that a child is the victim of childhood sexual abuse, or the victim of a known or suspected juvenile sexual offender, as defined in this chapter, shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2)".

The Tik Tok video is nothing more than two young girls dancing and having fun making a video. There is nothing on the video that would create reasonable cause to suspect that a child is the victim of childhood sexual abuse. The Town has failed to present substantial, competent evidence that Kevin Morine was required to report the video to DCF under FS 39.201(1)(c).

Regarding the text message that [REDACTED] said she saw the balls and penis and wanted to kiss and lick them, when Kevin Morine asked [REDACTED] about that she said she was "joking." Other than [REDACTED] mother, no one knows his daughter better than Kevin Morine. Kevin Morine was satisfied with his daughter's explanation and that there was no reason to suspect any sexual abuse. When [REDACTED] mother was told by Kevin Morine about the text message, she became very angry and accused Kevin Morine of trying to get back at her. [REDACTED] did not express any concern about the contents of the text message. Kevin Morine's concern was not that there may have been some sexual abuse of his daughter, but that [REDACTED] was going to cause trouble for him with the Town police department. The Town has failed to present substantial, competent evidence that Kevin Morine was required to report the text message to DCF under FS 39.201(1)(c).

IV: Making contradictory and untruthful statements during his formal interview

When Lieutenant Alber first spoke to Kevin Morine regarding the text message, Kevin Morine said he was "appalled." During his formal interview with Lieutenant Alber, when the Lieutenant asked what was his reaction to the text message, the following discussion took place:

LIEUTENANT ALBER: Okay. What was your reaction to that?

OFFICER MORINE: Well, I took a breath and was like, all right. So Immediately I spoke to [REDACTED].

LIEUTENANT ALBER: Uh-huh.

OFFICER MORINE: And asked her – well the text messages said it was a joke.

LIEUTENANT ALBER: Okay. When I first spoke to you when I gave you your notification, you used the term appalled.

OFFICER MORINE: Well, yes.

LIEUTENANT ALBER: So that —

OFFICER MORINE: Yeah, it's still — concerning.

LIEUTENANT ALBER: Okay.

OFFICER MORINE: Yeah.

LIEUTENANT ALBER: Okay. Did you believe what was said in the text messages?

OFFICER MORINE: At that moment, I — I couldn't make a decision.

LIEUTENANT ALBER: Do you believe the content — of the text messages, what was being said to you?

OFFICER MORINE: Did I believe it was true?

LIEUTENANT ALBER: Yes.

OFFICER MORINE: No

LIEUTENANT ALBER: So let me get back on track. Okay. So I understand, I understand the theory. And based on the luxury of hindsight, 20/20 hindsight, you can see that there probably wasn't anything that actually happened. But when you look at the statements that were sent to you.

OFFICER MORINE: Correct.

LIEUTENANT ALBER: Your initial statements to me when I gave you your disciplinary paperwork that you were appalled and — let me go back. Let me see here.

OFFICER MORINE: Yeah, that might have been my initial reaction.

The Special Magistrate does not find that there was any intent on the part of Kevin Morine to be untruthful regarding "appalled" changed to "it's still concerning". The first statement was his initial reaction. The second statement was made after speaking with [REDACTED] and after more time to reflect.

When asked by Lieutenant Alber what he did with the video, Kevin Morine said "I left it". Lieutenant Alber asked, "So you left it on the iPad". Kevin Moraine, "Right".

Previous to his formal interview with Lieutenant Alber, Kevin Moraine told Captain Guelli that he had transferred the video to his phone or e-mail.

Lieutenant Alber was the only officer conducting internal investigations for the Town police department. Kevin Morine was aware of that. On Sunday, July 11, 2021, Sergeant Dawson became aware that Lieutenant Alber's car was in the parking lot at the Palm Beach Police Department. That was unusual because Lieutenant Alber was not on duty that day. On that same day, Sergeant Dawson told Kevin Morine that Lieutenant Alber was in the building or that his car was there. Sergeant Dawson testified that he did not speak with Lieutenant Alber that day. During the formal interview with Lieutenant Alber, Kevin Morine said that he called Sergeant Dawson, and that Dawson said that Lieutenant Alber was in the office and that Dawson would call him back.

On that Sunday morning Kevin Morine started texting Lieutenant Alber. During the formal interview, the following discussion took place:

LIEUTENANT ALBER: Okay. And then — a few final questions. On Sunday morning it would have been the 11th at 6, 6:30 in the morning you started texting me.

OFFICER MORINE: Right.

LIEUTENANT ALBER: Are you aware of my normal schedule?

OFFICER MORINE: No.

LIEUTENANT ALBER: Okay. That's — I need to know what — so how did you know that I'm at the station at 6:00 on Sunday morning?

OFFICER MORINE: I talk to Mike just about every day.

LIEUTENANT ALBER: Okay.

OFFICER MORINE: And I called him. And he said, Paul's — in the office, I'll call you back, or something like that. So I knew you were there.

LIEUTENANT ALBER: So you called him at 5:30, 6:00 in the morning on Sunday morning, and he alerted you to my presence being there?

OFFICER MORINE: He said you were in the office. He'll call me back.

LIEUTENANT ALBER: Okay

OFFICER MORINE: You were having a conversation. Like he's not going to interrupt talk to me when you're talking to him.

Kevin Morine did make confusing and contradictory statements regarding the Tik Tok video on the iPad. He also made a statement that was contradictory to what Sergeant Dawson testified regarding Sergeant Dawson speaking to Lieutenant Alber on Sunday, July 11, 2021. The Special Magistrate does not find that these statements were made with the intent to be untruthful or to mislead the investigation. Specifically, regarding the contradiction with Sergeant Dawson's testimony, the Special Magistrate finds that Kevin Morine made an assumption that Sergeant Dawson had spoken to Lieutenant Alber on Sunday, July 11, 2021. There does not appear to be any advantage to Kevin Morine to be untruthful about whether or not Sergeant Dawson actually spoke with Lieutenant Alber. The significance of the discussion with Sergeant Dawson is that is how Kevin Morine learned that Lieutenant Alber was in the station on Sunday, July 11th, 2021.

V: Failure to comply with the Town Employee Manual regarding sick leave

Section IV-4 (98) of the Town Employee Manual: (in part):

Police department employees shall remain at their place of residence as documented with the police department while on sick leave. Police department employees may only leave their residence for exigent circumstances and only after immediately notifying the on-duty Watch Commander or Designee the location at which they may be reached.

Travel outside of the State of Florida while on sick leave must be approved by the Chief of Police.

Kevin Morine and his daughter, while Kevin Morine was on vacation in Georgia, contracted COVID. Kevin Morine was scheduled to return to work at 5:30 AM on Sunday, July 11, 2021. On Saturday, July 10, 2021, Kevin Morine called Sergeant Hanning, the then on duty shift supervisor and informed Sergeant Hanning that his daughter was sick and that he needed the day off. Sergeant Hanning told Kevin Morine that he would put that in the Telestaff system. Sergeant Hanning sent an e-mail to Sergeant Dawson, the shift supervisor for the shift beginning Sunday, July 11, 2021, at 5:30 AM, to advise him that Kevin Morine would be out sick for his shift.

When Kevin Morine's sick leave began at 5:30 AM on Sunday, July 11, 2021, he was away from his residence, returning from vacation in Georgia. While on sick leave that began at the end of his vacation and at the beginning of his shift at 5:30 AM on Sunday, July 11, 2021, Kevin Morine did not travel outside the state of Florida.

Based upon the fact that Kevin Morine was already away from his residence when his sick leave began and based upon the fact that Kevin Morine did not travel outside the state of Florida while on sick leave, the Town has failed to present substantial, competent evidence that Kevin Morine violated IV-4 (98) of the Town Employment Manual.

Recommendation

Sec. 82-208 sets out the role of the special magistrate in an appeal by a Town employee:

The role of the special magistrate in regard to hearing employee grievances is to (1) determine whether the determination made by the employee's department head and/or town manager was supported by substantial competent evidence, whether the disciplinary action is in compliance with the town's personnel manual, and/or whether the discipline imposed was warranted considering all relevant facts; and (2) to recommend to the town council to either sustain the decision of the department head and/or town manager or to overturn such decision. The special magistrate may also recommend less severe discipline if requested to do so by the grievant, and if it is determined, on the basis of all relevant facts, that the discipline imposed is unreasonable and an abuse of discretion.

Although the Special Magistrate has found that the Town has presented substantial, competent evidence that Kevin Morine failed to follow a clear, lawful and unambiguous direction to report to DCF and local authorities; and that Kevin Morine did make a contradictory statement regarding the iPad video, based upon all relevant facts it is the Special Magistrate's determination that termination of Kevin Morine's employment with the Palm Beach Police Department is not warranted.

The relevant facts for this determination are:

- (1) Kevin Morine had served almost twenty-six years without any disciplinary action against him.
- (2) The incident that led to this investigation concerned his then 5-year-old daughter. That was a very emotional situation for Kevin Morine.
- (3) The hostile relationship Kevin Morine has with his former wife caused him to reach out to Captain Guelli in order to alert Captain Guelli that his former wife may come to the station to cause some trouble for him. That was the reason for the call to Captain Guelli, not to report the video or text message.
- (4) Although Kevin Morine did not make a report to DCF, Captain Guelli did make a report. That report to DCF did not cause further investigation by DCF.

Therefore, pursuant to Sec. 82-208, the Special Magistrate recommends to the Town Council that the decision of Chief Caristo to terminate Kevin Morine's employment with the Palm Beach Police Department be overturned.

Sec. 82-208 provides that if requested by the grievant, the special magistrate may also recommend a less severe discipline. In his written closing argument Kevin Morine requested that the special magistrate grant all further relief that might be just and proper under all the relevant facts. Based upon this request the Special Magistrate recommends that the Town Council impose a sanction on Kevin Morine other than termination of his employment.

Submitted this 7th day of November, 2022

A handwritten signature in cursive script, appearing to read "R. Makemson", is written above a horizontal line.

Robert Makemson, Special Magistrate

Brett J. Schneider, Esq.
bschneider@wsh-law.com

December 5, 2022

VIA E-Mail

Honorable Mayor and Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Kevin Morine v. Town of Palm Beach; Town Objections to Special
Magistrate's November 7, 2022 Report and Recommendation

Dear Honorable Mayor and Town Council:

This Firm represents the Town of Palm Beach (the "Town") in connection with former Police Officer Kevin Morine's appeal of his September 15, 2021 termination from Town employment. In accordance with Chapter 82, Article III, Section 82-210 of the Town Code, we submit this objection and argument in response to the November 7, 2022 Report and Recommendation issued by Special Magistrate Robert Makemson regarding Mr. Morine's appeal (the "Recommendation").

In the Recommendation, Special Magistrate Makemson determined after three days of hearing that the Town presented substantial, competent evidence that Mr. Morine failed to follow a clear, lawful and unambiguous direction to report suspected sexual abuse of his daughter to the Department of Children and Family Services ("DCF") and local authorities; and that Mr. Morine made contradictory statements regarding what he had done with potential evidence of such abuse contained on Mr. Morine's daughter's iPad. Despite the Special Magistrate's findings in that regard, Special Magistrate Makemson concluded that Mr. Morine's termination was not warranted and should be overturned. However, Special

Magistrate Makemson also recommended that the Town impose a sanction on Mr. Morine for his conduct other than termination.

For the reasons set forth herein, the Town objects to Special Magistrate Makemson's factual findings that the Town did not present competent, substantial evidence that Mr. Morine: (1) failed to follow an order to preserve evidence (found in a TikTok video and text message) regarding the alleged sexual abuse; (2) failed to comply with the obligation to report such abuse to DCF under F.S. 39.201(1)(c); and (3) misused sick leave in violation of Section IV-4 (98) of the Town's Personnel Manual.¹ In addition, the Town objects to the Special Magistrate's Recommendation that Mr. Morine's termination should be overturned and lesser discipline be issued in lieu thereof.

I. Several of the Special Magistrate's Findings of Fact are Not Supported by The Record.

a. Mr. Morine Failed to Follow a Direct Order to Preserve Evidence.

In the Recommendation, the Special Magistrate ruled that the Town did not present competent, substantial evidence that Mr. Morine failed to follow an order to preserve the TikTok videos. The Magistrate erred when he incorrectly concluded that Mr. Morine had already transferred the video from the iPad before Captain Guelli told him to preserve it.

However, during Mr. Morine's own sworn statement from the Town's internal investigation of the incident, Mr. Morine testified under oath that he left the videos on the iPad and did not take steps to preserve the evidence of alleged sexual abuse as he had been directed to do. Therefore, the Town has presented

¹ Although the Special Magistrate correctly determined that Mr. Morine made contradictory statements regarding what he had done with potential evidence of the alleged child abuse, he erred when he determined that such statements were not untruthful. In particular, the Special Magistrate determined the statements were not untruthful because he could not determine that Mr. Morine's statements were made with the intent to mislead the investigation. That determination is not relevant to whether Mr. Morine was untruthful as intent is not necessary to demonstrate untruthfulness. Even if it were, Mr. Morine's intent to mislead is clear – he made statements intended to protect himself from disciplinary action for his conduct.

substantial, competent evidence that Mr. Morine violated General Order IV-4(79) when he failed to follow the order to preserve the videos.

b. Mr. Morine Failed to Comply with his Obligation to Report Alleged Child Abuse to DCF under F.S. 39.201(1)(c).

In his Recommendation, the Special Magistrate ruled that the Town did not present competent, substantial evidence that Mr. Morine failed to comply with the obligation to report alleged child abuse to DCF under F.S. 39.201(1)(c). For the reasons set forth below, the Special Magistrate erred when he determined that Mr. Morine did not have an obligation to report the alleged sexual abuse to DCF.

This entire case was brought about by Mr. Morine's own decision to report the alleged abuse to his supervisor, Captain Joseph Guelli. In addition, Mr. Morine testified under oath during his sworn statement that he was "appalled" when he first became aware of the alleged abuse. Further, when Captain Guelli directed Mr. Morine to report the alleged abuse to DCF, Mr. Morine did not object or assert in any way that he did not believe he was required to do so. Finally, while the Special Magistrate determined that Mr. Morine did not need to report such alleged abuse, both Captain Guelli and Mr. Morine's own therapist did so, which clearly demonstrates the belief by not one – but two – other individuals that the appropriate action was to report the alleged abuse to DCF. Therefore, because the statute in question only requires a "reasonable cause to suspect," the Town presented substantial competent evidence that Mr. Morine violated General Order IV-4 (71), when he did not comply with F.S. 39.201.

c. Mr. Morine Violated the Town's Sick Leave Policy.

In his Recommendation, the Special Magistrate ruled that the Town did not present competent, substantial evidence that Mr. Morine misused sick leave in violation of Section IV-4 (98) of the Town's Personnel Manual. The policy at issue (Section IV-4 (98)) provides as follows:

Police department employees shall remain at their place of residence as documented with the police department while on sick leave. Police department employees may only leave their residence for exigent

circumstances and only after immediately notifying the on-duty Watch Commander or Designee the location at which they may be reached.

Travel outside of the State of Florida while on sick leave must be approved by the Chief of Police.

Here, the Special Magistrate erred in finding that Mr. Morine did not violate the foregoing policy because he was already away from his residence and in Georgia when he became ill.

The Town concedes that Mr. Morine was not at his residence, but was in Georgia at the time he became ill. However, that Mr. Morine was not at his residence when his sick leave commenced does not alleviate him from the obligation to inform the watch commander of that fact as well as where he may be reached. In addition, although the Town concedes Mr. Morine was already out of state when he became ill, the Policy dictates that he should have advised the Chief of Police that he was in Georgia at that time and obtained approval to remain there until he was no longer sick. However, he failed to do so.

II. The Town Council Should Reject the Special Magistrate's Recommendation to Impose Discipline Less Than Termination On Mr. Morine.

The Town has provided substantial, competent evidence that Mr. Morine committed several violations of the Police Department General Orders relating to alleged sexual abuse involving his minor child and his misuse of sick leave. Even the Special Magistrate found that Mr. Morine engaged in at least two violations, including insubordination. Having determined that several of the bases proffered by the Town for terminating Mr. Morine were supported by substantial competent evidence and that the Town's personnel manual permits termination under these circumstances, the Special Magistrate erred when he recommended that Mr. Morine receive discipline less than termination for his actions. As such, the Town respectfully request that the Council reject the Special Magistrate's

Recommendation to rescind the termination of Mr. Morine and, instead, to uphold the Police Chief's decision to terminate Mr. Morine's employment.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Schneider", with a stylized flourish extending to the right.

Brett J. Schneider

cc: Kirk Blouin, Town Manager
Nicholas P. Caristo, Chief of Police
Gillian M. Barth, People and Culture Director

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Regular Agenda - New Business

Agenda Title

Review of a Stop Work Order Due to the Three Strike Rule at 232 Tradewinds Drive

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated December 1, 2022, from Wayne Bergman, Director of Planning, Zoning and Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: 232 Tradewinds Drive – Third Strike & Stop Work Order

Date: December 1, 2022

FYI - This Memo is provided as Information to the Town Council

As you know, the Town has a “Three Strike Rule” for construction parking and construction site management. The regulations and process are found in the Town’s “Department of Public Works, Engineering Division, Standards Applicable to Public Rights-of-Way and Easements Within the Town of Palm Beach” (commonly called the Right-of Way-Manual), dated May 1994, as revised through November 8, 2022. Chapter XII, Miscellaneous Provisions, contains the details of the Three Strike rules. The regulations spell out the process in which contractors can secure parking permits, the fees for various violations, and the process that must occur once a contractor receives Three Strikes – three different sets of tickets for construction violations. The applicable pages of the Right of Way Manual are attached.

232 Tradewinds Drive recently reached the level of Three Strikes for construction violations. The contractor is Four Points Construction LLC. Please refer to the attached letter dated November 29, 2022 for the details of the three strikes. This is the first time this year that Four Points Construction LLC has been before you with Three Strike projects. Copies of the violations are attached. The Pending Stop Work Order Notice (attached) was sent to the contractor.

The regulations allow a time frame for the violator to appeal the ticket(s). In this case, the contractor waived the appeal process and requested to be placed before the Town Council at this meeting. The Planning, Zoning & Building Department issued a STOP WORK ORDER for the construction project on December 7, 2022.

The contractor owes the Town \$500.00 in fees, plus any unpaid fines, at this time.

The Town Council’s process for this matter is contained within the Public Works “Right of Way Manual”, as follows:

“When the Town Council receives a written request to lift a stop work order the Town Council

shall have the power to admonish the contractor; take such action as deemed necessary to effect the stop work order on a permanent basis by nullifying the existing building permit; cause the contractor and/or property owner to enter into a binding agreement to memorialize the understandings between the Town and the contractor and/or property owner relative to all conditions placed upon the lifting of the stop work order, if applicable; establish penalties for future right-of-way violations the amount for which shall be in the sole discretion of the Town Council; collect the fine as outlined below, plus payment of any outstanding right-of-way fines and accumulated interest, as referenced herein below and to prohibit the issuance of any additional right-of-way permits for the duration of the work in question.

The fine for a third (3rd) strike shall be \$500; the fine and penalty for a fourth (4th) strike shall be a fine of \$2,500 and a mandatory thirty (30) day shutdown of the construction project; the fine and penalty for a fifth strike shall be a fine of \$5,000 and a mandatory thirty (30) day shutdown of the construction project, plus payment of any outstanding right of-way fines and accumulated interest unless the Town Council chooses to invoke the use of a binding agreement memorializing a penalty structure to be paid to the Town for all future right-of-way violations in excess of three (3) to be paid in accordance with the terms and conditions of the binding agreement between the Town and the contractor and/or property owner. All fines and penalties shall be paid in full prior to issuance of a Certificate of Occupancy for the construction associated with the activity that generated the fines, penalties, and interest. ”

Any motion to resolve this matter should include “waiving the third strike” and “granting the ability for the contractor to apply for future right of way permits”.

Attachments: Copies of the violations
Copy of the Pending Stop Work Order Notice
Email from the contractor

Cc: Paul Brazil, Director of Public Works
Police Chief Nicholas Caristo
Debby Moody



PW- 6975

PUBLIC WORKS DEPARTMENT
(561) 838-5440

R.O.W. VIOLATION NOTICE

NAME: Four Points Construction DATE: 11-28-22JOB ADDRESS: 232 Tradewinds

- | | |
|---|--------------------------------|
| ☐ Working in right-of-way without permit | \$ 150 X _____ = _____ |
| ☐ Failure to have permit on job | \$ 150 X _____ = _____ |
| ☐ Construction parking without permit*
1 st = \$150 2 nd = \$250 and thereafter = \$500 | \$ 150 X _____ = _____ |
| ☒ Inadequate Maintenance of Traffic | \$ 150 X <u>1</u> = <u>150</u> |
| ☐ Right-of-way littered by site dirt or debris | \$ 150 X _____ = _____ |
| ☐ Failure to maintain safe sidewalk | \$ 150 X _____ = _____ |
| ☒ Failure to carry-out permit terms/conditions | \$ 150 X <u>1</u> = <u>150</u> |
| ☐ Storage of materials in right-of-way | \$ 150 X _____ = _____ |
| ☐ Use of right-of-way as work area | \$ 150 X _____ = _____ |
| ☐ Damage to infrastructure in right-of-way | \$ 150 X _____ = _____ |
| ☐ Dewatering without a permit | \$ 150 X _____ = _____ |
| ☐ Illegal discharges to Town sewers** | \$ 500 X _____ = _____ |
| ☐ Other _____ | \$ _____ X _____ = _____ |
| ☐ 2nd and added days of violation, double fine | \$ _____ X _____ = _____ |

*No flaggers or (MAT) present
Vehicles parked across the street*

TOTAL FINE: 300

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept., PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Public Works Office at 561-838-5440.

* Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

** Fine plus clean-up cost.

*** Includes but not limited to:

Dumpster in Right of Way - \$100 per incident.

Right of Way restoration - \$30 per day until restored.

ISSUER: Pu 1 B...

white/violator

yellow/PW

pink/issuer



PD- 00372

POLICE DEPARTMENT

(561) 838-5454

R.O.W. VIOLATION NOTICE

NAME: Four Points Construction DATE: 8-8-22

JOB ADDRESS: 222 Tricklewood Rd. Jacksonville FL 32210

- | | | | | | |
|--|--------------------|---|-----------------|---|-----------------|
| ☒ Working in right-of-way without permit | \$ 150 | X | <u>1</u> | = | <u>150.00</u> |
| ☐ Failure to have permit on job | \$ 150 | X | <u> </u> | = | <u> </u> |
| ☒ Construction parking without permit*
1 st = \$150 2 nd = \$250 and thereafter = \$500 | \$ 150 | X | <u>1</u> | = | <u>150.00</u> |
| ☐ Inadequate Maintenance of Traffic | \$ 150 | X | <u> </u> | = | <u> </u> |
| ☐ Right-of-way littered by site dirt or debris | \$ 150 | X | <u> </u> | = | <u> </u> |
| ☐ Failure to maintain safe sidewalk | \$ 150 | X | <u> </u> | = | <u> </u> |
| ☐ Failure to carry-out permit terms/conditions | \$ 150 | X | <u> </u> | = | <u> </u> |
| ☐ Storage of materials in right-of-wy | \$ 150 | X | <u> </u> | = | <u> </u> |
| ☐ Use of right-of-way as work area | \$ 150 | X | <u> </u> | = | <u> </u> |
| ☐ Damage to infrastructure in right-of-way | \$ 150 | X | <u> </u> | = | <u> </u> |
| ☐ Dewatering without a permit | \$ 150 | X | <u> </u> | = | <u> </u> |
| ☐ Illegal discharges to Town sewers** | \$ 500 | X | <u> </u> | = | <u> </u> |
| ☐ Other <u> </u> | \$ <u> </u> | X | <u> </u> | = | <u> </u> |
| ☐ 2nd and added days of violation, double fine | \$ <u> </u> | X | <u> </u> | = | <u> </u> |

TOTAL FINE: 300.00

Total fine to be paid within 10 working days to: Town of Palm Beach, **Finance Dept.**, P.O. Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Police Department at 561-838-5454.

*Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

****Fine plus clean-up cost.**

***Includes but not limited to:

Dumpster in Right of Way \$100 per incident.

Right of Way restoration - \$30 per day until restored.

ISSUER J. Felix / 9080 LAD # 2026-220011

10084



REMY BRUCE MOORHEAD
Respondent's Name

M630-722-64-253-0
Respondent's Address

FOUR POINTS CONSTRUCTION
Name of Company/Resident/Business

LOYD ECCLESTONE 718-0810
Property/Business Address

YOU ARE NOTIFIED that on THURSDAY, 1-20-22 at 0809 H
(day) (date) (time)

a violation of PEAK SEASON CONSTRUCTION HOURS
(description of violation)

which violate the following Town of Palm Beach Code of Ordinances: 42-199
(chapter and section)

occurred at: 232 TRADEWIND DR.
(violation address)

YOUR OPTIONS ARE INDICATED BELOW:

- ☒ **1) YOU MAY ADMIT** to the violation by making payment by mail or in person between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday, at the Town's Finance Department at 360 South County Road., Palm Beach, Florida 33480. **NO LATER THAN 5:00 P.M. ON THE MONDAY BEFORE THE SCHEDULED HEARING NOTED BELOW.** The fine amount is \$ 250.00
- OR**

YOU MAY ELECT TO APPEAR IN PERSON before the Code Enforcement Board on Thursday, MARCH 17, 2022 at 2 P.M. in the Town Council Chambers, Town Hall, located at 360 South County Road., Palm Beach, Florida 33480. For further information call 561/227-7080

- ☐ 2) **THIS CASE WILL BE HEARD BEFORE THE CODE ENFORCEMENT BOARD** on Thursday, _____ at 2 P.M. in the Town Council Chambers, Town Hall, located at 360 South County Road., Palm Beach, Florida 33480. For further information call 561/227-7080

I ACKNOWLEDGE RECEIPT OF THIS CODE ENFORCEMENT NOTICE OF VIOLATION

Signature of Respondent

This will be your only notice of the hearing. Failure to pay the fine or appear at the hearing will result in this matter being held in absentia. The maximum fine imposed may be \$250 for a first offense, \$500 for repeat offenses, or a maximum of \$5,000 if irreparable in nature, in addition to the administrative costs.

J. MORIARTY / 9061 1-22-22 0830H 2022-020-041
Code Enforcement/Police Officer - I.D. Date Time Case/CAD #

I WISH TO ADMIT TO THE CHARGES, WAIVE MY RIGHT TO A HEARING AND PAY FINE.

Signature of Respondent



TOWN OF PALM BEACH

Planning, Zoning & Building Department

November 29, 2022

Via email & mail: lecclestone@fpcfl.com ; kbutenhoff@wardcap.com

Four Points Construction LLC
% Edwin Ecclestone
1555 Palm Beach Lakes Blvd, 1100
West Palm Beach, FL 33401

Re: 3-Strike Rule Citations – 232 Tradewinds Dr, B-21-90455 **STOP WORK ORDER PENDING**

As you know, the Town of Palm Beach Standards Applicable To Public Rights-Of-Way And Easements Within The Town Of Palm Beach regulates the number of construction-related vehicles that can be parked on Town streets in conjunction with building project sites within the Town. Attached to all construction permits issued to a job is information regarding these regulations.

This letter is to serve as notice that on **FOUR** separate occasions you have received Violation Notices:
Strike 3 November 28, 2022 (PW-6975 – Inadequate Maintenance of Traffic, Failure to carry-out permit terms/conditions)
~~Strike 3 October 25, 2022 (PW 6496 – Failure to carry out permit terms/conditions) Strike/ticket Waived~~
~~Strike 3 August 18, 2022 (PW 5753 – Dewatering without a permit) Strike Waived but all fines/fees must be paid~~
Strike 2 August 8, 2022 (PD 00372 – Working in right-of-way with a permit; Construction parking without a permit)
Strike 1 January 20, 2022 (NOV 10084 – Violation of Construction Hours)

Therefore, under the Town's rules (referred to as the "3-strike" rule), the Director of Public Works has notified the Planning, Zoning & Building Department of these violations, and requested that a "Stop Work" order be issued as allowed by Section 18-204 of Town Code.

Per Town Resolution No 001-2022, because you have received these strikes, a fine in the amount of \$500.00 is being imposed and is also payable immediate to the Town of Palm Beach. This fine is in addition to all right-of-way fines referenced above. Invoice # 81326 is attached.

An appeal to the Public Works Director needs to be submitted in writing no later than December 6, 2022 (within 7 days). If an appeal is denied or is not filed in a timely fashion, a "Stop Work" order will be issued by the Building Official effective the end of the working day December 6, 2022. After that date, no work may be performed at the site under any permits issued by the Town of Palm Beach.

All requests to lift a "Stop Work" order would need to be decided by the Town Council. The next Town Council meeting date is Wednesday, December 14, 2022. In order for this item to be considered at that meeting, you would need to submit a written request to me no later than **Wednesday, December 7, 2022 prior to 5:00 PM.**

Truly yours,
Wayne Bergman
Wayne Bergman
Director, Building Official

cc: Kurt & Kimberly Butenhoff, Paul A Krasker Tr, 232 Tradewind Dr., Palm Beach, FL 33480
K. Blouin, Town Manager
H. Paul Brazil, Public Works Director
Nicholas Caristo, Police Chief : Benjamin Alma, Parking and Code Enforcement Manager

Post Office Box 2029 * 360 South County Road * Palm Beach, FL 33480 * (561) 838-5430

Wayne Bergman

From: Patricia Strayer
Sent: Wednesday, November 30, 2022 7:45 AM
To: Llwyd Ecclestone III; Wayne Bergman
Cc: Paul Brazil
Subject: RE: 232 Tradewinds DR Pending Stop Work Order

Wayne,

For clarification, I told Mr. Ecclestone the process to appeal the third strike, which is reiterated in the letter. He asked how he could get on the December 13 Town Council meeting. I suggested he contact you if he wanted to circumvent the appeal process and proceed directly to Town Council.

Patricia

Patricia Strayer, PE
Town Engineer

Town of Palm Beach
Public Works Department
951 Okeechobee Road
West Palm Beach, FL 33401
(O) 561.227.7056
(C) 561.339.7309

From: Llwyd Ecclestone III <lecclestone@pblhfl.net>
Sent: Tuesday, November 29, 2022 3:54 PM
To: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Cc: Patricia Strayer <PStrayer@TownofPalmBeach.com>
Subject: 232 Tradewinds DR Pending Stop Work Order

*****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.*****

Mr. Bergman,

I have been discussing this citation with Ms. Strayer and she asked me to contact you to ask to have this placed on the Town Council Meeting on December 13th.

Thanks for your help regarding this matter.

Regards,

Llwyd

E. Llwyd Ecclestone III
President

ECCLESTONE SIGNATURE HOMES
A DIVISION OF FOUR POINTS CONSTRUCTION LLC

1555 Palm Beach Lakes Blvd, Suite 300

West Palm Beach, FL 33401

Office: (561) 841-6976

Cell: (561) 718-0810

lecclestone@pblhfl.net

www.ecclestonehomes.com

CGC056970



Think Green - Not every email needs to be printed.



TOWN OF PALM BEACH
Finance Department
360 South County Road
PO Box 2029
Palm Beach, FL 33480
(561) 838-5444

INVOICE

81326

Page 1 of 1

DATE	11/29/2022
ACCOUNT	MI-000299
AMT DUE	500.00

FOUR POINTS CONSTRUCTION LLC
1555 PALM BEACH LAKES BLVD
Unit 1100
WEST PALM BEACH, FL 33401

AMOUNT PAID _____



PAY YOUR STATEMENT ONLINE AT: [HTTPS://TOWNOFFPALMBEACH.COM/EDENAR](https://TOWNOFFPALMBEACH.COM/EDENAR)

TOWN OF PALM BEACH

MAKE CHECKS PAYABLE TO TOWN OF PALM BEACH
PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

DESCRIPTION	AMOUNT
FINE 3-STRIKE RULE STRIKE 3 Fine for Strike 3 232 Tradewinds	500.00
Total Amount Due:	500.00
ACCOUNT NO. MI-000299	PAYABLE UPON RECEIPT 500.00

Please Remit to: TOWN OF PALM BEACH
Finance Department
360 South County Road
PO Box 2029
Palm Beach, FL 33480

Pay your Statement online at: <https://TownofPalmBeach.com/EDENAR>
Log in or Register as a New User and connect to your account by entering your Account No and Invoice number.

12-13-22 TCM Backup

377

TOWN OF PALM BEACH

Town Council Meeting on: December 13, 2022

Section of Agenda

Regular Agenda - New Business

Agenda Title

Review of a Stop Work Order Due to the Three Strike Rule at 333 Sunset Avenue

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated: December 7, 2022, From Wayne Bergman,
Director of Planning, Zoning & Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: 333 Sunset Avenue– Third Strike & Stop Work Order

Date: December 7, 2022



FYI - This Memo is provided as Information to the Town Council

As you know, the Town has a “Three Strike Rule” for construction parking and construction site management. The regulations and process are found in the Town’s “Department of Public Works, Engineering Division, Standards Applicable to Public Rights-of-Way and Easements Within the Town of Palm Beach” (commonly called the Right-of Way-Manual), dated May 1994, as revised through November 8, 2022. Chapter XII, Miscellaneous Provisions, contains the details of the Three Strike rules. The regulations spell out the process in which contractors can secure parking permits, the fees for various violations, and the process that must occur once a contractor receives Three Strikes – three different sets of tickets for construction violations. The applicable pages of the Right of Way Manual are attached.

333 Sunset Avenue recently reached the level of Three Strikes for construction violations. The contractor is Straticon LLC. Please refer to the attached letter dated November 29, 2022 for the details of the three strikes. This is the first time that Straticon LLC has been before you with Three Strike projects. Copies of the violations are attached. The Pending Stop Work Order Notice (attached) was sent to the contractor.

The regulations allow a time frame for the violator to appeal the ticket(s). In this case, the contractor waived the appeal process. The Planning, Zoning & Building Department issued a STOP WORK ORDER for the construction project on December 8, 2022.

The contractor owes the Town \$750.00 in fees, plus any unpaid fines, at this time.

The Town Council’s process for this matter is contained within the Public Works “Right of Way Manual”, as follows:

“When the Town Council receives a written request to lift a stop work order the Town Council shall have the power to admonish the contractor; take such action as deemed necessary to effect the stop work order on a permanent basis by nullifying the existing building permit; cause the

contractor and/or property owner to enter into a binding agreement to memorialize the understandings between the Town and the contractor and/or property owner relative to all conditions placed upon the lifting of the stop work order, if applicable; establish penalties for future right-of-way violations the amount for which shall be in the sole discretion of the Town Council; collect the fine as outlined below, plus payment of any outstanding right-of-way fines and accumulated interest, as referenced herein below and to prohibit the issuance of any additional right-of-way permits for the duration of the work in question.

The fine for a third (3rd) strike shall be \$500; the fine and penalty for a fourth (4th) strike shall be a fine of \$2,500 and a mandatory thirty (30) day shutdown of the construction project; the fine and penalty for a fifth strike shall be a fine of \$5,000 and a mandatory thirty (30) day shutdown of the construction project, plus payment of any outstanding right of-way fines and accumulated interest unless the Town Council chooses to invoke the use of a binding agreement memorializing a penalty structure to be paid to the Town for all future right-of-way violations in excess of three (3) to be paid in accordance with the terms and conditions of the binding agreement between the Town and the contractor and/or property owner. All fines and penalties shall be paid in full prior to issuance of a Certificate of Occupancy for the construction associated with the activity that generated the fines, penalties, and interest."

Any motion to resolve this matter should include "waiving the third strike" and "granting the ability for the contractor to apply for future right of way permits".

Attachments: Copies of the violations
Copy of the Pending Stop Work Order Notice
Email from the contractor

Cc: Paul Brazil, Director of Public Works
Police Chief Nicholas Caristo
Debby Moody



TOWN OF PALM BEACH

Planning, Zoning & Building Department

November 29, 2022

Via email: jeff.hardin@straticon.com; ajp@pergs.com

Straticon LLC
% Jeffrey Hardin
1515 S Federal Hwy, 401
Boca Raton, FL 33432

Re: **STOP WORK ORDER PENDING** - 3-Strike Rule Citations – 333 Sunset Ave, B-22-95064,
B-22-95394, B-22-96403

As you know, the Town of Palm Beach Standards Applicable To Public Rights-Of-Way And Easements Within The Town Of Palm Beach regulates the number of construction-related vehicles that can be parked on Town streets in conjunction with building project sites within the Town. Attached to all construction permits issued to a job is information regarding these regulations.

This letter is to serve as notice that on **THREE** separate occasions you have received citations:
Strike 3 October 29, 2022 (PD-00302 – Saturday construction Hours)
Strike 2 October 12, 2022 (PW-6851 – Failure to carry out permit terms/conditions, illegal discharges to Town sewers)
Strike 1 September 9, 2022 (PW-6802 – Dewatering without a permit, illegal discharges to Town Sewers)

Therefore, under the Town's rules (referred to as the "3-strike" rule), the Director of Public Works and Police Chief have notified the Planning, Zoning & Building Department of these violations, and requested that a **"Stop Work"** order be issued as allowed by Section 18-204 of Town Code.

Per Town Resolution No 001-2022, because you have received these strikes, a fine in the amount of \$750.00 is being imposed and is also payable immediate to the Town of Palm Beach. This fine is in addition to all right-of-way fines referenced above. Invoice #81325 is attached.

An appeal to the Police Chief needs to be submitted in writing within 7 days of the issuance of your strike. If an appeal is denied or is not filed in a timely fashion, a "Stop Work" order will be issued by the Building Official effective the end of the working day December 6, 2022. After that date, no work may be performed at the site under any permits issued by the Town of Palm Beach.

All requests to lift a **"Stop Work"** order would need to be decided by the Town Council. The next Town Council meeting date is Tuesday, December 13, 2022. In order for this item to be considered at that meeting, you would need to submit a written request to me no later than **Wednesday, December 7, 2022, prior to 5:00 PM.**

Post Office Box 2029 * 360 South County Road * Palm Beach, FL 33480 * (561) 838-5430

Truly yours,

Wayne Bergman

Wayne Bergman
Director, Planning, Zoning & Building Department

cc: Royal Poinciana South, 333 Sunset Ave, Palm Beach, FL 33480
K. Blouin, Town Manager
H. Paul Brazil, Public Works Director
Nicholas Caristo, Police Chief
Benjamin Alma, Parking and Code Enforcement Manager

Post Office Box 2029 * 360 South County Road * Palm Beach, FL 33480 * (561) 838-5430



TOWN OF PALM BEACH
Finance Department
360 South County Road
PO Box 2029
Palm Beach, FL 33480
(561) 838-5444

INVOICE

81325

Page 1 of 1

DATE	11/29/2022
ACCOUNT	MI-000327
AMT DUE	750.00

STRATICON LLC
1515 S FEDERAL HWY
401
BOCA RATON, FL 33432

AMOUNT PAID _____



PAY YOUR STATEMENT ONLINE AT: [HTTPS://TOWNOFPALMBEACH.COM/EDENAR](https://TOWNOFPALMBEACH.COM/EDENAR)

TOWN OF PALM BEACH

MAKE CHECKS PAYABLE TO TOWN OF PALM BEACH
PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

DESCRIPTION	AMOUNT
FINE 3-STRIKE RULE STRIKE 3 Fine for Strike 3 333 Sunset Ave	500.00
FINE 3-STRIKE RULE STRIKE 2 Fine for Strike 2 333 Sunset Ave	250.00
Total Amount Due:	750.00
ACCOUNT NO. MI-000327	PAYABLE UPON RECEIPT 750.00

Please Remit to: TOWN OF PALM BEACH
Finance Department
360 South County Road
PO Box 2029
Palm Beach, FL 33480

12-13-22 TCM Backup

Pay your Statement online at: <https://TownofPalmBeach.com/EDENAR>
Log in or Register as a New User and connect to your account by entering your Account No and Invoice number.



PW- 6802

PUBLIC WORKS DEPARTMENT
(561) 838-5440

R.O.W. VIOLATION NOTICE

NAME: Royal Poinciana Building DATE: 9/9/22JOB ADDRESS: 333 Sunset Ave

- | | |
|---|-------------------------------------|
| ☐ Working in right-of-way without permit | \$ 150 X _____ = _____ |
| ☐ Failure to have permit on job | \$ 150 X _____ = _____ |
| ☐ Construction parking without permit*
1 st = \$150 2 nd = \$250 and thereafter = \$500 | \$ 150 X _____ = _____ |
| ☐ Inadequate Maintenance of Traffic | \$ 150 X _____ = _____ |
| ☐ Right-of-way littered by site dirt or debris | \$ 150 X _____ = _____ |
| ☐ Failure to maintain safe sidewalk | \$ 150 X _____ = _____ |
| ☐ Failure to carry-out permit terms/conditions | \$ 150 X _____ = _____ |
| ☐ Storage of materials in right-of-way | \$ 150 X _____ = _____ |
| ☐ Use of right-of-way as work area | \$ 150 X _____ = _____ |
| ☐ Damage to infrastructure in right-of-way | \$ 150 X _____ = _____ |
| ☐ Dewatering without a permit | \$ 150 X <u>1</u> = <u>\$150.00</u> |
| ☐ Illegal discharges to Town sewers** | \$ 500 X <u>1</u> = <u>500.00</u> |
| ☐ Other _____ | \$ _____ X _____ = _____ |
| ☐ 2nd and added days of violation, double fine | \$ _____ X _____ = _____ |

TOTAL FINE: \$ 650.00

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept., PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Public Works Office at 561-838-5440.

* Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

** Fine plus clean-up cost.

*** Includes but not limited to:

Dumpster in Right of Way - \$100 per incident.

Right of Way restoration - \$30 per day until restored.

ISSUER: William Williams

white/violator

yellow/PW

pink/issuer



PW- 6851

**PUBLIC WORKS DEPARTMENT
(561) 838-5440****R.O.W. VIOLATION NOTICE**NAME: Royal Poinciana South DATE: 10-12-22JOB ADDRESS: 333 Sunset Ave

- | | |
|---|--------------------------------|
| ☐ Working in right-of-way without permit | \$ 150 X _____ = _____ |
| ☐ Failure to have permit on job | \$ 150 X _____ = _____ |
| ☐ Construction parking without permit*
1 st = \$150 2 nd = \$250 and thereafter = \$500 | \$ 150 X _____ = _____ |
| ☐ Inadequate Maintenance of Traffic | \$ 150 X _____ = _____ |
| ☐ Right-of-way littered by site dirt or debris | \$ 150 X _____ = _____ |
| ☐ Failure to maintain safe sidewalk | \$ 150 X _____ = _____ |
| ☒ Failure to carry-out permit terms/conditions | \$ 150 X <u>1</u> = <u>150</u> |
| ☐ Storage of materials in right-of-way | \$ 150 X _____ = _____ |
| ☐ Use of right-of-way as work area | \$ 150 X _____ = _____ |
| ☐ Damage to infrastructure in right-of-way | \$ 150 X _____ = _____ |
| ☐ Dewatering without a permit | \$ 150 X _____ = _____ |
| ☒ Illegal discharges to Town sewers** | \$ 500 X <u>1</u> = <u>500</u> |
| ☐ Other _____ | \$ _____ X _____ = _____ |
| ☐ 2nd and added days of violation, double fine | \$ _____ X _____ = _____ |

TOTAL FINE: \$650.00

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept., PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Public Works Office at 561-838-5440.

* Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

** Fine plus clean-up cost.

*** Includes but not limited to:

Dumpster in Right of Way - \$100 per incident.

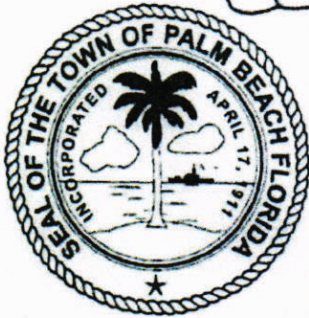
Right of Way restoration - \$30 per day until restored.

ISSUER: Will Campbell

white/violator

yellow/PW

pink/issuer Jo



CE 22-1936

PD- 00302

POLICE DEPARTMENT
(561) 838-5454

R.O.W. VIOLATION NOTICE

NAME: Straticon LLC DATE: 10-29-22JOB ADDRESS: 333 Sunset Ave

- | | |
|---|--------------------------|
| ☐ Working in right-of-way without permit | \$ 150 X _____ = _____ |
| ☐ Failure to have permit on job | \$ 150 X _____ = _____ |
| ☐ Construction parking without permit*
1 st = \$150 2 nd = \$250 and thereafter = \$500 | \$ 150 X _____ = _____ |
| ☐ Inadequate Maintenance of Traffic | \$ 150 X _____ = _____ |
| ☐ Right-of-way littered by site dirt or debris | \$ 150 X _____ = _____ |
| ☐ Failure to maintain safe sidewalk | \$ 150 X _____ = _____ |
| ☐ Failure to carry-out permit terms/conditions | \$ 150 X _____ = _____ |
| ☐ Storage of materials in right-of-way | \$ 150 X _____ = _____ |
| ☐ Use of right-of-way as work area | \$ 150 X _____ = _____ |
| ☐ Damage to infrastructure in right-of-way | \$ 150 X _____ = _____ |
| ☐ Dewatering without a permit | \$ 150 X _____ = _____ |
| ☐ Illegal discharges to Town sewers** | \$ 500 X _____ = _____ |
| ☐ Other <u>Sat. Const. Hurs.</u> <u>20-2021</u> <u>4-7-2022</u> <u>250</u> X <u>11</u> = <u>250.00</u> | |
| ☐ 2nd and added days of violation, double fine | \$ _____ X _____ = _____ |

TOTAL FINE: 250.00

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept., P.O. Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Police Department at 561-838-5454.

*Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

**Fine plus clean-up cost.

***Includes but not limited to:

Dumpster in Right of Way \$100 per incident.

Right of Way restoration - \$30 per day until restored.

ISSUER: T. WALKER / 02772 CE 22-1936 CAD 2022-302-122

white/violator

yellow/PW

pink/issuer