

TOWN OF PALM BEACH

Office of The Town Clerk

REPORT OF THE PUBLIC WORKS COMMITTEE MEETING HELD ON MAY 12, 2004, REGARDING CONSTRUCTION PARKING REGULATIONS

I. CALL TO ORDER AND ROLL CALL

The Public Works Committee Meeting was called to order at 10:02 a.m. by Chairman Norman Goldblum, with Committee Member Allen Wyett present. Town Council President Pro-Tem Samuel McLendon was also in attendance. Others in attendance were: Town Manager Peter Elwell, Assistant to the Town Manager Sarah Hannah, Public Works Director Al Dusey, Assistant Public Works Director Paul Brazil, Director of Planning, Building & Zoning Robert Moore, Police Chief Michael Reiter, and Deputy Town Clerk Susan Eichhorn.

II. APPROVAL OF AGENDA

The Agenda was approved through motion of Committee Member Allen Wyett, and was second by Chairman Norman Goldblum.

III. REVIEW OF CONSTRUCTION PROJECT PARKING REGULATIONS

Town Manager Elwell summarized that prior discussions of the Town Council relating to issues related to the crowding of residential side-streets with construction related on-street parking had raised the question of a change in policy. He explained that currently there were allowed three permits for the contractor, plus a fourth permit for the owner, for each construction project, once the contractor had met a number of requirements for on-site parking and car-pooling. Because of multiple projects occurring on any one street, and because certain streets were very narrow, there was a continuing public safety and general congestion issue with the impacts of construction related parking.

Public Work Director Al Dusey referred to his memorandum of May 4, 2004, concerning the parking of construction vehicles. He explained that the contractors, as a group, were doing a very good job of adhering to Town regulations, however, when there were several projects on the same street, it was difficult for delivery trucks, etc. to use the street. He offered several alternatives for discussion:

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- ▶ Reduce the number of allowable on-street parking spaces to, perhaps a total of two per site. As long as the Town is undergoing extensive redevelopment, a reduction in on-street construction parking may be needed.
- ▶ Eliminate on-street parking by construction vehicles during the winter season. This would make enforcement by the Police Department a lot easier since no one would be allowed to park in no-parking zones. This restriction is likely to prolong the length of construction because the on-street permits are often used by the subcontractors on the project for electrical, mechanical and plumbing. Perhaps additional on-street permits could be issued for the summer season to help make up for the lost time. Any reduction in allowable parking is likely to increase the length of the construction period and the cost of construction.

Mr. Goldblum suggested that all construction vehicles could be backed onto the property from the curb towards the house, perpendicular to the curb line, and then not allow parking other than that until the house was finished and landscaping was being completed. In addition, he suggested that the Police Department enforce any violations of the permits.

Mr. Dusey replied that contractors were already asked to do that; a site plan of the parking arrangements was required before construction was started.

Mr. Wyett suggested that construction related vehicles park to the rear of the house, which would allow more cars to be absorbed. He suggested that parking could be more liberal in the summer when there was less traffic.

Police Chief Reiter commented that it was his opinion that the right-of-way permits continued to be enforced by the Public Works Department, because they had an on-going relationship with the construction companies. He explained that the Police Department was responsible for making sure that streets were safe to pass through, and parking tickets were issued for violations, however, police officers and parking enforcement officers were not equipped to deal with right-of-way permit issues. He explained that individual parking problems were solved as they came up, for example a sub-contractor coming from out of Town who is unfamiliar with the parking guidelines. He suggested that perhaps there could be locations identified that would be appropriate to park, even shared parking at parking lots that were not in use at the time.

Town Manager Elwell urged that the contractors and sub-contractors be allowed to use their own creativity to meet any requirements such as parking in the front or back of the property, and that the Committee focus on whether or not the most stringent restriction is appropriate for the Town.

Director of Planning, Zoning & Building Robert Moore commented that the real parking issues were not Town wide, and were on small lots in pockets. The Building Department had considered many scenarios, and suggested that the idea of reducing the number of on-street permits during the season was excellent. He agreed with the suggestion of Mr. Elwell that the contractors be allowed to be as creative as possible to find solutions to the parking problems; the idea of a common site was an excellent idea. He noted that he did not believe that on-street construction parking could be prohibited entirely, since there were pool men, landscape workers, and many other temporary workers that needed to enter properties. He also noted that the dumpster location could be designated for a certain location on the property as part of the permit.

Mr. Greg Marion, President of Marion Construction, addressed the Committee, stating that he would address some issues from the contractor's standpoint: he noted that new regulations would increase the general cost of the projects, which would ultimately be passed on to the owners. Regarding the dumpsters, he explained that his own company had invested in a piece of equipment that would help with the dumpster situation on some of the properties. The actual dumpster companies had varying lengths of dumpsters, and the circumstances would dictate the size and length of time it would be in place. He also noted that the contractor was bound by the dumpster company schedule, and pick-ups were made dependent upon the dumpster company schedule.

Mr. Marion addressed the construction parking issue, maintaining that the lawn people were out of control in their parking arrangements, and they, as well as other temporary service people, were there only for several hours, while the contractor was there for several months; there were now so many restrictions imposed on contractors that construction costs were increasing; there were only a few select streets in the Town that were very narrow, and certain parking requirements could be applied to those areas. He noted that the practice of parking in the front of the property had been in place, however, there were certain sites where shuttling of workers was necessary. He suggested that it would be cumbersome to make a drastic ordinance change to control the masses, when the concern was only about a few.

Mr. Marion explained that shutting down a project for violations was a complicated suggestion, since there were the Police Department, the Building Department, and the Public Works Department all requiring restrictions, which all affected the contractor.

Mr. Moore noted that as a result of an oversight of his office, contractors had not been timely notified of the meeting today to provide their input.

Discussion took place regarding parking that took place on both sides of the street that allowed parking only on one side of the street. Chief Reiter commented that many times there were three or four service companies parking on the streets, and the Police Department tried to handle the situation as best as it could in the field, however, it was a difficult situation. He

added that he would remind the Police Department personnel of the importance of keeping the roadway open.

Mr. Marion suggested that the streets be identified as streets that would be hazardous, and perhaps a plan could be developed with staff for parking in an appropriate area.

Mr. Moore suggested that the neighboring residents receive some sort of notification from the contractors of what is being done for parking on a construction site in their neighborhood, so that people would be aware of what was going to be taking place. He also mentioned that under the new Florida Building Code a job could be stopped only for a violation of a building code; to shut down a job for a parking situation when it had nothing to do with a building code would be very difficult to do, without exposing the Town to a great deal of liability.

Mr. Elwell applauded the idea of notification of neighbors; he noted that fines were in place for parking violations on construction sites.

Mr. Goldblum suggested that the Town departments that were involved with construction issues meet for discussion together in order to refine the procedures that will be followed.

After discussion, **THE COMMITTEE RECOMMENDED THAT IN ALL STREETS IN TOWN, A TOTAL OF TWO CONSTRUCTION VEHICLES WOULD BE ALLOWED IN SEASON (NOVEMBER THROUGH APRIL); A TOTAL OF FOUR CONSTRUCTION VEHICLES WOULD BE ALLOWED OFF SEASON. THE TOWN INSPECTORS WOULD PARK IN THE STREET. ALSO, A CONFERENCE WOULD BE REQUIRED PRE-CONSTRUCTION, RELATING TO LOCATION AND USE OF DUMPSTERS AND THE PARKING PLAN. A NOTIFICATION PROCESS TO AFFECTED NEIGHBORING PROPERTY OWNERS WAS ALSO RECOMMENDED.**

Mr. Moore clarified that the owners of properties, through the contractor, would have the responsibility of providing the notification mailing, and staff would work out the details of the procedure before presenting the recommendation to the Town Council.

Mr. Moore also clarified that the Building Department, Police Department, and Public Works Department would meet to review the policies concerning construction parking, the current regulations and the enforcement of those regulations.

IV. MAINTENANCE RESPONSIBILITY FOR SEWER LATERALS

Public Works Director Al Dusey reported that it had been the policy of the Town to require private maintenance of sewer laterals to the Town's main. There were a number of reasons for that:

1. In situations where the municipality may maintain a lateral in the street right-of-way it was usually done by a utility. If the Town assumed those costs he estimated that the annual cost would be \$250,000.
2. A change in policy would be unfair to all residents who have in the past repaired/replaced their laterals at their cost.
3. Staff would have to be added to investigate blockage complaints, etc. The additional staffing would also become an operating budget cost.
4. Because the laterals have been private responsibility, there had been no clean-out required at the property line, except during the last four to five years; therefore, in over 90% of the sewer connections in Town there would be no effective way of determining if a blockage was in the lateral in the Town right-of-way.
5. The sewer lateral serves one property and is for the benefit of one property. Asking all Town residents to pay for such a private benefit is not justified.

Mr. Dusey explained that there were a few plumbers that were adept at repairing/replacing sewer laterals, and when asked, the Public Works Department refers residents to them. The Public Works Department also assists property owners in other ways when they have lateral blockages. About 130 times per year the mainline sewer pipe is checked to make sure that there are not blockages when a resident is having a problem.

Mr. Elwell explained that when there were extenuating circumstances, besides just the normal use, the responsibility of a sewer problem could shift from the property owner to whoever caused the problem.

After discussion, the Public Works Committee took no action on this matter, as the Committee members agreed with staff that the existing policy should not be changed.

V. ANY OTHER MATTERS

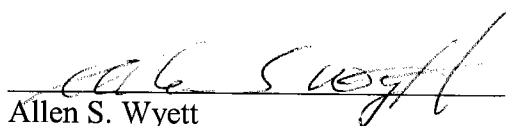
There were none.

VI. ADJOURNMENT

There being no further business, the meeting of the Public Works Committee was adjourned at 11:15 a.m. on May 12, 2004.



Norman P. Goldblum
Public Works Committee Chairman



Allen S. Wyett
Public Works Committee Member