

TOWN OF PALM BEACH

Office of The Town Clerk

REPORT OF THE SHORE PROTECTION BOARD MEETING HELD ON THURSDAY, JANUARY 27, 2011

I. CALL TO ORDER

The meeting of the Shore Protection Board was called to order on Thursday, January 27, 2011, at 9:00 a.m., in the Town Council Chambers.

II. ROLL CALL

The following members were present: Chairman E. Llwyd Ecclestone, Vice Chairman Gerald Frank, Mr. Kane Baker, Mrs. Bobbie Lindsay Buck, Mr. Pat Cooper, Mr. Lee David Goldstein, and Mr. Lewis Katz.

III. PLEDGE OF ALLEGIANCE

Chairman Ecclestone led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

Paul Brazil, Director of Public Works, reported that the consultant for the sand search report had unexpectedly been called away and would not be available to attend the meeting. He asked if Item XII could be deferred until next month. Chairman Ecclestone asked that the Board receive an update on the sand search. Town Manager Elwell replied that he would leave the item on the agenda, give a brief update, and place the sand search item on the agenda for a complete report at the next meeting.

Motion to approve the agenda was made by Mr. Frank, seconded by Mr. Goldstein, and approved unanimously.

V. ELECTION OF CHAIR FOR THE 2011 SHORE PROTECTION BOARD

VI. ELECTION OF VICE-CHAIR FOR THE 2011 SHORE PROTECTION BOARD

Mr. Katz nominated Mrs. Buck as Vice Chair of the Shore Protection Board. The motion was seconded by Mr. Frank.

Mr. Goldstein nominated Mr. Frank to remain as Vice Chair of the Shore Protection Board.

Mr. Frank declined the nomination. He praised the work Mrs. Buck had done on the Board saying she had been a tremendous asset and would be a great help to the Chair.

The motion to approve Mrs. Buck as Vice Chair of the Shore Protection Board was approved unanimously.

Chair Ecclestone thanked Mr. Frank for the assistance he had provided to him as Vice Chair.

VII. APPROVAL OF THE MINUTES OF THE DECEMBER 6, 2010, MEETING

Motion to approve the minutes of the December 6, 2010, meeting was made by Mr. Frank, seconded by Mr. Baker, and approved unanimously.

VIII. COMMUNICATIONS FROM SHORE PROTECTION BOARD MEMBERS

Mr. Katz requested a session be scheduled to discuss sand. He explained that he believed the Board should look at what had been done, how much it had cost, and how much the Town expects to spend.

Mr. Katz asked that future presentations to the Board be less technical and more of a business presentation in simple terms.

Town Manager Elwell stated that the sand search presentation that had been rescheduled to the February meeting would include a full discussion on sand—quality, in-shore, off-shore, how much is available, how easily it can be mined, and the impact on the budget. Mr. Katz asked that a summary page be included so that everyone has the same information when discussing the issue.

Mr. Frank suggested the Shore Board send a letter to the new head of the FDEP (Florida Department of Environmental Protection) congratulating him on his appointment and inviting him to visit the Town so he can see the projects that are being done. Chair Ecclestone reported that Mayor Jack McDonald had written a letter to Governor Scott asking him to orchestrate a meeting. There was consensus that a letter should be written to the head of the FDEP with a copy to the Governor.

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1 Mr. Frank reported that the Town had spent about \$7 million a year on the coastal
2 management plan. He further reported that the Town budget for 2012 has \$0 in the
3 budget for coastal protection. He said it would be an interesting conversation when the
4 Board has discussions regarding the real numbers of what the Town will look forward to
5 in the next five-to-ten years in the way of projects. Chair Ecclestone reassured the Board
6 and residents that the budget would not be zero.

7
8 Mr. Cooper asked that the discussion of Item XIV, Scope, Cost, and Funding of the
9 Town's Coastal Management Program, incorporate any reimbursements there may be
10 from federal, state, or county sources.

11
12 Mr. Cooper spoke about the process of vetting vendors and asked that if a Shore
13 Protection Board member is not comfortable with that process, that it be discussed at the
14 appropriate time; not at the time it comes for a vote. Town Manager Elwell briefly
15 reviewed the current process and the involvement of the Board and staff. He agreed that
16 if there is any discomfort with the process it should be discussed at the next meeting. He
17 added that if there is an issue with a particular engagement, that it should be decided by
18 the Board. Chair Ecclestone suggested a once a year review of the existing consultants.
19 Mr. Brazil stated that staff could review the consultants and their strengths and bring that
20 information to the Board. Mr. Katz asked that the Board consider the number of
21 consultants it would hire, the selection process, and get some input from outside the box.
22 He stated that the quality of the firms and their experience will determine the success and
23 price of the project. Mr. Goldstein responded that it is unfair to say that the Town did not
24 vet different engineering firms. He spoke about the interview process. He agreed that an
25 annual review should be done of the firms that were selected. Town Manager Elwell
26 stated a written report would be prepared for the agenda in February.

27
28 Mr. Baker commented that the U.S. Army Corps of Engineers (USACE) was doing a
29 great job in the north end. He stated that the sand transfer plant in the north end was also
30 doing a great job. He further stated that the sand moved to the north end, the Ortona Mine
31 sand, is very nice and he believed the Town would benefit very well from that sand.

32
33 Stating he believed it was the Board's responsibility to examine and to study the new and
34 emerging technology, Mr. Baker suggested a forum be held. Town Manager Elwell
35 responded that if the Board would like to revisit some of the innovative or experimental
36 technologies, it could be scheduled for a future agenda. He cautioned that while there are
37 some emerging technologies that might have promise, the Town needed to be careful
38 about investing time and money in pursuing them if they had not been permitted
39 somewhere else in Florida. Mr. Brazil suggested that the FDEP representative responsible
40 for innovative technologies could participate at a future meeting through a conference
41 call (due to the restriction of travel by FDEP). There was consensus from the Board for
42 staff to check on the possibility of the FDEP representative speaking to the Council via
43 conference call at the March meeting.
44

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Chair Ecclestone thanked Mr. Frank for serving as Vice Chair. He welcomed Mrs. Buck as Vice Chair. He also thanked the Board for re-nominating him as the Chair.

IX. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Larry Goldberg, 3360 South Ocean Blvd., spoke about the original eight goals of the Shore Protection Board. He asked that the Board reject Town Manager Elwell's suggestion that their guide for planning should be "what is the lowest cost program that will adequately protect the Town." He said the Board's guideline should be, what programs will provide maximum beach restoration and protection for all of Palm Beach.

X. COASTAL PROJECTS UPDATE [Robert Weber, Coastal Coordinator]

A. U.S. Army Corps of Engineers Inlet Dredging With Beach Placement

Rob Weber, Coastal Coordinator, updated the Board on the dredging project in the north end which started on January 27. He reported that the work would continue in February and would be paid 100% by the USACE through an agreement where the Town would take care of the tilling, escarpment removal, and turtle monitoring. Mr. Frank asked if the sand would be placed on the dry beach. Mr. Weber answered that because the template is already full for the first 800' south of the jetty, due to the sand transfer plant's activities, the USACE would place the sand starting 800' south of the jetty and work their way to the south (a little into Reach 2).

Vice Chair Buck asked the definition of a full template. Mr. Weber replied that the template was determined during the FDEP permitting process. He explained that a baseline is established and it is the distance from the baseline for where the sand can be placed. Town Manager Elwell stated that the boundaries of the template for this job cannot be modified. Saying that Town had been working to get the sand placed on the dry beach as far south as possible, Mr. Buck asked if legislation had to be changed to do it or if the permit could be modified. Mr. Brazil responded that the Corps held the permit. He stated that a future goal is to extend the allowable disposal area. He reported that due to a previous lawsuit, work in a template would always start from the north and fill the template as it goes south. Town Manager Elwell added that the Town is working with the Corp to modify the permit so that the material from future dredging of this type could go to Mid-Town or the south end beaches, where the Town holds permits for disposal.

B. Dune Restoration in Reaches 4, 7, and 8

Mr. Weber reported that the placement of about 52,000 cubic yards of sand had been completed on the Mid-Town Beach from Clarke Avenue to about Via Marina. He further reported that the work had moved to the Phipps Ocean Park area with the hauling of sand to begin on January 27. He said that about 46,000 cubic yards of sand would be placed from Phipps Ocean Park to south of the Ambassador Hotel. He stated the contractor

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1 would then move to the Sloan's Curve area to place 10,000 cubic yards of sand. He
2 further stated that the project was scheduled to be complete in 35 days but if the work
3 continued into April, additional turtle monitoring would be needed. He informed the
4 Board that the cost of the additional turtle monitoring had been included in the
5 contingency.

6
7 Chair Ecclestone asked how the sand would be moved from the road to the beach in the
8 south end. Mr. Brazil answered that at Phipps Park the permit allows the trucks to go over
9 the dune. He reported that the plan for south of the Lake Worth Pier was to have a
10 conveyor system set up between the buildings with the sand being trucked to just off the
11 road and placed onto the conveyor, over the dune, and then moved north and south. He
12 stated that the easement agreement with the condominium was being finalized.

13
14 In response to a question from Mr. Katz regarding the elevations of sand in Reaches 7
15 and 8 and the amount of sand in the template, Mr. Brazil stated that the Town could build
16 to a maximum elevation and distance.

17
18 Mr. Katz spoke about the need to plant vegetation in the area and measures to protect the
19 dunes. Mr. Brazil reported that the plantings were not proposed for this dune project.
20 Town Manager Elwell said he had reminded Beach Patrol about the importance of
21 keeping people off of the dunes. He stated that in areas where the beach is not guarded,
22 the Town relies on the citizens of the Town to make sure that visitors and residents in the
23 area do not use the dunes inappropriately. Following a discussion regarding preserving
24 the dunes, Town Manager Elwell stated that the Town would post signs and send a
25 written notice to adjacent condo owners. Mr. Frank reported that an item on the agenda
26 for the Citizen's Association Annual Meeting was the planting of vegetation on the dunes
27 by condominiums. He further reported that at his home up north they have an ordinance
28 levying a \$250 fine for trespassing on the dunes. He suggested this was something the
29 Town could look into. Vice Chair Buck encouraged everyone to look at how to help
30 private property owners find funding sources for and help with the plantings. Mr.
31 Goldstein stated that the Citizen's Association was recommending that it was the
32 condominium or co-op's responsibility to do the plantings but assistance with the
33 plantings would be available.

34
35 C. Projects In The Planning And Permitting Process

36 Sand Transfer Plant, Phase II, Discharge – Mr. Brazil explained that currently the Town
37 discharges immediately south of the Inlet and the proposal was to find a location further
38 south for the sand to move more quickly into the littoral system. He reported that the
39 Town had no environmental permit for the sand transfer plant and that staff needed to
40 approach Palm Beach Shores, along with the USACE, to discuss easement issues with the
41 plant. He further reported that he believed that Palm Beach Shores would probably ask
42 for some improvements to the appearance of the plant.

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Town-wide Groin Analysis – Mr. Weber previewed the groin analysis report that would be presented to the Board on February 24 by Mike Walther of Coastal Technology Corporation. He stated that Mr. Walther was given two tasks: 1) determine a priority of where to focus any rehabilitation effort, and 2) to model those in detail to see how effective they would be on the total system, with priority areas in Reach 2, 4, and 5.

Clerk's Note: The next item discussed was XII. Sand Search Progress Report.

XI. SUMMARY OF THE TOWN-WIDE PHYSICAL MONITORING REPORT AND PRESENTATION OF THE SEDIMENT BUDGET [Robert Weber, Coastal Coordinator]

Mr. Weber explained that the annual physical monitoring/surveying of the beaches takes place in August-October. He said that post monitoring was required for the Phipps and Mid-Town projects in January. He reported that the next step was to establish the sediment budget. He gave a PowerPoint presentation. He explained that each cell (1,000 ft. area) on the map contained the on-shore, near-shore, and off-shore areas with the change from the 2009 data to the 2010 data (top number) and the change over the last twenty years (bottom number). He noted that the contour lines (pink and blue) were jagged due to the borrow areas. He reviewed all the areas.

Mr. Weber reviewed graphs depicting the performance over the last year of the coastal program and over the past twenty years. He also showed recent photographs that he had taken throughout the Town at high tide. Vice Chair Buck commented that the pictures justify Phase II of the sand transfer plant, especially the twenty year data. She asked if some of the future repetitive beach nourishment programs would be mitigated if Phase II of the sand transfer plant was very successful. Mr. Weber agreed. There was discussion on the borrow areas and their impact.

Mr. Goldstein stated that if the USACE did not help with the funding of the pipe, that it was a bondable issue.

Mr. Cooper expressed concern with the costs of mitigation. Mr. Brazil responded that Reach 2 had a high potential for mitigation. He reminded the group that it was improbable that the Town would ever receive a permit to do a full blown beach nourishment program in Reach 2 because of the amount and quality of the near-shore hard bottom. He said that doing something smaller and repetitively would be environmentally more responsible and minimize the mitigation. In response to a question from Mr. Cooper, Town Manager Elwell spoke about the regulatory agencies' past practice of time averaging for mitigation of hard bottom. He stated that the current policy enforced by the state was that if the hard bottom was uncovered at the time the permit was received, the Town would be responsible for protecting it and/or mitigating it. He said he believed that only litigation or legislative action could change that policy. Chair Ecclestone asked about the possibility of proposing legislation. Town Manager Elwell replied that those kinds of communications were occurring.

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XII. SAND SEARCH PROGRESS REPORT [Michael Jenkins, Ph.D, P.E., Coastal Engineering Team Leader, Applied Technology & Management, Inc.]

Mr. Weber reviewed the three investigation sites for off-shore sand: 1) immediately south of the borrow areas for the Juno Beach project, 2) immediately east of the settling basin by the sand transfer plant north of the Inlet, and 3) south of the Inlet in the shoals area. He stated that the preliminary results show that there may be sand available for a few projects. He said that the consultants would give a preliminary report at the next meeting with a final report in May.

Mr. Katz said he hoped that the Town would look at Borrow Area 3 where there is .5 million cubic yards of sand available even if the sand needs additional work because there is room in the spread of the cost of sand (\$8-\$40) for processing.

XIII. MID-TOWN DUNE VEGETATION AND PUBLIC ACCESSES [Robert Weber, Coastal Coordinator]

Mr. Weber reported that the clock tower permit (for the Worth Avenue Improvement Project) included some elements that required a review of the dune condition in Mid-Town. He further reported that some invasive and non-native vegetation was found and would have to be removed throughout the Mid-Town area, to be replaced by sea oats and native vegetation. He stated that beachgoers were jumping over the wall at Mid-Town and going through the dune vegetation to access the beach. He proposed that additional access points be opened in Mid-Town at several street ends and then plant the vegetation at a cost of \$50,000. Mr. Brazil explained that the funding would come from any unspent contingency from the dune project and if the money was not available, the project would not proceed.

Motion was made by Mr. Cooper and seconded by Mr. Baker to open additional access points at the Mid-Town Beach, remove the invasive and non-native vegetation and replant with native vegetation at a cost of \$50,000 with the funding to come from any unspent contingency funds from the dune project. The motion was approved unanimously.

Mr. Frank suggested a walkway be constructed over the dune. A discussion followed on the type of walkway and the cost. There was agreement by the Board on the need for a walkway. Mr. Brazil suggested the Board move forward on the motion for the access points and he would come back at a future meeting with the work that would be involved in building the structures and if they could be permitted. He reported that in the past if the walkways at Mid-Town got low, sand would be added. Mr. Weber commented that if the project did receive a permit, construction could not start until after turtle nesting season.

XIV. SOME PERSPECTIVE ON THE SCOPE, COST, AND FUNDING OF THE TOWN'S COASTAL MANAGEMENT PROGRAM [Peter B. Elwell, Town Manager]

1
2 Town Manager Elwell spoke about the current financial situation and the Town's
3 intensity and effort in that regard. He stated that without substantial additional actions,
4 much of which were already included in the plan being implemented, there would be
5 deficits beginning the next fiscal year and increasing steadily after that. He suggested the
6 current Coastal Management Plan and the cost related to that Plan needed to be re-
7 evaluated because it may not be acceptable to the people of the Town and the Town
8 Council. He asked the lowest cost program that would adequately protect the Town. He
9 stated he would report back at the next meeting with information on what projects are
10 bondable, the funding assistance that may be available, and greater information on the
11 current program and the current budget situation. He further stated that if the Board did
12 not believe there was an acceptable Plan B program, the Plan would require a level of
13 funding from that community that may not be supported.

14
15 Mr. Katz asked for support from the staff on which projects could be delayed or any other
16 solutions. He also asked about possible funding from the County or other municipalities.
17 Town Manager Elwell responded that there was the possibility of gaining a greater level
18 of cooperation with the other municipalities, but there was no chance, due to the current
19 economic situation, of getting any funding assistance from them. He stated there is a
20 chance of getting funding opportunities from the County but cautioned it would mean the
21 County would be more involved in and have greater control of the Town's projects. He
22 explained the funding would only be available for the public access areas. He reported
23 that Mayor-Elect Coniglio has approached the County about funding approximately
24 \$300,000 for the sand transfer plant and she had received a positive response.

25
26 Mr. Cooper suggested that the Board go back to the Council and request funding at some
27 level on an annual basis. He expressed concern about how the Town would respond in the
28 event of a hurricane.

29
30 Chair Ecclestone stated that monies had been set aside by the Tourist Development
31 Council for beach nourishment. Town Manager Elwell replied that the bed tax money
32 that is collected on the Island is roughly equivalent to the cost of annually operating and
33 maintaining the sand transfer plant. Chair Ecclestone said he believed that more than
34 \$300,000 was collected from the Island and the Town should ask for an audit. There was
35 discussion on expenditure of the funds by the County.

36
37 Mr. Frank spoke about adaptive management. He said that realistic numbers on the
38 budget and more education of the public was needed. He agreed with Mr. Cooper that a
39 line item for coastal protection should be included in the budget. A brief discussion
40 followed on FEMA reimbursement for engineered beaches.
41

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Mr. Goldstein asked for the amount of money that had been collected through the bed tax since 1983. Town Manager Elwell answered that the Town had tried to get that data but had been unsuccessful. Chair Ecclestone said he would try to obtain the data.

Vice Chair Buck agreed that money needed to be set aside for coastal management. She suggested it be looked at as a percentage of the total budget. She also agreed that some public relations work was necessary. She talked about the Inlet and the possibility of a tax on boaters and fisherman with a portion going to maintaining the Inlet and the coastal systems. She said the Board needed to determine a budget number and a reserve and take it to the Town Council.

Louis Pryor, 227 Brazilian Avenue, stated that the Town needed to do a better public relations job. He proposed that coastal protection should be a portion of the total taxes paid.

XV. NEXT MEETING [Peter B. Elwell, Town Manager]

A. SPB Consideration of the Scope, Cost, and Funding of the Town's Coastal Management Program

1. Long Term Planning (Next 5 to 10 Years)

2. Preliminary Discussion of FY 2012 Coastal Management Program Budget

B. Groin Analysis Results, Presented by Coastal Technology Corporation

C. Permit Application for Sand Transfer Plant, Phase II

Town Manager Elwell reviewed the items that would be discussed at the February 24 Shore Protection Board meeting (as listed above) and added the sand search presentation, a review of the roster of consultants, possibly a conference call with a FDEP representative to discuss innovative technologies (or in March), and possibly walkovers for access to Mid-Town Beach (or in March).

Mr. Frank asked about the Town ordinance to prohibit walking on the dunes. Town Manager Elwell replied that staff would move forward with the ordinance.

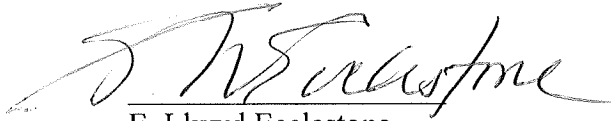
Mr. Cooper asked for an update on the Coastal Management Program budget through 2019. He also asked that the Board consider funding a reserve. Town Manager Elwell responded that the prevailing policy of the Town Council was to fund a project once it is known that it is getting permitted. He suggested the Board present the refined Plan and the funding recommendation to the Town Council.

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XVI. ADJOURNMENT

There being no further business to discuss, the Shore Protection Board meeting of Thursday, January 27, 2011, was adjourned at 11:52 a.m.

APPROVED:



E. Llwyd Ecclestone
Chairman