

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON APRIL 29, 2002 REGARDING DRAINAGE

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 1:00 p.m. by President William J. Brooks. On roll call, the following Elected Officials were found to be in attendance: Mayor Lesly Smith; President William Brooks; President Pro-Tem Norman Goldblum; Councilman Jack McDonald; Councilman Sam McLendon; and Councilman Allen Wyett. Others attending all or part of the meeting were: Town Manager Peter Elwell; Town Attorney John Randolph; Assistant Town Manager Tom Bradford; Finance Director Jane Skittone; Public Works Director Al Dusey; Town Engineer Jim Bowser; Director of Planning, Zoning and Building Robert Moore; Assistant Director of Planning, Zoning and Building Veronica Close; Assistant Building Official Harry Ackerman; Zoning Administrator Paul Castro; and Town Clerk Mary Pollitt.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Town Clerk Pollitt, and the pledge of allegiance was led by President Brooks.

III. APPROVAL OF AGENDA

Councilman Wyett made a motion to approve the agenda. The motion was seconded by Councilman McLendon and carried 5-0 on roll call.

IV. FURTHER CONSIDERATION PROPOSED DRAINAGE IMPROVEMENT PROJECTS

The following is a verbatim transcript of the meeting.

A. Level of Service and Intensity of Construction Schedule

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Peter Elwell:

The documents that have been handed out are in addition to a relatively thick package of material you received on Friday in preparation for this meeting today. That material is also available to the public but we won't have a complete set of the backup for everyone, obviously, given the magnitude of it. We are having enough copies made of these last minute items so that they can be available for everyone in the room. Most important--there are three items that relate to questions recently asked, one is an input from the public and two others are responses to questions recently asked by Council members regarding the moratorium issue which will be discussed later today.

The other item that was just distributed was something that I think will help us stay focused as we go through this afternoon what is a very complex issue with inter-related aspects of it between what may be done as a public improvement project, private re-development issues and property regulation issues and other operational actions that the Town may take that will contribute to addressing the drainage issue. So, hopefully that will help us in that regard, and I'd like to underscore, particularly the division between decisions which are requested or recommended and items for discussion.

As I indicated in the memorandum that came to you with the back up materials for the meeting, and I would like to reiterate at the outset of the meeting, to stay on the critical path for making drainage improvements with the pump stations and the pipes that will be necessary once final decisions have been made regarding the levels of service to be provided and the scope of improvements to be made and the pace that which those improvements are to be made and how we are going to pay for them. These are decisions that are inter-related with the private property issues and may well take weeks or a few more months to decide. I think it is important that you allow yourselves that room in this process to address things in the fullness of their complexity, and to recognize to stay on the critical path for constructing the improvements, you need only to address the two items under decisions requested or recommended today. You certainly can, if you get comfortable, as we have further information brought forward today, take action on any of the other items, and we follow up accordingly. I wanted to make sure at the outset, that not only you who are faced with these decisions but also the public participating in this discussion understand the items for discussion can simply be that and the meeting today can simply be informational so as to move us forward in the process without you facing deadlines for decisions other than the two items at the top, and we can still stay on the critical path to ultimately construct the improvements that you will approve after further consideration.

Having said that, we can address the two specific decision items, I think, later in the meeting in the context of the further discussions, so I would suggest that we begin by addressing the first item under items for discussion which is the proposed alternative approach to the capital improvements.

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President Brooks:

That seems fine, Mr. Elwell. We will discuss the preliminary design and the coordination with the City of West Palm Beach at a later time, as we go through this agenda. Is that correct?

Peter Elwell:

Very good.

1. Alternative Approach to Capital Improvements

Peter Elwell:

If I may on the alternative approach, there have been comments and questions raised about the scope of the project and the intensity of the work and whether it is necessary to construct everything that has been considered. If it is not necessary to construct everything or whether or not it's necessary to construct every improvement that has been considered, whether the pace of those improvements ought to be modified so that it will be spread out over more time and be less impactful in any given year. In fact, these are concerns that we raised early in this process related to the magnitude of the work, the very high level of service we're discussing, and the potential that the community intended to benefit from these improvements may, in fact, feel over loaded by the process of providing the improvements.

So, in response to that, you received, a few weeks back, from staff a recommended alternative approach that I think should become some focus of the discussion today although we will go into many other details, but where the general approach would be to construct those pump stations and major trunk lines, primarily in North Lake Way, that are necessary in order to provide the broad improvement to the entire area of the five drainage basins to the degree necessary, and this will become an important part of the discussion later today, to the degree necessary to meet an established level of service, which may or may not be the 100 year storm level of service after further discussion. Whatever the level of service is determined to be, there will be a program that will achieve that, and our recommendation is that the first order of business in implementing that program would be to construct the pump stations and the trunk lines. And then to move forward from there into side street improvements that would be aimed as top priority and as part of a scheduled program—those streets where we have experienced home flooding from the storms of the last few years.

Finally, and quite differently from the path that we were on up to this point, it is our recommendation that streets where homes have not been flooded from our experience within these past few years, not receive pipes on a scheduled basis, as part of the overall program, but be identified as streets that will receive future improvements, again, to the degree necessary in order to achieve the approved level of service, and they will receive those based on one of two determining factors—either when the pipes that are already in those streets at

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this time begin to wear out and need to be replaced just in the normal life cycle, remembering that some of those have been installed as recently as within the last ten to fifteen years and so may have quite a long life left, or when, due to other factors besides the capacity of the system, we may seem some degradation in the service on that street, and have some increased threat where there has not previously been a threat or an experience of home flooding where we become concerned that the street flooding is worsening, and there is the potential for home flooding. Then, at that point in time, well into the future, we might return and recommend expediting a particular street for that reason. The end result of this would be to significantly lengthen the amount of time over which the improvements would be made, reduce the impacts of the construction, and reduce the near-term costs of the projects, not necessarily the final long-term cost.

President Brooks:

I think, Peter, unless the Council has any different—I think that makes sense—the modified drainage plan. We want the biggies taken care of first or at least the ones that have the major impact and then it may be ten, fifteen, twenty years down the road when we get to other streets that have not traditionally been flooding, but perhaps would need new pipes.

Any Council comment? Mayor Smith?

Mr. Wyett.

Councilman Wyett:

Peter, you just handed us a list of streets where frequent flooding has been observed, not engineering observed but Town personnel getting out there?

Peter Elwell:

Observed by experience, that's right, and my suggestion would be, if we can, to hold that discussion for the moratorium section of the meeting. I think that is where it will be particularly relevant.

Councilman Wyett:

Were the houses flooding on these streets, or just the streets?

Peter Elwell:

Streets flooding. In some cases, also homes flooding, but not in every case. Those are the streets where there is commonly observed street flooding.

I would like...yes, sir.

President Brooks:

I failed to say I see a member of the public would like to comment. We are going to get to

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that, so I don't know how timely your comment is, so I obviously don't know what your comment is, but do you feel you want to say something now or would you rather wait until...Mr. Weeks?

Jay Weeks:

My name is Jay William Weeks. I live at 210 Jamaica Lane, and I have lots of pictures here. Jamaica Lane is not even on your list. We have been flooded five times in the last seven years that I have been here, and I can show you some pictures that I took—not at the last storm, but at the next to the last storm which shows sever flooding at the east end of Jamaica Lane. Okay? That's all I have to say.

President Brooks:

May I ask, sir, could you submit those pictures to Mr. Dusey and Mr. Elwell first? Thank you.

Councilman Wyett:

One question, sir. Is that flooding on houses or streets? The houses flooding or the street flooding.

Jay Weeks:

It's the street flooding, but I have had 8 inches in my garage, but as you can see, this is after the time...the pictures I showed to Peter is after the storm, and you can see how high the tide was by the leafs on the lawn and the leafs on my driveway, and you can't take a picture in the middle of a storm, and I went out right after the storm and took some pictures after the tide had started to go down. Thank you.

President Brooks:

Mr. Elwell.

Peter Elwell:

Yes, sir. Thank you. That leads us very directly into the next topic, but I need to make one other quick item since we have touched on this list. I need to make one other quick comment about that before we go on to talk about street flooding, and that is that the list is identifying those highest priority streets where we have seen a major problem affecting the street. There will be other streets, certainly, that can be called to our attention or others that we have observed where there may be a portion of the street, some impact, but where the overall level of impact does not cause that street to be on the highest priority project list at this time. Clearly, that is something that is subject to some further review and discussion, and will be particularly addressed by the level of service decision that has yet to be made.

2. Private Development/Re-development Regulations

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Peter Elwell:

The tolerance for street flooding is a critically important element to determining both the level of service and the pace of the improvements, because street flooding has been common in the Town, no matter what we ultimately construct for public improvements. No matter what private property regulations are ultimately put in place. There will continue to be street flooding during serious storms in the Town. It's a tropical environment, and we simply--particularly in a fully developed environment--cannot construct a drainage system sufficient to prevent street flooding.

President Brooks:

Let me interrupt you for just a moment and call Mr. McLendon who is the water expert.

Councilman McLendon:

Well, that's any damn fool fifty miles or more from home. Right, Bill?

I subscribe to what Peter just said that the street flooding, I think, is inevitable at times, and I don't think we can afford to even consider eliminating that from the final.

I've got a couple of questions I would like to ask Mr. Dusey, if I could do that at this moment.

I'm confused, Al, a bit with D-4. Are the streets, Coral, Emerald, and in that vicinity, going to wind up going north or south on North Lake?

Al Dusey:

They're going to be inter-connected to both, actually. They are going to be connected to the D-4 system, and there is also a pump station that is planned for Wells Road, and it will be connected to Wells Road also.

Councilman McLendon:

Why do we need to do both?

Al Dusey:

Wells Road needed to be a reliever to provide any relief for Coral, Crescent and Emerald, because, actually, the water flows in that area to the east which is very unusual. It sits down in a bowl.

Councilman McLendon:

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What I had in mind—you may have very good reasons to tell me it can't be done that way—I would think that the Wells Road pump station, and take those streets to the south to that point, as opposed to doing Tangier's pump station first would make a lot of sense to me, and it keeps—I think it is a much shorter connection on North Lake, I think it's 1700 feet or much more than the other direction, and maybe even that line on North Lake could be laid at the same time that we are down with Bradley Place—just a little bit south and minimize all the inconvenience of all the people north of there.

Al Dusey:

As compared to running it to the north?

Councilman McLendon:

Yes.

Al Dusey:

I am much more comfortable running it to the D-4 station as I am the D-12 station.

Councilman McLendon:

Well, actually, we are going to wind up with D-4, A, B, and C, aren't we?

Al Dusey:

Yes. A and B, at least. D-4, D-12 and the one at Wells and the one at Tangier. Now the Tangier station was supposed to be put in first to provide as much relief to the Miraflores area that, as you know, is under great duress in a heavy storm. It's the low point in the system, and all the water rushes there, but if you take water out of the system before it gets there, and that's what Tangier does, it should provide a greater level of relief to Miraflores.

Councilman McLendon:

I know a lot of what was dictated...and I don't quarrel with the economics, which I haven't seen the detail of, but to have three pump stations within such a short distance, and in such a short distance to the Lake, it just is questionable, but I'm not hard to convince, so ...

Al Dusey:

We talked about this the other day, briefly. The problem is that we don't have access to the Lake at all locations. We only have certain public access ways to get to the Lake, and one of them happens to be at Tangier, and one happens to be at Wells. That was the deciding factor as to where the stations can go. We have another basin in the north. I think it maybe 9 that we're

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actually proposing a station, one street outside the basin, because it is the only street we can get to the Lake, build something and actually get it to the Lake. It is not always where you want to put them or where they are best situated, but where you have room to do so or the right to do so.

Councilman McLendon:

That one really bothers me, because all of the pipes now are going to be headed in the wrong direction, gravity wise.

Al Dusey:

Well, to a degree, but they will always flow in a direction that they are allowed to flow. They are not...

Councilman McLendon:

They would have to run up hill because they are sloping to the north now. They would have to go south.

President Brooks:

If I could interrupt for a minute, Mr. Dusey, Mr. McLendon. We're getting a little esoteric in this conversation.

Councilman McLendon:

I beg your pardon.

President Brooks:

No, no, no. It's important, but for the sake of the ladies and gentlemen in the hall, I think maybe when we say D-4 or D-12, if we could perhaps identify it with the street so they would know.

Peter Elwell:

In fact, if the Council, if it suits the Council, I think that the specific discussion of pump station locations and pipe sizes and those sorts of things would best wait until a little later in the discussion after some of the broader context discussions, if that is acceptable.

President Brooks:

That's fine. We will wait, but I would ask that you tag it with the street name.

Mayor Smith:

What I wanted to ask was, for the benefit of the public here, it's the most

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people perhaps we have ever had at a meeting on the drainage issue, to define when the pump stations are going to be built, what streets are going to be dug up, what is going to happen to the residents in those areas, by name and not by number. As far as the pipe size, I guess Mr. McLendon and Mr. Dusey are the experts. I am not going to debate size or gravity or pull or directional or anything like that. We don't understand that, but I think the residents want to know how they are going to be impacted and how they are going to be saved. All right?

Peter Elwell:

Yes, ma'am. The answers to those questions will be determined by the broader issues of tolerance of street flooding, level of service, does every home, currently existing in the Town, need to be protected from a hundred year storm? Or are there other ways that the Town may be of some assistance to the particularly low-lying homeowners; therefore reducing the amount of capital improvements necessary to meet a lesser level of service.

Mayor Smith:

Good, so let's start the discussion. We've discussed this before, but if we can get to the specifics, I think everyone is anxious to hear them. We have done the hundred year storm. There have even been suggestions that with the hundred year storm improvements, there would be 11 houses that could not be saved. They would continue to be flooded. One of the options presented to us was to buy those 11 homes and tear them down. I don't feel that is an acceptable option to the Town of Palm Beach, so if we could take that off the table and move ahead with what we have discussed in the past. All right?

Peter Elwell:

Yes, ma'am. Before we can get to any of the fundamental decisions regarding the level of service and the homes, the maximum protections that responsibly be provided to the homes, that first threshold is the tolerance of street flooding, and perhaps you have heard enough about that. If you have, whether you want to hear from the public, whether you want to have some discussion about it, staff can provide some additional information if that is helpful to you.

President Brooks:

Would anyone, citizens, care to address the Council? Yes, ma'am, if you could come to the microphone please and identify yourself with your residence.

Jody Booth:

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My name is Jody Booth, and I own a home at 211 Orange Grove Road. I think you might possibly have an error on this list. You have Orange Grove Road listed as a problem on the east end. I think it is the west end.

Mayor Smith:

Maybe it's both.

Jody Booth:

I'm very high, so I have no problem with the flooding at all, but I noticed in the last flood I could not drive down the street to the west end because cars coming out were flooding, and we don't have that problem on the east end.

President Brooks:

Thank you, ma'am. Mr. Dusey, can you check that. Mr. Wyett.

Councilman Wyett:

Mrs. Booth? How long did the flooding on the street last?

Jody Booth:

Not very long. Not from my end.

Councilman Wyett:

No, from any part of the street.

Jody Booth:

I left to go some where, so I can't really answer that.

Councilman Wyett:

I was out just as the storm ended, looking at all the streets, and the most I saw in almost every street was large puddles, so to speak. The water seemed to go down extremely fast.

President Brooks:

Thank you. Mr. Elwell, are you ready to move to the pace of capital improvement construction which I think is key to this? Excuse me, Mr. Guttman?

Bill Guttman:

My name is Bill Guttman. I live at 216 W. Indies Drive. I am speaking now, solely, in my individual capacity and no relationship to my roll in the Civic Association.

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I happen to live on West Indies as I have just said, and we are lucky that the street is, I think, 9.5 feet above sea level, so we don't experience much flooding, but in a storm like the November, 2000 storm, I think our street probably flooded for at least an hour. Again, I'm speaking only for myself. I personally can tolerate more than an hour's worth of flooding on my street. What I could not tolerate would be, if in that course of period, my house was being damaged by the flooding, and I think it is very important for the Council to look at both of those sides, and I hope those here today if they have similar feelings will express them. Thank you.

Peter Elwell:

The street flooding tolerance is important in two different respects: One is in the overall scope of work for the project and how large the pipes need to be to provide a certain level of service. The other is the pace of the improvements, because the slower the improvements are made, for the good reasons that they may be made at a slower pace, the longer the street flooding in areas that will in fact receive improvements will occur. There will be street flooding that will exist in areas where it exists today, and it will continue to exist for longer while they await the improvements that will be made.

Staff would suggest to you that it is a very reasonable approach, a very responsible policy decision, if you were to determine that we would tolerate such street flooding. Some of it perhaps indefinitely into the future, because of the fact that it does not endanger homes, but certainly, at least, in order to allow the pace of the improvements to be made in a manner that reduces the disruption, and the impact upon the public to the degree that we can. These will be large, disruptive projects no matter what. We will be digging in the ground and placing large pipes, but to the degree that impact can be spread over a greater number of years, there is both a financing benefit to that in some cases and certainly a quality of life issue. The balancing impact of it—the pro is that there would be less construction impact and the con is that there would be more street flooding. Again, we would suggest to you, and you have heard from at least one member of the public and perhaps others, that street flooding is acceptable so long as homes are not getting flooded. We think, more and more, that is a concept that needs consideration.

President Brooks:

Let me just interrupt you, Mr. Elwell and go to Mr. McLendon.

Councilman McLendon:

I think I echoed that before. That's what I would recommend, and if we need

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a motion to put that on the record, I would so move. I would also like to mention that, as the pumping stations get larger, the street flooding will naturally be less, so I think it is well to put that off into the future somewhere.

Peter Elwell:

That's quite right, and I think before having a detailed discussion of the pace, I think it would be helpful for you to hear from Jay Foy, one of our consultants, regarding the levels of service that are prevalent in environments such as ours, developed barrier island communities in the sub-tropical climate, and put that in perspective to the high level of service that we are looking at in the Town. With that, I think, if we can into, fundamentally the decision making regarding our ultimate goal, and what we are trying to protect and what we can afford to implement, that will lend then to the pace discussion.

President Brooks:

Let's go with that expert, and Mr. McLendon, would you mind holding that motion you made until after you hear from..?

Councilman McLendon:

Do we need a motion, Peter?

Peter Elwell:

I don't think we need a specific motion on that. That is going to be the basis for some of the decisions you are going to make later in the process.

President Brooks:

Okay. Jack, if you would please.

Jay Foy:

Thank you. Jay Foy with the firm of Shalloway, Ford, Raymond & Newell. I'll give you a couple of examples. I thought I was going to answer questions, but I will give you examples of what is typical.

You have before you a couple of different protection criteria—one is roads and the other is house. You have homes that flood. It is not typical to design pumping stations to retrofit areas to protect homes. There is only one example that I am aware of where that has been done. There have been several examples of retrofitting to improve the drainage system for the roadways to make up for increased development. Roadway development is typically a three year design; finished floors are typically a hundred year design; and you also have to consider not only the hundred year rainfall but

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the hundred year if you are in a flood zone, which is something Al and I talked about. You happen to be in a FEMA zoning of 7.0, elevation 7.0. We did not address that in our studies. If your storm surge goes to 7.0, your current criteria, which is finished floor 7.5, takes care of that.

What we have in Palm Beach, the two basins that we did, D-8 basin, we have 22 homes that are elevation 6.0 or below. In the D-2 basin, the other basin that I did—for the benefit of the audience, the D-8 basin is just south of the Country Club; the D-2 basin is half way between the Inlet and the Country Club. The D-2 basin has 6 finished floors that are elevation 6.0 and below.

The studies that we presented to you give you answers for the rainfall of 17 inches, not for the tidal surge. Tidal surge, anything that is below 7.0, will not be protected. 17 inches of rain in the D-8 basin resulted in 21 homes flooding and in the D-2 basin, 6 homes flooding or 5.

I'm not sure I covered the exact answer that you asked. You had asked for what is typical. What is typical is design the roadways for three year and the finished floors for a hundred year, but not to retrofit them that way. I have seen a lot of movement in Riviera Beach, Delray Beach, Boynton Beach. There's a project that Terry Bates from South Florida brought it to mind that they are doing something similar, I don't remember the name of the project, on the Palm Beach/Martin County line. The only one that I am familiar with where we retrofitted to protect the finished floors is in Boynton Beach.

Peter Elwell:

If I might, Mr. President. I'm going to try to say, in a lay person's words, what I believe you are saying and ask you to either confirm it or correct me, that the level of service contemplated to construct the additional pump stations and the large trunk lines, in order to, in an existing developed area, to protect low-lying homes from future flooding is an extraordinary level of service, beyond what we would see virtually anywhere, is one example of at least addressing, partially, within a community something similar that Mr. Foy identified. Again, we want to put into perspective the extent to which this would be a Palm Beach level of service, a very high level of service, compared to the norm, and as you further weigh this hundred year level of service versus the potential of something less than that, I think we need to put some specific context on what the engineers can design for maximum protection at whatever you determine to be the affordable cost to the community.

Jay Foy:

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Yes, that is correct. I'll add one thing: in the D-8 basin, we had 1.8 feet – that's just south of the Country Club Road and Fairview, Ridgeview–the D-8 basin had 1.1 feet of flooding was the worst house. Of course, it doesn't matter if you get one inch or one foot, it ruins your walls, etc. The D-2 basin which is Nightingale, Palmo that only had about 5 inches of flooding.

President Brooks:

I think Mr. Goldblum has a question, please.

President Pro-Tem Goldblum:

I wonder if we could have a summary of how many houses are involved in those two areas and the number, either 5 or 6 are involved, but get it firmly so that we can make a judgement call of what we want to do.

Peter Elwell:

You will need that to make your final decision, which is one of the reasons we are not recommending that you make a final decision today. After having some additional discussion today and getting some feedback from you of what you will find tolerable to consider for future consideration, we will do additional calculations to come back and tell you, and I might, Mr. President, let me say that right now what you are doing, you are saying that you want to protect every home–no matter how low-lying– from being flooded in a hundred year storm.

I should say that has been the goal of the exercise to date.

President Brooks:

Right. But we know from the testimony of the experts that is impossible.

Peter Elwell:

Yes, sir, it is impossible for those 11 homes, so the question before you as you revisit level of service is should there be some other threshold? Instead of maximum possible protection, should it be that you want to protect every home that is at a finished floor at or above 6.0 ft.? At or above 5.5 ft.? At or above 5.0 ft? And you can't make that decision, sitting here without the data before you of how many homes are to be affected, but there is a cost involved in further studying that, and we have not further studied that, pending some initial discussion of the acceptability of such a solution to the Town Council. Let me tell you in the same breath, that it is not anyone's intent to leave out to dry, for their own–to deal with this on their own, the property owners who would have lower lying homes than that. There is some additional information in the materials we have given to you today and some

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recommendations that we would offer about what the Town might be able to do to assist such individuals, particularly as it relates to obtaining federal funding assistance for raising or otherwise flood proofing their homes.

President Brooks:

Thank you. Mr. Goldblum.

President Pro-Tem Goldblum:

Well, I was going to bring that up. There is a FEMA regulation which we are going to advertise where people who have had flooding, two floods within the last ten years and the cost being over \$1,000 per each unit, could apply to FEMA to get relief, which we never knew until we got these papers. That makes me feel a little bit better about what we might have to do, but I think we need the firm figures. You don't need a motion for that, do you?

Peter Elwell:

By the end of the day, I would like some direction from the Council about which alternatives you are willing to consider, and then we will further study them.

President Brooks:

Okay. Let's go to Mr. Cooley.

William Cooley:

William Cooley, 233 Tradewind.

I have a home on Ridgeview Drive that was flooded. I recently have sold it, and the people intend to demolish it and erect a new home. Now, the one just to the west of me, the same thing. It has been sold. It will be demolished and razed. The one on the east end of the street, which Mr. Beatty, I think, owns has been demolished and that is going to be razed. Ridgeview has a flooding problem, and these houses that were sitting at 4.5 feet above sea level usually took about a foot of water in the house, but this is listed on your list of houses that you are going to cure with this drainage project, but these are going to be self-curing, because these houses are going down. They are going to be razed. The statistics are just going to be a little bit skewed here over the next year, because a lot of these houses are going to disappear.

I was just wondering one thing. How many folks have had water in their house? I was just wondering that, as opposed to flooding in the street.

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President Brooks:

It looks like we have 12 or 15 citizens whose homes have flooded, unless we they are duplicates. Mayor Smith.

Mayor Smith:

Mr. Cooley, I wanted to ask you, we had heard about your house being flooded, and you had to put your furniture up on blocks. When you advertised it for sale, did the real estate brokers tell the prospective buyers that this was a flood area?

William Cooley:

The house was advertised while there was a house on it as a lot only. The house was not sold. I wouldn't even let them inspect. It had to be torn down. They were told that.

Mayor Smith:

All right. I think that this is one of the problems in the Town that when you go out to buy a house, I think the real estate people have the moral obligation, certainly it's not written, to at least in advance, tell the prospective buyers that this is a possible flood problem. The same way that you should be told that you are in an airplane path. I think that is important, and that's why all of Ridgeview, I would imagine, would be torn down, but I think that is a situation that is now going on in the Town that these streets are being torn down and that is creating one of our flood problems, because the new homes are higher and bigger and are flooding onto the neighbors' properties, so it may solve the problem for one street but the water may be dumped onto another.

President Brooks:

Mr. Wyett.

Councilman Wyett:

Since we have just had a show of hands on houses that were flooded, we need a show of hands on how many houses, not the garages, were flooded in the last 5 inch storm we had.

????

Into the garage, into the kitchen. It came through and this is on South Ocean Boulevard.

Councilman Wyett:

Thank you.

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President Brooks:

Thank you. Okay. Sir?

Don Kino:

For the record, my name is Donald Kino. I live at 205 Sanford Avenue. I would just like to respond to Mr. Cooley's assertion that maybe some of this flooding, issues, and problems can be resolved by self-policing; that meaning, raising houses that are below 7.5 ft. and simply constructing houses that meet 7.5 criteria. My house does meet the 7.5 criteria, but the issue for at least the majority of my street is not necessarily flooding in the structure itself or the garage and I will submit pictures. It's physically getting onto my street from either County or North Lake Way. I would say five times in the last year and one-half, two years, it's been physically impossible to get onto our street. That means for emergency vehicle, or, god forbid, one of my neighbors should have a problem with their family members, children, or any thing they need to get to a hospital or medical facility. You can not physically get on or off that street, and I just don't think by simply tearing down some houses or building them at a higher elevation is the answer to a lot of this. Maybe it solves a problem with flooding on some of these streets as far as getting to the structure, but I think more importantly for the safety and welfare of our residents, access to and from these residences are just as paramount an issue, so I would like to submit some of these photographs just to show you what we are talking about. It's not one end or the other. This is physically from one end of the street to the other--totally flooded. I would have to say 2.5 to 3.0 feet of water. You cannot get a car in or out. Thank you.

President Brooks:

Mr. Dusey, if I could ask you, on your modified drainage plan, if we build those pump stations and trunk lines, wouldn't, at least theoretically, the gentleman's problems--Sanford, of course, is in the area we are talking about.

Al Dusey:

Sanford actually gets a trunk line on it as part of the initial thrust, so that problem would be gone.

President Brooks:

Okay. Thank you. So I hope that brings some solace to you, sir.

Mayor Smith:

Mr. Foy, when you were talking to us about the way you did the survey of the properties, when you talked about street flooding, were you talking about this

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level with a couple of feet of water or were you just talking about a damp street? One is a swimming pool and one is a wading pond.

Jay Foy:

Yes. The two basins that our firm studied, D-8 basin which is the one just south of the Country Club which is Country Club Road and Ridgeview, the worst street flooding is 3.0 feet; the worst road flooding is 2.4 feet; the worst garage flooding is 2.2 feet; the worst finished floor flooding is 1.1 feet.

Mayor Smith:

Right, and 3 feet of water, that would make a street impassable. Right?

Jay Foy:

It's a threat to the health, safety, and welfare of the residents.

Mayor Smith:

Not all of us drive those trucks.

Jay Foy:

On the D-2 basin which is the Palmo Way, the worst street flooding there was the Inlet flooding at 3.0 feet; the worst road was 2.0 feet; the garage was 1.4 feet; and the houses are all pretty high in that area, it's only 5 inches.

Mayor Smith:

But I am not sure that 3.0 feet, which is very high, if that would not impede an emergency vehicle. An ambulance?

Jay Foy:

Anything above about a foot, some of them 18 inches, is a problem.

Mayor Smith:

Thank you. Anything above a foot makes it an emergency.

President Brooks:

Mr. Goldblum.

President Pro-Tem Goldblum:

Al, your trucks—how much water or how little water they need to get through?

Al Dusey:

The traffic trucks could drive through substantial water—18 inches or...

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President Pro-Tem Goldblum:

How about an ambulance or a fire truck? Anybody have.....

Al Dusey:

A fire truck, I think, can drive through very deep water. I don't think much is going to stop a fire truck.

Mayor Smith:

He said not an ambulance. He said not an ambulance, anything over a foot is a problem.

Al Dusey:

Ambulance, I am not sure. An ambulance has a smaller, has a lower free board on it.

Mayor Smith:

Yes. Anything over a foot is a problem. We just said that. So that sort of changes the way we look at it and street flooding is a wet street. Street impassibility is anything over a foot, and I think that we should take that into consideration. I think as we look at the idea of getting grants back for financial assistance, I am not sure that would cover the cost of somebody's Mercedes. I don't think FEMA really addresses Mercedes and mega mansions, and I don't think \$10,000 would really make a big deal in having to redo your entire house and the walls when it is flooded so, I don't think we should try and hang our hats on the fact that there might be assistance.

?????

May I address the FEMA issue. My mother was flooded at 258 Miraflores. We looked into it. FEMA will give you \$15,000 to \$20,000, depending on what you can prove, to raise the level of your house. There were no contractors we spoke to who would come over here and raise your house.

President Brooks:

Thank you. Ma'am, for the record, would you please give your name. I'm sorry.

?????

My mother is Barbara Madsen.

Peter Elwell:

Thank you, Mr. President. The next item on the list to address would be the permitting process. We are fortunate to have Terry Bates from the South Florida Water Management District with us today. She is the Director of Resource Control

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Development which is a very high level position in the permitting, regulatory operation and she is available to answer your questions.

My only concern with leaving the discussion we were just on is whether you ought to hear more and for the interest of her time, we could have this discussion, but before we move further into the list, I would urge you to go back and have some continued discussion, particularly to seek some additional input from the public on the level of service question, because I think fundamentally before we make any of the other...address any of the other topics, identifying the goal is going to be essential to us.

President Brooks:

I think that is a very good suggestion, Mr. Elwell, and we will do that. I think that it would be advantageous if we hear from South Florida Water Management District at this time, especially as regards the permitting, without which this could be a nice academic discussion.

Terry Bates:

Good afternoon. I'm Terry Bates with South Florida Management District, and I think the key decision for our agency is for the Council to decide on what level of service you want for your residents and for your community, and then our job is to work with your consultants and your staff to come up with a permittable project that addresses all of our criteria which entails, not only flood protection, but also water quality from your additional pump capacity going into the Lake Worth Lagoon and water quality issues. So, as soon as you come up with what your course of action is, we will continue to meet with your staff and your consultants. We have had one preliminary meeting with your staff and the consultants, so we have a heads up with what you are anticipating, and we will continue to work with you. If you have any specific questions, I would be happy to answer them.

President Brooks:

Is it fair to say, ma'am, that your requirements are somewhat restrictive. I mean it's not come in and take your pick, it's that water quality is a key issue?

Terry Bates:

Yes, it is, but one of the things that I will tell you that I was encouraged and learned that previous permitting we have done for the previous pump stations and water quality was a major issue, and the Town Public Works staff had come in and actually demonstrated to us programs that the Town already had in place for what we call 'Best Management Practices' for dealing with storm water runoff; for cleaning out the drains to make sure that even though you have a very limited land area, that you are implementing day to day management practices in the Town to improve the water

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quality as much as you can prior to discharge. Those are all very progressive things that will help going through the permitting process.

President Brooks:

And generally speaking, Ma'am, the length of the permitting process?

Terry Bates:

I will tell you from the date your application is complete, the legal time frame is 90 days for our governing board to take final agency action. It can take, depending on the quality of the submittal, the amount of information that comes in, any concerns raised by third parties, 3 to 6 months to get your application complete. So, I would say 6 months is probably an optimistic time frame, assuming we work together up front, prior to the application being submitted, so that we know what is coming in and kind of anticipate the questions that will be asked.

President Brooks:

Mr. McLendon has a question.

Councilman McLendon:

I guess I have a problem with the impact we might have on the water quality in the Lagoon. The quality there, now, is so lousy, I know we don't want to make it worse, and you have a humongous amount of water coming twice a day at each tide change, and all of this water is fresh, uncontaminated, basically, I have a problem understanding why you would care whether we put it in there in six hours or twelve hours.

Terry Bates:

That is an issue for us to evaluate during the permit process, but you are looking at substantially increasing, at least the preliminary discussions we had, the amount of flow that would come in in a very short period of time. What we need to look at is the outflow locations of where these are proposed. Are there any sea grass communities? Are there areas that would be impacted? That's part of our evaluation process.

Councilman McLendon:

If it's only present for a few hours, does that impact normal grass?

Terry Bates:

It potentially could because of the turbidity that can be generated when you get that velocity of water coming in in a very short period of time. I'm not saying that those are not things that can be overcome or have engineered solutions. Your existing pump stations, what was put in place, was basically a settling basin to try and control

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that velocity, so you didn't have a lot of turbidity and sediments being stirred up which then cause kind of a cloud over the sea grasses and that impacts their viability. Those are issues to be reviewed as we go through the process.

Councilman McLendon:

Thank you.

President Brooks:

Any other questions? Yes, Mayor Smith.

Mayor Smith:

I want to thank you very much for coming here today. I appreciate that, because you know we consider this an emergency. Does the South Florida Water Management District review applications on an emergency basis or do they all sort of come in as you go.

Terry Bates:

I would say that they come in as you go. Certainly, we do have provisions for an emergency, but that's typically when you have an immediate ...

Mayor Smith:

Everyone thinks they have an emergency.

Terry Bates:

That would be common.

Mayor Smith:

We have heard many times over here that the process can take any where from one to two years. Why do you think we are hearing that nasty rumor?

Terry Bates:

It really depends a lot on what's being proposed. Whether it's something we have not worked with your staff or your consultants on up front, which in this case, we have, and the type of responsiveness we get from the consultants when there are issues that are raised—whether it's flood protection or water quality—getting that information in as quickly as possible to keep things going in our process.

Mayor Smith:

Right. But you think after what you have heard today and the fact that you have had preliminary staff meetings, that we might be able to get our projects as quickly as six months?

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Terry Bates:

I would say so. There are issues and concerns, and part of it depends on what is the level of service that you end up deciding on, because that kind of dictates how much additional discharges we might be anticipating and what kind of process we would need to go through. Maybe that a variance is required to go along with your permit, to acknowledge that the discharge is going to be higher than what would normally be permissible under our agency rules, but there is a process to go through that's done concurrently with the permit to deal with that issue.

Mayor Smith:

Thank you very much.

President Brooks:

Back to you, Mr. Elwell.

Peter Elwell:

Thank you, Mr. President. I would like to refer you back to the level of service discussion and finish. I would like to say one thirty minute comment to put it into perspective, and I think you need to hear from others in the room.

The range here is really from minimum of protecting 7.5 feet as the Town standard. You require people to build to 7.5 feet, so certainly any improvement we would make, we would want to be focused on making sure that a home built to Code doesn't flood. That, quite frankly, is going to be easy to achieve, based on the existing system and where we are, and what we have experienced.

Ranging from that to the other extreme of providing the maximum possible protection with the largest possible pump stations and pipes so that every home that can be protected from a hundred year storm will be protected and that is the scenario we have discussed where there would still be 11 homes, even our maximum effort, that would be flooded in the hundred year storm. Somewhere between those two extremes, may, in fact, lie an appropriate level of service that would be less of a burden to the overall community in terms of the magnitude of the program and yet would still provide relief to most of the homes, many of the homes, that have experienced flooding in the low-lying—those that are under 7.5 feet—and with the potential that we might offer other types of assistance—some other effort to assist the homeowners who would not be predicted by the models to benefit from the capital improvements in the streets.

That's where I think the discussion regarding the level of service needs to focus, and I think you need to hear from the community. You may wish also to hear from your professional staff about how to weigh those choices.

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President Brooks:

I would say both. Any citizen who would like to address the Council? Why don't you just come on up and sit in front—queue up in a lady and gentlemanly fashion. Just identify yourself for the record, and fire away. Mr. Watchman.

Bill Watchman:

I'm Bill Watchman, 269 Miraflores Drive. I just have one item that I would like to comment on. When we say street flooding, I think we have to define what we mean, and you have just heard some of the reasons for that.

In our area, street flooding is around three feet, and there are always in each of the several floods that we have had, there are always at least two, usually four, cars that have stalled out in that water, at the intersection of Miraflores and North Lake Way or just slightly north of it. They run into each other. It's very dangerous. Sometimes people come and push them and shove them into Miraflores, and they just sit there for two days, because they won't run.

If street flooding is curb height, terrific. If it's high enough to climb up my driveway and get into my house, I realize you did exclude houses being flooded, but that's street flooding. The water doesn't come from any where else. It doesn't come from heaven. It seems to come from the street, and you can see it creeping up on both sides of the street, and eventually you look out the door and you have a glass-like surface that stretches from your door, across the street, and past the next house on the other side of the street. That's street flooding. It starts from a buildup in the street. You can see it. You can pretty much anticipate, after a little experience, how long it's going to take until it gets to your door.

So, I think street flooding is fine. Streets are part of our drainage system, and that is so stated by Mr. Dusey many times, but I do think you have to be careful to define street flooding. As you observed, Mayor, our streets are closed. I will never forget the first time it happened. We had just moved here. We arrived back on a weekend and wanted to go to our house, and the police were everywhere with barriers, blocking all of our streets, and that was seven or eight years ago. Of course, we didn't understand any of that when we bought our house. We hadn't heard about the street flooding.

President Brooks:

Thank you, Mr. Watchman.

Bill Watchman:

So a definition of street flooding, may be, when we get down to it, is a good idea.

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Floyd Wideman:

My name is Floyd Wideman. I live on El Dorado in the north end.

I wasn't quite sure where I could get up and address what I want to talk about, but I'll put it in here even if it is a little extraneous.

First of all, I have been here since 1931, and I don't look that old but I have been... We never had flooding. I don't think the rainfall amounts have changed in all these years. We never had flooding. I went through hurricanes. My dad built the first house on Sanford Avenue. The only time I ever saw water in the street was when we had a major hurricane back in the 40's. That's the only time. Something has happened in the last ten years, and I think that you all know what it is. You are paving over the island.

I just had a conversation before this meeting where I was told that 141 houses have been built in the north end in the last ten years. That is 141 houses in 2.25 square miles, and it doesn't include adding patios, swimming pools, expanding driveways, and all of the rest of that. Something is making the water go into the streets. I beg you to pay attention to your citizens and have a little compassion for them and maybe be a little tough on the speculators and developers, but at least consider a limited moratorium, and all I am saying is, put a moratorium for a specific period of time on any project that destroys permeable land—not stop building but try to at least ameliorate the situation while you are doing all of these improvements. If you let it continue to worsen, you are going backward one step and ahead two. It is going to take you forever.

Thank you, very much.

President Brooks:

Thank you, Floyd.

Art Davis:

Good afternoon. I am Art Davis from 340 Garden Road

I am concerned with the alley between Garden and Eden Roads at the west end. Approximately 14 months ago, I and other members of the people who have property on the alley appeared before the Council because of the severe flooding that had taken place in the alley during prior storms. At that time, the Council said they would authorize to priority, taking care of the flooding problem in the alley. As of today, the alley is in worse shape than it was 14 months ago. I'm not sure that the flooding condition has been improved in any way during that period. They have put a new pipe in, but they have not graded it. They have not finished the surface. I have

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been told that it would be done. When the project was initially undertaken, it was understood that maybe the new pipe would be put in the alley in June of last year. It extended—I was given a definite date – September 4th, we will be there. September 4th came and went. Nothing happened. It wasn't until after the property owners had been asked to permit construction during the season, and then only in March did they get around to putting pipes in. They put pipes in part of Garden Road and part of Eden. Those streets had not been seriously flooded. I understand why you probably did it, because there were catch basins in both Garden and Eden that led into the pipe in the alley. I assume that you wanted to correct that situation, but we now have, in Garden Road, a 30 inch drainage pipe where there was none ever before. There is one, similar size, in Eden Road, part way. I understood it was supposed to go all the way, but for some reason it was only completed about half way down the street, and a 42 inch pipe or something of that size had been placed in North Lake Way between Eden and Garden. Eventually, we are told that will go up to the umbrella where the pump station will be enlarged.

However, in the last rain storm we had, there is a catch basin right off my driveway. Not a drop of water, except that which fell directly on it, went into that catch basin. That's an inch above the level of the alley at this point. I'm concerned, and my neighbors are, about when the alley will be completed, and I think it is reflecting on some and people should be concerned—what affect is this having on perception of what the level of construction will be elsewhere in the Town when they undertake it and it takes as long as it has taken to do this simple job which is ½ of the alley running from Adam Road to North Lake Way which hasn't been completed in a 14 month period?

I'd like to know the answer, because I'm hesitant to put my car in the garage, because I never know whether I'll wake up the next morning and find out that the alley is being paved. I appreciate your—

President Brooks:

Mr. Elwell, can you address or would Mr. Dusey be the proper one to address that concern?

Peter Elwell:

Between the two of us, we certainly can. First of all, we will be out shortly to finish the project which is the paving, and you will receive notice, as the neighborhoods do, when we are going to come and have an impact. We will let you know so that you can move your car the night before or by 8:00 a.m. on the day of the paving. We will coordinate with the residents regarding that.

In the broader question of the schedule for the project, it is important to remember and

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impossible to forget the difficulties that we had on Bradley Place last summer. The contractor who was working the Garden/Eden and alley project was called off that project as you'll recall in order to go down and run the large pipe that needed to be run in Everglade Avenue to connect to the pump station in order to keep the other project moving. It was a very difficult decision. It was one we made reluctantly, but necessary because of the larger population being served by that project and the necessity to complete that work and get out of there.

President Brooks:

For those neighbors on Garden and Eden, were they notified that there would be a cessation in the work?

Peter Elwell:

They were, in fact, notified, and then, again, as the gentleman pointed out, we coordinated about coming back to the job to make sure that they wanted us to be there during the winter months, and, in fact, we did receive the greater than 75% indication that was acceptable. We did come back and do the work. We have met at the site, one time at the site, and one time in my office to discuss this project.

Art Davis:

Yes, we have.

Peter Elwell:

So, we have been over some of these details and the bottom line, Mr. Dusey can address the technical issues of the flow if you would like.

President Brooks:

Al.

Al Dusey:

It's a matter of getting the contractor in. I think – we asked for a proposal to redo it. Do we have the proposals in?

The paper work has been done. It is a matter of the contractor scheduling the alley work. So, it is very, very soon, but when you do your own contracting as we are on this—we are acting as our general contractor—we are at the mercy of the sub-contractors and their schedules, and it is not doing it when you want to do it. It's doing it when they can come and do it.

President Brooks:

Mr. Wyett.

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Councilman Wyett:

I appreciate what you just said, Mr. Dusey, but living just up the street and being an advocate of getting Eden Road's alley done when it became a problem that we were aware of. It has been a long problem and we weren't aware of it until the major storm a year ago November.

However, 14 months minus a hiatus to help out Bradley Way, still leaves us over a year of construction with months yet to go. If that's standard—

Al Dusey:

No, that's not the case, and I have to take exception to that. I'm very sorry. I'm very sorry that is not the case. These projects were queued up—Garden/Eden was authorized, but you have to have contractors to work on it. We did Atlantic Avenue first. We did Coral/Crescent/Emerald second, and then we moved up here as soon as we were done with that. We can only do so much in a certain period of time.

Councilman Wyett:

That's not what I said. Al, that's not what I said. From the time the gentleman told us and from the time construction started on the Eden alley/Garden Road area until the time recently stopped and they open up North Lake Way partially, because North Lake Way has been blocked for months on end right now. How much time went by, sir?

Art Davis:

Well, they actually didn't do anything, anywhere in the area until sometime this year after having been promised that the work would commence sometime last year.

Councilman Wyett:

How many months have you been under construction?

Art Davis:

Oh, we've been under construction for, perhaps, two months now.

Councilman Wyett:

Oh, it's more than that, sir.

Art Davis:

Yeah, probably.

Councilman Wyett:

It's much more.

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President Brooks:

I think, Mr. Wyett, obviously we could go on and on here, but I think if we could have Mr. Dusey and Mr. Elwell try, and I know, Al, you can't say on Wednesday, May 1st, such and such will happen, but if we could at least sort of broad stroke some of these dates, taking into consideration what you said, sir, that with the Town now acting as the general contractor, necessity of which means hiring subs. Any of us who has done work with subs know how dicey that can be, and then you get the letter from the general contractor absolving them of any problems and putting it on you, so Mr. Elwell.

Peter Elwell:

Yes, sir. The other thing that requires some perspective here, especially with a room full of people, we need for folks to understand that some reasonable expectations about how these projects will evolve—the 14 month period that we are talking about is not the period of construction. That's been a much smaller window of time, but projects need to be designed—many of the projects will be bid. In this instance, we were working with an hourly rate contractor who could be hired, but we had to work with their schedule—when they were available. Mr. Dusey's advice was that there were other projects that were established on the list as a higher priority; this was third which was still very high.

President Brooks:

Okay. You know, Peter, I'm going to jump in now, because I understand, and I think the people and the citizens would if they were educated, but I think as we progress through these, if we just come up with a one-pager called 'Questions frequently asked' and then anticipate the question and answer. I am told that it will begin and what could prevent that from starting then, and illustrate it with examples. I think that would help the citizens.

Peter Elwell:

In fact, we are doing that, project by project, and I think the recent increased communication with the folks on Bradley Place is a good example of where some of the pitfalls we had last summer are being overcome this summer, simply by communicating more directly so that people have an expectation of when we'll be there and what we will be doing, but the general statement still needs to be made that these projects—remember that even in the five year program that was proposed earlier—if we were to undertake a very intense period of construction of the major improvements of the pump stations and the trunk lines—it would be the third year before the shovel would go in the ground because there is a year of permitting and a year of the final design and bidding that's necessary in order to get to the starting line.

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President Brooks:

Good and that will be encapsulated in your fact sheet or frequently asked questions?
Mayor Smith.

Mayor Smith:

All right. Can you just tell us, quickly, for the gentleman here, when they are going to be coming back and finishing Garden Road and when you anticipate it is going to be finished? If Mr. Bowser is the one, Mr. Bowser, do you want to sit in the front row, please. Then we can jump on you right of way. You don't have to take the time to think as you walk up what the answer is going to be.

When do you think it will start and when do you think it will finish? Please.

Jim Bowser:

For the record, Jim Bowser, Town Engineer.

I don't have a starting date today. We do have work for the contractor. We do have prices. We will contact the resident with that information, directly. I expect it to be about a 3 week job to tear out the alley-way, place new road base, grade it, compact it, and to repave it.

Mayor Smith:

And do you have any idea when that may happen?

Jim Bowser:

We're looking at the next 2-3 weeks to get back out there.

Mayor Smith:

You might want to plan a trip.

Jim Bowser

The priority, of course, the underground contractors, and we did get the pipe in and we think we have improved the local service.

Mayor Smith:

And we do apologize. Unfortunately, the contractors were pulled off this job because of the emergency on Bradley Place. The Bradley Place residents are currently under siege again and will be all summer, unfortunately. Any time I have a meeting with any of the residents I do my mea culpa, we are sorry for what happened. We've learned our lessons from this. We hope it will not happen again, and we will personally call you and tell you when it is going to start so you can take a great trip.

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Art Davis:

Thank you. Just one comment—a representative of the Town came to my house in response to a call I placed as to when the work would be done, and I was told it would be done within two weeks. That was more than two weeks ago, that it would be started within that time frame. So, it is just indicative that this whole project, promises or statements have been made as to when commencement would start, and they have never taken place on that date or even on an approximate, closeness to it. Thank you very much.

President Brooks:

Peter, I think the gentleman's statements reflect the need for this frequently asked questions type of sheet (stating) that the vagaries that can explode—a well thought of timetable. Yes, ma'am.

Barbara Ann Larabee:

Good afternoon. My name is Barbara Ann Larabee, and I am here on John Moran's behalf. He lives at 1424 S. Ocean Boulevard.

It sounds like most of your pump stations and what not-- are all these going to the north?

President Brooks:

Correct.

Barbara Ann Larabee:

There's nothing even being considered for the south? Mr. Moran's property—all of these properties have been built around him in the last five years, and now he is actually low-lying, and everything comes rushing off of that hill right before you get back up onto the Ocean. It just sits in his yard. It does dissipate once the rain stops, but we had 8 inches of water in the garage and into his kitchen this last little rain we had, 3 weeks ago on Sunday.

President Brooks:

Two weeks ago Sunday?

Barbara Ann Larabee:

Two weeks ago Sunday.

Councilman McLendon:

You're just north of Widener's Curve?

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Barbara Ann Larabee:

He's two doors down from Jack Taylor's place, 1450. It's right before you get back up onto the Ocean.

Mayor Smith:

He's sort of in the middle, before you get up to Widener's Curve.

Barbara Ann Larabee:

Right across from Mrs. Miller.

Al Dusey:

Mr. President. As you know that is a state highway and Jim and I have pointed it out to DOT as part of the project that they are planning to do, that there are drainage needs there to Southern Boulevard in very particular locations.

President Brooks:

Thank you, Barbara.

Mayor Smith:

But is there anything anticipated to do in that area? I mean, you are getting to the point now where this is on private properties. Are there any recommendations that the Town could make to property owners that they could take themselves to stop the flooding on their immediate properties? Any things they could do, not technically like that two inch water retention, however you do that, but what could they do as property owners to stop the flooding on their properties?

Al Dusey:

That would be very specific to an individual property. We would have to look at that particular property and see if there is something that we could advise them to do. That may help.

Mayor Smith:

Maybe one of the things that we do for individual property owners to get in touch with Public Works and perhaps ask for an inspection, and if you could help out some of these people who are flooded and have them come and look at the property so maybe the lady who just spoke now, you could go and look at the properties, because in the mean time, we have to realize that this work that is going to be done is going to be done in five years. It is not going to be done in five months.

Barbara Ann Larabee:

My first job, when this happened Sunday, is I called the Town of Palm Beach to find out what Mr. Moran's rights were; what could be done. I ended up speaking to Mr.

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Ackerman, Code Enforcement, and he said he was going to take a look at it. Now, he has not called me to take a look at the property, but he

Mayor Smith:

Well, he was just here. He just ducked out.

Barbara Ann Larabee:

Mr. Moran is also doing things on his own to alleviate this problem, because we cannot afford for the water to get any higher, because the property damage has already been extensive.

Mayor Smith:

Right. I'm sure. So, at least property owners who are sitting here who have problems, you want to call Public Works, they will do an inspection, perhaps, and give you some ideas--what can be done on the individual properties.

Thank you.

Royal Victor:

Good Afternoon. My name is Royal Victor, 208 Via Tortuga.

I would like to strongly endorse and support Mr. Wideman's entreaty for a moratorium of some form or another on building at the north end. I would like to suggest that since our Zoning Regulations are continually under review that it would be highly appropriate to add to the review of our Zoning Regulations at the highest priority what we would call up north as an environmental impact consideration, that all applications for zoning changes or alterations or anything to do with building have as a very, very top priority the impact that it will have, specifically in this case, on drainage.

I think that the emphasis in the zoning area to date has been primarily, not exclusively, but primarily on aesthetic concerns. I think that we are looking at a situation now that goes way beyond that.

I might also just add, anecdotally, that 40% of the State of New Jersey has been paved over, and they have never had worse flooding problems in the history of the state.

Thank you.

President Brooks:

Mr. Moore, it might be helpful to the citizens if you could address some of the things

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that Mr. Victor talked about as regards the changes that we have made and not just 15-01 but the changes requiring more green space and larger lots, etc.

Robert Moore:

It's very difficult to make individual assessments without looking at the individual lots, but, for instance, Mr. Wideman did mention that in the north end in the last ten years, we did do a very brief study on it in anticipation of discussing it today, later, but we have had 141 new homes at 125 that were taken down, so a net of 16 new homes. Most of which, this is north of Wells Road? Most of which would be in the Phipps Estate, because that is the new subdivision that was put in. I think that is where Mr. Victor lives. We are learning as we go along. There is no question we have addressed the issue. The South Florida Water Management District required us to put in a requirement back in, I think it was the late 80's, early 90's, 1989 when we did the Comprehensive Plan to retain the first once inch of water.

We have been operating on the premise for the last year, excuse me, the last ten years or a little over. We did in addressing some of these drainage issues, the environmental impact that Mr. Victor referred to. Rather than doing it on a case by case basis, we have universally have begun requiring, as of last October, the first two inches of water to be held on the property.

I might add that's not a cure all, that's not putting it in a jar and holding it there forever. What that does is actually slows the water down from getting into the system. So, we are addressing those issues of zoning....

President Brooks:

Have we not also increased green space requirements, Mr. Moore?

Mayor Smith:

Not enough.

Robert Moore:

Green space requirements—depending on when you want to start. In 1980, they were 25% and now, today, for the R-B district, they are 40; if the lots are over 20,000 square feet, they are 45%.

President Brooks:

Mr. Wyett. I'm sorry, sir.

Councilman Wyett:

Increasingly, I am being asked by residents, 'What do I do with the runoff of water from my neighbor's property?' That's something we are not paying enough attention

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to. Retaining the first one inch or two inches doesn't do very much in a 5 inch or a 15 inch storm. If the water is draining, as it has from Phipps onto one of the adjacent streets or many of the adjacent streets in the area, and I don't think it is reasonable for a new house or an old house to solve its problem by dumping water on its neighbor, and I think it is the responsibility of the owner of where the water is coming from to properly direct that water to the proper direction. If the proper direction is the street, so be it, but the proper direction cannot be to the neighbor.

President Brooks:

I think Mr. Elwell wants to respond to you, Mr. Wyett.

Peter Elwell:

Yes, sir, and, absolutely, it is the responsibility of the developing or re-developing property owner to handle their own water and not to run it off onto the neighbor. Any instance that anyone believes that is happening, they should please call it to our attention or to the Building Department's attention, and we'll inspect that, and if it is – if water is, in fact, flowing from a re-developed property onto a neighbor property, we will take enforcement action to cure that as we are currently doing, right now, in the back yards of...

President Pro-Tem Goldblum:

Mr. Elwell is just mentioning what I was going to say. Phipps Estates, where we–

Peter Elwell:

Phipps Estates—we have enforcement action going on right now in a couple of locations where there are issues that need to be addressed, but –

President Brooks:

The Mayor had asked that we get into this rather extensively. I don't know, Mayor, if you meant today or the next meeting?

Mayor Smith:

I meant that I wanted to, you know, see the full report, because we know there are Code Enforcement violations, and I'm sure, Mr. Victor, you can tell us that you don't have any flooding at the Phipps Estates. There is no flooding up there. No. That's because sort of everybody around you is flooded, but Phipps is not flooded, so but rather than make that generic statement, I would like to see a full report on what is happening, because what do you do about fining the people who are pouring their excess water onto streets and their neighborhoods? Sue them? Call the Police? Call Public Works? I mean, there has to be a viable solution, but we do need to hear about it, and we did hear at the drainage meeting we had...

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President Brooks:

Will that be on the May 14th Agenda, Mr. Elwell?

Mayor Smith:

...on Miraflores. All of the property owners talking about hoses and being flooded with the water coming off of Phipps into their back yard, so if you see water flooding down from anywhere, from one property into another, call and let us know. You can become sort of the water police, and we'll get on it. Thank you.

President Brooks:

Mr. Elwell.

Peter Elwell:

Mr. President, it won't be on your May 14th Agenda. We could have it on there for further discussion if you would like, but it is in a Code Enforcement process right now, and those items will either be cured, or they will be going to the Code Enforcement Board. They have been set for a hearing in May.

President Brooks:

I don't mean to speak for the Mayor, but my understanding is that the Mayor asked at the last meeting we had that it be sort of a comprehensive report, not necessarily what remedial steps were being taken immediately, but what were the violations or the

Mayor Smith:

Whenever you have the report. That's -- whenever--don't--

President Brooks:

Okay. Ma'am.

Trish Parker:

I'm Trish Parker. I'm here on behalf of Barbara Levinson at 317 South Woods and 318 North Woods, and I just wanted to check and see the list that you gave that says, you know, priority of roads. Is that, in fact, in order -- the way that they are in priority, the way that they might be addressed? You know, starting at Coral, or are they just sort of....?

Mayor Smith:

It looks like it is geographic, going from south to north.

President Brooks:

It certainly does.

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Peter Elwell:

In other words, these together are the highest priority streets in the plan. Within the list, they are not prioritized, one over another.

Trish Parker:

The new pump stations that you talked about, Mr. Foy's presentation that he did. Are those representative of where the new pump stations are going to be or were his flooding estimates based on what is already in place? The presentation that he gave said three feet of flooding, and it was based on a pump station at, you know, south of the Country Club. Is that the existing pump station or is that where we are proposing one?

Peter Elwell:

Mr. Foy can come and speak for himself, but he gave information that addressed both, the current conditions and the post improvement conditions. There would still be some very low-lying homes that would be expected to flood in the 100 year storm.

Trish Parker:

Okay. Is there a pump station...I didn't get the locations of all the proposed pump stations. I know you said to do that, but I didn't hear but two of them.

Mayor Smith:

We haven't given that yet.

Trish Parker:

Okay.

Al Dusey:

South Woods drains into the D-4 basin which is centered on Miraflores, so you actually come to the south.

Trish Parker:

Okay, and is that one scheduled for improvement?

Al Dusey:

There are two additional stations proposed to be added to that basin.

Peter Elwell:

At this time.

Trish Parker:

Okay. The other thing I wanted to mention is that we did do some preliminary

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investigative work into looking at solving our own drainage problem there at the end of South Woods Road where we actually abut into a bike trail that leads down to the Lake, and preliminarily they said we needed another \$5,000 just to do investigative work and planning before we could even come up with whether we would be able to do a dry well or what would work best at that end of the drive to try and eliminate it. It comes all the way up to the garage. We have been fortunate that it hasn't come inside, but it does go all the way up into right into the edge and down into the yard somewhat, and we thought about approaching the problem on our own and doing that, but just at a preliminary investigative cost of \$5,000, not to mention what the expense would be to do that.

Mayor Smith:

It's very expensive. That is true.

There is Mr. Ackerman, whoever wanted to see him.

President Brooks:

Thank you ma'am. Ma'am?

Susan Gary:

Good afternoon, Mayor and members of the Council. My name is Susan Gary and I also live on the north end at 229 Onondaga, and I am here this afternoon to let you know number one that I also strongly support a moratorium on construction at the north end. My next door neighbor, who couldn't be here today, has flooding inside his house and, again, as many of the residents have spoken today, he indicates that this is a problem that's been caused only in the past ten years. So, there is a strong feeling among us that something needs to be done, and plans for the future are great, but it doesn't solve the problems right now. So we are hoping that at least you will take a long look at this.

Number two, I would like to comment that one of the things that strikes me being a resident here for only two years and listening to the comments this afternoon, is with all of the construction that the Town is embarking on, that the Town may want to consider hiring like a Program Manager to help the city with all the construction projects. Having lived through the mess through the last year down near Publix and firing contractors and all of that and having limited resources on your own staff to handle 40-60 whatever million dollars for just this problem to resolve the water is going to cost, it sounds to me like you need some professional help. We all need, as residents, some professional help in making sure that future construction is sequenced and goes a little bit better than the construction projects we have seen in the past. Otherwise, you are going to continue to hear from us for the course of the next ten years, moaning and groaning at meetings, and I don't think you, as elected

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Council people, will be very satisfied with the results. So, I think, as you embark on this relatively large construction project, and I don't know if Mr. Elwell has researched this idea or not, but I think it would behoove the Town to consider bringing in some professionals to help manage all of this construction, so that it goes a little bit more easily than what we have seen before. So, those are my two comments. Thank you.

President Brooks:

Thank you, Ma'am.

Maury Wolfe:

My name is Maury Wolfe. I live at 272 Sanford, and I can certainly attest to the validity of Don's comments about the flooding on our street. A year and a half ago, you watched each blade of grass disappear til I couldn't see any grass between me and my neighbors across. You could sort of see the waves coming down. So that to me is real serious street flooding. What prompted me to come up here was the talk of additional construction because what concerns me is not only that existing situation, but I'm sandwiched between two houses that are scheduled for tear-down. One on one side has already been approved, the new plans, and the other one is still on the market, but I am sure it will not be an existing structure very long.

So, the problems will only get worse if the new building isn't addressed, seriously and soon, as restrictions.

President Brooks:

Thank you, ma'am.

Do we allow, Mr. Moore, two knock-downs in that close proximity?

Robert Moore:

Yes, and each new home would be required to retain its water on their site. However, if by any chance this particular property were to drain, east or west, to either of those sites, it would no longer be permitted to drain to those sites. Therefore the water would have to stay on the particular property in question, and a means would have to be devised to get that to the street.

President Brooks:

I'm thinking that in addition to the water, I'm just thinking the lack of tranquility and peace for the residents who live there.

Robert Moore:

One house has been approved. The other house is on the market.

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Mayor Smith:

It's a nightmare, but there again, Mr. Moore, you said the operative words, as you are getting the water to the street. We don't want the water on the street. That's what is creating the problem.

Robert Moore:

On the existing property.

Mayor Smith:

Right. If the water drains east and west, they are now going to have to put walls up to get that water out to the street. The street is already flooded. So, that doesn't solve the problem.

President Brooks:

Mr. Elwell, you go first. Then Mr. Wyett.

Peter Elwell:

Thank you. Addressing exactly that issue, because the flooding that we see in neighborhoods where the properties have been re-developed and others have not, often is not a matter, and we began to address that a few moments ago, it often is not a matter of the new construction draining onto the neighbor, but a situation where the neighbor property, at one time, drained in the other direction. When the lot gets raised to meet the 7.5 foot requirement, it creates effectively a dam there, and water that used to flow off of a property now gets trapped on a property. We see this on the backyards along Miraflores, next to the Phipps Estates subdivision. That's part of the full report that you will receive. There are, in fact, some things that need to be corrected there, but there are also some circumstances where water that used to drain off into what was essentially a forest there, now is trapped by the land that has been improved and just as it is inappropriate for a raised property to drain onto its neighbor, equally there is no responsibility for that property that is being raised to receive water from the neighbor, and that is an issue that we are continuing to address through some of the issues that we will address later in this meeting and beyond, regarding private property regulations.

President Brooks:

Mr. Wyett.

Councilman Wyett:

I am sympathetic with someone who is going to be surrounded by homes to the left and right of them under construction, and I may be one of those victims. There is a house to the north of me under construction, and I think, very shortly, a house to the south of me under construction.

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But I am even more concerned where, if these two houses, and this is not my property but possibly on Sanford because of its problems, the houses are raised; the land is raised, and no matter what you do, if you are sandwiched between two raised pieces of property, in a heavy storm, you are going to get additional water. I think as part of the zoning season coming up, there has been some discussion in Town about not allowing property to be raised—raise the house but not the property. I think we ought to study to see whether that is a better solution than raising the entire property and putting a retaining wall, because one of the problems of a retaining wall is the water runs along the retaining wall to its edge and dumps out there in the street, but also onto neighboring properties where the properties meet in the back.

One particular resident recently called me, and there were two houses that were built on the street, and the property to the north, which used to drain into those lots, is now running along the retaining wall into her property which never occurred in the 30-40 years she lived there. So that is another problem we have.

I think the problem is multi-faceted. I personally would rather have two houses—if I am going to have two houses built, one to the north and one to the south of me, I would rather have them built simultaneously and get done with it, because it is almost a two year project to build a house in this town, and I would rather not have it stretch out to four years.

Isabel Furlaud:

Good afternoon, Mayor and Town Council. I am Isabel Furlaud. I have a house at 745 Hi Mount Road that does not flood. I have a house at 675 North Lake Boulevard, on the corner of North Lake Way and the corner of Cherry Lane, which does flood, and I would also like to mention to you: Ridgeview Road that now has four houses pulled down, another house on the way to pull-down and three other houses for sale. I think that is your poster child for future disaster. I would take a close look at it.

I am very concerned about Cherry Lane. There are three houses there for sale. They will be raised 7.5 feet. I am at 4 feet. They will drain down into my property, and I wondered if you have considered in your building code to put in water proof retaining walls with French drains and pipes going down to a holding tank, either on the property or in the street, because I don't think it's fair to require people to build 7.5 feet when other houses, having been there for a long time, are at 3.5 feet, and my house, obviously, will be totally flooded like the woman on Sanford.

I would strongly recommend that everyone of you drive down Ridgeview. It is a disaster area, and I hope you really take a good look at it.

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Thank you.

Bill Guttman:

For the record, I am Bill Guttman, 216 W. Indies Drive. With your permission, Mr. President, I would like switch the topic back to levels of service. I counted the number of streets on the handout that Mr. Elwell gave everybody which is entitled 'North of Wells Road - Roadways Where Frequent Flooding Has Been Observed', and roughly there are 20 streets. I don't know exactly what there is a problem on. I think if one were to prepare a list, one would want to look at a new definition of what flooding in the street means. I agree with--so the consensus that emerged--you want to define flooding on the street to be--that situation where an ambulance can't get to somebody's home or a resident can't even get to somebody's home. I think you also need to take into account those streets where there is property damage. I would call those crisis streets, and I think those are streets that need to be addressed.

What I haven't heard much conversation about although it's in the supporting materials, is whether the phase I project which totals almost \$22 million is necessary in its entirety to deal with this newly defined crisis area. Some of it may relate to streets that don't need this kind of protection, and I think in the end this Council, this community is always making a cost/benefit analysis when one establishes a level of service. I don't care how affluent you are. You are doing that either consciously or unconsciously whenever you buy something.

It seems to me that we are still talking big dollars in terms of the modified program. If you take phase I, as it's outlined in the handouts, that comes, as I said, to almost \$22 million, and if you include on top of that the streets that were identified in the pre-meeting memorandum--that's almost another \$6 million. So, we are almost up to \$28 million. We are still talking a lot of money, and I'm not any kind of engineer. I just can't look at that phase I where the money has got to come from if one wants to reduce the cost of this project, and be able to sensibly say, 'You don't need this pump, you don't need that trunk line', but in terms of analyzing what you need and what you don't need, an interesting prism would be, let's only build that portion that is meant to protect street flooding in the way we have just defined it and property damage to existing homes. That I would hope would drive the cost down considerably, and that becomes very, very important because if it's 20 streets and they are only 20 streets and let's say there are 20 residents on the street, that's 400 people in a Town of-- I don't know how many taxpayers are in this Town, but there are probably over 10,000--there is a real disconnect between supporting the project and the benefit that flows. I think this is a community that respects its neighbors and is willing to get up to the plate, as a community, to protect in a crisis situation, but I think this kind of calculus needs to be addressed.

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Thank you.

President Brooks:

Mr. Elwell. Thank you, Mr. Guttman.

Peter Elwell:

Thank you, Mr. President.

That is well stated about the cost/benefit consideration which is precisely why we are discussing level of service to the degree that we are today, because in order to provide that high end, preferred level of service of protecting every home to the maximum degree possible, which is to say, the 100 year level of service where 11 homes will remain likely to flood in that 100 year storm, that requires all of the trunk lines and all of the pump stations to be constructed—that's essentially the \$22 million in the initial phase of the program. The reason we are discussing level of service today and whether something less than that level of service might be tolerable, we will then study lesser levels of service to tell you, very precisely, how much higher that number would go from 11— how many other very low lying homes would be likely to be flooded in a 100 year storm, but to provide the level of service that has been discussed to date, we wouldn't have to do everyone on the side street improvements, but we would have to build everyone of the new pump stations.

President Brooks:

And I think that is rather obvious the way we are moving. Mr. Goldblum.

President Pro-Tem Goldblum:

The level of service that we really want to define is how to protect the most number of houses we can. I don't think we want to consider the level of service on roads. I think emergency equipment can get through roads, and this is a tropical island, and we understand that. I think, as I asked before, to get how many homes we would lose at 5 feet above flood level or 4.5 feet above flood level or 6 feet. I think we have the figures now. They are in the computer. The topographic photographs we had showed each house on the north end. Those figures are available. I think we just have to redefine what those figures are and calculate how we want to go.

Peter Elwell:

We have the figures for the finished floor elevations. We don't know if, under certain scenarios, where one or more pump stations might not be constructed or where pipe sizes might be made smaller or not, installed, where a new pipe might not be installed at all. We need to do additional analysis to determine if those changes were made in the program, what would be the additional flooding impact. We are prepared to do that. We just didn't want to spend the money to do that unless we

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knew you wanted to consider those alternative approaches. That was pending the decision that you might make today.

President Pro-Tem Goldblum:

That's a decision we have to make today.

Peter Elwell:

Yes sir.

Troy Maschmeyer:

Troy Maschmeyer, 153 Kings Road. My wife and I also own property in the north end.

First of all, I would like to commend the Council for addressing this issue. Also, the plans that they are taking and the action that has already been undertaken.

As some of the residents have already spoken—many of them would like to see this resolved immediately. I can understand that if you have had water in your house that you would like to see it taken care of right of way, but this wasn't something that came about over the last year and something that won't be solved over the next year, and I think that residents seem to understand that.

I also think after listening today, people can appreciate this is a very complex issue, and I would urge the Council before they take any action to make sure they study all avenues, because in the past, sometimes, they have acted quickly and created other problems along with that. One woman, speaking earlier, said she would like to see action taken right of way. She addressed a building moratorium. I don't think a building moratorium would do very little, if anything, to fix this problem immediately. Most important thing is to continue your planning, make sure that you don't take some action that creates additional problems, and again, good luck. Thank you very much.

President Brooks:

Mr. Elwell.

Floyd Wideman:

Mr. Brooks, could I make one comment?

President Brooks:

Certainly.

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Floyd Wideman:

I just wanted to reply to Troy-Mr. Maschmeyer's comment. When I was talking about a moratorium, I never intended it to be an immediate solution to the problem. I don't think I ever said that. I think it is merely not adding to the problem and go forward with a really long term solution. Also, I should remind you that Mr. Maschmeyer is in the concrete business.

Peter Elwell:

Under moratorium, if we could, since we have had some discussion of that already, I think it would be helpful if you could hear from the Town Attorney as well as the Public Works Director and the Planning, Zoning and Building Director--each of whom has some insight to share about the pros and cons of a moratorium, what might be achieved by that, and the boundaries within which one would have to be established.

President Brooks:

Well, our lead off batter than will be the Town Attorney.

Attorney Randolph:

We have spoken about moratoria on many occasions here, and each time we have spoken about it, I have advised you that, indeed, a moratorium/moratoria are an appropriate approach to allow the Town to study a problem in order to avoid having a barrage of building permits being issued during the period that you are making the study. You have to make a determination, first, that there is a problem which, quite obviously, you have. You have made a determination there is a problem, but the next step is to make a determination as to whether or not a moratorium would be related to the problem. In other words, you shouldn't have a moratorium for moratorium's sake.

If that moratorium is valid from the standpoint of allowing you time to conduct a study, in order to attempt to resolve a problem, then it is a perfectly legitimate tool, and it is a tool that is often used in communities for similar situations.

I think that is the issue before you is to determine whether there are tools in effect right now to deal with the drainage problem without having a need for a moratorium. We have discussed this ordinance--is it 15-01? We have discussed 15-01, and there has been much said about how 15-01 is really an improvement to the situation as it has existed in the past. Folks have said that now we allow for 2 inch retainage, whereas in the past, we allowed for 1 inch retainage so the situation is indeed better. It has also been stated that I think one of the reasons that a moratorium was not considered or consideration was postponed was someone said 'Let's see how 15-01 works. We really haven't had an opportunity to see how it works and so we ought

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to give it time.'

It is my suggestion to you that if you have tools in place to take care of drainage and if the situation is indeed better than it has been in the past that you don't need a moratorium. But, if you don't know whether 15-01 is working or if you don't know whether the other tools you have in place are working, then a moratorium is a perfectly legitimate tool for you to put in place while you make a determination as to whether those things are working or whether or not something else needs to be put in place.

I have provided you with backup in this regard, but essentially I think I have reviewed with you, just now, what was included in that backup, and I think that the real issue here today is whether or not the tools are in place to protect the Town, and if they are not, then it is certainly legitimate to put a moratorium in place for a temporary basis to allow you time to study the problem and make a determination as to whether what you have is working or whether you need to implement other legislation to address the drainage problem.

I probably haven't the issue entirely, but that is a review of what I put into my letter to you.

President Brooks:

Mr. Wyett.

Councilman Wyett:

The issue of a moratorium should be defined as where. We're talking about the north end, north of Wells Road. That's a pretty big place. We have a list of roughly 20 streets that seem to have a problem. So if we consider a moratorium, it should be limited to those streets that have a problem, rather than the entire north end, because many parts of the north end have no problem, and therefore those areas should not be included.

I don't think that a one year moratorium is going to give you very many answers. Actually, I think you could create problems the year after the moratorium. Pent up demand after the moratorium could give you almost twice as much construction, and in one year, you are not going to learn a lot.

The Building Department tells us that we have 141 homes that were constructed in the last ten years, north of Wells, and 125 approximately that were torn down. The bigger question is, which we don't have any statistics today, is 'how much credible land was occupied by the expansion of existing homes?' This Council and the preceding Councils for more than ten years have allowed existing homes to expand

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above and beyond the zoning requirements, and many of us have come and asked for this and received this. Now, this, in my estimation, is wrong, and I have been resisting this for a while. If the zoning requirements says 40% coverage, I don't want to approve 41 or 44 or 45% because that is credible land being taken up.

Part of the answer should also be for this Council, being the responsible Council, should make sure that no variances are issued that violate the zoning rules and regulations, no matter how imperative it may seem, especially during the period of time we take to determine what the causes are.

A moratorium creates problems and should be very narrowly defined. We're building an average of about 10, 12, 13 houses a year, I believe in the north end if you take the 140 and divide by 10, and this year and next year that figure may be less due to the economic conditions. I think we ought to look very carefully at what areas of the north end we should put building restrictions on.

President Brooks:

Mr. Goldblum.

President Pro-Tem Goldblum:

Basically, I asked for a moratorium on the streets that are impacted for flooding. I suggested that. The thing—the program that came up now—it's 15-01. We do not know if 15-01 works. We do not know how to inspect 15-01 on existing properties once they are built. We do not know if those units get clogged. We don't know how to control it, and until we do, I suggest we do have a moratorium on those streets and find out how it is going to work. Also, we spoke about cisterns. I don't know if we have anybody here today to talk about cisterns or some way of holding water on those lands and even maybe using that water for irrigation which solves two problems, but I think we have a wide open program to look at and see what we want to do. Thank you.

President Brooks:

Sir, why don't you come up now. Just lower that microphone to mouth level and identify yourself.

Harold Ennis:

My name is Harold Ennis. I live at 200 Bradley Place, in the midst of the Bradley project. I do want to compliment this Council and the Mayor for having had the project (moved) to the Town Public Works Department. They have been on the job now for 2 weeks and the observation—I think Mr. Goldblum will tell you—that they are doing an excellent job. It is being handled efficiently, by proper people, and being on the job all the time. I make a suggestion that the Council recommend, the

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Council consider the possibility that all projects in the amount of \$5 million or less be handled by the Town Public Works Department. Thank you.

President Brooks:

Thank you, sir.

Mayor Smith:

Isn't that a nice thing? Thank you very much.

President Brooks:

Mr. McLendon.

Councilman McLendon:

I would like to talk a little bit about the two inch retention, and I believe it is either in 15-01 or in the interpretation thereof, Mr. Moore, are you going to apply that to projects that have a 50% or more change in value? I would like to see that lowered. I had some reservations about the systems themselves. As I understand it, what we are approving now is basically, I mean there are other systems, but it is an ex-filtration, precast devices which would be pipes if they weren't rectangular, and filled with stone. When you fill the things with stone, you lose about 2/3 of the water holding capacity. I would like some reconsideration on that, and what I really want to say is: 'Can we, on any project, Skip, change down and require a retention increase if the value added to the property or construction cost is more than 25% of the existing value?'

Attorney Randolph:

You can amend your ordinance to include a more restrictive requirement. Yes.

Councilman McLendon:

I think one of the key things, in the future, is to get as much retention time for the water as we can and then also a very simple, sump pump automatic system you can have at each place to put that water out into the storm drain system after the rain stops and the flow subsides. I think it is a very simple, homemade type thing that (they) come up with, but I think it will work.

President Brooks:

Mr. Moore, I hate to reduce you to being called a station, but you are station 9 for today's purposes, sir.

Robert Moore:

Not surprisingly, we certainly do agree with Mr. Randolph. You can amend the ordinance to include any amendment on the property. I mean, from a 10 x 10 utility

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shed up to the current 50%. We are recommending, and very strongly recommending, after discussions with the Town Manager and with outside engineering firms and Mr. Dusey, that we add an inspection to 15-01 that would be a requirement, similar to back flow preventions, that property owners be required to have signed and sealed notification from engineers that their system is still functioning, and have that submitted on a bi-annual basis. Some people have questioned, and rightfully so, whether or not the system that may be designed and working today will be working two years from now. We certainly endorse that as a change, so if you are going to consider changing 15-01, then we would also suggest that inspection procedure be added to it.

President Brooks:

Thank you. We have heard actual testimony, Mr. Moore, that the two inch drain will clog. It's a question of when and how much, and I daresay that if you had a big Labrador Retriever running around, it would clog a little more quickly than if you had a Pekinese.

Mayor Smith:

Particularly, if he sat in it.

President Brooks:

Yes. Mr. Wyett.

Councilman Wyett:

When you mentioned 15-01 and moratorium in the same breath, you are self-defeating. If you put a moratorium in, you are not going to get any properties developed under 15-01 and therefore you won't know if 15-01 works. We have to come up with a better solution than that. I would like to make a suggestion that we reduce the 50% rule, maybe down to 25% or even less, and also make it apply if you increase coverage; in other words, reduce the perimeter area. We ought to automatically, even if you add on a small addition to your house, require drains, gutters and wells. There are a lot of things to be done, but a moratorium to measure 15-01 is self-defeating. A moratorium for another purpose may be okay, but it will not have anything to do with 15-01. 15-01 is going to take years to determine how much benefit it has, because we haven't had enough houses yet built with it, and you are looking at anywhere from 3 to 10 years out.

President Brooks:

Mr. Randolph, a question for you, sir. Can a moratorium, unlike a rose, go by another name? Where I am coming from is – I think certainly we could do something that regards streets that are under construction. I think an approach of both and rather than either/or what Mr. Moore was suggesting, Mr. Wyett was just suggesting on the

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amount of permeable on the lot. Let's arbitrarily say that if we put a moratorium in effect on October 1, 2002, we know it cannot go on forever. It has to be tailored, maybe a year, maybe eighteen months. Well, we're still out there with our construction on drainage. So, I am not sure what the measurement is there, but if we could tailor a restriction of building encompassing these streets as they come under contract. I don't know. I'm not awfully clear on it. I know that lawyers traditionally are very strict, as they should be, in advising a municipality on how to and when to affect a moratorium. I just throw that out at you, sir, and see if this could be another approach to it.

Attorney Randolph:

Well, there could be simultaneous approaches. I don't think there is another word to address what you want to do under a moratorium. A moratorium would be in place for a temporary period of time to stop or abate, perhaps limited type of construction—not all construction—but some type of limited construction during a period of time that would allow you to no. 1 conduct studies to see what kinds of changes need to be made in 15-01 or other legislation, perhaps even your zoning ordinance in regard to lot coverage, but you might also be able to examine during that period of time, the viability of having a cessation of building permits on streets which are being construction. There are so many different things that you could look at. A moratorium is just one of them. Absent a moratorium, you could look at the others, or you could have all of them going on simultaneously.

President Brooks:

I'm happy with that answer. I tend to think maybe something that would pass legal muster in the simultaneous area, I think, is something that our citizens then could see that we are making good faith efforts to attempt to alleviate the problem.

Mayor Smith, I'm sorry.

Mayor Smith:

What I was going to ask, Mr. Randolph, if he was looking at a moratorium issue, if he would consider increasing the amount of green space from what is the alleged 40%, which is on some of the new construction projects you can't recognize, because it is all on the interior of the project, there is nothing on the outside, from 40% to 50% and/or changing the rules on new construction on the small lots that do not meet Code that new construction could not be larger than the footprint of the house that is there and is torn down.

I don't count a driveway with grass strips as green space. I want to see grass and trees and bushes and planting. I think part of the problem is that we have patios and pergolas and driveways and garages. Something that was brought up the other day

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at one of the meetings, we create our own problems by requiring front loading garages no longer. They must be side-loading garages. This was brought up at a SWAT meeting, and when you have a side-loading garage, you therefore have a larger motor court and less green space. I think there are many problems that are contributing to the flooding and the drainage. If we are considering even a very tailored moratorium, since I brought that nasty word up for the first time on this side of the table a year ago, I would like to see all of those things studied with the input from the architects, the landscape people, and the builders we have in Town.

President Brooks:

Mr. Moore, did you punch in? I did not cancel it.

Mr. Wyett.

Councilman Wyett:

I think you didn't punch me out the last time.

President Brooks:

Floyd, you have been in and out like a fiddler's elbow. Now, why don't you give some other folks a chance to yell here?

Dean, you come on up. Mr. Klein, you get up here.

Dean Vegosen:

Marty, do you want to do this at the same time?

Martin Klein:

No, I defer to my colleague.

Mr. Brooks, I would like to suggest that the Council defer the issue of a moratorium, of any type, to the Zoning Commission, because at the end of the day, I think in large part, it is a zoning problem. I think that you can instruct the Commission to come back in 30 days and give you a comprehensive report which would eliminate a lot of the uncertainty that surrounds a moratorium. I have heard different rationales today. Some suggested a moratorium is needed to solve the problem of construction, of traffic. Others have suggested it is going to solve the issue of flooding. Some people say the Town is over built, but I can't get any definition of what over built is. I'm troubled with the term, because building is conducted pursuant to the zoning code, so I don't know what they mean by 'over built'.

I do think a review of the zoning code is appropriate, and I think perhaps we could review it and modernize it, and pending that, we might consider, as your question to

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Mr. Randolph takes into account, the concept of zoning in progress which is something that we have in place now, Section 134-89 of our Town Code, and it permits the Building Official, under certain instances, to deny building permits. I think that a moratorium ought to be the beginning of the process where we can articulate a goal to achieve and believe that a temporary halt to certain activities may help to achieve the goal. The moratorium, in itself, is not going to solve the problem. It's not going to solve the flooding. It's not going to solve the traffic problem. I do think that comprehensive land use planning will do that. I thank you for hearing me.

President Brooks:

Certainly. Mr. Vegosen.

Dean Vegosen:

Good afternoon. My name is Dean Vegosen. I'm here on behalf of Janina Radtke, Trustee, who owns lot 14, Tangier Estates which happens to be a vacant lot.

I would like to suggest to the Council that a moratorium, even for 10 years, might not solve your problems here. I don't think a moratorium is an appropriate mechanism. The problem is the level of service. If you were to stop another inch of flow, you still have a problem in the Town.

New houses are required to have two inches of on-site retention, and in many cases, the new houses add little, if any, additional flow to what happens to be on the property now. Some cases they do add additional flow, but I think that's the question that should be answered when addressing whether construction should proceed, not a blanket restriction on construction of a new property or even the replacement of an old property. It's quite likely that the replacement of an older home will result in more flow into the system than the construction on a vacant lot which conceivably could even save flow. I have discussed this situation with Burton Smith, an engineer who appears before you and has done work that the Town is aware of in many instances. Burton thought, and this is an off-hand opinion and it's not a scientific study, that this particular lot that I am referring to on Tangier might well as a vacant lot throw off more water flow than a house built on the lot that has two inches of retention.

I would caution you about a moratorium. I think it is a dangerous thing to do. I think that it puts you in a position that could subject you to lawsuits perhaps. It could subject you to issues that you need to deal with, because you are going to have to have relief mechanisms. It cannot be a blanket moratorium. You may end up with more headaches dealing with the moratorium and the relief issues and applications than you do in just devising a way to be careful when you are examining permits for homes that they are not impacting their neighbors. That is a very legitimate thing to

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do. To say, 'We're not going to give you a building permit. Your drainage is going to flow onto the next door neighbor.' I can't imagine that would not be an appropriate response to an application for a building permit, but to put a moratorium on everything just because it might add a little bit of flow to already flooded system, I think is not appropriate. I do agree with what Station No. 9 said, that's a strange name to me. I know him as 'the housing guy', but that I think it is a good suggestion to monitor the systems once they are in.

Thank you very much for your time.

President Brooks:

Thank you, Mr. Vegosen.

Mr. Elwell.

Peter Elwell:

Two quick things elaborating on that. One is that, let's remember too, 15-01 didn't just take the one inch retention and increase it to two inches, but it said two inches or retaining sufficient water so there is no degradation to the system. There's no additional water that flows off after the project as compared to what flowed off before, and that's critically important, because some properties may have to retain more than two inches in order to meet that requirement. Related to that, in the math of the day, is that the consulting engineer's design for the public improvement side of this assumed that there was no retention at all. Not only did it not assume that the two inches of Ordinance 15-01, but it didn't even assume the one inch that has been on the books for over ten years. In order to be prepared for a worse case scenario, it assumed that all of the water that falls onto, not all the water that falls onto it, but that there is no water retained on it. Anything that wouldn't soak in naturally would run off and into the public streets, and have to be handled by the public system, so there is conservative estimates of impacts in the design.

President Brooks:

Mr. Moore.

Robert Moore:

Sir, thank you very much.

Mr. Ackerman has advised me that, if you recall, the 15-01 that we are talking about was only put into effect in October, late October. We have only issued six or seven actual permits, no co's, no retention plans have been submitted to be filed in the courthouse, so we have not had an opportunity to see whether or not 15-01 will work. I would be remiss if I didn't tell you that and then you would ask me later on: 'Why

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didn't you say something about it?'

President Brooks:

Mr. Goldblum.

President Pro-Tem Goldblum:

Is there a way for engineers to tell if it is working after one or two years?

Robert Moore:

There is, and I'll defer to Mr. Dusey, as he is an engineer.

Al Dusey:

We have exfiltration systems in our own drainage systems and other locations, and they require periodic cleaning, but they function continually over many, many years. There is no reason to believe that they will fail if you have some level of maintenance on them, and if they are constructed properly. We have devices in ours that trap sediment before it gets into the exfiltration part of the system, because you do not want to clog that, so there are things you have to do to help protect your system so it functions. You can design a system that will function for a long, long time.

President Pro-Tem Goldblum:

Is that in our requirement of building a two inch holding system to have a....

Al Dusey:

I believe Mr. Bowser required that the sediment traps be in the system, but he can answer that better than I.

Jim Bowser:

Yes, all systems have sediment traps in order to keep debris out of the systems. That's an integral part of the design.

President Pro-Tem Goldblum:

And we can monitor the system, once it's in and be sure that it is working?

Jim Bowser:

That's the proposal that they are suggesting and that can be part of the follow up. With respect to actually testing them, there are two ways: you can wait for a rainfall event or you could invest dumping a large quantity of water into these exfiltration systems—a known quantity of water—and see if it handles it. That can be an expensive proposition to go to that kind of test, but you could actually do that. You could observe—wait for a major rainfall event and go out and check these systems, and an engineer might be able to do a number of those in a day in order to monitor them or

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you can actually put a lot of water in by yourself:

President Pro-Tem Goldblum:

Well, we have six in place today. Is that right, Mr. Moore?

Robert Moore:

No, sir. We have not even issued the first co's. We have six to seven permitted. They are under construction. As you know, we are in a down trend for new housing, and we haven't even issued the first certificate of occupancy yet, but we are proposing we modify that 15-01 to include that certification be done—we mentioned tanker truck earlier in another meeting—where a tanker truck could be brought in and dumped into flood the system to see if it is working—but certified by a professional engineer, signed and sealed, that the system is or is not working.

President Pro-Tem Goldblum:

I recommend that we incorporate this then.

Mayor Smith:

Let's not really jump into a tanker truck. I'm not sure that is really the answer.

President Brooks:

I got Mr. Elwell, then I'll get you, Mr. Wyett.

Peter Elwell:

Enforcement, obviously, is critically important. These systems, as you have heard, can be designed to do what they are supposed to do, but they need to be maintained, and they need to be inspected, and building in that enforcement piece is very important. Our suggestion is that it not simply be that we need a certification every two years, but that there be specific criteria and specific checklist items that the engineer needs to check off on and sign and seal to say 'I've done these things to inspect the system properly, and it is still operating as it was designed', number one. Number two, because there may be situations that come up where on a complaint basis or otherwise, we're concerned about a particular property, notwithstanding that it may have been certified within the last two years. We also think the ordinance ought to include whatever language that Mr. Randolph can help us put in there to maintain the authority of the Town to go onto a property and inspect these systems ourselves if we are concerned that one is not functioning properly.

President Brooks:

Thank you. Mr. Wyett.

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Councilman Wyett:

I think the time has come now to take some action; at least a summary of what we want to happen. I think Mr. Elwell opened the meeting saying this was more of a hearing to see where the Town Council wanted to go. Did I get that correct? Right.

The first thing that we really need to pay some attention to is the direction of Mr. Elwell—the total scope of what we want to do. He's outlined various different levels. He originally had a program costing \$40 million. He now has a program that costs about \$22 million if I read the figures right.

Peter Elwell:

The initial phase of either of the two programs would be about \$22 million.

Councilman Wyett:

I want to suggest that we suggest to him that he re-evaluate the initial phases of this program to see what is mandatory and necessary to establish various things. We have three problems on streets: the streets where the houses are flooding—very serious; streets where the garages are flooding—substantially serious; and streets that are getting up to 12 inches of water on the streets, making the streets impassable, and we ought to know what streets are being made impassable, from a point of view to be able to pass emergency vehicles, and so we can determine not only the level of service on these streets and the cost adjustment that would be necessary, but determine what we want to do about it. Already we know we have eleven homes we can't help. We ought to substantially refer to the 50% rule and see what we can do to reduce that 50% rule to get even less run-off.

Peter Elwell:

Excuse me for interrupting, but if you are prepared to make motions and have actions, could we go one at a time, so that we can keep clear.

Councilman Wyett:

I was just summarizing. I think we could be here until midnight tonight discussing this, but I think we need mostly to give you direction as to what to come back to this Council with, and so I suggest that we immediately move to a discussion, a decision, on instructions to Mr. Elwell on the scope of the work and whether or not we want to understand what levels of reduction and the cost reduction areas we would like to understand at the next meeting.

So I make the motion for that—Council to ask Mr. Elwell to make that study.

President Brooks:

Mr. Flamm, are you...?

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Al Flamm:

Al Flamm. 2000 South Ocean Boulevard.

Now that you have switched from the moratorium, I would like to build on Mr. Wyett's point. I sense that Mr. Elwell came in front of the Town Council saying that the first phase of roughly \$22 million is totally consistent with the level of service that has been dictated—the three year and the one hundred year criteria. He also indicated that he was in a position, if you give him some other level of service, to tell you what the savings would be, what the schedule would be, what the implications would be as far as flooding—albeit of the streets—albeit of the homes. I wonder, looking at Mr. Elwell, looking at Mr. Dusey, who I am sure have thought of this, are you in a position to describe a variation on a level of service for the Town Council's consideration that you believe would have a substantial impact on the cost while having the minimal impact on the implications on the flooding?

Peter Elwell:

May I? Our recommendation, if you wish to consider some other level of service besides what has been considered today, would be that you ask us to bring you back what the implications of creating a 5.0 foot standard, a 5.5 foot standard, and a 6.0 foot standard would be so that you will learn, when we return, what the dollar savings would be in terms of projects that would not have to be constructed as well as the impact, in terms of additional homes, that would be anticipated to flood in a hundred year storm because of the projects that would not be constructed.

President Brooks:

Mr. Elwell, would that involve Mr. Dusey's modified drainage plan, at least paragraph one or would it not—it's over and above?

Peter Elwell:

Yes, sir. If I might, and I apologize if we've created confusion on this. The modified plan that you have, both in the concept that I described a month ago and in the greater detail that Mr. Dusey has provided for us—to consider for this meeting—each of those would ultimately, after all of the improvements are constructed, lead to achieving the level of service that has been considered—the hundred year storm for protection of homes and the three year storm as it related to street flooding.

The difference in the modified plan, as compared to the original plan is that it talks about options that would take the process slower, phase it out over a longer period of time, particularly so as to reduce the impact, the quality of life impact, so that the construction process—potentially making it also somewhat more manageable financially but ultimately all of the projects would be built, even if it were decades from now instead of a few years from now.

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What we are discussing today in terms of level of service is the potential that some of those projects might not be built at all, because we would scale down the project specifically to establish a base line that says a home that has a finished floor below a certain level, is a home that we would want to reach out to those residents and whatever other ways we might be able to assist them to privately address their situation, but where the community would not have an obligation to provide a public drainage system to protect that home. That perhaps there are some homes so low lying that either through their own actions or through re-development and raising the property, those situations need to be remedied that way rather than through the public drainage system. That's fundamentally the level of service question before you.

President Brooks:

Where I was coming from, specifically, was the first paragraph, number one, where Mr. Dusey is talking about principally pump stations and trunk lines that will provide the greatest benefit to the drainage basins. This is going to have to be done, regardless of the level of service. Correct?

Peter Elwell:

Not necessarily. Not all of it.

Al Dusey:

It's possible that some of these could be scaled back, perhaps smaller stations, even if a station was still required, if you are trying to offer different level of protection for some of these low-lying houses.

Mayor Smith:

Did I not understand that two months ago at a Town Council meeting, the Town Council approved the hundred year plan?

Peter Elwell:

Correct.

Mayor Smith:

Yes. All right. Now we are getting to the fact that the hundred year plan is, in actuality, too expensive and really not viable for the Town. Is that right? But I am trying to clarify where we are. The hundred year plan was approved. Now, we are actually going to change our mind and take actions that perhaps do adopt the three year plan instead of the hundred year plan or do the hundred year plan in smaller sections and leave some sections of the Town out? Mr. Elwell is nodding yes. Other people are nodding no, so let's clarify, please, where we stand.

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Peter Elwell:

The original plan, following up on the initial direction, was to over a nine to fourteen year period, construct approximately \$40 million worth of improvements, in phases, but in quick phases, if you will, and there were concerns raised both about the overall magnitude of that, the \$40 million price tag, and about the pace of it. I myself raised, for you, the pace concern, and that we might simply overwhelm the residents of the north end by constructing all of those improvements in such a short time.

Based on the concerns that had been raised, last month, we discussed several alternatives about how we might proceed to re-visit the issue and identify both the overall scope and the pace for these improvements. The modified plans that you have seen so far, conceptually from me, and now in more detail from Mr. Dusey, have not reduced the level of service. We had no basis on which to reduce the level of service. We're still working within the adopted one hundred year level of service to protect all but the eleven homes.

However, I think it is prudent and responsible for the Town and for you and your ultimate policy decision, to consider whether that extraordinary level of service is, in fact, the right one. Mr. Brooks said a moment ago that whether we go quickly or slowly, if we are to construct the improvements necessary to provide the hundred year level of service, all of the \$22 million worth of work for the pump stations and the major trunk lines, will have to be completed, and there will be substantial millions of dollars additional to that, that will be required. What will happen is not that the money won't be spent, but that the projects will be spread out over a longer period of time and be therefore less intense as to construction and less intense as to the financing that is necessary. The whole project would still be constructed under either of the scenarios that has been provided to you in writing.

Today, what we are discussing is the possibility that, as a matter of establishing a level of service and Town policy, if the \$40 million providing that extremely high level of service is considered to be higher than necessary or prudent for the good of the community and there might be something less than that that's acceptable, we will provide to you a report of additional options for a less level of service and what the implications of that would be. We don't know as we sit here today how much less money; which projects might be eliminated or reduced, but we can bring you that information if you are interested in further considering this concept.

I think it is important to underscore that if you do that, we would also recommend that it be married with some additional outreach efforts by the Town staff to assist those residents who would be having to seek private solutions instead of benefitting from the public solution.

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President Brooks:

Mayor Smith. Then I am going to go to Mr. Goldblum, then Mr. McLendon.

Mayor Smith:

My follow-up question is: if the Council determines today they want additional information for different schedule to proceed on, how soon could you have that information for us and if it was accepted, the following report was accepted by the Council, when would it start? I am concerned that we are talking, and talking, and talking, and we are not starting. I would like to be able, like the man from Garden Road with his alley, which we all understand what happened here, like to be able to say that we are starting on this project to alleviate your concerns in two months—four months—six months—and it is going to take so long. All right?

Peter Elwell:

Yes, ma'am. That is why the two recommendations for action are the only two recommendations for action today. We'll receive other direction from you about what you want to further consider, but the two recommendations will keep us moving forward with those items that are on the critical path, so that you further consider information essential to making these decisions, we're not losing time in the overall project.

President Brooks:

Okay. Mr. Goldblum.

President Pro-Tem Goldblum:

I would like to call to your attention to something Mr. Elwell said. Looking over these figures I had over the weekend, there are thirty-five streets that are going to be impacted at least once in this whole project and some two times, maybe three times. The longer we spread this out, the less this impact is going to hurt the individual homeowners. Everybody from Wells Road up to the Inlet on North Lake Way is going to be impacted at least once and several of them twice. We have to take that into consideration that they can't be torn up constantly for five or six years. I think that is something that we must consider. Thank you.

Councilman McLendon:

Yes, you get pluses and minuses on that if you don't do it in a reasonable period of time, the people who don't get it early on are going to suffer longer, but that's how you make decisions.

Am I mixed around? Weren't we talking about a hundred year design for the pump stations and a three year frequency design for the collection system?

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Peter Elwell:

That's correct.

Councilman McLendon:

I don't think that was clear in the previous conversations here. That's all for now.

President Brooks:

Peter, I just want to double check. We're talking about decisions requested, recommended until Mr. Wyett has made a request. The big one, I think, that we have to keep in mind is the coordination with the City of West Palm Beach. That is back in with what Mr. Wyett, pardon me, Mr. McLendon was saying. We're all going to get hit once. Some are going to get hit twice, and some maybe three times. Three maybe a push, but that's on track if Mr. Wyett's motion, I believe it is a motion, Allen?

Councilman Wyett:

It was a motion, but I would like to make a comment relative to the one you just made. That the coordination with West Palm Beach is very important. If they are going to open up the roadway, that is the time to do whatever work is necessary, because I certainly would not want to be living on a street that is open more than once when we could do it once only. I think that some of the money we have to spend is paramount to coordinate with them first.

President Brooks:

That's the motion. Is there a second to Mr. Wyett's motion?

Councilman McLendon:

Second.

President Brooks:

Seconded by Mr. McLendon. Any discussion? Mr. Elwell.

Peter Elwell:

Under discussion, I think we need some context to refresh our memories about the discussion we have had with Ken Reardon about that coordination, and we have isolated on certain projects, where that coordination is very possible. You will recall that at the schedule that we are on, regardless of how we move forward with drainage, particularly if we slow the project down, it really is not going to be advantageous to make the water projects wait for the drainage projects on most of the streets. The most important exception to that rule is the one that we are recommending to you today which will be a very impactful project. Keep our eyes wide open to that. This is North Lake Way for an extended period, but it is a

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critically needed segment of the water improvement project to improve the pressure in the north end, and if we make that project wait in order to do both the drainage and the water at the same time, there will be very serious negative water impacts. Our recommendation is that because both the water line and the drainage line are large, the right-of-way is narrow in that area and because we don't want to impact it twice, it is very important for both design and the construction impact that they be done together in that segment only at this time. You authorize us to move forward—it's a \$3.9 million project and we can discuss the particular funding for that at a future meeting. We have some conceptual ideas that we can share with you today about where the money would need to come from, but just so we get into the design phase of it and be working with the City to coordinate that piece, we would appreciate a motion from you today that indicates that you are approving, subject to the financing, that the project be expedited.

President Brooks:

Can Mr. Wyett incorporate that in his motion?

Councilman Wyett:

Yes, I will incorporate that in my motion. I strongly believe that wherever possible, regardless whether it is water or sewer, that you open the street and do the whole job all at one time.

President Brooks:

Mr. McLendon.

Councilman McLendon:

Peter, that's from where to where on North Lake?

Peter Elwell:

The water project goes Orange Grove to Mediterranean. Would that also be the boundaries of our ... or would we need to go farther with drainage?

Al Dusey:

That's where the drainage also would be.....

Peter Elwell:

Okay. Orange Grove to Mediterranean on Lake Way.

Councilman McLendon:

I guess the motion needs a second. I'll second it.

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President Brooks:

You'll incorporate that. Any other discussion on this motion?

Peter Elwell:

I need to ask you--if it's going to be a broad motion saying to do more coordination than simply this one project, we need to discuss what the implications of that motion are. If you narrow it to just this project, I think you could go ahead and vote on this and then we could have a further discussion of the broader issue.

Councilman Wyett:

I have one question. You mentioned water pressure. We have had water pressure problem in the north end for a long time. Is the water pressure a greater problem today than it was in more recent times?

Councilman McLendon:

It shouldn't be.

President Pro-Tem Goldblum:

They lowered the water pressure a year or so ago, because they were afraid the pipes were going to break. Am I right, Bob?

Robert Moore:

I believe that is correct, but Mr. Dusey will have to answer that.

Al Dusey:

Quite frankly, I am unaware of them lowering pressure. I would understand their concern.

President Pro-Tem Goldblum:

When we had that break at Christmas time, I remember that happened.

Al Dusey:

I can tell you that the pressure in the north end has been very bad. Mayor Marix has been in contact with me over the years about her very specific problems that she has. It is a continuing problem and it could have gotten worse.

Councilman Wyett:

I don't know how the pipes are laid out, but the Mayor's property is on the east side of the island, and she is on the north/south.....is her water supply coming from North Lake Way or is it coming from a pipe that is going up and down North Ocean Boulevard?

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Al Dusey:

North Lake Way.

President Brooks:

Have we incorporated the items we need in this motion. Do you want to take...?

Peter Elwell:

I would respectfully ask you to focus on one issue at a time so we can be real clear on what we are receiving by direction, and on this one.....

President Brooks:

I have absolutely no hesitation in doing that. The only thing, I think we need a collie in here, now to round up the sheep, because we're kind of running all over the corral. Let's stick to the point.

Councilman Wyett:

We have a motion, an amended motion that I amended, and we have a second on it. Can we have a vote?

President Brooks:

Do we need another motion coming.....?

Mayor Smith:

Why don't we do the broad motion first, then the specific motion second?

President Brooks:

Roll call, Mrs. Pollitt, please.

On roll call the motion carried, unanimously, 5-0.

President Brooks:

Mr. Wyett's motion passes 5 to nothing.

Peter Elwell:

That motion, as I understand it, is the second of the two bullets in the checklist that you received at the beginning of the meeting—the second of the two at the top—has now been approved.

President Brooks:

Correct.

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Peter Elwell:

If you wish to have a broader discussion of coordination of the projects with the City of West Palm Beach, then we need to ask Mr. Dusey and Mr. Bowser to explain what we have been through in some detail and why there are some limitations there. We would desire as much as anybody that we only go into a street once, but the fact of the matter is that there will be some opportunities to do that and other places where it simply won't make sense to coordinate or there is going to be a very long delay before there is an improvement, particularly if you ultimately embrace a drainage program that slows down the drainage improvements. At this time, we would not recommend any additional action on coordination, but if you wish to direct some additional action, we would help in that discussion.

President Brooks:

Not necessary.

Councilman McLendon:

Excuse me. Do they have other streets? I don't have their papers in front of me. Are there other places they are going to move very shortly into that we know about?

Al Dusey:

We have identified five streets where we have conflicts that need to be coordinated and done at the same time. Only one of those, however, now that you just approved it, is critical to their system improvements. The other ones, I believe, they are willing to wait for us as long as we send them a letter indicating that their contractual obligation is not being violated. They are willing to wait for us to catch up with them with our projects. They are less important.

Councilman McLendon:

I just want to be sure that we don't not cooperate because at least we save a big chunk of repaving costs if nothing else, so I think we ought to be ready to move with them when they are ready to go.

President Brooks:

Mayor Smith.

Mayor Smith:

I have a concern about writing them a letter. I don't want to lose the money that West Palm Beach is obligated to spend with us, and I don't want to put anything in writing and five years from now, have them come back and say 'Well, we were ready to go earlier, but you let us off the hook and we don't have the funding available.'

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Al Dusey:

The money requirement is set by contract and can't change. We were talking about the schedule. They had five years to do the work.

Mayor Smith:

But the costs are getting higher and higher for the work they are doing over there, and West Palm Beach's financial problems are getting worse. I know it is set by the contract, but I'd rather see you, Al, talking to them and say 'When do you think this is going to happen?' If it is going to happen within the next two or three years, I think the Council would go along with it, but, you know, rather than putting it in writing, letting them off the hook completely, I would have a problem with that right now.

President Brooks:

Okay. Mr. Elwell.

Peter Elwell:

Letting them off the hook, if you will, would be only for the convenience of the Town to accommodate our schedule with our drainage improvements. We can expedite those other four projects as well, but there's both cost implications and practical implications to doing that when we haven't made final decisions about the scope of our project.

Mayor Smith:

Why don't you let us know? See a little bit more about what their time table is, and see whether or not you would be ready. There must be four or five of those projects of ours that we do not consider emergency projects.

Peter Elwell:

Four additional projects—they will be ready in advance of when we will be ready. Some of them were probably programmed for this summer or next. Most of their work is going to happen this summer or next, and we can tell you that today. What we can't tell you today is when we would be ready to do it jointly with them, because we don't know yet what the scope of the Town's project is going to be.

Mayor Smith:

But you do know whether or not the four or five projects they are talking about are ones that you have on your list for emergency streets.

Peter Elwell:

Yes, ma'am. We could relate them to the Town's priorities.

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Mayor Smith:

Why don't you do it at the May Town Council meeting? I don't think we have to hear that today.

President Brooks:

We have a list in here.

Mayor Smith:

We don't know which ones.....

President Brooks:

Okay. On their prioritizing.

Peter Elwell:

If you would like to address the coordination issue again, specifically, we'll do that May 14th.

President Brooks:

Okay. Mr. Elwell, what more do you need from the Council at this time?

Peter Elwell:

We would request a motion to continue with the preliminary design and the permitting activities for the entire list of the \$40 million plan so that we cannot get off the critical path on that. We want to continue to make progress in our communications with South Florida and our work with the engineers and then, if necessary, we will scale back from that which will simplify the permitting process.

President Brooks:

In other words, the motion, if acted on favorably, does not commit anyone to \$40 million. It simply keeps us on the same track.

Peter Elwell:

It doesn't commit to constructing it. It allows us to continue to have permitting discussions, based on that largest possible plan.

President Brooks:

Okay. Gentlemen, anyone want to make a motion?

President Pro-tem Goldblum:

I'll make a motion.

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Councilman McLendon:

Second.

President Brooks:

Made by Mr. Goldblum, seconded by Mr. McLendon. Any discussion?

Mayor Smith:

How are you going to pay for it?

President Brooks:

That's coming up.

Peter Elwell:

It's in there.

President Brooks:

Would you take the vote, please, Mrs. Pollitt?

On roll call, the motion carried unanimously 5-0.

President Brooks:

It passes 5 to nothing on number one.

Peter Elwell:

The next item would be the level of service. Question: whether you would like us to and we could possibly do this as soon as May, although I think it will take longer than that, and we would be back to you as soon as possible but a little later into the summer, with the information about—if we were to look at a finished floor 5.0 feet level of service versus 5.5 versus 6.0. We would look at those three levels and bring it back to you.

Councilman Wyett:

I make the motion that we authorize the Town Manager and staff to submit a potential new schedule to us.

President Brooks:

Motion made by Mr. Wyett and seconded by?

President Pro-Tem Goldblum:

Second.

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President Brooks:

Seconded by Mr. Goldblum. Any discussion? Take the vote please, Mrs. Pollitt.

On roll call, the motion carried unanimously, 5-0.

President Brooks:

Passes 5 nothing. Yes, Mr. Wyett.

Councilman Wyett:

I suggest that we defer how to fund all of this until we know the scope of the work.

Peter Elwell:

Absolutely. That's our suggestion to you that we visit that issue specifically another day when we are closer to a final decision on the scope.

President Brooks:

Okay. I am looking at the agenda here. Are we going to get into.....?

Peter Elwell:

There is only one other thing I want to present to you, if I may, and that is the definition of street flooding. There was some discussion earlier in the meeting and whether you want to give us specific direction about what is tolerable and what is not tolerable in the streets.

Councilman Wyett:

Why don't you do it the same way we did the various levels and bring it to us. Why don't you bring to us various different proposals on what we can tolerate rather than having a long discussion today?

Peter Elwell:

Okay, so say a foot versus 18 inches versus something greater than that?

President Pro-Tem Goldblum:

Regarding what Mr. Wyett said, I would like to check definitely what the ambulance clearance is from the fire truck, because that is our criteria, I think.

Peter Elwell:

Let me suggest then that the three criteria we would look at there would be the maximum that would still allow the public safety--fire trucks and mobile intensive care units to pass through the streets, and then we could go to--how about 12 inches as one standard--and a standard less than that. We think that those vehicles will pass through higher than that, but we don't know that. We will confirm it one way or the

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other. Then, also have a 12 inch standard, and you would get to see the relative difference there.

Councilman Wyett:

There is another standard you want to ask: How long does it take a flooded street to drain? If a street floods to 12 - 18 inches and a half hour later, as soon as the rain stops, it is gone, that is different from a street that floods to 12 inches and stays there for a period of time.

Al Dusey:

We can attempt to do that for you. I don't want to....

Councilman Wyett:

There is a big difference.

Al Dusey:

Yes.

President Brooks:

I don't think you need a motion on that. Do you? Yes, sir. Come on up.

I'm sorry, Mr. Goldblum.

President Pro-Tem Goldblum:

Mr. Elwell, in driving around the Town, yard trash. I went down one street this past week. There is a new sewer there. Yard trash wasn't a foot off of that sewer. I want to know how the trash bins are working in Town. If we can expand it, and I would also like to know what the penalty can be increased for homeowners that are not living up to what they are supposed to.

Al Dusey:

With regard to the containerized program, we would like to go through some of the summer months when we have more rain and heavier growth to see how successful we can be. I can tell you the one occasion where we had rain at about the same time as collection, it was very, very good, but that is in the middle of winter time or end of winter time, so your volumes are a little bit different.

President Pro-Tem Goldblum:

Al, I went down, south of Seminole--what's that street? Onondaga. We have a new sewer there--on the south side of the street. Yard trash wasn't a foot off that new sewer. We have to control that some way. I don't know how.

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Peter Elwell:

Let me suggest that in the short term, we address that through public education about having people not put out the small materials too near to the inlets; although a heavy rain is going to wash them. We understand that, but at least if they don't put their pile right next to it, we have a better chance. In the longer term, as Mr. Dusey indicated, we think that the containerized program is very promising, but before investing additional Town dollars in expanding it, we would like to go through a summer and get some experience and then report back to you.

President Brooks:

None of this requires a motion, does it? Okay.

There is a citizen who would like to give some input please.

Henry Wexner:

I'm Henry Wexner. I live at 256 Fairview, and to answer Mr. Wyett's question, during the November storm, the water was gone in probably fifteen minutes.

Councilman Wyett:

Thank you.

President Brooks:

Thank you, sir.

Mayor Smith:

But if you've had a heart attack and the ambulance can't get through, fifteen minutes—you're dead. We're checking on whether or not the ambulances can get through, because the people on Sanford Avenue said the road was really impassable and that would be a public safety issue.

President Brooks:

Another citizen's input please.

Michael Picotte:

Thanks. I've enjoyed the afternoon that I have spent here. I've seen democracy in action, and I appreciate the hard work that the Council does and their considerations.

I've learned that the Town had a plan to handle all homes with the exception of eleven for a hundred year storm, and I have also learned that the permitting for these types of pump stations and remedies takes somewhere between six and eighteen months. I've learned that Mr. Elwell has put a proposal—and I've seen the Council has agreed to investigate that perhaps a lesser plan might be considered. I've learned

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that my street which is Sanford which has been represented by five of our residents of which I am the only one remaining at this time, has been depicted very well by Mr. Kino's picture which I am happy to see has gone up and down the head table, is one of the priorities.

I would like to ask Mr. Elwell at this time, the actions that have been taken at this meeting, since I am going to have to report to the other four who did not stay—well just the last two left a few minutes ago—how will that affect Sanford Avenue? As that picture shows, every time we have a storm, we all worry about our most important asset and where we are raising our families which all of us who were in this room today have families—of children there. How will this affect Sanford Avenue? I've heard about pump stations maybe being down-sized which leads me to believe that maybe we can't apply for permitting until we decide what size they are going to be, and I keep seeing this being pushed back. In my mind, I am, and I think that Mayor Smith made this point earlier. Could you answer that for me, please?

Peter Elwell:

May I?

The action that the Council took a moment ago to continue us on with the design and permitting of the system based on the maximum possible plan, to provide that one hundred year level of service, was critically important so that we don't lose any time in the process while we continue to explore some of these other issues and final decisions are made about the scope of the project and the timing of it and how to pay for it. We will continue to address these issues in the coming months, but as we address those, we will be working with the South Florida Water Management District and our consulting engineers to obtain a permit based upon the largest possible plan we might construct, so there will be no delay for anyone in Town as a result of the fact that we are continuing to look at some issues now and probably for the next few months.

Having said that, the further consideration is something you should watch very closely and come and participate again, because it is in the final decisions coming in May and June, perhaps July, relatively soon, but over these coming weeks, the final decisions about the scope of work and the schedule for the work and how to pay for it are going to be those that might change your expectation of what improvement is coming to Sanford Avenue. And so, I can't assure you, one way or the other, what will happen on Sanford Avenue, because those decisions haven't been made, and quite rightly will be made later in the context of additional information, but I can assure you, that actions taken today will not delay the ultimate solution coming to Sanford Avenue.

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Michael Picotte:

That answers the question. We have to be quite vigilant in making sure that our homes are not going to be subject to the flooding in the future. I understand that. What your suggesting is that our street should be quite active making sure that our flooding problems don't get pushed aside.

Peter Elwell:

I think we can all assure you that nobody's flooding problem will be pushed aside, but in the final analysis when a decision is made based on the financial investment of the community necessary to achieve the improvement, we will be bringing additional information back to help the Council make that decision in seeing how many homes will be protected at one given level of investment versus how many additional homes will be protected if there is a greater level of investment, and there is a policy decision yet to be made about that.

Michael Picotte:

But the action of the Town Council previously is not being upheld; it is being reconsidered.

Peter Elwell:

We are proceeding with the permitting for the largest possible program, and the final decisions about the project will be made in the coming weeks.

Michael Picotte:

But they haven't been made. I was under the impression they had been made already and we are going back to it. By the decision made today, we're going back and reviewing the previously made decision. Isn't that true?

Peter Elwell:

Yes.

President Pro-Tem Goldblum:

Can I ask a question please?

Has your house been flooded or just the street?

Michael Picotte:

Some of the residents have had their homes flooded who were here today on Sanford. Yes.

President Pro-Tem Goldblum:

Their garages and their homes or just their garages?

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Michael Picotte:

I believe their garages and their homes.

Mayor Smith:

I think you can assume that flooding will be on the agenda each month for the Town Council meeting, so I would come and listen.

President Brooks:

Mr. McLendon.

Councilman McLendon:

I just want to ask you a question or make a comment before you leave. Right now, the design of the Sanford Avenue trunk/sewer is scheduled for the second year which would be 2003. Al, is that right?

Al Dusey:

Design the second year, I believe. Construction the following year.

Councilman McLendon:

Constructed the following year. That's scheduled as of today.

Michael Picotte:

So the construction is 2004. Okay. Thank you, very much.

President Brooks:

Thank you, sir. Yes, Mr. Watchman.

Bill Watchman:

Bill Watchman, Miraflores. It might relate to the discussion we are going to have about funding. I understood, partly from discussions with Peter, that among the decisions that he was recommending were let's look at all the streets, because all the streets apparently have been included in the cost estimate, and let's be sure that we aren't going to be digging up streets and putting in larger pipes on streets where there isn't a flood problem. As I look at the map and read the reports, that could have an enormous positive affect on the cost of this project. There isn't any doubt in my mind that we are going to wind up needing the pump stations and the trunk lines. Those are the legs of the whole thing, but then there are dozens of streets that are going to be—and Allen has told me that he went out during the flood rains twice and saw streets that had no flooding at all. I think the Mayor did the same thing as I recall and so did Norman. We're leaving something on the table, aren't we? We are going to talk about funding. Let's talk about funding what we need, and if we don't know yet how many streets are included at what cost where there isn't a problem that

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we know of, then let's figure that out soon.

President Brooks:

Mr. Elwell.

Peter Elwell:

That is the essence of the modified plan as it exists today—that there is that third phase where the large pump stations and trunk lines would go in first. Someone spoke about it earlier today as the crisis streets—the highest priority streets that have experienced flooding would get pipes on a schedule, and all other streets would only be done as needed, and that, in fact, would substantially reduce the price, but it would still establish as the level of service, the hundred year level of service.

What will be further explored will be, rather than slowing down and looking at that third priority group as something that might be ultimately eliminated, whether there is a lower level of service that is appropriate.

Bill Watchman:

Norman said that all the streets in the north end are going to be opened up some place. Maybe not all the streets in the north end are going to be opened up. My guess is it is probably going to be more like half or 60% from what I have seen.

President Pro-Tem Goldblum:

They are all going to be opened once at least to put the trunk line in.

Bill Watchman:

Drinking water maybe.

President Pro-Tem Goldblum:

No, to put the major....

Bill Watchman:

No, the trunk line is going to go down North Lake Way. Right. That's only one street.

President Pro-Tem Goldblum:

There are going to be the streets connecting to it that are going to be affected. It might not be dug up, but it is going to affect traffic. Everybody is going to be screaming that they can't get out. North County Road is going to be the only north/south road for years.

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Bill Watchman:

I am not sure all the streets are going to be opened up once. I think they won't be. I was really just trying to avoid sitting here for the next forty-five minutes or an hour talking about how we would fund something we are not going to do. We know what streets flooded; therefore we know what streets didn't flood. We've had, where I live, four floods. Pretty good test.

President Brooks:

Thank you. Mr. Elwell.

Excuse me, Mr. McLendon.

Councilman McLendon:

Just one comment. As I recall, the difference between the amount of rainfall occurring once in a hundred years is not appreciably different than that predicted on a seventy-five year basis. It gets less impressive as you go up. Maybe Mr. Foy would refute that or confirm?

Jay Foy:

Seventy-five is a non-standard storm. Fifty year is the closest storm. You're right. The difference in rainfall is not a tremendous amount. I don't recall off the top of my head but a ten year storm is about ten inches; a hundred year storm is about seventeen inches, but when you get into the higher frequencies, you only have a couple of inches of difference, but the amount that falls at peak will not be that much difference. The five inches that I talked about for the seventeen inch storm might go down to 4.8. It won't be that much different for a fifty year storm.

Councilman McLendon:

My point is, that if we are thinking about changing the one hundred year design figure, I don't know if that is going to accomplish a great deal, and I don't want to change to three year.

Peter Elwell:

Staff does not need any further direction but would be happy to receive any that you think we need in order to bring back to you additional information.

President Brooks:

I think we have given you a fairly full plate. I am ready to move now.

This is the end of the verbatim transcript.

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3. Assistance to Private Property Owners

B. Coordination with City of West Palm Beach Water Projects

C. Financing Alternatives

No further discussion took place regarding the above three subjects, but these subjects will be considered at other Town Council meetings if not addressed at this meeting.

V. RESOLUTIONS

- A. **Resolution No. 30-02** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Expressing its Opposition to Specific Portions of the Proposed Florida Department of Transportation SR A1A Resurfacing Project, Providing an Effective Date and for Other Purposes

Town Attorney Randolph read Resolution No. 30-02 by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, EXPRESSING ITS OPPOSITION TO SPECIFIC PORTIONS OF THE PROPOSED FLORIDA DEPARTMENT OF TRANSPORTATION SR A1A RESURFACING PROJECT, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

President Pro-Tem Goldblum made a motion to approve Resolution No. 30-02. The motion was seconded by Councilman Wyett and carried 5-0 on roll call.

Councilman Wyett said he spoke to Representative Jeff Atwater who was speaking to the Department of Transportation on behalf of the Town of Palm Beach supporting this resolution.

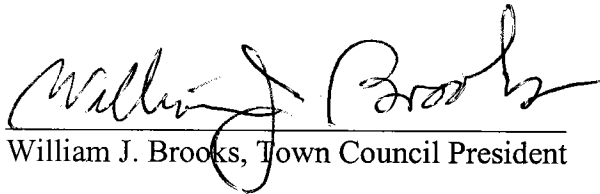
VI. ANY OTHER MATTERS

Councilman Wyett reported that he and West Palm Beach Mayor Daves will visit Good Samaritan Hospital on Thursday, May 2nd.

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VII. ADJOURNMENT

The meeting was adjourned at 4:00 p.m.


William J. Brooks, Town Council President


Mary A. Pollitt, Town Clerk