

SPECIAL TOWN COUNCIL WORKSHOP MEETING HELD ON MARCH 18, 1999

I. CALL TO ORDER AND ROLL CALL

Town Council President Lesly Smith called the meeting to order at 5:30 P.M. on Thursday, March 18, 1999, in the Town Council Chambers. On roll call, the following Elected Officials were found to be in attendance: Mayor Paul Ilyinsky, President Lesly Smith, President Pro-Tem Allen Wyett, Councilmen Jack McDonald, Sam McLendon, and Leslie Shaw. Others attending the meeting from the Town of Palm Beach were: Town Manager Robert Doney, Assistant Town Manager Peter Elwell, Town Attorney John Randolph, Public Works Director Al Dusey, and Deputy Town Clerk Susan Eichhorn. Mr. Dave Decker, Vice President Applied Technology & Management, Inc. (ATM), was also in attendance.

II. APPROVAL OF AGENDA

President Pro-Tem Wyett moved approval of the Agenda. The motion was seconded by Councilman McLendon, and carried unanimously.

III. COMPREHENSIVE COASTAL MANAGEMENT PLAN UPDATE AND RELATED MATTERS

A. TOWN STAFF OVERVIEW

Assistant Town Manager Peter Elwell summarized the plan as follows: He explained that the question being addressed today was how extensive of a program the Town would be willing to pay for, after weighing the anticipated costs and benefits. He would describe the process by which the plan was formulated, as well as what was recommended in the plan itself to create a base of knowledge from which all could consider what was before the Town. The residents of the community, and ultimately the Town Council, would need to weigh and decide if the accrued benefits would be worth the substantial investment required.

Mr. Elwell began his presentation stating that the problem was serious beach erosion, which had occurred through the Town. The beach was not only an aesthetically pleasing and recreational resource, and was also the first line of defense to protect upland properties. After decades of beach erosion, some areas of Town were now dangerously short of sand. He presented slides of areas that were seriously eroded, explaining that erosion was caused by the presence of Lake Worth Inlet at the north end of the Island. Over the years there had been a tremendous loss of sand to the beaches of the Town because of what was trapped north of the Inlet. Sand was also lost during major storms, and over the course of time it was necessary to take action to replicate what would have been a natural process to rebuild the beaches. The Comprehensive Coastal Management Plan Update was a document which was a center of discussion, and were the recommendations of the consultants and the Shore Protection Board for implementation to protect the entire shoreline of the Town. The Plan had been authorized by the Mayor and Town Council, completed in approximately one year, fully reviewed and put in final form, and recommended by the Shore Protection Board, after hearing from twelve well-recognized professionals in the area of coastal protection and engineering. The process had been a total of three years in order to bring the inlet to inlet plan to the community. Most coastal engineering projects had historically focused on particular areas that were subject to serious erosion and needed intervention. Specialists had defined the importance of the inlet to inlet plan, which would allow smoother permitting processes, as well as make the projects more likely to be cost effective in the long run. The plan was based on an engineering analysis of the shoreline, and also addressed environmental issues, such as sea turtle protection and near shore rock. In the shallow waters that were just off the Town shores there were many areas where there was exposed rock in the shallow areas of water, which were habitats for sea creatures, which must be protected as well. The plan was divided into reaches, or areas that were distinguished as a result of erosional rates, environmental conditions or differences in property ownership, with eight reaches being located in the Town. The benefits the Town could expect to receive as a result of the plan were primarily protection of upland property. Slides were shown of the mid-Town Beach restoration project. Other related community benefits to these projects were aesthetics, property values, tax and non-tax revenues to the Town, the general image of the Town, and recreational benefits. Applied Technology & Management (ATM) was selected through a competitive process that the Town went through. Because of the magnitude of the plan there was Peer Review conducted by Aubrey Consulting, who conducted the Peer Review, and raised several issues and criticisms, particularly in regard to the implementation of the plan as opposed to the actual

methodology of the plan. The two engineering firms then got together and worked on how they viewed the plan differently, and arrived at a point of resolution, and sent a mutual letter to the Town on August 25, 1998 advising that Applied Technology & Management and Aubrey Consulting agreed upon the recommendations presented in the recently completed update of the Comprehensive Coastal Management Plan. The conclusion of the Peer Review was that the plan was an appropriate plan for the Town. The plan is based on preliminary engineering, and recommends the types of projects that ought to be pursued in different areas of the Town and does not recommend exactly what ought to be constructed and does not have exact costs, but contains estimates. The entire ten year program was estimated at \$48.5 million for the projects recommended within the Town. The thirty year program, including maintenance and financing them, was estimated at \$108,500,000. For purposes today, the \$48.5 million program would be discussed. The bare minimum that the Town ought to continue to do is the mid-Town project, as it is an existing investment of the community, and the permit conditions require maintenance. If the Town walked away from the project and did not maintain it, over time the groins that were constructed would begin to trap sand, and because of the harm that would be caused by that the State would require the Town to remove the groins that were constructed. Staff would recommend the public beach areas also be maintained by the Town, and that a responsible minimum level of a program to consider would be the \$17.2 million required to maintain the mid-Town project, to pursue a beach restoration project at Phipps Park, and continuing to implement the Lake Worth Inlet Management Plan. Those three pieces would cost an estimated \$17.2 million over the ten year period. Beyond that, but short of implementing the entire \$48.5 million plan, there were several choices that the community could make, which would involve four additional projects on a priority order basis determined by engineers. There were two different considerations on the overall \$48.5 million plan; a ten year plan, and an accelerated three year construction project for approximately the same amount of money. Funding could be accomplished in several different ways, and the two recommended were a straight ad valorem tax, and a benefit based assessment program in combination with ad valorem. The total cost of the program could be substantially reduced by assistance from other governments. The Shore Protection Board had recommended that the Town be prepared to proceed using only Town money, and then seek reimbursement where it may be available from Federal, State, or County governments. The inlet to inlet approach could benefit the entire community, however, a very substantial financial investment would need to be made. Public comments were now heard.

B. PUBLIC COMMENTS

Mr. Bob Grace commended the Shore Protection Board for their efforts. He stated that he had walked the beaches for over 50 years and was totally committed to the close connection between groins and the beach, and for that reason he was delighted to see that the program incorporated a large number of groins. He commented that he was a member of the Town Council when the deteriorated groins were removed from the mid-Town beach, and he then knew that it would mean the end of the beach, but there had not been a choice, since higher levels of government would not permit repair of the groins, and a public beach could not be operated with jagged chunks of iron in place. He stated that there would be tremendous public pressure for more public beach in the future. He suggested that it was discrimination to leave out the area between Sloane's and Widener's Curve.

Ms. Judy Schrafft, speaking for the Coral Reef Society, commented that there was concern with what the project would do to the off-shore marine environment. She stated that every time one of these projects was done the fallout was seen off-shore; as the bottom dwelling organisms died off, all of the fish life feeding on them would also disappear.

Marjory Darlindowski commented that West Hampton Beach in Long Island had a very similar problem, and in the late sixties, the Army Corps of Engineers' philosophy was that hard structures on the beach were wonderful, and they brought boulders the size of a small truck and put them on the beach, which worked. She stated that because of erosion in the area, 300 homeowners got together to sue the County, the State of New York, and the Federal Government, and won. She suggested that much could be learned by contacting the current Mayor of that area, Gary Viglioni. She stated that she did not understand why money was being set aside for maintenance, because in ten years in West Hampton, there was nothing to maintain.

Mr. John Blair, Vice President of the Reef Condominium, next to Phipps Ocean Park, commented that he was in favor of the project. He mentioned that there was a study done in 1984 by geologists, who studied the whole shoreline of the U.S. He stated that the geologists' solution to shoreline erosion were:

- Design to live with the flexible shoreline environment - don't fight nature with a line of defense; consider most man made buildings near the shoreline to be temporary.
- Base decisions affecting beach front development on the welfare of the public at large, rather than the minority of shore front property owners.
- Let the lighthouse, beach cottage, motel, or hot dog stand fall when the time comes.

Mr. Blair asked what new information had evolved since the 1984 report?

Dave Decker, Vice President Applied Technology & Management, Inc. (ATM), responded that the proposed

shoreline was intended to be flexible and adjust with the storms. The groins were basically proposed in various segments of the project if it was going to be constructed as individual projects; the likelihood of needing all of the groins would be reduced if a larger scale initiative was undertaken. He noted that the State of Florida was adamantly opposed to placing any structures along the shoreline that would exacerbate erosion rates. They saw groins that were not properly maintained in a filled condition as a detriment to down drift or southerly property owners, which was why it was important that the groins and the beach restoration be accomplished together. The erosion that was being experienced in the Phipps Park area has been increased as a result of the revetment being constructed to the north, which was a last ditch effort made by the State to save the road.

Mr. Blair replied that he understood how the project would help the island of Palm Beach, but questioned how it would help the neighbors to the south?

Mr. Decker replied that the State had indicated that groins could only be installed if they were installed with the sand, and the sand was continuously replenished. The representatives from the communities to the south were very active in the original planning process, and were anxiously hoping that the Town of Palm Beach would move forward with the project.

Councilman Wyett commented that Mr. Grace had commented that the revetment provided by the State, had been placed in the area where Mr. Grace lived, and at the same time, Mr. Grace had related that the stairs to access the beach did not touch the sand, and yet the project did not include that one mile strip.

Mr. Decker responded that it had been concluded that the State had already invested in shore protection along that area, and one of the principal means of measuring benefits associated with the proposed improvements had been storm protection. Since storm protection had already been installed along that reach, that allowed the benefits for the sand to be reduced there. Secondly, the hard bottom resources were more extensive in that area, and it would be very difficult to permit the placement of sand over that hard bottom. It had also been concluded that because there were beach fill projects adjacent to the north and the south that there would be some secondary benefits as a result of sand migrating into that area, so that there would be at least a reasonable width of sand in front of the revetment as a result of the adjacent beach fill projects.

Mr. Joel Martino commented that the plan at this time was mainly a conceptual document, including the peer review, which clearly stipulated that much more research and engineering must be done as the actual design phase of the plan was begun. He stated that to date everything was more or less educated guesses by experts, and numbers had been flying everywhere. At some point, an official one-page cost schedule should be circulated by the Town so that everyone could review the costs, including all contingency estimates. Before a meaningful cost schedule could be generated, agreement would have to be reached on a time table for implementing the various parts of the plan. The peer review mentioned the importance of "adaptive management" which meant learning from earlier projects so that later projects could be better designed. He suggested that the plan, therefore, should be implemented slowly and deliberately, as in keeping with good engineering practices for an inlet to inlet approach. The most needed projects should be done first. The extra costs of contractor mobilizations could be more than off set by better engineered designs, using more complete monitored data, and better modeling for adaptive management.

Councilman Shaw called attention to Appendix "G" in the Comprehensive Coastal Management Plan, which had been reviewed by the peer group, and asked Mr. Decker if this was the basis for their recommendation that the plan needed adjustment?

Mr. Decker replied that Appendix "G" was a compilation of all correspondence and reports that were developed in the peer review process.

Councilman Shaw noted that the peer review had pointed out items that needed to be adjusted, and at the meeting yesterday (3/17/99) there had been a letter presented at the meeting that indicated that both ATM and Aubrey Consultants had signed a letter of agreement, and asked Mr. Decker why there was not an additional appendix indicating the points that had been satisfied, and why the letter had not been included as part of the document?

Mr. Decker responded that the letter had been inserted after the executive summary at the front of the document. He explained that after Aubrey Consulting and ATM had discussed the peer review, a joint meeting had been conducted with Town staff; then discussion had taken place at a Shore Protection Board Meeting, where various issues were brought up and agreed upon. After that time, the joint letter was composed.

President Smith explained that there was a great deal of discussion at the last meeting that opponents to the plan felt that the peer review had criticized the plan, and that it needed more work; there had been a great deal of dialogue at the meeting yesterday (3/17/99). She explained that Mr. Decker and Mr. Lickle had stated that there was a letter signed by Mr. Decker, and by Mr. Hamilton, from Aubrey Consulting, saying that the peer review was satisfied, and the plan was, as presented in concept, acceptable, and that she believed that brought closure to the matter.

Dr. Sanford Kuvin commented that he disagreed that the matter had been brought to closure, and that he was absolutely against the comprehensive management plan in its unabridged form. He stated that he did not agree with Mr. Elwell when he said that an increased level of investment was more likely than not to mean an increased level of benefit. He maintained that the plan was untried, untested, and unengineered. He noted that he was all for portions of the plan, such as Phipps Park renourishment, and the mid-Town renourishment, but was against the Lake Worth Management Plan - putting a 3,000' pipe (never engineered) with faucets or valves, coming out every 500',

which had been built nowhere else in America. Dr. Kuvin stated that the Shore Protection Board had done diligent work, however, he believed they viewed the cup as more than half full, whereas he viewed it as a little bit half empty on the "all or none" project.

Dr. Kuvin commented that the Civic Association, and a group called SOS, with shared members and directors, had recommended the beach restoration plan to the Town Council with a cost of \$48 million or \$56 million, which costs are becoming more and more disingenuous and less credible. Dr. Kuvin stated that the plan was outrageously expensive, was a conceptual plan, and if accepted in its entirety for beach restoration had no back up of experts to help in the actual design process. If it was approved in its current form the plan would represent the largest transfer of wealth in the history of the Town, from the taxpayers of Palm Beach to the Public Works Department. He quoted from the peer review report: "This is a plan whose magnitude is essentially unprecedented. It may be premature to seek funding for the long term plan at this time."

Dr. Kuvin referred to the bulletin issued by the Civic Association in March, headlined by "Shore Board's Plan Unveiled--No More Crisis Management Or Spot Projects," which implied that by adopting the plan, Palm Beach would somehow miraculously be put in a ziplock bag and protected from mother nature. He stated that the bulletin, with a good degree of political activism, said that ATM and Aubrey agree with the recommendations, and what was displayed in the presentation of Mr. Elwell was a portion of the letter, which letter went on to say that the coastal engineering firm of Aubrey was in sync with the coastal management plan, but that was dependent on the inclusion of the recommendations of the peer review document (22 pages) in association with the plan. Dr. Kuvin stated that he had total confidence that Aubrey Consulting would not totally risking its integrity by suddenly abandoning its 22-page peer review report in favor of cooperation with ATM on some unthinkable political level. He stated that he was also concerned with the public/private implications of the plan, noting that the expanded mid-Town project would extend the beach to Clarke Avenue to Sunset/Sunrise, Grace Trail, Root Trail, Seminole, Everglades, Atlantic Ave., Dunbar, Wells Road, Canterbury and El Mirasol, which was about 3/4 mile going north, and on the south extending it to Banyan to Gulfstream, Via Marina, El Bravo, El Vedado, Jungle and Banyan, for a distance of about 1/2 mile. His concern was that the expanded version of the mid-Town beach, which was being partly funded with State monies, would encroach upon what is now private property. He maintained that the proposed inlet to inlet plan did not plan for sand placement stopping at the high water line, but would extend east into the Ocean, creating wide, sandy beaches. In order to create those wide, sandy beaches, it would have to be absolutely undisturbed. He stated that with the exceptions of Reaches 1 and 6, the entire shoreline of Palm Beach would become public beach, along with all the potential legal and social problems that would follow.

Dr. Kuvin concluded saying that the proposed, unprecedented, expensive beach restoration plan was not only without merit in its inlet-to-inlet concept (it was with merit in its component parts) but was playing Palm Beach roulette with taxpayers' dollars. In this case, however, the losses could be irreversible. There was already a plan, which began with the Army Corps of Engineers depositing millions of free sand at the north end, all of which flowed south. The Sand Transfer Plant had been shut down for 6 years, and it had now been restored and was pumping double the capacity. Dr. Kuvin suggested that, although the current plan was working quite well, it would need engineering experts with vision to help in the ongoing and ever changing sand renourishment design process.

President Pro-Tem Wyett stated that Dr. Kuvin and his neighbors enjoyed one of the biggest and best beaches in Palm Beach, as a result of the Sand Transfer Plant. He noted that Dr. Kuvin had opposed the accelerating of the sand south, and he suggested that Dr. Kuvin remove his opposition in order to move the sand south faster.

Dr. Kuvin responded that the result of the north end beaches was not the result of the Sand Transfer Plant, but was the result of the Army Corps of Engineer dredging and its complimentary relationship with the Sand Transfer Plant. He stated that he opposed the movement of sand because the north end felt that they were being by-passed, to their detriment, and took the matter to court, and won. He respectfully suggested that the overview presented by Mr. Wyett was not correct, and at the time, the Town wanted to take the sand without any allowance for future use in the north end, to be discretionarily put on the mid-Town beach.

Mr. Michael Aimsley commended the Town Council for its initiative in this matter, as well as the incredible amount of work that the Shore Protection Board had done. He noted that he had spent 7 years working on development along beach fronts, and was quite amazed that there was such debate over taking action. He explained that he had seen the damage from a 50-year storm, which was devastating, and he would find it remarkable if no action was taken to protect the shore line. He recommended aggressive action in support of the plan.

Mr. Tim Killen commented that he had observed projects over the years in Palm Beach, which were very similar to the proposed project, and those projects were not successful, and suggested that this project would meet a similar fate. He opposed the project, and suggested that the problem was interference with the normal course of nature, as the workings of the coastline were interrupted when civilized man moved to Florida and began to build structures like groins and deep water inlets, which interfere with the southward littoral drift of sand. The inlets were constructed to benefit certain parties, and he suggested that the ecological detriments should be evaluated, and that the polluters should pay. He suggested that the normal littoral drift of sand be restored, which was in effect until the coming of civilized man to south Florida. This would require that Sand Transfer Plants be operated at the rate that sand was naturally flowing. This had never been done since the Sand Transfer Plant had been put into effect. He recommended that the outside parties that had caused damage to the beaches should be required to address the situation before consideration was given to future assessments and taxes.

Mr. Eric Gilbertson commented that he was upset at seeing the film concerning Hurricane Grace, as he contended that the groins had worked magnificently. He mentioned that in 1986 he had been upset that the groins

had been taken out.

Mr. Albert Levenson identified himself as a resident of Palm Beach, and Co-Chairman of the Citizens' Association of Palm Beach, and commented that many calls from residents had been received as a result of the meeting held yesterday on this same issue. He stated that his organization and the residents were behind SOS all the way.

Mr. Gary Lickle commented that at some point in time, as a barrier island, Palm Beach may one day be gone, and unless residents were willing to retreat off the island, something must be done. The Shore Protection Board had considered this, as well as global warming and sea level rise. Experts had indicated that a sea level rise could be expected in the next 100-150 years, however that was not within the purview of what was needed in the next 30 years. A great deal of time had been spent talking to experts to come up with the best solution for Palm Beach. He explained that Mr. Bob Hamilton, of Aubrey Consulting, was 100% behind the concept of this project, and all agreed that the implementation of the project would require more engineering, as there was no point in spending hundreds of thousands of dollars in designing the implementation until it was determined whether the Town would go forward on the project. He noted that Mr. Hamilton had offered to make himself available to put the agreement issue to rest.

Mr. Lickle stated that the Sand Transfer Plant alone would not fix all of the beaches; however, it would fix the beaches in the area where Dr. Kuvin and Dr. Lilja lived, as sand was continuously being placed there already. The rest of the Town was not getting sand, and would only get some of that sand over a period of time as it drifted, however, it would wash off-shore, erode, and required maintenance. Mr. Lickle explained that the Sand Transfer Plant would not maintain the island. He referred to the October storm and presented a video showing the height of waves at that time, which was before the mid-Town beach renourishment. He explained that the waves could not reach and break against the seawalls if the beach renourishment had been in place, as they would have then broken 150' off shore.

Mr. Lickle addressed the beach access issue, and explained that the project had been designed with the understanding that more parking and more public beach access was not desired. The very fact that 95% of off-island people were using the beaches, was the very reason why the State and the County could be approached to pay for half of the project, even in front of the private homes or the private areas, if the project was done as a comprehensive, regional project. If the project was torn apart, however, and only public money was requested for public beaches, beach access and parking would again become issues. He stated that the mid-Town project was a prime example of a good project, and had been monitored by the University of Florida. Other successful projects were located in Delray Beach, Deerfield Beach, Miami, Captiva Island, Long Boat Key, and Naples.

Mr. Stanley Rumbough congratulated the Town Council on organizing the Shore Protection Board, as well as the Shore Protection Board itself. He stated that he was delighted to have people like Gary Lickle and his colleagues spend their time so that they could advise residents of the best approach, and that he supported their suggestions.

Mr. Richard Raffo commented that the SOS foundation was a 501(c)(3) tax deductible organization and was not asking the Town of Palm Beach for any money. He referred to an article written in the Palm Beach Post times addressing the problems of beach restoration and preservation of Palm Beach, Florida, by Norman C. Schmidt, engineer, Town of Palm Beach, which was written in April 1949. He stated that the situation had been discussed for a very long time, and it was time to correct it.

Mr. Gerald Levy, former member of the Shore Protection Board, commented that there was a funding option for the Shore Protection project, which was proposed by the State of Florida, for a ten year complete design/construction/monitoring program that would cost approximately \$53 million. The State proposed a contribution of approximately \$25 million, with the County proposing \$2.1 million toward the \$53 million estimated cost. The Town of Palm Beach spends an average of \$300,000 per year, which would total \$3 million over the next ten years. He suggested a pay as you go method, which would fund the entire ten year project in seven years. The seven year funding program would cost \$37.50 for each \$50,000 of assessed valuation, or \$75.00 per \$100,000 of assessed valuation. This would net down, after taxes, to approximately \$25.00 for each \$50,000 of assessed valuation, or \$50.00 per \$100,000 of assessed valuation. The annual cost of maintenance, monitoring, and renourishment for the ensuing twenty years should be substantially less, since the construction would have been completed during the first ten years. The actual cost of the ensuing twenty years would depend upon the amount of State, County, and Federal contributions. He stated that a few years ago a part of A-1-A was damaged by a storm that the Department of Transportation spent millions on repairs. If the damaged road was north of the S. County Rd. intersection, the cost of repairs would have been the responsibility of the Town, since the State ownership follows S. County Rd. He stated that the shores were the first line of defense for buildings, and the loss of any of the buildings would be horrendous to tax revenues.

Mr. Alec Flamm commented that he understood that the purpose of the project was primarily shore protection and secondarily recreational. In response to Mr. Elwell's feedback as to whether the whole project or portions of it should be done, he suggested that if only public areas (recreational) were done, the priorities would be turned upside down. He maintained that if the entire comprehensive program was done, both objectives would be met.

Dr. Sanford Kuvin commented that he felt offended that Mr. Wyett and Mr. Lickle had mentioned that he was opposed to the plan because of where he lived, and he considered it unprofessional and totally inappropriate. He asked Mr. Decker if he took issue with any parts of the 22-page peer review document of Aubrey Consulting?

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President Smith commented that the response of Mr. Decker would probably be a very long answer to be dealt with one-on-one, and suggested that Dr. Kuvin discuss it with him on that basis.

Mr. George Moffett commented that he, as Vice Chairman of the Shore Protection Board, attended every meeting and found it a little difficult to deal with the comments of Dr. Kuvin, who now was bringing up problems that he would have had plenty of time to do if he had come before the Shore Protection Board.

Mr. Joel Martino commented that even though he sometimes disagreed with Dr. Lilja and Dr. Kuvin, he respected what they have to say, and thought it was very important that they give their comments, and did not think any aspersions should be cast upon them because of where they live. He considered that entirely inappropriate.

President Smith thanked everyone for coming, and advised that the next meeting on this issue would be held on April 20, 1999 at St. Edward's Parish Hall.

IV ADJOURNMENT

The meeting was adjourned at 7:30 P.M.

Mary A. Pollitt
Town Clerk

Prepared by:
Susan Eichhorn
Deputy Town Clerk
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