

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Steven Stern, Project Manager

Re: Town Council Appeal to Reduce the Special Assessment, Attorney John O'Neill for 8 Residences of Sloan's Curve

Date: April 26, 2018

TIMELINE AND GENERAL INFORMATION

Attorney John O'Neill represents eight (8) property owners at Sloan's Curve who have challenged the calculation of the Non Ad Valorem Assessment for Palm Beach Underground Utilities.

August 1, 2017:

Attorney John O'Neill filed an assessment appeal on behalf of the below eight (8) property owners in the Town of Palm Beach challenging the calculation of the undergrounding assessment:

1. Maurice J. Herman - 5 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0050)
2. Camilo Raful - 11 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0110)
3. Carolyn Sakolsky - 16 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0010)
4. Tracy Markin - 17 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0080)
5. Dan Marantz - 19 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0070)
6. Robert Postal - 20 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0060)
7. William Matheson - 22 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0040)
8. Barbara C. Sidell - 23 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0050)

Attachment 1:

John O'Neill to Town Council RE: Town of Palm Beach Equalization Board Complaint to Reduce Special Assessment levied per Resolution No. 100-2017

October 12, 2017:

The appeal was reviewed and denied by Tom Bradford, Town Manager who directed Steven Stern, Project Manager to inform Mr. O’Neill. Reason for denial was the Residences at Sloan's Curve do not qualify as Non-Assessable or special consideration since the community is not listed within the approved methodology as a special case, exception or as a Non-Assessable Obligation. The assessments were determined as appropriately applied per Initial Assessment Resolution No. 090-2017 and the Utility Undergrounding Assessment Methodology adopted by the Town Council, June 13, 2017.

Attachment 2:

Assessment Appeal Form indicating decision of the Town Manager

Attachment 3:

Communication from Steven Stern Project Manager on behalf of the Town Manager.

October 27, 2018:

Mr. O’Neill wrote to the Town Clerk stating: “All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the town manager ... In the event the town manager ... fails to correct any alleged error applying the assessment apportionment method to any particular property, which correction would have reduced the assessment relating to that property, the petitioner may ... file in writing with the town clerk a notice of appeal....”

Attachment 4:

John O’Neill to Town Clerk: RE: Town of Palm Beach Underground Utilities Project Notice of Appeal of Complaint to Reduce Special Assessment levied per Resolution No. t00-2017

November 28, 2017:

Mr. O’Neill’s requests for appellate review by the Town Council were denied by the Town Manager stating the following:

- The original assessment appeal was denied by the Town Manager. The letter informing you of my decision was sent by staff, namely Steven Stern, Underground Utilities Project Manager.
- The above properties do not qualify as Non-Assessable since none are specified in the approved assessment methodology (assessment apportionment method) section 4.4 Special Cases and Exemptions.

- There is no alleged error in the Town Manager's application of the assessment apportionment method. Note that parcel numbers 1, 2 and 7 have already been proactively adjusted by the Town to apply the undergrounding assessment discount. The other listed parcels do not qualify for the discount pursuant to the approved assessment apportionment method.
- An appeal to the Town Council objecting to any aspect of the assessment apportionment methodology is an invalid appeal pursuant to the Town Code and cannot be allowed to proceed via the appeals process.

Attachment 5:

Letter from Tom Bradford, Town Manager denying appellate review.

December 21, 2017:

Mr. O'Neill contacted Steven Stern, Project Manager requesting clarification why his request for appellate review was denied. He was informed the Town Manager referenced the Town Code section Sec. 90-49. - Correction of errors and omissions (c), describing that the escalation request to the Town Council was invalid since there was no error made in the application of the assessment methodology.

Attachment 6:

Email from Steven Stern, Project Manager to John O'Neill.

February 23, 2018:

John O'Neill contacted the Project Manager again requesting appellate review by the Town Council. Project Manager discussed the request with Kirk Blouin, Town Manager and the Town Attorney who instructed Staff to schedule Mr. O'Neill's appeal.

STAFF RECOMMENDATION

After reviewing the original complaint and all related correspondence between the Town and Mr. O'Neill, Staff recommends the Town Council uphold the previous and current Town Manager's decision to deny the assessment appeal for the following reasons:

- The properties at Sloan's Curve do not qualify as Non-Assessable. The neighborhood, subdivision or properties are not specified in the approved assessment methodology section 4.4 Special Cases and Exemptions.
- There is no error in the Town Manager's application of the assessment apportionment method.
- Parcels Townwide and within Sloan's Curve which are non-adjacent to overhead utilities qualify and received the Undergrounding Safety and Aesthetic assessment discount. The discount was applied to parcel numbers 1, 2 and 7 (5, 11 and 22 Sloans's

Curve). Parcels 3, 4, 5, 6 and 8 (16, 17, 19, 20 and 23 Sloan's Curve) do not qualify for the discount pursuant to the approved assessment apportionment method. See Figure 1.

- Granting this appeal would be inconsistent with the Town's approved methodology, which has been applied uniformly throughout the Town's assessment area.



Figure 1: Residences at Sloan's Curve