



March 29, 2019

Mr. Josh Martin  
Director, Planning, Building & Zoning  
Town of Palm Beach  
360 S County Road  
Palm Beach, FL 33480

RE: Rotary Club of Palm Beach Foundation Application for a Town Sponsored Business Association Special Event for Flags for Heroes During the Veteran's Day Holiday Period 2019

Dear Mr. Martin:

This letter and attachments are in furtherance of the Town Council meeting on February 14, 2019, wherein the Palm Beach Rotary Foundation requested a deferral to the April 9 Town Council meeting. At the January 8 Town Council meeting it was determined that the meeting was a de facto pre-application meeting and that Rotary Foundation representatives should meet with Town staff to address all concerns and questions raised by the Town Council on January 8. This letter represents the Rotary Club of Palm Beach Foundation understanding of the results of the staff meeting on January 15 and our update on the items Town Council and staff requested us to pursue.

Please see the video in the link below to visualize a similar Flags for Heroes public display.

<https://www.youtube.com/watch?v=CqabCKG1yFo>

Just to reiterate, in order for the Rotary Foundation to accomplish the Flags for Heroes event the following permits are required and will be timely secured if the Town Council approves the event:

1. The attached Town Sponsored Business Association Special Events Permit
2. Town Charitable Solicitation Permit(s) for the event and any private events associated therewith.
3. Town of Palm Beach, DPW, Right-of-Way (ROW) Permit

4. **FDOT Banner Permit** – The flags and any banners, such as that identifying the Rotary Foundation and any project underwriters, requires a banner permit from FDOT

In addition to the listed permits, the Rotary Foundation is aware that it may be required, likely as a condition of the Town ROW permit, to call Sunshine 811 before staking flag holders and to plan a grid not in conflict with marked infrastructure data marked by Sunshine 811. A 12-inch flag holder was shown to staff at the January 15 meeting for their familiarization.

Based upon the notes of staff from the January 8 Town Council, the agenda for the January 15 staff meeting with Rotary Foundation consisted of the items enumerated below. Rotary Foundation response to the outcome of the discussion on each item appears thereafter.

1. **Fill in (repair) the holes with soil after /sprinkler head replacement and cost.** *Rotary Foundation agrees to fill all holes with sand and/or topsoil (staff prefers topsoil) and is responsible for any damage to Town property. We have provided staff with an executed hold harmless agreement and a certificate of insurance naming the Town as an additionally insured. These items are attached. If we cause damages, you will be paid.*
2. **What precedent does this set/what parameters are in place for council for this fundraiser/promo.** *No precedent is set by this event. The permit document itself indicates that each permit issued stands on its own and without regards to precedents. Numerous special events in Town have fundraising efforts associated with them. Examples are the Palm Beach 5K Race of Hope to Defeat Depression on January 27, The United Way Turkey Trot and the Evening of Tribute at Mar-a-Lago in support of Navy SEALs and a Museum and Memorial. All are allowed if the applicant secures a charitable solicitation permit as has been promised by the Rotary Foundation.*
3. **What is the size of the medallion?** *There are square and round medallions. If square, 4.75" wide X 4.5" tall. If round, approximately a 5" diameter.*
4. **Does this require an ordinance amendment?** *No. On April 14, 2009, the Town Council adopted by motion similar requirements for business association special events. Subsequently, requirements were modified and adopted as an internal Administrative Procedure to formalize procedures for staff to follow when business association special event applications occurred. This application is pursuant to Town of Palm Beach Administrative Procedure No. 1-15-9 and the Town Code.*
5. **This is an historic site. Has State Historic Preservation Office been notified?** *Yes. Subsequent to the January 8 Town Council meeting the Rotary Foundation contacted Timothy Parsons, Division Director and SHPO. Mr. Parsons indicated that placing flags temporarily in a public right of way would be unlikely to cause any irreversible or adverse effect.*

6. **Parking.** Staff concurred that parking should not be an issue for the event because it's in the summer and not all interested parties will come see the flags at the same time.
7. **The money should go to Palm Beach County residents.** The Rotary Foundation agreed at the January 8 Town Council meeting to limit scholarships to Palm Beach County residents. However, since that time we concluded it would be an improvement to keep the funds even closer to home. We have modified our proposed use of funds raised to be the following. **The funds will be used to provided funds for scholarships to college bound and existing college students of full-time Town of Palm Beach Fire-Rescue employees and Town of Palm Beach General employees, including Life Guards.** The Palm Beach Police Foundation provides the same for Police Department employees. The Palm Beach Rotary Foundation wants to do the same for the other Town employees. We hope you will agree.
8. **The Royal Poinciana Way Business Association (RPWBA) is not a party to the permit. RPWBA does not exist. Application should be in the name of the proper organization.** As we stated in our initial application, the foregoing is true. It is also true that a new business association has now been formed and is in existence per State requirements. The new association is the Main Street Palm Beach Business Association (MSPBA) and it is the sponsor of the event, fully supports the event, and appears as the sponsor on the application for permit.
9. **We have to look at liability. Per Skip we will have a hold harmless agreement.** Yes. The permit application requires an executed Hold Harmless Agreement and insurance in specific amounts naming the Town as an additionally insured as evidenced by a certificate of insurance. The Rotary Foundation previously submitted these items and has re-submitted same with our revised application.
10. **Pre-Application meeting with Council, come back to next meeting with a permitting path forward per Josh.** A revised business association permit has been submitted to you herewith and it is believed to adequately address all items of concern indicated by Town Council and staff.
11. **One of the things that need to be answered on the application is number of flags, banners.** The Rotary Foundation target is to install up to 500 flags. The grid we had laid out shows each median can hold more than this, perhaps three times the goal amount of 500, but that would be the maximum capacity, which is not achievable when planning to sidestep equipment and infrastructure. We have prepared a revised, attached flag grid significantly reducing the number of flags and increasing flag spacing by 20%. We can accept a cap of 500 to 750 flags, as we do not feel this will overburden the medians. As to banners, we request up to 6 banners approximately 3' X 5" in size for recognition of our major underwriters, plus Rotary and MSPBA. They will be placed in safe, unobtrusive locations.
12. **Who is being solicited?** Merchants, individuals and visitors. The target audience is Town of Palm Beach "town persons."

13. **Opening Ceremony/Dedication.** A low key, solemn event with a few speakers and perhaps a color guard. At most a half hour event. We can eliminate the generator as staff indicated it would be OK for us to plug into an outlet at the base of a Royal Palm tree for the PA system. The noise ordinance will be complied with. The plan is to grid out flag locations now and put up the flags on July 3<sup>rd</sup>. Flags will be removed on July 6.
14. **Royal Poinciana is a Landmarked Vista.** Subsequent to the January 8 Town Council meeting the Rotary Foundation contacted Timothy Parsons, Division Director and SHPO. Mr. Parsons indicated that placing flags temporarily in a public right of way would be unlikely to cause any irreversible or adverse effect on any historic resource.

As you know, as a result of the staff meeting conducted by you with representatives of the Rotary Foundation there were four items for the Rotary Foundation to follow up on as follows:

1. **Rotary Foundation is to coordinate with the Public Works Department (DPW) and potentially its preferred vendor (TCI/Rood) to finalize a proposed grid to follow for flag layout with the goal of avoiding the irrigation lines, sprinkler heads and related control mechanisms.** *Initially, it was felt that the best way to design a flag grid to avoid problems with irrigation lines was to provide an "as-built" drawing that would delineate the irrigation layout. However, upon discussing a proposal with TCI/Rood we learned that this could entail digging up the assumed path of the lines to provide visual confirmation of line locations. We continued to work with staff on elimination of any impacts to the irrigation system. We proposed use of a consultant to create an as-built drawing of the existing system to avoid conflicts. However, it was determined this was not necessary because:*
  - a. Rotary Foundation flag holders planned for in ground installation are a maximum of 12 inches in length and the irrigation system is 14 inches deep thereby negating line conflicts; and
  - b. The Town intends to replace the Royal Poinciana Way irrigation system in the medians in its entirety in the summer of 2019. This work will result in great improvements in water conservation and provide the Town with the all important as-built drawing for use in conflict avoidance for now and well into the future; and
  - c. Staff suggested that in the event irrigation work is somehow not done this summer as planned that we use the proposed grid referenced above and attached hereto as the location template and procure the services of Ben Ellis Enterprises, Inc. for probe and marking services that will indicate flag locations that side-step conflicts with any sprinkler heads and control systems.

*The Rotary Foundation commits to provide a flag layout that avoids any damage to irrigation. If we fail, we again agree for the record to pay to fix it. However, the goal is to work with Town staff and avoid damage.*

2. **The Rotary Foundation was requested to contact an archaeological firm to determine if the Rotary Foundation proposed event could be damaging to any potential archaeological resources that may be present. The medians are on a map of potential locations where archaeological resources may be in Town.** *John Lindgren provided us with a list of firms. The Rotary Foundation contacted Bob Carr at the Archaeological and Historical Conservancy, Inc. in Davie, Florida as Mr. Carr prepared the 2005 Archaeological Report that identified sites in Town potentially having archaeological resources. Mr. Carr indicated that our planned event was not likely to be detrimental to any resources, but that the scope of the event would warrant intermittent monitoring to ensure that this was the case. He was requested to provide the Rotary Foundation with a proposal to do just that. In addition, he was requested to provide us with a copy of his 2005 Archaeological Report, as the Town no longer has it. He indicated he would gladly send it to us and noted that it needed to be updated since it was 15 years old. Once received, we will give it to Mr. Lindgren for the Town's records. Subsequently, The firm indicated that they would donate these services to the Rotary Foundation and indicated such in writing, which I forwarded to you.*
3. **Within the required Right of Way permit the Rotary Foundation must show site triangles, MOT is to be provided and channeling devices will be needed when the "pass through" between the east and west medians is closed for the Opening Ceremony.** *The ROW permit will be applied for after we receive Town Council approval to proceed and will contain all that has been requested. Rotary Foundation has secured these items from Road Safe Traffic Systems of West Palm Beach. The proposal is attached.*

Based on all of the foregoing, the Rotary Foundation has updated the Business Association Special Events permit and the required site plan to reflect the latest information and requested changes and have submitted them with this letter to you. We look forward to seeing you at the April 9 Town Council meeting and presenting this information and our revised permitting materials to you and the Town Council.

In closing, we were encouraged by the results presented at the Town's Business Workshop on January 29. The Residents Survey Results and Interim Report on the Palm Beach Civic Association Long Range Planning Subcommittee on Future Business report by Harvey Poppel made clear that off season events such as that proposed here are both beneficial to local businesses and are not

objectionable to the majority of survey respondents. We hope that you and the Town Council agree and will look favorably on our permit application for Flags for Heroes.

If you should have any questions, please feel free to contact Thomas Bradford or me at your convenience.

Sincerely,

*Richard P. Zaretsky*

Richard P. Zaretsky, Esq.

President, Rotary Club of Palm Beach Foundation

Cc:

Frances Frisbie, Director, Main Street Palm Beach Association

Thomas G. Bradford, Rotary Club of Palm Beach