

# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: October 10, 2019

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TO: Mayor and Town Council

VIA: Kirk. W. Blouin, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: Consideration of Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon and Construction of the 2019 Palm Beach Harbor Inlet Maintenance Dredging Project

DATE: October 3, 2019

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## **STAFF RECOMMENDATION**

Town staff recommends Town Council approve a waiver for the United States Army Corps of Engineers (USACE) to allow construction related activities outside of the Town Code of Ordinances restrictions for construction dates, hours, and noise levels in the staging area shown in the request from the USACE.

In addition, staff recommends that the Town Council approve a waiver for the USACE to allow construction related services outside of the Town Code of Ordinances restrictions for construction dates, hours, and noise levels for dry beach placement activities between the inlet jetty and approximately Palmo Way.

## **GENERAL INFORMATION**

The USACE plans to commence dredging of the Palm Beach Inlet as early as November 1, 2019 which will include placement of the sand on the dry beaches in Reaches 1 and 2. The work by the Corps' contractor also includes an emergency three (3) day dredging effort in October to remove sand from the center of the channel that is causing navigation restrictions and place that sand in the nearshore. Town staff is working with USACE staff to be sure that the project is as least-impactful to the residents as possible.

The USACE intends for their contractor to utilize the Lake Worth Lagoon for project staging of offshore equipment. Because the Lake Worth Lagoon east of the Intracoastal Waterway's centerline is within the jurisdictional limits of the Town of Palm Beach, work performed in this area must either conform to the Town Code of Ordinances or be allowed by the Town Council.

This USACE request includes waivers of the following sections of the Town Code of Ordinances:

**Section 42-198** – prohibits operation of equipment or machinery during winter, Sundays, and legal holidays (commencing on December 1 and ending May 1).

**Section 42-199** – prohibits work between 5:00pm and 8:00am.

**Sections 42-226 through 229** – regulates noise, equipment operation, and work hours and the standard Town requirement to “stand down for the season”.

The proposed staging area is the same location used successfully by the Town of Palm Beach last year, which is located near to the Port of Palm Beach and nearly 1/3-mile from the Town’s lagoon-front shoreline. No complaints were received when the proposed staging area was last used.

The USACE has developed plans and specifications that include dry beach placement for the dredged sand. Heavy equipment will be brought onto the beach at Palmo Way. Like the Mid-Town and Phipps nourishment projects, construction on the beach will occur 24 hours a day and 7 days a week. Therefore, Town staff recommends that Town Council include the same waivers to Sections 42-198, 199, and 226 through 229 of the Town Code of Ordinances for construction on the beach when considering that approval of waivers for the staging area.

### **FUNDING/FISCAL IMPACT**

There is no funding/fiscal impact related to this item.

### Attachments

cc. Patricia Strayer, P.E, Town Engineer  
Robert Weber, Coastal Program Manager  
Brian Choate, USACE