

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building



Re: Changes to the Public Works Right of Way Manual to Include Fourth and Fifth Strikes
Under the "Three Strike Program" – Resolution No. 127-2022

Date: September 27, 2022

GENERAL INFORMATION

After nine months of the new Three Strike program, which added construction site violations to the right of way parking violation program, the Town Council heard their first "Fourth Strike" case on September 14, 2022. This contractor appeared once before the Town Council earlier this year, then received a Fourth Strike, which once again stopped the work and required the contractor to appear again before the Town Council. The Town Council requested during that hearing that staff prepare amendments to the program to provide stiffer fines and/or penalties for any strike beyond the third strike.

Staff proposed a few ideas, dealing with increased fines, longer mandatory work stoppages, and the elimination of future right of way parking permits. Staff settled on a larger fine and increased mandatory work stoppages.

For your consideration is Resolution No. 127-2022. This Resolution amends the Town Public Works Right of Way Manual at Chapter XII, Miscellaneous Provisions, Construction Parking & Construction Site Management by having any "Fourth Strike" require a mandatory one month of work stoppage and the payment of a \$2,500 fine; and any "Fifth Strike" require a mandatory two-month work stoppage and the payment of a \$5,000 fine.

This proposal was reviewed by PZB, Police and Public Works and is a collaborative attempt to provide reasonable fines and penalties for the rare case wherein a contractor might exceed the Third Strike. The draft documents were also reviewed by Skip Randolph for form, content, and legal sufficiency. Resolution No. 127-2022 is ready for your consideration and adoption, as this Resolution provides the technical changes to the Public Works Right of Way Manual to incorporate the additional fines and penalties under the program.

cc: James Murphy, Assistant Planning, Zoning and Building Director
John Randolph, Town Attorney
Chief Nicholas Caristo
Paul Brazil, Director of Public Works