

TENTATIVE:  
SUBJECT TO  
REVISION



# TOWN OF PALM BEACH

## TOWN COUNCIL MEETING

TOWN HALL  
COUNCIL CHAMBERS - SECOND FLOOR  
360 SOUTH COUNTY ROAD

## AGENDA

APRIL 8, 2025

9:30 AM

## Welcome

For information regarding this agenda and the procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

### I. CALL TO ORDER AND ROLL CALL

Danielle H. Moore, Mayor  
Bobbie D. Lindsay, President  
Lew Crampton, President Pro Tem  
Julie Araskog  
Ted Cooney  
Bridget Moran

### II. INVOCATION AND PLEDGE OF ALLEGIANCE

### III. MODIFICATIONS TO THE AGENDA

### IV. APPROVAL OF AGENDA

**V. RECOGNITIONS**

- A. Recognition of Alicia "Maisie" Grace for her Service on the Architectural Commission (ARCOM) from June 2024 to March 2025
- B. Recognition of Basilica of Saint Edward, R. Rev. Archimandrite Glen J. Pothie

**TIME CERTAIN: 11:00 AM**

**VI. SWEARING IN OF ELECTED OFFICIALS**

- A. The Honorable Judge Lisa Small

- 1. Mayor Danielle H. Moore
- 2. Julie Araskog
- 3. Edward A. Cooney

**VII. ORGANIZATIONAL ITEMS**

- A. Election of Town Council President Pursuant to Section 3.01 of the Town Charter  
*(Town Council President Becomes Presiding Officer)*
- B. Election of Town Council President Pro Tem Pursuant to Section 3.01 of the Town Charter

**VIII. PRESENTATIONS**

- A. Presentation by Rhonda Giger, General Counsel for the Palm Beach County Commission on Ethics
- B. Presentation on Living Shoreline Project at 800 Block of North Lake Way

**TIME CERTAIN: 12:00 PM**

*Bobbie D. Lindsay, Town Council President*

- a. Authorization to Apply for a Florida Inland Navigation District (FIND) Waterways Assistance Program (WAP) Grant for the Town of Palm Beach North Lake Way Living Shoreline Project

RESOLUTION NO. 040-2025 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing an Application for A Florida Inland Navigation District (FIND) Waterways Assistance Program (WAP) Grant for the Town of Palm Beach North Lake Way Living Shoreline Project.

**IX. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS**

- A. Presentations By the Applicants and Appointments to the Retirement Board of Trustees

**X. COMMENTS OF MAYOR DANIELLE H. MOORE**



**XI. COMMENTS OF TOWN COUNCIL MEMBERS**

**XII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE**

**XIII. APPROVAL OF CONSENT AGENDA**

**A. MINUTES**

1. Town Council Meeting Minutes  
*Kelly Chumey, CMC, Town Clerk*
  - a. March 4, 2025, Town Council Meeting Minutes
  - b. March 5, 2025, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of March 26, 2025.  
*Wayne Bergman, Director of Planning, Zoning and Building*

**B. RESOLUTIONS**

1. RESOLUTION NO. 034-2025 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Change Order to DB Ecological Services, Inc. in the amount of \$27,000 related to Sea Turtle Nesting Monitoring.  
*Dean Mealy, II Procurement and Contract Manager*
2. RESOLUTION NO. 035-2025 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding ITB No. 2025-011, North County Road Drainage Improvements to Huurr Homes LLC in the amount of \$783,177.38, approving a contingency in the amount of \$157,435 and establishing a project budget in the amount of \$940,612.  
*Dean Mealy, II Procurement and Contract Manager*
3. RESOLUTION NO. 036-2025 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding SS NO. 2025-006, Worth Ave Media Blasting and Pressure Washing Services to Green Earth Power Washing in the amount of \$263,500, approving a contingency in the amount of \$26,350 and approving a project budget in the amount of \$289,850.  
*Dean Mealy, II Procurement and Contract Manager*
4. RESOLUTION NO. 038-2025 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding RFQ No. 2025-002, Coastal Engineering Services to the following four firms: Coastal Protection Engineering Services, LLC, Geosyntec Consultants, Cummins Cederberg, Inc. and Moffatt & Nichol.  
*Dean Mealy, II Procurement and Contract Manager*

**C. OTHER**

1. Town-wide Undergrounding Project - Review of Project and

Dashboard, Summary of Project Status

*H. Paul Brazil, P.E., Director of Public Works*

**XIV. BOARD/COMMISSION ANNUAL REPORT**

**A. Annual Report of the Architectural Commission (ARCOM)**

*Jeffery W. Smith, Chair*

**XV. PUBLIC HEARINGS**

**A. RESOLUTION NO. 032-2025 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning Portions of Existing Public Utility Easements Within the Property Commonly Known as 100 Ocean Terrace, in the Town of Palm Beach, Florida.**

*H. Paul Brazil, P.E., Director of Public Works*

**XVI. REGULAR AGENDA**

**A. Matters Pulled From Consent Agenda: If needed**

**B. Old Business**

**1. Seaview Park Field Lighting Proposal from Friends of Recreation**

**TIME CERTAIN: 10:30 AM**

*Mark Bresnahan, Director of Recreation*

**2. RESOLUTION NO. 033-2025 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Change Order in the amount of \$100,000 for Water Feasibility Study to Kimley-Horn and Associates, Inc.**

*Dean Mealy, II Procurement and Contract Manager*

**3. Discussion on Traffic Mitigation - Signal Timing County Road Corridor**

*Kirk Blouin, Town Manager*

**4. Update on North End Beach Nourishment Project**

**TIME CERTAIN: 1:00 PM**

*H. Paul Brazil, P.E., Director of Public Works*

**C. New Business**

**1. Landfill Capacity Information**

*H. Paul Brazil, P.E., Director of Public Works*

**2. Discussion on Formation of Water Resources Task Force**

*Bridget Moran, Town Council Member*

**XVII. DEVELOPMENT REVIEW MATTERS**

**A. Review of Draft Declaration of Use Agreement - ZON-24-0055 (COA-24-0022) **120-132 N County Road - Palm Beach Synagogue****

**TO BE HEARD AFTER THE COMPLETION OF THE REGULAR**

**BUSINESS OR AFTER 2:00 P.M.**

*Wayne Bergman, Director of Planning, Zoning and Building*

- B. Review of Draft Declaration of Use Agreement and Construction Management Agreement - ZON-24-0043 (COA-24-0018) **100, 101, 102, AND 103 Four Arts Plaza - The Society of The Four Arts**  
**TO BE HEARD IMMEDIATELY FOLLOWING ITEM NO. XVII.A**

*Wayne Bergman, Director of Planning, Zoning and Building*

- C. ARC-24-0142 **280 El Pueblo Way** - ARCOM Decision Appeal  
**TO BE HEARD IMMEDIATELY FOLLOWING ITEM NO. XVII.B**

*Wayne Bergman, Director of Planning, Zoning and Building*

**XVIII. ORDINANCES**

**A. First Reading**

1. Proposed Ordinance to Review Chapter 18 of the Town Code Regarding Construction that Deviates from Approved Permit Plans

ORDINANCE NO. 005-2025: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18 - Building And Building Regulations, Article VII.- Construction Site Management By Adding Section 18-354 To Address Construction That Deviates From The Approved Set Of Plans; Amending Section 2-439 of the Town Code Relating to Citation Fine Schedule; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

*Wayne Bergman, Director of Planning, Zoning and Building*

**XIX. ANY OTHER MATTERS**

**XX. ADJOURNMENT**

**Procedures for Public Participation:**

**Note 1:** **Live Stream audio:** To watch/listen live, visit the 'Public Meetings' webpage on the Town's website at [www.townofpalmbeach.com](http://www.townofpalmbeach.com) and select the "View Event" or "Click Here to Listen" button.

**Note 2:** Any citizen is entitled to be heard concerning any matter under the sections entitled 'Communications from Citizens' and 'Public Hearings', subject to the three-minute limitation. The public also can speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion. Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you. In-person or virtual Public Comment is limited to three minutes and must be preceded by your name and address for the record. As a public business meeting, the Town Council President retains the right to limit discussion on any issue.

Alternative public comment is also welcome for Town Council Meetings via four methods:

1. Written to make a virtual public comment, please register for the Microsoft Team meeting. This link will be available prior to the meeting on the Public Meeting page or on the Town's calendar of events, which both can be found at [townofpalmbeach.com](http://townofpalmbeach.com).
2. Written public comment submittals should be sent to [publiccomment@townofpalmbeach.com](mailto:publiccomment@townofpalmbeach.com).
3. Direct written entry into the public meeting record through the eComment portal on the Public Meetings webpage.
4. Mail or in-person submittal of written document to the Town Clerk's Office at Town Hall no later than the Friday prior to the meeting.

**Note 3:**     **Appeals:** If a person decides to appeal any decision made with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made for such purposes, which shall include the testimony and evidence upon which the appeal is to be based.

**Note 4:**     Disabled persons needing accommodations to participate in this meeting are requested to call the Clerk's Office at (561) 838-5416 at least one day prior to the meeting.

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Recognitions

## Agenda Title

Recognition of Alicia "Maisie" Grace for her Service on the Architectural Commission (ARCOM) from June 2024 to March 2025

## Presenter

## ATTACHMENTS:

No Attachments Available

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Recognitions

## Agenda Title

Recognition of Basilica of Saint Edward, R. Rev. Archimandrite Glen J. Pothie

**TIME CERTAIN: 11:00 AM**

## Time Certain

11:00 AM

## Presenter

## ATTACHMENTS:

No Attachments Available

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Swearing In of Elected Officials

## Agenda Title

The Honorable Judge Lisa Small

1. Mayor Danielle H. Moore
2. Julie Araskog
3. Edward A. Cooney

## Presenter

## ATTACHMENTS:

No Attachments Available

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Organizational Items

## Agenda Title

Election of Town Council President Pursuant to Section 3.01 of the Town Charter  
*(Town Council President Becomes Presiding Officer)*

## Presenter

## ATTACHMENTS:

- ▣ **Memorandum Dated March 31, 2025, from Kirk Blouin, Town Manager**
- ▣ **Sample Ballot - Town Council President**



# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 8, 2025

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To: Town Council

From: Kirk W. Blouin, Town Manager

Re: Election of Town Council President and Town Council President Pro Tem

Date: March 31, 2025

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## **GENERAL INFORMATION**

Attached are two ballots, one for the election of the Town Council President and one for the election of the Town Council President Pro Tem.

Please note that only the council members who have requested to be on the ballots are listed.

Attachments

KWB

cc: Danielle H. Moore, Mayor  
Kelly Churney, CMC, Town Clerk

BALLOT FOR APPOINTMENT OF **TOWN COUNCIL PRESIDENT**

TOWN COUNCIL MEETING APRIL 8, 2025

Please circle one name from the name(s) appearing below of the Town Council members who have expressed interest in being selected as Town Council President.

Position to be filled - **Town Council President**

Bobbie D. Lindsay

Signature of Town Council Member: \_\_\_\_\_

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Organizational Items

## Agenda Title

Election of Town Council President Pro Tem Pursuant to Section 3.01 of the Town Charter

## Presenter

## ATTACHMENTS:

- ▣ **Sample Ballot - Town Council President Pro Tem**

BALLOT FOR APPOINTMENT OF **TOWN COUNCIL PRESIDENT PRO TEM**

TOWN COUNCIL MEETING APRIL 8, 2025

Please circle one name from the list of names appearing below of the Town Council members who have expressed interest in being selected as Town Council President Pro Tem.

Position to be filled - **Town Council President Pro Tem**

Lewis S.W. Crampton

Signature of Town Council Member: \_\_\_\_\_

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Presentations

## Agenda Title

Presentation by Rhonda Giger, General Counsel for the Palm Beach County  
Commission on Ethics

## Presenter

## ATTACHMENTS:

No Attachments Available

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Presentations

### Agenda Title

Presentation on Living Shoreline Project at 800 Block of North Lake Way

**TIME CERTAIN: 12:00 PM**

*Bobbie D. Lindsay, Town Council President*

a. Authorization to Apply for a Florida Inland Navigation District (FIND) Waterways Assistance Program (WAP) Grant for the Town of Palm Beach North Lake Way Living Shoreline Project

RESOLUTION NO. 040-2025 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing an Application for A Florida Inland Navigation District (FIND) Waterways Assistance Program (WAP) Grant for the Town of Palm Beach North Lake Way Living Shoreline Project.

### Time Certain

12:00 PM

### Presenter

### ATTACHMENTS:

- ▣ **Memorandum Dated March 28, 2025, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 040-2025**
- ▣ **FIND Grant Application**
- ▣ **Waterways Assistance Program Application**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 8, 2025

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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: Authorization to Apply for a Florida Inland Navigation District (FIND) Waterways Assistance Program (WAP) Grant for the Town of Palm Beach North Lake Way Living Shoreline Project  
**Resolution No. 040-2025**

DATE: March 28, 2025

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## **STAFF RECOMMENDATION**

Town staff recommends that Town Council approve the Resolution No. 040-2025 authorizing the FIND Waterways Assistance Program grant application for the Town of Palm Beach North Lake Way Living Shoreline project, for a 50% cost share of the project.

## **GENERAL INFORMATION**

Town Council approved a purchase order to Applied Technology & Management (ATM) for design of the North Lake Way Living Shoreline project on April 9, 2024. The project includes a nearshore rock breakwater system with mangrove plantings in the water and upland native vegetation on the 800 block of North Lake Way and the Lake Worth lagoon. This project will provide shoreline stabilization, environmental enhancement and beautification of the area. ATM has prepared draft design plans and is pursuing regulatory permitting at this time. Town staff and ATM have prepared the application package to apply for a FIND WAP grant that would match 50% of the cost of the project for construction, if awarded. The engineer's estimated cost of the project is \$650,000. Notification of grant award will be in October of this year. Town staff is looking for other funding opportunities to support the project as well.

## **TOWN ATTORNEY REVIEW**

This Resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

## Attachments

cc: Jason Debrincat, P.E., Assistant Director  
Patricia Strayer, P.E., Town Engineer

**RESOLUTION NO. 040-2025**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN  
OF PALM BEACH, PALM BEACH COUNTY, FLORIDA,  
AUTHORIZING AN APPLICATION FOR A FLORIDA  
INLAND NAVIGATION DISTRICT (FIND) WATERWAYS  
ASSISTANCE PROGRAM (WAP) GRANT FOR THE TOWN  
OF PALM BEACH NORTH LAKE WAY LIVING SHORELINE  
PROJECT**

**WHEREAS**, the Town is currently designing and permitting a living shoreline project along North Lake Way; and

**WHEREAS**, the Town has identified the Florida Inland Navigation District (FIND) Waterways Assistance Program for possible funding assistance; and

**WHEREAS**, the Town must include in the funding application a FIND resolution supporting the grant application, attached.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The Town Council of the Town of Palm Beach hereby approves Resolution No. 40-2025.

Section 2: The Town of Palm Beach hereby authorizes the Mayor to execute the attached FIND resolution supporting the grant application.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8<sup>th</sup> day of April, 2025.

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Bobbie Lindsay, Town Council President

\_\_\_\_\_  
Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

\_\_\_\_\_  
Julie Araskog, Town Council Member

\_\_\_\_\_  
Kelly Churney, CMC, Town Clerk

\_\_\_\_\_  
Edward A. Cooney, Town Council Member

\_\_\_\_\_  
Bridget Moran, Town Council Member



**ATTACHMENT E-5**  
**RESOLUTION FOR ASSISTANCE 2025**  
UNDER THE FLORIDA INLAND NAVIGATION DISTRICT  
WATERWAYS ASSISTANCE PROGRAM

WHEREAS, THE Town of Palm Beach is interested in carrying out the  
(Name of Agency)  
following described project for the enjoyment of the citizenry of the Town of Palm Beach and  
visitors and the State of Florida:

Project Title Town of Palm Beach North Lake Way Living Shoreline

Total Estimated Cost \$ 650,000.00

Brief Description of Project: The Town of Palm Beach North Lake Way Living  
Shoreline project includes a ~900-ft long living shoreline along the Lake Worth Lagoon  
at the western shore of the Palm Beach Country Club property. The project serves to  
provide stability to the existing eroded shoreline, ecological enhancement, and  
beautification of the vista along the Lake Trail, looking out to the Lake Worth Lagoon.  
The project includes rock placement in the water, mangrove planting, sand fill, and  
native Florida planting upland of the mangroves. This shoreline protection project  
includes the installation of a living shoreline with mangroves, which are known to  
improve water quality and act as natural barriers to wave energy. The project will help  
protect the shoreline from erosion caused by recreational and commercial vessel use of  
nearby navigational waterways.

AND, Florida Inland Navigation District financial assistance is required for the program mentioned above,

NOW THEREFORE, be it resolved by the Town of Palm Beach  
(Name of Agency)  
that the project described above be authorized,

AND, be it further resolved that said Town of Palm Beach  
(Name of Agency)  
make application to the Florida Inland Navigation District in the amount of 50 % of the  
actual cost of the project on behalf of said Town of Palm Beach  
(Name of Agency)

AND, be it further resolved by the Town of Palm Beach

*(Name of Agency)*

that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.
3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said Town of Palm Beach for public use.

*(Name of Agency)*

4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by persons with disabilities as well as other federal, state and local laws, rules and requirements.
5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.
6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

This is to certify that the foregoing is a true and correct copy of a resolution duly and  
legally adopted by the Town of Palm Beach Town Council at a legal meeting  
(Agency Governing Board)  
held on this 8th day of April 2025.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title



## ATTACHMENT E-2

Waterways Assistance Program FY2025

### Application and Evaluation Worksheet

Local Sponsor: <u>Town of Palm Beach</u>	Department: <u>Public Works</u>
Project Title: <u>Town of Palm Beach North Lake Way Living Shoreline</u>	Use "Phase I" for Design Projects. Use "Phase II" for Construction if you received FIND funding for Phase I Work.
Project Director: <u>H. Paul Brazil</u>	Email: <a href="mailto:PBrazil@TownofPalmBeach.com">PBrazil@TownofPalmBeach.com</a>
Grant Liaison: <u>Julie Parham</u> (If Different from Director)	Email: <a href="mailto:jparham@TownOfPalmBeach.com">jparham@TownOfPalmBeach.com</a>
Mailing Address: <u>951 Old Okeechobee Road, Suite A</u>	
City: <u>West Palm Beach</u>	Zip Code: <u>33434</u>
Phone Number: <u>(561) 838-5440</u>	
Project Address: <u>906 N Lake Way, Palm Beach, FL 33480</u>	
Requested FIND Funding:	<u>\$325,000</u>
Eligible Matching Funds Amount:	<u>\$325,000</u>
Match Percentage:	<u>50%</u>
Total Project Costs:	<u>\$650,000</u>
Applicant's Funding Source:	<u>Town Discretionary Funds – Additional funding anticipated from private donation</u>

Julie Parham

Julie Parham (Mar 28, 2025 13:57 EDT)

\*\*Applicant Signature Certifying the Above Information\*\*

Julie Parham

Print Name

#### Project Summary: Maximum 200 Words

The Town of Palm Beach plans to design, permit, and construct a living shoreline stabilization and enhancement project along North Lake Way at the Lake Worth Lagoon. This project will integrate engineering and environmental solutions, including a nearshore rock breakwater system, a restored mangrove habitat, and a stabilized upland slope with native vegetation to attract pollinators. The project serves to provide stability to the existing eroded shoreline, ecological enhancement and beautification of the vista along the Lake Trail. Educational signage will also be developed to highlight the importance of mangrove ecosystems and living shorelines.

Currently, the shoreline along N. Lake Drive consists of riprap (stone and concrete) to prevent erosion, with a seawall present only along the southern section. Over time, erosion has displaced much of the riprap, leaving sections unprotected. While some mangroves have naturally established in the tidal zone, invasive species dominate parts of the shoreline. This project aims to restore stability, enhance ecological value, and promote public awareness of sustainable shoreline management.

1. Priority Category:

- a) Choose one priority category of this project from the application instructions based upon the predominant cost of the project elements. **Construction**
- b) Explain how the project fits this priority category.

This public shoreline stabilization project involves removing the previous displaced shoreline through designing, permitting, and constructing a living shoreline to replace it.

- c) Explain how the project relates to the District's Waterways and the mission of the Florida Inland Navigation District.

This project involves undertaking public shoreline stabilization within the Lake Worth Lagoon in order to achieve long term shoreline protection for this section of land. This purpose is consistent with 66B-2.001 (Purpose); the stated purpose of the Waterways Assistance Program.

2. Ownership of Project Site:

Own ☐ Leased ☐ Other ☒

If leased or other, please describe lease or terms and conditions:

The majority of the shoreline property is owned by the Town of Palm Beach. Portions of the project area include the upland private parcel that is managed jointly with the Town parcel.

3. Has the District previously provided assistance funding to this project or site?

Yes ☐ No ☒

4. If yes, please list the project name, number and funding amount received:

N/A

5. What is the current level of public access in terms of the number of boat ramps, boat slips and trailer parking spaces, linear feet of boardwalk (etc.) if applicable?

This site includes the existing multi use public "Lake Trail" which parallels the shoreline. Total project length is ~ 900ft of shoreline.

6. How many additional ramps, slips, parking spaces or other access features will be added by this project, and what is the approximate number of registered vessels estimated to use the constructed project?

There are no proposed access features to be added to this site.

7. Public Usage & Benefits:

- a) What public access or navigational benefit to the District's waterways will result from this project? How will this project enhance public access to the District's waterways, and what specific navigational benefits will it provide to the community?

This environmentally restored shoreline is the preferred alternative for shoreline stabilization to stabilize this shoreline segment and enhance the existing lake trail. Additionally, it is the Town's intent to use this project as a pilot project to demonstrate the success of living shorelines in order to further encourage nature-based shoreline stabilization alternatives for future public and private initiatives within the Town.

- b) What is the current demand for public access or navigation facilities in the area, and how does this project address unmet needs or improve upon existing facilities?

The living shoreline stabilization method will add an environmental component to the existing lake trail that was not previously present.

- c) How does the project fit within regional or local maritime management plans, public access initiatives, or comprehensive plans, and how does it contribute to broader public usage goals?

Currently, public usage of this site is very high. This project will provide a nature-based shoreline stabilization to this shoreline segment and serve as a very visible pilot project for nature-based solutions. Further the project will enhance the aesthetics of this segment of the Lake Trail.

- d) Has the local Sponsor implemented or plans to implement any boating access, speed zone, commercial access or other restrictive use in the area of this site?

There is no proposed plan to implement boating access, speed zones, commercial access, or any other restrictive use in the area of the site.

8. Fees & Maintenance:

Are there any fees associated with the use of this facility?

Yes ☐

No ☒

If answered Yes:

a) List or provide a fee schedule.

N/A

b) Provide a listing of the fees charged by similar facilities, public and private, in the project area.

N/A

c) Pursuant to Rule 66B-2.004(11), if there are any fees, please explain how these fees are tracked and what they are used for.

N/A

d) Clearly demonstrate how the project will continue to be maintained and funded after initial funding is completed.

N/A

9. Please list all Environmental Resource Permits required for this project:

Agency	Y/N	Date Applied	Date Received
Water Management District	<u>N</u>	N/A	N/A
Dept of Environmental Protection	<u>Y</u>	TBD	TBD
USACE	<u>Y</u>	TBD	TBD



**10. a) Construction**

This question is to be answered only if this application is for a **Construction** project.

In the summary box at the bottom of this page, please address each of the bullet points listed below to maximize your score for this competitive grant application.

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**PERMITTING:**

- Have all required environmental permits been applied for? (USACE, DEP and WMD) If permits are NOT required, explain why not.
- Detail any significant impediments that may have been identified that would potentially delay the timely issuance of the required permits.
- For Phase I design, permitting, and engineering projects, please provide a general cost estimate for the future Phase II construction work.

**CONSTRUCTION TECHNIQUES:**

- What is the design life of the project and proposed materials?
- What considerations, if any, have been made for storm surge and hurricane impacts in the design and life span of this project?

**Construction Project:** Maximum 200 Words (Address all bullet points above)

The required USACE and DEP permit applications are currently being drafted and will be submitted according to the timeline below. The estimated design life of this project is approximately 25 years; however, the goal is to extend its longevity by incorporating design considerations that enhance resilience against storm impacts. As a living shoreline, the project is inherently adaptable to storm surge and hurricane events. To maximize long-term stability, the selection of native vegetation and the development of a planting plan at appropriate elevations are essential for promoting strong root establishment and overall ecosystem resilience.

## ATTACHMENT E-3

### Waterways Assistance Program FY2025

### PROJECT COST ESTIMATE

(See Rule Section 66B-2.005 & 2.008 for eligibility and funding ratios)

Project Title:	<u>Town of Palm Beach North Lake Way Living Shoreline</u>
Applicant:	<u>Town of Palm Beach</u>

<b>Project Elements</b> <i>(Please list the MAJOR project elements and provide general costs for each one. For Phase I Projects, please list the major elements and products expected)</i>	<b>Total Estimated Cost</b>	<b>Applicant's Cost</b> (To the nearest \$50)	<b>FIND Cost</b> (To the nearest \$50)
<b><u>MOBILIZATION</u></b> Crane, truck mounted, over 75-ton w/ chase vehicle	\$50,000	\$25,000	\$25,000
<b><u>GENERAL CONDITIONS</u></b> Erosion Control Clearing and Grubbing	\$15,000	\$7,500	\$7,500
<b><u>ROCK FILL</u></b>	\$130,000	\$65,000	\$65,000
<b><u>SAND FILL</u></b>	\$75,000	\$37,500	\$37,500
<b><u>MANGROVES</u></b>	\$7,500	\$3,750	\$3,750
<b><u>UPLAND VEGETATIONS</u></b>	\$24,750	\$12,375	\$12,375
<b><u>ENGINEERING DESIGN, PERMITTING, AND CONSTRUCTION ADMIN</u></b>	\$225,000	\$112,500	\$112,500
<b><u>CONTINGENCY</u></b>	\$122,750	\$61,375	\$61,375

<b>**TOTALS =</b>	\$650,000	\$325,000	\$325,000
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**ATTACHMENT E-4**  
**Waterways Assistance Program FY2025**  
**PROJECT TIMELINE**

<b>Project Title:</b>	<u>Town of Palm Beach North Lake Way Living Shoreline</u>
<b>Applicant:</b>	<u>Town of Palm Beach</u>

The applicant is to present a detailed timeline on the accomplishment of the components of the proposed project including, as applicable, completion dates for: permitting, design, bidding, applicant approvals, initiation of construction and completion of construction. NOTE: All funded activities must begin AFTER October 1<sup>st</sup> or be consistent with Rule 66B-2.005(3) - Pre-agreement expenses.

April, 2025 Submittal of regulatory permit applications  
September 2025, Receipt of regulatory permits  
October 2025, Initiation of project bidding  
January 2026, Receipt of project bids  
March 2026, Initiation of project construction  
July 2026, Completion of project construction phase

**ATTACHMENT E-5**  
**RESOLUTION FOR ASSISTANCE 2025**  
UNDER THE FLORIDA INLAND NAVIGATION DISTRICT  
WATERWAYS ASSISTANCE PROGRAM

**The Town Resolution has been placed on the Town Council April Agenda for execution. The Resolution will be submitted following execution.**

## ATTACHMENT E-6

### ATTORNEYS CERTIFICATION OF TITLE 2025

(See Rule 66B-2.006(4) & 2.008(2) FAC)

Title Certification is in process and will be provided under separate cover. The project includes both Town and adjacent private property which will be addressed within the Title Certification provided.

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Board and Commissions Presentations and Appointments

## Agenda Title

Presentations By the Applicants and Appointments to the Retirement Board of Trustees

## Presenter

## ATTACHMENTS:

- ▣ **Memorandum Dated April 1, 2025, from Kelly Churney, CMC, Town Clerk**
- ▣ **Town Code re: RBT**
- ▣ **Attendance Record**
- ▣ **Status Sheet**
- ▣ **Sample Ballot**
- ▣ **Application - Mark Davies**
- ▣ **Application - Joshua Harlan**
- ▣ **Application - David Sabath**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 8, 2025

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TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Kelly Churney, CMC, Town Clerk

RE: Retirement Board of Trustees Appointment of Two (2) Resident Members

DATE: April 1, 2025

---

## **STAFF RECOMMENDATION**

Staff recommends that the Town Council review the attached applications and appoint two (2) resident members to the Retirement Board of Trustees. These members will fill the vacancy created due to the term expirations of Thomas Parker and John Copeland, who are eligible for reappointment.

## **GENERAL INFORMATION**

The Town Clerk's office has received three (3) applications seeking **NEW APPOINTMENT** from:

1. Mark Davies, 310 Clarke Avenue, Palm Beach, FL;
2. Joshua Harlan, 160 Reef Road, Palm Beach, FL;
3. David Sabbath, 3170 S. Ocean Boulevard, #503S, Palm Beach, FL.

Attachments

cc: Robert Miracle, Deputy Town Manager – Finance and Administration  
Gillian Barth, Director of People and Culture

Sec. 82-57. - Board of trustees; administrative duties; investment of retirement system assets.

- (a) Effective upon the adoption of the ordinance from which this section derives, a new board of trustees shall be established in accordance with subsection (b) below. Effective April 1, 2012, the firefighter board of trustees, police officer board of trustees and general employee/lifeguard board of trustees shall be abolished, and the board of trustees established in accordance with subsection (b) below shall be responsible for administering the retirement system and investing all assets of the system in accordance with subsections (c) through (k) below, for all employee benefit groups.
- (b) The board of trustees (the "board") shall consist of nine members selected as follows:
  - (1) One employee who is a member of benefit group general or benefit group lifeguard elected by the members of those benefit groups.
  - (2) One employee who is a member of benefit group firefighter elected by the members of that benefit group.
  - (3) One employee who is a member of benefit group police officer elected by the members of that benefit group.
  - (4) Five residents of the town who are not officers or employees of the town, retirants or beneficiaries of the retirement system, appointed by the town council.
  - (5) The town's finance director, who shall serve as a voting ex-officio member.
- (c) The board shall meet at least quarterly, shall adopt its own rules of procedure and shall keep records of its proceedings. Five trustees shall constitute a quorum at any meeting of the board, and a vote of the majority of the quorum present at any meeting shall be necessary for a decision of the board. Each trustee shall be entitled to one vote on each question before the board. The trustees shall not receive any compensation but may receive expenses and per diem as provided by town ordinance.
- (d) Trustees other than the town manager or acting town manager shall serve staggered three-year terms, and may succeed themselves in office. To implement the staggered terms, the first elected trustee who is a member of benefit group police officer shall serve a one-year term; the first elected trustee who is a member of benefit group firefighter shall serve a two-year term; and the first elected trustee who is a member of benefit group general or benefit group lifeguard shall serve a three-year term. The staggered terms for the appointed trustees shall be implemented as follows: two appointed trustees shall serve an initial term of one year; two appointed trustees shall serve an initial term of two years; and one appointed trustee shall serve an initial term of three years; as determined by the town council. Trustees who are elected or appointed following the initial terms shall serve a term of three years. Each trustee shall, before assuming the duties of trustee, qualify by taking an oath of office to be administered by the town clerk.
- (e)



A vacancy shall occur on the board if:

- (1) A member-elected trustee ceases to be a member or ceases to be included in the appropriate benefit group;
- (2) A resident appointed by the town council fails to maintain town residency as determined by the town council; or
- (3) Any trustee resigns or is removed from office.
- (4) A trustee fails to attend more than two scheduled meetings in any 12-month period without an excused absence. Excused absence due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. In order for an absence to be excused, the member must notify the plan administrator in writing no later than noon on the Friday prior to a scheduled meeting, unless the absence is an emergency. Failure to timely notify the plan administrator in writing of an absence will result in an unexcused absence, unless the absence is an emergency. Excused and unexcused absences shall be recorded in the minutes of the meeting at which the absence occurred. The plan administrator may excuse an absence at the next regularly scheduled meeting for good cause shown.
- (f) If a vacancy occurs on the board, the vacancy shall be filled within 90 days, for the unexpired term, in the same manner as the position was previously filled.
- (g) The board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature and description, and to administer the retirement system for the benefit of its members, retirants and beneficiaries.
- (h) The officers and advisors of the board shall be as follows:
  - (1) *Chair*. The board shall annually elect a chair and a chair pro tem from its members.
  - (2) *Secretary*. The board shall annually elect a secretary from among its members.
  - (3) *Finance director and treasurer*. The town finance director and treasurer shall be finance director and treasurer of the board.
  - (4) *Legal advisor*. The town attorney or an attorney designated by the town attorney shall be legal advisor to the board.
  - (5) *Actuary*. The board shall appoint an actuary who shall be the technical advisor to the board regarding the operation of the retirement system on an actuarial basis and who shall perform such services as are required in that connection. The term "actuary" as used in this article shall mean an enrolled actuary as defined in F.S. § 112.625. A partnership or corporation may be appointed actuary if the duties of the actuary are performed by or under the direct supervision of an individual who meets the preceding qualifications.
- (6)

*Services.* The board is authorized and empowered to employ such professional and other services as are required for the proper administration of the retirement system at the fund's expense.

- (7) *Plan administrator.* The board is authorized to contract for the professional services of a plan administrator. In the event the board does not contract for the professional services of a plan administrator, or in the event of any lapse in such services, the human resources director shall be the plan administrator.
- (i) The board shall direct the investment of retirement system assets in accordance with the following provisions:
  - (1) The board shall adopt an investment policy in accordance with F.S. § 112.661, and shall regularly review, evaluate and, if deemed in the best interest of the retirement system, revise the investment policy, subject to the approval of the town council.
  - (2) In exercising its discretionary authority with respect to the management of the moneys and assets of the retirement system, the board shall exercise the care, skill, prudence and diligence under the circumstances then prevailing, that a person of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character and with like aims.
  - (3) The board shall have full power and authority to invest and reinvest the moneys and assets held for the benefit of the members, retirants and beneficiaries of the system, subject to all terms, conditions, limitations and restrictions imposed by law on the investments of public employee retirement system assets, and subject to investment policy adopted by the board.
  - (4) The board may invest in securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 USC § 80A-1 et seq., and in such other investments authorized by law and by the board's investment policy, including alternative investments.
  - (5) a. The Retirement Board may, unless restricted by law, transfer all or any portion of the assets of the Retirement Fund to a collective or common group trust, as permitted under Revenue Ruling 81-100, Revenue Ruling 2011-1, and Revenue Ruling 2014-24 (or subsequent guidance), that is operated or maintained exclusively for the commingling and collective investment of monies, provided that the funds in the group trust consist exclusively of trust assets held under plans qualified under section 401(a) of the Internal Revenue Code, individual retirement accounts that are exempt under section 408(e) of the Internal Revenue Code, eligible governmental plans that meet the requirements of section 457(b) of the Internal Revenue Code, and governmental plans under section 401(a)(24) of the Internal Revenue Code. For this purpose, a trust includes a custodial account or separate tax-favored account maintained by an insurance company that is treated as a trust under section 401(f) or under section 457(g)(3) of the Internal Revenue Code.

# Town of Palm Beach, FL - Member Attendance Report - 2024

## Retirement Board

Member	Mar 22, 2024	May 10, 2024	Aug 16, 2024	Nov 15, 2024	TOTALS
Daniel Stanton	P	P	P	P	100.0%
Thomas Parker	P	P	P	P	100.0%
Joseph Guelli	P	E	P	P	75.0%
C. Edward Carter	P	P	P	P	100.0%
Michael Marx	P	P	P	A	75.0%
John W. Copeland	P	P	P	P	100.0%
Robert Miracle	P	P	P	P	100.0%
Jason Debrincat	A	P	P	P	75.0%
David Lambert	P	A	P	P	75.0%

Present:	8	7	9	8	91.43%
Absent:	1	1	0	1	8.57%
Excused:	0	0	0	0	0.0%

- \* P = Present
- \* A = Absent
- \* E = Excused
- \* C = Canceled

# Town of Palm Beach, FL - Member Attendance Report - 2025

## Retirement Board

Member	Mar 14, 2025	May 16, 2025	Aug 15, 2025	Nov 14, 2025	TOTALS
Michael Marx	E				0.0%
Robert Miracle	P				100.0%
Daniel Stanton	P				100.0%
C. Edward Carter	P				100.0%
Jason Debrincat	P				100.0%
Joseph Guelli	P				100.0%
John W. Copeland	P				100.0%
Thomas Parker	P				100.0%
David Lambert	P				100.0%

Present:	8	0	0	0	88.89%
Absent:	0	0	0	0	0.0%
Excused:	1	0	0	0	11.11%

\* P = Present

\* A = Absent

\* E = Excused

\* C = Canceled

**RETIREMENT BOARD OF TRUSTEES (RBT)**

Next appointment: **April 8, 2025, Town Council meeting**

Openings advertised via news release: **January 31, 2025**

Deadline to submit applications: **Friday, March 28, 2025, by 5:00 p.m.**

Number of openings: **2 Regular Members**

**Applicants**

<b><u>NAME</u></b>	<b><u>SEEKING</u></b>
Mark Davies	New Appointment
Joshua Harlan	New Appointment
David Sabath	New Appointment

**Current members and open seats**

<b><u>NAME</u></b>	<b><u>TERM EXPIRES</u></b>
<b><u>Regular Members</u></b>	
Thomas Parker	March 2025
John Copeland	March 2025
David Lambert	March 2026
C. Edward Carter	March 2026
Daniel Stanton	March 2027
<b><u>Employee Members</u></b>	
Joseph Guelli	March 2025
Michael Marx	March 2026
Jason Debrincat	March 2027
Bob Miracle	Ex-officio

Highlighted in yellow=term currently expiring/vacant

\*=Applied for reappointment

\*\*=Applied for appointment from alternate member to regular member

\*\*\*=Termed out

BALLOT FOR APPOINTMENT OF **REGULAR** MEMBER(S)  
TO THE **RETIREMENT BOARD OF TRUSTEES**  
Town Council Meeting on **April 8, 2025**

Positions to be filled: 2 Regular Members

Please circle 2 from the list of names appearing below.

**Individuals Who Have Submitted Applications**

(Listed Alphabetically)

Mark Davies

Joshua Harlan

David Sabath

**Signature of Town Council Member:** \_\_\_\_\_  
Town Council Member

Profile

Mark

First Name

J

Middle Initial

Davies

Last Name

310 Clarke Ave

Home Address

Suite or Apt

Palm Beach

City

FL

State

33480

Postal Code

mark@daviesusa.com

Email Address

Home: (917) 415-1385

Primary Phone

Home: (917) 415-1385

Alternate Phone

Which Boards would you like to apply for?

Retirement Board: Submitted

Question applies to multiple boards

I am a resident of the Town of Palm Beach (Initial below)

MJDo

Question applies to multiple boards

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida's Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

Question applies to multiple boards

VERIFIED - KMC

Please upload proof of residency

CEO

Occupation

In what area of town do you live?

☒ Midtown

---

## Interests/Experience

Question applies to Retirement Board

**Why do you wish to be appointed as a member of the Retirement Board of Trustees?**

I would be thrilled to be appointed to the Retirement Board Of Trustees. I have 36 years of experience working in finance. I have managed some of the largest and most complicated derivatives trading businesses in large banks and have also been a chief risk officer twice, once for a large asset manager PIMCO and once for Bank of America Merrill Lynch. I managed a hedge fund during the financial crisis and I made decisions that saved the fund billions. I would help the board make excellent decisions and importantly would help the board avoid making poor decisions.

Question applies to Retirement Board

**Please identify how many meetings of a Town Retirement Board you have attended in the past two (2) years? \***

☒ 0

**Please indicate if there are any periods of time for which you will be unavailable for meetings.**

none

Question applies to multiple boards

**If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.**

I have not, I only moved to town two years ago.

**Are you a member of any of the following organizations? (Check all that apply)**

None Selected

**Present Occupation**

CEO



**No. of years**

---

1 year

**Past occupation(s)**

---

Chartered Accountant, Head of Trading, Chief Risk Officer, CEO

**No. of years**

---

35 years

**Please provide details regarding your educational background:**

---

B.Sc with Honors in Pure and Applied Math - Exeter University, England ACA - Fellow of Institute of Chartered Accountants in England

---

[Upload a Resume](#)

**Have you ever been convicted or pled guilty or nolo contendere to a crime other than minor traffic violations?**

---

☐ Yes ☒ No

**If you are currently serving on a Town board, commission, or committee, please identify in the space below and check the "I Agree" box indicating that you will resign from that position if you are appointed to the position you are seeking in this application.**

---

**I agree that I will resign from the board, commission, or committee if I am appointed to the position I am seeking in this application.**

---

☒ I Agree

**To enable Town Council to consider potential conflicts of interest, please list the family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.**

---

None. Regarding the resume I will put one together right away and submit it!

---

---

**Demographics**

Some boards and commissions require membership to be racially, politically or geographically proportionate to the general public. The following information helps track our recruitment and diversity efforts.

## Ethnicity

---

☒ Caucasian/Non-Hispanic

## Gender

---

☒ Male

## Physically Disabled

---

☐ Yes ☒ No

---

**I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application of dismissal after appointment.**

---

☒ I Agree

Question applies to Retirement Board

*Please attach proof of residency (as listed above) with this application.*

***Please note that Board/Commission applications will expire on December 15 of each year.***

### **RETIREMENT BOARD OF TRUSTEES**

The Retirement Board of Trustees consists of nine members as follows:

One employee who is a member of benefit group general or benefit group lifeguard.

One employee who is a member of benefit group firefighter.

One employee who is a member of benefit group police officer.

Five residents of the Town.

The Town Manager.

The Retirement Board of Trustees acts in a fiduciary capacity for the Town's retirement funds and in an advisory capacity to the Town Council on matters relating to the administration of the Town's various retirement plans. Trustees other than the Town Manager or Acting Town Manager shall serve three-year terms, and may succeed themselves in office. The Retirement Board of Trustees will meet at least quarterly and on occasion, specially called meetings.

**Profile**

Joshua D Harlan

First Name Middle Initial Last Name

160 Reef Road

Home Address Suite or Apt

Palm Beach FL 33480

City State Postal Code

josh@harlancapital.com

Email Address

Mobile: (917) 608-5825 Business: (561) 467-4422

Primary Phone Alternate Phone

**Which Boards would you like to apply for?**

Retirement Board: Submitted

Question applies to multiple boards

**I am a resident of the Town of Palm Beach (Initial below)**

JH

Question applies to multiple boards

**Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida's Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.**

Question applies to multiple boards

[Verified - KMC](#)

Please upload proof of residency

Partner, Harlan Capital Partners (Alternative Investments)

Occupation

**In what area of town do you live?**

☒ North

**Interests/Experience**

Question applies to Retirement Board

**Why do you wish to be appointed as a member of the Retirement Board of Trustees?**

---

I am interested in serving on the Retirement Board of Trustees to contribute my 25 years of experience in investing and banking, particularly in alternative investments, to the prudent oversight of the town's public employee retirement funds. As a Yale Law School-trained attorney (non-practicing) with a strong understanding of fiduciary duty, I appreciate the critical importance of sound governance and responsible stewardship in managing retirement assets. My long-standing interest in public policy, demonstrated through memberships in organizations such as the Council on Foreign Relations, underscores my commitment to serving the public good. This role presents an opportunity to apply my expertise to benefit the dedicated police, fire, and municipal employees who provide essential services to our community in Palm Beach, ensuring that their retirement funds are managed effectively and securely.

Question applies to Retirement Board

**Please identify how many meetings of a Town Retirement Board you have attended in the past two (2) years? \***

---

☒ 1

**Please indicate if there are any periods of time for which you will be unavailable for meetings.**

---

Question applies to multiple boards

**If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.**

---

I have served for approximately two years as the treasurer of the North Shore Beach Club, Inc., a neighborhood association that owns and operates a private beachfront cabana for the benefit of 53 eligible homeowners on Reef, Dolphin, and Seagate Roads and adjacent sections of North Lake Way and North Ocean Blvd.

**Are you a member of any of the following organizations? (Check all that apply)**

---

- ☒ Palm Beach Chamber of Commerce
- ☒ Palm Beach Civic Association
- ☒ Palm Beach County Historical Society

Joshua D Harlan

## Present Occupation

---

Founder and Managing Partner, Harlan Capital Partners (Palm Beach, FL)

## No. of years

---

15

## Past occupation(s)

---

2000-2008 - Investment Banker, Allen & Company (New York, NY) 2008-2010 - Portfolio Manager and Member of the Private Markets Investment Committee, OP Trust (Toronto, ON)

## No. of years

---

10

## Please provide details regarding your educational background:

---

Harvard College, AB summa cum laude in philosophy (1994) Balliol College, Oxford, M.St. in philosophy (1996) Yale Law School, JD (2000)

---

Upload a Resume

## Have you ever been convicted or pled guilty or nolo contendere to a crime other than minor traffic violations?

---

☐ Yes ☒ No

**If you are currently serving on a Town board, commission, or committee, please identify in the space below and check the "I Agree" box indicating that you will resign from that position if you are appointed to the position you are seeking in this application.**

---

**I agree that I will resign from the board, commission, or committee if I am appointed to the position I am seeking in this application.**

---

☒ I Agree

**To enable Town Council to consider potential conflicts of interest, please list the family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.**

---

Wife: Victoria Harlan Children: Katharine and Lillian Harlan Father: Leonard Harlan  
Stepmother: Fleur Harlan

---

## Demographics

Joshua D Harlan

Some boards and commissions require membership to be racially, politically or geographically proportionate to the general public. The following information helps track our recruitment and diversity efforts.

### Ethnicity

---

☒ Caucasian/Non-Hispanic

### Gender

---

☒ Male

### Physically Disabled

---

☐ Yes ☒ No

---

**I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application of dismissal after appointment.**

---

☒ I Agree

Question applies to Retirement Board

*Please attach proof of residency (as listed above) with this application.*

***Please note that Board/Commission applications will expire on December 15 of each year.***

### **RETIREMENT BOARD OF TRUSTEES**

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- One employee who is a member of benefit group firefighter.
- One employee who is a member of benefit group police officer.
- Five residents of the Town.
- The Town Manager.

The Retirement Board of Trustees acts in a fiduciary capacity for the Town's retirement funds and in an advisory capacity to the Town Council on matters relating to the administration of the Town's various retirement plans. Trustees other than the Town Manager or Acting Town Manager shall serve three-year terms, and may succeed themselves in office. The Retirement Board of Trustees will meet at least quarterly and on occasion, specially called meetings.

## **JOSHUA D. HARLAN**

440 Royal Palm Way, Suite 300, Palm Beach, FL, 33480  
josh@harlancapital.com | 561-467-4422

### PROFESSIONAL EXPERIENCE

#### **Harlan Capital Partners** — Palm Beach, FL

*Founder and Managing Partner* | 2010–Present

Alternative investment firm focused on private credit and asset-based finance and specialized in media, sports, and intellectual property.

#### **OPTrust Private Markets Group** — Toronto, ON

*Portfolio Manager and Member of the Private Markets Investment Committee* | 2008–2010

Private Markets Group managed a CAD \$2 billion commitment to private equity, private credit, and infrastructure investments for one of Canada's largest pension funds.

#### **Allen & Company** — New York, NY

*Investment Banker (Associate, Vice President, Director)* | 2000–2008

Private investment bank specializing in media, entertainment, technology, and other innovative industries.

### EDUCATION

#### **Yale Law School** — New Haven, CT

Juris Doctor (JD) 2000. Olin Fellow in Law and Economics.

#### **Balliol College, Oxford University** — Oxford, UK

Master of Studies (M.St.) in Philosophy 1996. Rotary Scholarship.

#### **Harvard College** — Cambridge, MA

Bachelor of Arts (AB) in Philosophy, summa cum laude 1994. Phi Beta Kappa.

### PROFESSIONAL MEMBERSHIPS

- *Member, New York Bar* (non-active status)
- *Member, Federalist Society*
- *Member, Business Executives for National Security*
- *Member, Council on Foreign Relations (CFR)*
  - Participated in 2011 delegation to US Central Command in Iraq and Afghanistan.

### OTHER AFFILIATIONS

#### **Harvard Review of Philosophy** — Cambridge, MA

*Founder and Trustee*

Student-edited academic journal of philosophy founded at Harvard College in 1991.

## Application for Service

---

### Profile

David

First Name

Sabath

Last Name

Middle  
Initial

3170 S Ocean Blvd, Apt 503S

Home Address

Suite or Apt

Palm Beach

City

FL

State

33480

Postal Code

ds@latigopartners.com

Email Address

Mobile: (201) 280-6776

Primary Phone

Alternate Phone

### Which Boards would you like to apply for?

---

Retirement Board: Submitted

Question applies to multiple boards

**I am a resident of the Town of Palm Beach (Initial below)**

DHS

Question applies to multiple boards

**Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida's Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.**

Question applies to multiple boards

[Verified - KMC](#)

Please upload proof of residency

Portfolio Manager

Occupation

### In what area of town do you live?

---

☒ Midtown

---

### Interests/Experience



Question applies to Retirement Board

**Why do you wish to be appointed as a member of the Retirement Board of Trustees?**

---

I am eager to serve as a member of the Retirement Board of Trustees, driven by a deep commitment to give back to the community. With 35 years of experience in the field of investing, I bring a wealth of knowledge and expertise to contribute to sound financial decision-making for the benefit of retirees. Throughout my career, I have honed my skills in financial management and investment strategies, and I am enthusiastic about applying this experience to support the long-term financial well-being of retirees. I understand the critical importance of prudent financial stewardship to ensure the sustainability of retirement funds and to safeguard the interests of those who have dedicated their lives to public service. My motivation to serve on the Retirement Board extends beyond professional accomplishments; it is rooted in a genuine desire to prioritize service over self. I believe strongly in the value of community service and recognize the vital role that the Retirement Board plays in securing the futures of public service retirees. As an active board member, I aim to contribute to the creation and implementation of policies that prioritize the needs of retirees, ensuring that their hard-earned pensions are managed responsibly and that they can enjoy a secure and dignified retirement. My extensive investing experience, commitment to community service and belief in prioritizing others' needs position me as a strong candidate ready to contribute meaningfully to the well-being of retirees as a member of the Retirement Board of Trustees.

Question applies to Retirement Board

**Please identify how many meetings of a Town Retirement Board you have attended in the past two (2) years? \***

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☒ 0

**Please indicate if there are any periods of time for which you will be unavailable for meetings.**

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Question applies to multiple boards

**If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.**

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I served on the board of Children's Aid and Family Services for over 10 years with my last 2 years as Vice Chairman. I retired from the board in 2020. My attendance record was excellent. I also served on a financial review committee for the Town of Ridgewood NJ developing a 5 year plan for the municipality I am currently serving on the board of my condo association, The Enclave.

**Are you a member of any of the following organizations? (Check all that apply)**

None Selected

**Present Occupation**

Retired

**No. of years**

2

**Past occupation(s)**

Senior Managing Director of Pretium Partners, a \$50 billion AUM asset manager 2020 - 2023  
Co-Founder and Co-Portfolio Manager Latigo Partners hedge fund 2005 - 2020 Managing  
Director, JP Morgan Head of Distressed Research, Goldman Sachs

**No. of years**

35

**Please provide details regarding your educational background:**

MBA Northwestern University, 1990 BS in Accountancy, University of Missouri, 1986

Upload a Resume

**Have you ever been convicted or pled guilty or nolo contendere to a crime other than minor traffic violations?**

☐ Yes ☒ No

**If you are currently serving on a Town board, commission, or committee, please identify in the space below and check the "I Agree" box indicating that you will resign from that position if you are appointed to the position you are seeking in this application.**

**I agree that I will resign from the board, commission, or committee if I am appointed to the position I am seeking in this application.**

☒ I Agree

To enable Town Council to consider potential conflicts of interest, please list the family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Cheryl Sabath - spouse

Demographics

Some boards and commissions require membership to be racially, politically or geographically proportionate to the general public. The following information helps track our recruitment and diversity efforts.

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Physically Disabled

☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application of dismissal after appointment.

☒ I Agree

Question applies to Retirement Board

*Please attach proof of residency (as listed above) with this application.*

***Please note that Board/Commission applications will expire on December 15 of each year.***

**RETIREMENT BOARD OF TRUSTEES**

The Retirement Board of Trustees consists of nine members as follows:

One employee who is a member of benefit group general or benefit group lifeguard.

One employee who is a member of benefit group firefighter.

One employee who is a member of benefit group police officer.

Five residents of the Town.

The Town Manager.

The Retirement Board of Trustees acts in a fiduciary capacity for the Town's retirement funds and in an advisory capacity to the Town Council on matters relating to the administration of the Town's various retirement plans. Trustees other than the Town Manager or Acting Town Manager shall serve three-year terms, and may succeed themselves in office. The Retirement Board of Trustees will meet at least quarterly and on occasion, specially called meetings.

# David Sabath

✉ [David.sabath@latigopartners.com](mailto:David.sabath@latigopartners.com)

📞 (201) 280-6776

📍 Ridgewood, NJ / Palm Beach, FL

🌐 [LinkedIn.com/DavidSabath](https://www.linkedin.com/DavidSabath)

Dynamic portfolio manager with a proven track record of launching, building and leading successful asset management businesses. Expertise in analyzing, trading, and building portfolios across asset classes. Deep knowledge of complex capital structures, bankruptcies and restructurings, as well as companies and industries undergoing major fundamental change. Demonstrated proficiency in idea generation, conducting deep fundamental research, implementing risk management and optimizing portfolio construction. Particularly adept at investing during market dislocations.

## Experience

### Pretium Partners

2020 – June 2023

*Senior Managing Director and Co-Head, Corporate Opportunistic Investing and Distressed Platform*

- Operated as a member of the Executive Committee and the Credit Investment Committee for the \$50 billion asset manager and largest privately held owner of single-family rental housing.
- Built and managed the firm's distressed corporate credit investing business.
- Invested through the covid disruption and generated strong returns by starting with investment grade bonds and moving down the credit spectrum into syndicated bank loans and bonds and ending with distressed securities.
- Leveraged firm's real estate expertise for idea generation and due diligence.

### Latigo Partners

2005 - 2020

*Co-Founder and Co-Portfolio Manager*

- Launched and built an event driven hedge fund focused primarily on the credit markets, managing \$1 billion AUM and 20 employees.
- Steered the fund for 15 years, successfully investing through market dislocations, including the global financial crisis and the commodity sell off in 2015.
- Managed all aspects of the business including business strategy, recruiting, day-to-day operations and fund raising.
- Featured in both [Financial Times](#) and [Barron's](#) as one of the top event driven hedge funds.
- Sold Latigo Partners to Pretium Partners in 2020.

### JPMorgan

2002 - 2005

*Managing Director, Proprietary Positioning Business*

- Established and led the North America credit investing team, managing approximately \$1 billion in assets.
- Invested across the capital structure in relative value strategies and distressed securities.

### Goldman Sachs

1998 - 2002

*Head, Distressed Loan Research*

- Managed the research team and deployed capital on behalf of Goldman Sachs.
- Led discussions with dozens of clients regarding opportunities in the distressed market.
- Presented as industry expert at numerous events, including Milken conference.

### Highbridge Capital

1996 - 1998

*Senior Analyst*

- Hired as first distressed analyst at Highbridge and was responsible for sourcing and investing in distressed opportunities.

### Chase Manhattan Bank

1990 - 1996

*Portfolio Manager*

- Invested in distressed securities and led loan restructurings on behalf of the bank.

### KPMG

1986 - 1988

*Senior Tax Accountant (CPA)*

## Boards

### Children's Aid and Family Services

2011 - 2020

- Served on the board for ten years, most recently as Vice Chairman.

## Education

### Northwestern University

1990

MBA

### University of Missouri

1986

B.S. in Accountancy

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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Section of Agenda  
Minutes

Agenda Title  
Town Council Meeting Minutes  
*Kelly Churney, CMC, Town Clerk*

- a. March 4, 2025, Town Council Meeting Minutes
- b. March 5, 2025, Town Council Development Review Meeting Minutes

Presenter

## ATTACHMENTS:

- ▣ **March 4, 2025, Town Council Meeting Minutes**
- ▣ **March 5, 2025, Town Council Development Review Meeting Minutes**



# TOWN OF PALM BEACH

## Minutes of the Town Council Meeting

Held on March 4, 2025

### I. [CALL TO ORDER AND ROLL CALL \(00:53\)](#)

Chair Lindsay called the town council meeting to order at 9:30 a.m. On roll call, all council members were found to be present except for Council Member Julie Araskog.

### II. [INVOCATION AND PLEDGE OF ALLEGIANCE \(1:26\)](#)

Town Clerk Churney gave the invocation, and Council President Lindsay led the Pledge of Allegiance.

### III. [MODIFICATIONS TO THE AGENDA \(2:08\)](#)

The following modifications were made to the agenda:

XIII.B.2 – Time Certain added at 11:00 a.m.

XIII.B.2. – Resolution No. 017-2025, pulled from consent and added to this item

XIII.B.2. – Resolution No. 028-2025, pulled from consent and added to this item

XIII.B.3. – Revised backup provided

### IV. [APPROVAL OF AGENDA \(03:39\)](#)

**A motion was made by Council Member Moran and seconded by Council Member Cooney to approve the amended agenda. The motion was carried unanimously, 4-0.**

V. **PRESENTATIONS (03:41)**

A. Presentation by Sarah Kavanagh, Consul General of Ireland

Mayor Moore introduced Sarah Kavanagh, the Irish Consul General, who blessed the Basilica on Saturday evening. Because of the large Irish population in Palm Beach, Mayor Moore invited Ms. Kavanagh to address the Town Council.

Ms. Kavanagh was present with her assistant, and she thanked Mayor Moore for the invitation. She stated that she came to Miami in 2022 to establish Ireland's first consulate in Florida. She noted that just over 8% of the Palm Beach County population has Irish Heritage. She spoke about the importance of St. Patrick's Day and what it represents. She stated that The Ireland Funds is a huge event that gets a lot of support from the residents of Palm Beach, to support peace and reconciliation on the island. She said the first event is held in Palm Beach every spring and the recent event was the most successful ever, raising more than \$1 million which will be used toward great causes in the spirit of reconciliation in Ireland. She thanked the Town of Palm Beach Mayor and Town Council for allowing her to speak.

At this time, Council President Lindsay suggested one additional modification to the agenda. She asked to move the Landmarks Preservation Commission's annual report to follow item VI, Recognitions.

**A motion was made by Council Member Cooney and seconded by Council Member Moran to approve the amended agenda. The motion was carried unanimously, 4-0.**

VI. **RECOGNITIONS (12:19)**

- A. Recognition of Dan Floersheimer for his Service on the Architectural Commission from March 2018 to March 2025.
- B. Recognition of Anne Metzger for her Service on the Landmarks Preservation Commission from August 2018 to March 2025.
- C. Recognition of Sue Patterson for her Service on the Landmarks Preservation Commission from March 2017 to March 2025.

Mayor Moore recognized all three commission members and thanked them for their service to the town.



VII. **BOARD AND COMMISSION PRESENTATIONS AND APPOINTMENTS (33:22)**

A. **Presentations by the Applicants and Appointments to the Architectural Commission (33:24)**

The following applicants presented their qualifications to the Town Council:

Kathy Georgas  
Alicia “Maisie” Grace  
Sue Patterson  
David Phoenix, Jr.

**A motion was made by Council Member Cooney and seconded by Council Member Moran to appoint Kenn Karakul and Richard Sammons as regular members and Kathy Georgas, Sue Patterson and David Phoenix as alternate members of the Architectural Commission. The motion was carried unanimously, 4-0.**

***This discussion lasted approximately 17 minutes. To listen, please click the link on the agenda topic above.***

B. **Presentations by the Applicants and Appointments to the Code Enforcement Board (49:50)**

The following applicants presented their qualifications to the Town Council:

Angel Arroyo  
Dave Brooker  
Pamela Saba

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to appoint David Brooker and Pamela Saba as regular members of the Code Enforcement Board. The motion was carried unanimously, 4-0.**

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to appoint Angel Arroyo as an alternate member of the Code Enforcement Board. The motion was carried unanimously, 4-0.**

***This discussion lasted approximately 10 minutes. To listen, please click the link on the agenda topic above.***

**VIII. [COMMENTS OF MAYOR DANIELLE H. MOORE \(1:02:02\)](#)**

Mayor Moore announced the milestones as follows:

Nichole Dennis, Police – 5 years of service

Mirline Ceus, People & Culture – 5 years of service

Lauren Bayard, Recreation – 5 years of service

John Scanlan, Police – 20 years of service

She reminded residents to get their 2025 parking decals and encouraged them to stay connected with the Town by signing up for alerts and news releases.

Mayor Moore announced that the Town received the 2024 Cigna Healthy Workforce Gold Designation and the Universal Public Procurement Certification Council (UPPCC) Agency certification awards.

She announced that longtime resident, the Honorable Lisa Small, has been recognized as the Jurist of the Year.

She acknowledged the Palm Beach Garden Club for their successful House and Garden Event and thanked the Palm Beach Citizens Association for their successful breakfast the previous week.

**IX. [COMMENTS OF TOWN COUNCIL MEMBERS \(1:08:36\)](#)**

Council President Pro Tem Crampton was pleased with the number of residents who applied for the commission appointments and thanked them for their interest. He highlighted the procurement award and said that because the department was doing so well, it had saved the town money and helped the town avoid potential litigation. He also acknowledged the Palm Beach Citizens Association's annual meeting and its 30-year anniversary.

Mayor Moore acknowledged the passing of Donald Singer, a resident and co-chair of the Palm Beach Citizens Association.

Council Member Cooney thanked his fellow council members and staff for working on quality-of-life-related issues. He acknowledged the dedication of the Basilica at St. Edwards on Saturday evening. He asked the mayor if she would be willing to issue a proclamation for Father Glen; the mayor

agreed to do so. He acknowledged the successful House and Garden Day event and the Palm Beach Day Academy's Field Day event. Lastly, he stated he attended the Marlins' game, where he encountered some of the Public Safety staff members and their families.

Council President Lindsay acknowledged the Palm Beach House and Garden Day event, which is the organization's primary fundraiser. She was grateful for the Public Works Department's efforts to beautify an impromptu bus stop for drop-off/pick-up of House & Garden Day patrons.

X. **COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT, PLEASE (1:18:35)**

No one indicated a desire to speak.

XI. **APPROVAL OF CONSENT AGENDA (1:18:52)**

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to approve the amended consent agenda. The motion was carried unanimously, 4-0.**

**A. MINUTES**

1. Town Council Meeting Minutes  
*Kelly Churney, CMC, Town Clerk*
  - a. February 11, 2025, Town Council Meeting Minutes
  - b. February 12, 2025, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of February 26, 2025.  
*Wayne Bergman, Director of Planning, Zoning and Building*

**B. RESOLUTIONS**

1. **RESOLUTION NO. 017-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding a Purchase Order to Kimley-Horn and Associates, Inc. to provide professional engineering services associated with development of design plans related to the proposed intersection improvements at Royal Poinciana Way in the amount of \$263,902.04, approving a contingency in the amount of \$39,585.00 and approving a project budget of \$303,487.00.  
*Dean Mealy, II Procurement and Contract Manager*

***This item was pulled from the Consent Agenda and heard as item no. XIII.B.2.e.***

2. RESOLUTION NO. 023-2025 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a change order to Gehring Group's original resolution authorization of \$442,380 for a multi-year contract to \$558,031.

*Dean Mealy, II Procurement and Contract Manager*

3. RESOLUTION NO. 024-2025 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding a change order to Kimley-Horn and Associates, Inc. for Construction Phase Services for the Central Fire Fuel Tank Remediation in the amount of \$37,160 for a total project budget of \$253,060.

*Dean Mealy, II Procurement and Contract Manager*

4. RESOLUTION NO. 025-2025 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding a purchase order to Kimley-Horn and Associates, Inc. for design of D-3 stormwater pump station generator and E-7 wastewater pump station improvements in the amount of \$161,850, approving a contingency in the amount of \$24,277 and approving a project budget in the amount of \$186,127.

*Dean Mealy, II Procurement and Contract Manager*

5. RESOLUTION NO. 026-2025 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding a purchase order to Mock-Roos for design of A-43 wastewater pump station improvements in the amount of \$252,046, approving a contingency in the amount of \$37,806 and approving a project budget in the amount of \$289,852.

*Dean Mealy, II Procurement and Contract Manager*

6. RESOLUTION NO. 028-2025 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding a Purchase Order to Kimley-Horn and Associates, Inc. to provide professional engineering services associated with development of design plans related to the proposed intersection improvements for Bradley Place Roadway Improvements in the amount of \$174,306.02, approving a contingency in the amount of \$26,145 for a total project budget in the amount of \$200,451.

*Dean Mealy, II Procurement and Contract Manager*

***This item was pulled from the Consent Agenda and heard as item***

***no. XIII.B.2.f.***

**C. OTHER**

1. Budget Calendar for FY26 Budget Process  
*Bob Miracle, Deputy Town Manager - Finance and Administration*
2. Request by the City of West Palm Beach for Town Sponsorship in the Amount of \$12,000 for the City's 4th on Flagler Event.  
*Kirk W. Blouin, Town Manager*  
***This item was pulled from the Consent Agenda and heard as item no. XIII.A.1.***

**XII. BOARD/COMMISSION ANNUAL REPORT**

- A. [Annual Report of the Investment Advisory Committee \(1:19:52\)](#)**  
*Christopher Storkerson, Chair*

Chair Storkerson explained the purpose of the Investment Advisory Committee and presented their annual report, which continues to result in a healthy return on investments. .

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to accept the of the Investment Advisory Committee's annual report. The motion was carried unanimously, 4-0.**

***This discussion lasted approximately 16 minutes. To listen, please click the link on the agenda topic above.***

- B. [Annual Report of the Landmarks Preservation Commission \(21:42\)](#)**  
*Sue Patterson, Chair*

Chair Patterson presented the Landmarks Preservation Commission's annual report.

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to accept the Landmarks Preservation Commission's annual report. The motion was carried unanimously, 4-0.**

***This discussion lasted approximately 12 minutes. To listen, please click the link on the agenda topic above.***

### XIII. **REGULAR AGENDA**

#### A. **Matters Pulled From Consent Agenda: If needed**

1. [Request by the City of West Palm Beach for Town Sponsorship in the Amount of \\$12,000 for the City's 4th on Flagler Event. \(3:13:43\)](#)

*Kirk W. Blouin, Town Manager*

Council President Lindsay stated a number of negative environmental impacts to air, water and wildlife why she would not be supporting the item.

Mayor Moore stated that she did not disagree with Council President Lindsay but believed that the City of West Palm Beach would be proceeding with the celebration regardless of the Town's donation. She recommended alerting the City of West Palm Beach to the environmental concerns.

Council President Pro Tem Crampton suggested a letter from the Mayor pointing to the environmental impacts of the fireworks. He thought the Town should support the event this year but inform them that Palm Beach's support next year would be based upon dealing with environmental impacts of the fireworks.

Council Member Cooney agreed with Council President Lindsay about the environmental concerns. He stated he would support the event but agreed with communications with Palm Beach regarding environmental impacts.

Council Member Moran suggested a letter offering more money if an alternative solution is found.

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to approve the Sponsorship of \$12,000 for the City of West Palm Beach's 4<sup>th</sup> on Flagler Event. The motion carried 3-1, with Council President Lindsay dissenting.**

***This discussion lasted approximately 8 minutes. To listen, please click the link on the agenda topic above.***

#### B. **Old Business**

1. [Town-wide Undergrounding Project - Review of Project and](#)

[Dashboard, Summary of Project Status \(3:22:40\)](#)

*H. Paul Brazil, P.E., Director of Public Works*

Patricia Strayer, Town Engineer, presented pictures of the approved easements for the North Fire Station. Mr. Cooney asked if the landscaping could be increased in size, to which Ms. Strayer agreed it would grow fast. The second approved easement was for 247 Park Avenue. Mr. Cooney asked if additional hedging could be added, to which Ms. Strayer agreed.

Ms. Strayer said the poles for Phase 3 South and equipment in Phase 5 North are being removed, which means that AT&T and Comcast are off the poles, allowing them to be pulled in the next three weeks.

Council President Lindsay applauded the use of environmentally friendly hedges, including native cocoplum. She preferred the green cocoplum.

***There was a consensus from the Town Council to increase the landscape in the easements located at the North Fire Station and at 247 Park Avenue.***

***This discussion lasted approximately 6 minutes. To listen, please click the link on the agenda topic above.***

2. [Discussion on Traffic Mitigation \(1:35:51\)](#)

*Kirk Blouin, Town Manager*

**TIME CERTAIN: 11:00 A.M.**

- a. Corrected RESOLUTION NO. 022-2025 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Temporarily Amending the Hours for Construction Work Set Forth in Section 42-199 of the Town's Code of Ordinances for the Benefit of the Health, Safety and Welfare of the Residents; and Providing an Effective Date.

Town Manager Blouin asked Mr. Bergman to discuss the previously approved resolution relating to modified construction hours, allowing new hours Monday through Friday for a 7:00 a.m. arrival with 7:30 a.m. to 8:30 a.m. quiet work and the workday ending at 5:30 p.m. He stated that Saturday work hours were not considered when that resolution was approved.

Town Attorney Joanne O'Connor discussed the corrected

resolution for approval, which addressed Saturday work hours. She indicated that the Town Council's intent was not to change the Saturday work hours and that it was not addressed in the first resolution.

Mayor Moore stated that she could understand why the residents could be confused as it was a bit difficult to stay on top of the changes.

Council President Lindsay called for public comment. No one indicated a desire to speak.

Council President Pro Tem Crampton asked about the decisions to be made by condominium boards regarding Saturday work. Mr. Blouin said the condominium Homeowner's Association would continue to set its rules regarding work hours.

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to approve Resolution No. 022-2025. The motion was carried unanimously, 4-0.**

- b. Further Discussion and Review of Draft Ordinance to Mandate the use of Construction Management Agreements (CMA) for Certain Projects.

Director Wayne Bergman stated that staff had worked with the local construction companies to be involved, although they have expressed some opposition to the idea of a Construction Management Agreement (CMA). He said there have been discussions between staff and the City Attorney to develop a compromise proposal that would limit the number of vehicles related to construction traveling on and off the island. He said the size of the project has been increased to 5,000 square feet or more in size, or any project that exceeds \$1 million. This is a significant increase in the thresholds. Small projects of less than five total workers have been exempted and the shuttle has been removed as a mandatory requirement. He stated that the goal was to address the total number of daily construction-related trips on and off of the island.

Tim Benitz of Benitz Building LLC, spoke about the revised CMA and shared feedback on behalf of local construction companies. He addressed shared concerns about the impact on their businesses and the potential for unintended



consequences. Mr. Benitz discussed the redundancies and overlap of required building permits versus the new CMA. He noted that the delivery schedules were unrealistic.

Council President Pro Tem Crampton liked Mr. Benitz's idea for a template to be created through the cooperation of a group of builders and town staff discussions to determine the baselines.

Council Member Moran asked about a realistic delivery schedule for construction. Mr. Benitz responded that an all-day delivery schedule would be ideal, as deliveries could be scheduled, particularly around road closures.

Council Member Cooney spoke about the quality of life for residents. He acknowledged that construction was not the only cause of traffic issues and stated the goal is to find a compromise that works for everyone.

Mayor Moore stated that if the town reverted to the past, construction would not be allowed during the seasonal months.

George Ford of Seabreeze Building had been under the impression that there would be an opportunity for collaborative input on what should be included in the CMA. He noted that the earlier hours were helping with traffic.

Dan Swanson of Addison Development expressed his concerns about the proposed changes that would impact construction.

Council President Pro Tem Crampton asked about the number of workers onsite for new homes. Mr. Swanson responded.

Council Member Moran asked about the reason for the construction delays. Mr. Swanson discussed the issue of losing good subcontractors.

Council Member Cooney asked if construction in town had slowed down at all. Mr. Benitz responded that he did not see it slowing down.

Rick Smith, Sunrise Avenue, stated that citizens were appreciative of the Town Council's efforts. He stated that many of the problems are related to bridge openings.

Town Manager Blouin asked what the construction industry can do to limit the traffic to the town.

Mr. Benitz stated that the trades were carpooling into town. He noted that the contractors have already been trying to manage the issues. Mr. Blouin asked if a threshold could be agreeable for the construction management agreement. Mr. Benitz said it was possible, and he would have to get back with Mr. Bergman.

***There was a consensus from the Town Council to allow Director Wayne Bergman to meet with the general contractors to propose agreeable modifications to a construction management agreement and return to the Town Council with those changes at a later date.***

- c. Further Discussion of Proposed Draft Ordinance to Limit Number of Building Permits

Town Attorney Joanne O'Connor stated that she reviewed limiting the number of permits being issued by the town, but she did not recommend this due to the homeowners' property rights. She recommended managing this through a construction management agreement.

***There was a consensus from the Town Council to remove the item from future agendas after receiving an opinion from Town Attorney Joanne O'Connor.***

- d. Right of Way Division of Responsibilities

Paul Brazil, Director of Public Works, discussed the right-of-way issues for his department, as well as Police, Planning, Zoning and Building issues. He also discussed the permitting process for right-of-way applications.

Council President Pro Tem Crampton asked who enforces right-of-way violations. Mr. Brazil responded that it is a combination of Public Works, Code Enforcement officers and police officers.

Director Wayne Bergman further explained how a Code Enforcement right-of-way violation could be dealt with differently than violations from Public Works or Planning, Zoning and Building.

Council Member Moran noted that the citation forms rarely

include the plate numbers. She thought that a way to track them was needed. Mr. Brazil said staff takes photographs and includes them in the citation.

Patricia Strayer, Town Engineer, explained how the violators are cited.

Council Member Cooney thought it made sense to streamline coordination between the three departments. He also thought additional training for Code Enforcement officers could be useful, specifically related to Planning, Zoning and Building issues. Mr. Bergman stated that he had already spoken to Town Manager Blouin about adding more training.

***There was a consensus from the Town Council for further coordination, training, and communication among Planning, Zoning and Building, Police, and Public Works staff, as well as better resident awareness on whom to call with complaints.***

- e. [RESOLUTION NO. 017-2025 \(2:52:12\)](#) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding a Purchase Order to Kimley-Horn and Associates, Inc. to provide professional engineering services associated with development of design plans related to the proposed intersection improvements at Royal Poinciana Way in the amount of \$263,902.04, approving a contingency in the amount of \$39,585.00 and approving a project budget of \$303,487.00.  
*Dean Mealy, II Procurement and Contract Manager*

Mr. Brazil introduced the item and asked Assistant Director of Public Works, Jason Debrincat, to explain Resolutions 017-2025 and 028-2025. He stated that both resolutions are related to the Bradley Place Corridor and the resolutions consolidate all of the comments from both the Town Council and the public. He explained the options and updated plans for traffic mitigation on Bradley Place.

The Town Council members discussed concerns about the loss of parking, cost, aesthetics, and the effectiveness of the proposed changes.

Mr. Brazil stated that if the resolutions are approved today, another project would be put on hold to accommodate the cost

of this project. He said that Bradley Place would happen much sooner than the slip lane.

Council Member Moran asked about the impact of the mast arm, and Mayor Moore wondered why the entire project couldn't be completed at once. She thought the mast arms may solve part of the problem.

Council Member Cooney did not think that the slip lane was appropriate for the town.

Council President Lindsay stated that she did not want to do this project now because of the irreversible impact and the expense. She thought the road should be returned to two-way with signalization to see how that would impact traffic.

Mr. Brazil stated that staff would bring information back to the Town Council regarding the timing of a decision point if they decided to move forward with the project two summers from now.

- f. RESOLUTION NO. 028-2025 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding a Purchase Order to Kimley-Horn and Associates, Inc. to provide professional engineering services associated with development of design plans related to the proposed intersection improvements for Bradley Place Roadway Improvements in the amount of \$174,306.02, approving a contingency in the amount of \$26,145 for a total project budget in the amount of \$200,451.  
*Dean Mealy, II Procurement and Contract Manager*

No action was taken on either Resolution Nos. 017-2025 or 028-2025.

***This discussion lasted approximately 21 minutes. To listen, please click the link on the agenda topic above.***

*Clerk's note: A break was taken at 1:37 p.m. The meeting resumed at 1:44 p.m.*

- 3. [Intersection Safe Sight Visibility Triangle Waiver Request 284 Monterey Road, Palm Beach, Florida 33480 \(3:28:43\)](#)  
*H. Paul Brazil, P.E., Director of Public Works*

Mr. Brazil stated that he was informed that the Town Council had asked to reconsider the staff's recommendation to bring the site into

compliance. He showed the Town Council pictures of the wall prior to construction, pictures of the sections of the wall that had been rebuilt without a permit and advocated for the wall to be brought into compliance.

Patrick Segraves of SKA Architect + Planner discussed the historic nature of the wall. Mr. Segraves showed an elevation of the previous wall with the pickets and the currently proposed wall.

Dustin Mizell of Environment Design Group provided an explanation of the lattice on the fence.

Attorney Maura Ziska stated the wall is lower than what is required, but the pickets seem to be problem but you can see through them.

Council Member Cooney thought that automobiles had routinely been prioritized over small, walkable communities. He advocated keeping the historic wall. He stated that he contacted Police Chief Caristo to pull any safety data in the area, and he thought the wall could stay since it is an original historical feature of the home.

Council Member Moran thought the Landmarks Preservation Commission did their job and supported the charming design; however, she thought this was a safety and liability concern.

Council President Pro Tem Crampton asked if the wall had been constructed in the wrong place. Mr. Segraves stated that the wall had been in that location for 83 years. Mr. Brazil stated that when projects are redeveloped, staff makes a point to correct issues like this. Mr. Brazil also added that the wall being in that location for 80 years does not make it acceptable.

Mayor Moore thought the wall was charming but added that it could be moved to an appropriate location outside the sight triangle.

Council President Lindsay called for public comment.

Aimee Sunny of the Preservation Foundation of Palm Beach advocated for the site wall and stated that it was a character-defining feature of the home.

**A motion was made by Council Member Cooney to grant the intersection safe sight visibility triangle waiver request at 284 Monterey Road.**

The motion failed for a lack of a second.

**A motion was made by Council Member Moran and seconded by Council President Lindsay to move the wall outside of the safe-sight visibility triangle, and any further revisions shall be subject to design approval by the Landmarks Preservation Commission. The motion was carried 3-1, with Council Member Cooney dissenting.**

***This discussion lasted approximately 24 minutes. To listen, please click the link on the agenda topic above.***

4. [Status Update Regarding Riviera Beach Mooring Permit \(3:52:34\)](#)  
*H. Paul Brazil, P.E., Director of Public Works*

Mr. Brazil explained the internal discussions and changes made since the last discussion. Mr. Blouin stated there was no reason for the Town Council to be concerned and staff could continue to provide updates.

***The town Council agreed that the Town staff will continue to monitor the situation and act when needed. The staff will also send the Town Council a brief synopsis of the issue and contact information for concerned citizens to provide their comments.***

***This discussion lasted approximately 9 minutes. To listen, please click the link on the agenda topic above.***

#### **C. New Business**

1. [RESOLUTION NO. 030-2025 \(4:01:57\)](#) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order To Kimley-Horn and Associates, Inc. to Provide Engineering Services Associated With A-5 Wastewater Pump Station Conversion in the Amount of \$151,300 Approving a Contingency in the Amount of \$60,000 for a Total Approved Award in the Amount of \$211,300.  
*H. Paul Brazil, P.E., Director of Public Works*

Julie Parham, Senior Project Engineer, explained the A-5 wastewater pump station conversion to a submersible station at Bradley Park. She stated that the project would involve demolishing the existing building and installing underground components, with only control panels

above ground. She said over time, the maintenance cost would be reduced.

Council Member Cooney was glad this was an easy decision. He was happy to send this project to the Landmarks Preservation Commission to review future landscaping.

A consensus of the Town Council was to allow the vista to be more open, creating a water view.

Council President Pro Tem Crampton asked about the cost differential. Mr. Brazil responded.

Mayor Moore recommended asking the Garden Club for their opinions on landscaping since they did the title garden in the park.

Council Member Cooney asked if excavation needed to occur, and if so, he expressed concern. Ms. Parham responded that none was needed.

Council President Lindsay wondered if the green buttonwood tree would be disturbed, and Ms. Parham responded that it would not be disturbed.

Council Member Moran recommended adding a walking path from the bridge to the Lake Trail.

**A motion was made by Council Member Cooney and seconded by Council Member Moran to approve Resolution No. 030-2025. The motion was carried unanimously, 4-0.**

***This discussion lasted approximately 16 minutes. To listen, please click the link on the agenda topic above.***

2. [David Yarrow Photography Filming Permit Application \(4:17:50\)](#)  
*Carolyn Stone, Deputy Town Manager - Business Enterprise and Culture*

Ms. Stone presented the permit request for still photography, she stated that the ordinance requires council approval for photo shoots for commercial photo businesses.

Council Member Cooney said Mr. Yarrow is doing quite a bit of art in town and this would be minimally disruptive and scheduled at a time of day when traffic is not an issue.

Council President Lindsay called for public comment.

Stacy Gatewood, Production Manager for David Yarrow Photography, assured the council that they would adhere to all laws and rules in town. She offered references upon request.

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to grant the permit application and with the direction to allow staff to modify the date if there is inclement weather. The motion was carried unanimously, 4-0.**

***This discussion lasted approximately 6 minutes. To listen, please click the link on the agenda topic above.***

3. [Groin Rehabilitation at Blossom Way Holdings, LLC \(4:23:32\)](#)  
*H. Paul Brazil, P.E., Director of Public Works*

Mr. Brazil presented the request. He stated that in the past, the town council had provided directions to staff that if there was a homeowner or group of homeowners who wanted to take on groin rehabilitation, they could work under the town's permit and that town staff could help facilitate the work. One property owner on Blossom Way is interested in rehabilitating four existing groins. The objective is that it would be at no cost to the town, the town would have no new liability, and the town would not be a leaseholder for the final product. He requested directions from the Town Council. Mr. Brazil said the new groins may not have a greater function than the existing ones. He also discussed the process for renewing the permit.

Council President Pro Tem Crampton noted that in April there would be a Shore Protection Board meeting, and he wondered if this should be put on that agenda to address concerns about residual impacts.

Council Member Moran would like to see an agreement between the town and the homeowner to address the issue if something negative occurred, the homeowner would be responsible. She did not think it needed to go to the Shore Protection Board.

Council President Lindsay called for public comment.

Ronald Matzner, 3120 South Ocean Blvd and Vice Chair of the Shore Protection Board, discussed the function of the Shore Protection Board. He advocated for the project to be presented to the Shore Protection Board.



Attorney Larry Curtin of Holland and Knight, representing Blossom Way Holdings, LLC, expressed concern about the delay that would occur by taking this issue to the Shore Protection Board.

Council President Pro Tem Crampton wondered if a one-month delay would affect the project. Mr. Curtin responded.

Steve Tannenbaum, 2100 S Ocean Blvd and representing the homeowners at the address of the same, discussed the Sloane's Curve Association and their opinion concerning the proposed project. He said there was concern that the project would dramatically impact the association's beaches and property values.

Skip Aldridge of the Palm Beach Citizens Association, agreed with the one-month deferral while allowing the Shore Protection Board to review the proposed project.

Lawrence Kaplan, 2299 Ibis Isle Road, agreed with Mr. Matzner's comments but applauded the homeowner's effort to repair the groin.

Council Member Moran thanked the property owner for undertaking this initiative. She remarked that the issue would become irrelevant if the Army Corps did not renew the permit.

Council President Pro Tem Crampton believed that the citizens should be afforded time to opine on the project and he did not have any issue with deferring the approval for one month.

Council Member Cooney was happy that the homeowner would take on the expense. He asked Messrs. Brazil and Blouin for more clarity as to the scope of the Shore Protection Board. Mr. Brazil responded that the task of the Shore Protection Board was refined to be communication only. The scope was changed because the Shore Protection Board recommendations did not align with the Town Council's desire to pursue permitted projects. Mr. Blouin added that the Shore Protection Board had technical expertise that should be relied upon.

Attorney Maura Ziska, representing Blossom Way Holdings, LLC, asked what purpose a one-month deferral would serve.

Town Manager Blouin recommended allowing the Town Council to hear from the town's consultant on the issue.

Tom Pierro, Principal Engineer of Coastal Protection Engineering, stated that the Shore Protection Board had supported this before now. He referred to a video on the website that encourages homeowners to take on groin rehabilitation. He also pointed out that for the Blossom Way properties, there are only four groins, and there is physically no way for them to be any different through the rehabilitation process.

Mayor Moore felt that the owner of the property had followed the process as outlined.

**A motion was made by Council Member Moran and seconded by Council Member Cooney to grant Blossom Way Holdings, LLC's request for groin rehabilitation. The vote was tied 2-2, with Council President Lindsay and Council President Pro Tem Crampton dissenting. Mayor Moore broke the tie in the affirmative. The vote was carried 3-2.**

***This discussion lasted approximately 53 minutes. To listen, please click the link on the agenda topic above.***

#### **D. Quarterly Litigation Report**

1. [Quarterly Litigation Report \(5:16:11\)](#)

*Joanne O'Connor, Town Attorney*

Town Attorney O'Connor provided the quarterly litigation report highlighting two cases concluded in the town's favor. She also provided updates on ongoing litigation, including the Paramount Case, the Simon Taylor public records matter, Form 6 litigation and the Cloutier case regarding beach ownership rights. Attorney O'Connor stated one other matter not concluded in this litigation update but was prepared about a week ago, right about the time that the town received a Petition for Certiorari in the Palm Beach Synagogue matter, a challenge filed in the Circuit Court Appellate Division to counsel's approval of special exceptions and variances for the synagogue development and redevelopment.

**A motion was made by Council Member Cooney and seconded by Council Member Moran to accept the Quarterly Litigation report. The motion was carried unanimously, 4-0.**

***This discussion lasted approximately 15 minutes. To listen, please click the link on the agenda topic above.***

**XIV. ORDINANCES**

**A. Second Reading (5:21:30)**

1. ORDINANCE NO. 003-2025 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 74 - Parks And Recreation, By Amending Sec. 74-162. Regulation Of Fishing To Prohibit Fishing And Casting Of Nets Upon Certain Town-Owned Property Including Bridges And Docks And By Amending Sec. 74-163. Fishing Prohibitions Concerning Public Docks To Prohibit Fishing From The Docks Owned By The Town At Lake Drive Park; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

*Nicholas Caristo, Chief of Police*

**A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney to adopt Ordinance No. 003-2025 on Second Reading. The motion was carried unanimously, 4-0.**

***This discussion lasted approximately 1 minute. To listen, please click the link on the agenda topic above.***

**XV. ANY OTHER MATTERS (5:22:55)**

There were no other matters discussed at this time.

**XVI. ADJOURNMENT (5:22:58)**

**A motion was made by Council Member Cooney and seconded by Council Member Moran to adjourn the March 4, 2025, Town Council Meeting at 3:39 p.m. The motion was carried unanimously, 4-0.**

APPROVED:

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Bobbie D. Lindsay, Town Council President

ATTEST:

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Kelly Churney, CMC, Town Clerk

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Date



# TOWN OF PALM BEACH

## Minutes of the Development Review

### Town Council Meeting

Held on March 5, 2025

**I. CALL TO ORDER AND ROLL CALL (01:36)**

Chair Lindsay called the Town Council meeting to order at 9:31 a.m. On roll call, all council members were found to be present except for Council Member Julie Araskog.

**II. INVOCATION AND PLEDGE OF ALLEGIANCE (01:57)**

Town Clerk Churney gave the invocation. Council President Lindsay led the Pledge of Allegiance.

**III. COMMENTS OF MAYOR DANIELLE H. MOORE (02:42)**

Mayor Moore suggested that the council move through the lunch break if possible. She expressed gratitude on Ash Wednesday, the beginning of Lent.

**IV. COMMENTS OF TOWN COUNCIL MEMBERS (04:00)**

Council Member Cooney agreed with the mayor and expressed gratitude for the expeditious meeting on Tuesday.

Council President Lindsay stated she would determine if a lunch break was needed around 11 a.m.

**V. COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT, PLEASE (04:54)**

Anita Seltzer, 44 Cocoanut Row, expressed concern about one of the items on the consent agenda. Council Member Cooney said he would pull the item from consent for discussion.

**VI. APPROVAL OF AGENDA (06:07)**

Mr. Bergman announced the following changes to the agenda:

- Resolution No. 005-2025, 1250 N. Ocean Blvd. - deferred to April 9, 2025, with confirmation that the owner waived the time to consider a designation set forth in Chapter 54-164.
- ZON-24-0093, 203 Via Vizcaya - deferred to April 9, 2025
- Three Strikes – Stop Work Order – 201 Queens Lane – added to the agenda

- Three Strikes – Stop Work Order – 1295 S. Ocean Blvd. – added to the agenda
- Resolution No. 014-2025, 163 Seminole Avenue – request to defer to April 9, 2025.

On behalf of the owners at 163 Seminole Avenue, Attorney Maura Ziska requested to defer the item to the April 9, 2025, meeting.

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to defer Resolution No. 014-2025, 163 Seminole Avenue, to the meeting of April 9, 2025. The motion was carried unanimously, 4-0.**

**A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney to approve the amended agenda. The motion was carried unanimously, 4-0.**

#### **VII. [CONSENT AGENDA \(10:04\)](#)**

- A. Royal Poinciana Plaza - Assignment of Declaration of Use Agreement**  
***This item was pulled from the consent agenda and not included in the approval of the consent agenda.***

- B. RESOLUTION NO. 019-2025: 347 Worth Ave., Everglades Club - Tax Abatement**

**RESOLUTION NO. 019-2025:** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For The Property Hereinafter Described And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled “Tax Exemptions.”

- C. RESOLUTION NO. 020-2025: 350 Worth Ave., Everglades Club - Tax Abatement**

**RESOLUTION NO. 020-2025:** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For The Property Hereinafter Described And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled “Tax Exemptions.”

**A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney to approve the consent agenda as presented. The motion was carried unanimously, 4-0.**

#### **VIII. MATTERS PULLED FROM THE CONSENT AGENDA IF NEEDED**

- A. [Royal Poinciana Plaza - Assignment of Declaration of Use Agreement \(10:32\)](#)**

Attorney Jamie Crowley, on behalf of Innovate Corporation, stated that the Glazers would now be a party in the Declaration of Use Agreement, replacing Innovate Corporation. He stated that nothing else in the declaration of use would be changed; it was only the parties listed in the agreement, and it needed approval from the Town Council.

Council President Lindsay called for public comment. No one indicated a desire to speak.

**A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney to approve the change to the declaration of use agreement. The motion carried unanimously, 4-0.**

## **IX. RESOLUTIONS**

- A. RESOLUTION NO. 005-2025:** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As **1250 North Ocean Boulevard** Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach. *[The property owner is opposed to this designation. The Landmarks Preservation Commission voted 7-0 for Landmarking.] [This matter was deferred from the January 15, 2025, Town Council meeting.] [At the applicant's request, this was deferred to the March 5, 2025, Town Council meeting.]*

**Clerk's note: This item was deferred to the April 9, 2025, Town Council meeting at the Approval of the Agenda, Item VI.**

- B. RESOLUTION NO. 014-2025:** A Resolution of the Town Council Of The Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as **163 Seminole Ave.** Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach; and Designating said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2- 84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach. (PALM BEACH COUNTY LISTS THE PROPERTY AS 165 SEMINOLE AVENUE) Owner: Dale Coudert, 2012 Steven H. Rose Trust. *[The property owner is supportive of this designation. The Landmarks Preservation Commission voted 7-0 for Landmarking.]*

**Clerk's note: This item was deferred to the April 9, 2025, Town Council meeting at the Approval of the Agenda, Item VI.**

- C. RESOLUTION NO. 029-2025 (12:37):** A Resolution of the Town Council Of The Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as **126 Root Trail** Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of The Code of

Ordinances of the Town of Palm Beach; and Designating said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach. Owner: Sheila McHenry and William McHenry. ***[The property owner is opposed to this designation. The Landmarks Preservation Commission voted 7-0 for Landmarking.]***

Council Member Moran and Council President Pro Tem Crampton disclosed ex-parte communications.

Janet Murphy, with MurphyStillings, presented background information on the project and historical information on the property. She outlined how the property met Criteria 1 and 3 for Landmark Designation.

Council President Lindsay asked for proof of publication, which Friederike Mittner, Design and Preservation Manager, provided.

Assistant Director James Murphy stated that the staff supported the ratification because it met the criteria listed in the Code. Ms. Murphy added that the Landmarks Preservation Commission unanimously supported the designation of the property.

**A motion was made by Council Member Cooney and was seconded by Council President Pro Tem Crampton to make the designation report part of the record. The motion was carried unanimously, 4-0.**

Council President Lindsay called for public comment.

Aimee Sunny of The Preservation Foundation of Palm Beach agreed that the property met the designation criteria outlined by the Town's consultant and spoke about the importance of Root Trail's history. She thought the property retained its historical character and significance and met the seven aspects of integrity.

Council Member Cooney asked about the owners' feelings on the potential designation. Ms. Murphy stated that while the owners wrote a letter against the designation, they had not actively opposed it. Council Member Cooney thought the street had a wonderful history and might deserve a historic district designation.

Council Member Moran agreed with Council Member Cooney. She said she would support making the street a historic district and fully supported the designation. She hoped the owners viewed the designation as a privilege rather than a punishment.

Council President Pro Tem Crampton asked about the owner's opposition. Ms. Murphy responded, stating that the owners did not provide specific reasons.

Council President Lindsay supported the designation and agreed that a historic district should be considered for this street.

**A motion was made by Council Member Cooney and seconded by Council Member Moran to approve Resolution No. 029-2025, designating the property at 126 Root Trail as a landmark of the Town of Palm Beach on the basis that it meets criteria Numbers 1 and 3 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. The motion was carried 3-1, with Mr. Crampton dissenting.**

***This discussion lasted approximately 14 minutes. To listen, please click the link on the agenda topic above.***

**X. DEVELOPMENT REVIEWS**

**A. Variances, Special Exceptions, and Site Plan Reviews**

**1. Old Business**

- a. [\*\*ZON-24-0063 \(ARC-24-0106\) 260 COLONIAL LN \(COMBO\) – SPECIAL EXCEPTION W/ SITE PLAN REVIEW \(26:16\)\*\*](#) The applicants, Thomas & Meredith Hunt, have filed an application requesting Town Council review and approval of a Special Exception with Site Plan Review to permit the redevelopment of an existing nonconforming parcel of land in the R-B zoning district which is deficient in lot depth and lot area. The Architectural Commission shall perform design review of the application.

Council Members Cooney, Moran, Council President Pro Tem Crampton, Council President Lindsay, and Mayor Moore disclosed ex-parte communications.

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the zoning requests, discussed the proposed hardships associated with the project, and presented the architectural plans for the proposed project.

Council Member Moran asked if the setbacks would remain the same if the lot was conforming rather than nonconforming. Ms. Ziska confirmed this statement and added that all the proposed mechanical equipment met the code requirements.

Council President Lindsay called for public comment.

David Kelso, 255 Monterey Road, indicated he was the adjacent neighbor and opposed the special exception for the non-conforming site. He believed the house was too big for the lot and that he would be directly and negatively impacted. He also thought granting the special exception would set a precedent for house flippers. He discussed the number of construction projects on his street that caused excessive traffic and a concentration of construction work on a small street.

Council Member Cooney was empathetic about the traffic and construction in the area but added that if the Town Council did not grant the special exception and allow the homeowner to build a home, the owner would be deprived of property rights. He also added that he believed this section of the code was proposed to be changed in code reform. He asked Planning, Zoning, and Building Director James Murphy to speak on this code section.

Mr. Murphy agreed with Council Member Cooney's statement when the lot was a historically platted subdivision that contained a prior home. This would not apply if the homeowner created the situation.



Council Member Cooney asked if a new home was the objection or the size of the proposed home. Mr. Kelso stated it was the size of the home.

Council President Pro Tem Crampton asked what Mr. Kelso's impact would be if the house was built as proposed. Mr. Kelso discussed the issues with construction traffic and noise.

Mayor Moore wondered if a two-story house could be built on the lot. Mr. Murphy responded that a two-story home could be built and was 300 square feet under the allowable lot coverage. Mayor Moore pointed out these issues and stated the design had spent several months with the Architectural Commission. While she empathized with Mr. Kelso, she said nothing in the code prevented the homeowner from developing her lot and added that she believed there was a hardship that ran with the lot.

Council Member Moran empathized with Mr. Kelso and stated there had been a conversation the day before about limiting construction in the Town. Town Attorney O'Connor stated that the town council could not restrict the number of permits in one area. She stated that the project was not breaking any code regulations and believed the project should be approved.

Council President Lindsay understood Mr. Kelso's concerns about construction and traffic in the area. She noted the efforts to reduce the building height, reduce the allowable lot coverage, and increase the landscape open space calculations. For all those reasons, she supported the project.

Council President Pro Tem Crampton confirmed the amount of construction indicated by Mr. Kelso. Since the project did not request a variance, he stated he would support the project.

Town Attorney O'Connor stated that they could not limit the number of permits on any given street but were working to manage the construction with the construction management agreements.

Attorney Maura Ziska stated that Tim Givens was the contractor for the home and lived close to the site. She said he would also do his best to manage the construction traffic. Ms. Ziska added that no laws prohibited her client from building her home.

**A motion was made by Council Member Cooney and seconded by Council Member Moran that Special Exception No. ZON-24-0063 and Site Plan Review No. ZON-24-0063 meets the criteria set forth in sections 134-229 and 134-329, respectively, of the Town Code and finds that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met, and that satisfactory provision and arrangement has been made concerning items (1) through (11) of section 134-**

**329. The motion was carried unanimously, 4-0.**

Council Member Cooney asked Ms. Ziska to make an introduction between Mr. Kelso and Mr. Givens.

***This discussion lasted approximately 21 minutes. To listen, please click the link on the agenda topic above.***

- b. **ZON-24-0093 (ARC-24-0128) 203 VIA VIZCAYA (COMBO) - SPECIAL EXCEPTION&VARIANCE** The applicant, PAUL Z. OKEAN (Trustee, under Trust Agreement dated 5/21/91 as the Paul Z. Okean Revocable Living Trust), has filed an application requesting Town Council approval for a special exception for redevelopment of a nonconforming parcel and one (1) variance for deficient landscape open space as it relates to development of a new residence. The Architectural Commission shall perform design review of the application.  
***Clerk's note: This item was deferred to the April 9, 2025, Town Council meeting at the Approval of the Agenda, Item VI.***
- c. **ZON-24-0035 (HSB-24-0005) 854 SOUTH COUNTY RD (COMBO)—VARIANCE** The applicant, Dustin Mizell, with Environmental Design Group on behalf of owner 854 So County Rd., LLC, has filed an application requesting review and approval for one (1) variance to permit a second guest house with bedrooms and bathrooms on site. The Landmarks Preservation Commission will perform the design review for the proposed structure on-site modifications. *[This project shall be deferred to the April 9, 2025, Town Council meeting pending Landmark Commission design review.]*  
***Clerk's note: This item was deferred to the April 9, 2025, Town Council meeting at the Approval of the Agenda, Item VI.***
- d. **ZON-24-0066 (ARC-24-0108) 1519 N OCEAN WAY (COMBO)— SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, 1519 N Ocean Way #1 LLC & 1519 N Ocean Way #2 LLC (Maura Ziska, Attorney), has filed an application requesting Town Council review and approval for a special exception with site plan review for redevelopment of an existing parcel which is nonconforming to minimum lot width requirements in the R-A zoning district. Additionally, three variances are requested to (1) exceed maximum building height and (2) to exceed maximum overall building height for the portions of the structure located west of the CCCL and (3) to permit improvements (steps) within the 50' ocean bulkhead setback area. The Architectural Commission shall review the application as it pertains to zoning relief/approval. *[This project shall be deferred to the April 9, 2025, Town Council meeting pending Architectural Commission design review.]*  
***Clerk's note: This item was deferred to the April 9, 2025, Town***

***Council meeting at the Approval of the Agenda, Item VI.***

- e. **ZON-24-0092 (ARC-24-0114) 1010 N LAKE WAY (COMBO) – VARIANCES** The applicant, 1010 North Lake Trust LLC, has filed an application requesting Town Council review and approval for five (5) variances to exceed maximum lot coverage, encroach into side setbacks and construct a lower equipment screening wall that required, as part of an application for elevation, shifting and renovation of a two-story house, addition of a loggia, new pool, hardscape. The Architectural Commission shall perform design review of the application. *[This project shall be deferred to the April 9, 2025, Town Council meeting pending Architectural Commission design review.]*  
***Clerk's note: This item was deferred to the April 9, 2025, Town Council meeting at the Approval of the Agenda, Item VI.***

**2. New Business**

- a. **ZON-24-0062 (ARC-24-0109) 1739 S OCEAN BLVD (COMBO) - SPECIAL EXCEPTION (47:44)** The applicant, Peter Eyckeler, has filed an application requesting Town Council review and approval for one (1) special exception to reduce required vehicle stacking dimensions for a new vehicular gate. The Architectural Commission shall perform design review of the application.

Council Member Moran disclosed ex-parte communications.

Attorney M. Timothy Hanlon, representing the applicant, provided an overview of the project and the zoning requests and discussed the proposed hardships associated with the project. Kyle Fant of Bartholomew + Partners presented the architectural plans for the proposed project, and Dustin Mizell of Environment Design Group presented the landscape and hardscape plans for the site.

Mayor Moore favored the plan and was glad to see the gates moved further into the property.

Council Member Cooney thought the gate was perfectly reasonable in the estate section. He thought the modifications were more in scale and neighborly.

Council Member Moran and Council President Lindsay agreed with Council Member Cooney.

Council President Lindsay called for public comment. No one indicated a desire to speak.

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Special Exception No. ZON-24-0062 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the**

applicable criteria set forth in Section 134-229 of the Town Code have been met. The motion was carried unanimously, 4-0.

***This discussion lasted approximately 12 minutes. To listen, please click the link on the agenda topic above.***

b. [\*\*ZON-24-0067 \(ARC-24-0111\) 175 BRADLEY PL \(COMBO\) SPECIAL EXCEPTIONS AND SITE PLAN REVIEW AND VARIANCES \(1:00:21\)\*\*](#)

The applicant, DOCPALMBEACH PPLC, has filed an application requesting Town Council review and approval for a Special Exception for a second floor in the C-TS zoning district and four (4) variances including (1) to not provide the required parking for a new residential unit, (2) to reduce the required open space for two-story buildings, (3) to reduce the required front (west) setback, and (4) to reduce the required rear (east) setback, for the construction of a new second-floor addition for a residential unit to the existing one-story commercial building with existing nonconforming setbacks and landscape open space. The Architectural Commission shall perform design review of the application.

Council Members Cooney, Moran, Council President Pro Tem Crampton, Council President Lindsay, and Mayor Moore disclosed ex-parte communications.

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the zoning requests and discussed the proposed hardships associated with the project. Jaime Torres of Fairfax and Sammons presented the architectural plans for the proposed project.

Council Member Cooney provided his first impressions of the building. He was thrilled to see someone improving the aesthetics of the block but thought the Architectural Commission should review the design. He cautiously supported the project but requested that one parking space be added to the site.

Mr. Torres pointed out that they were requesting two parking spaces. He asked if Council Member Cooney supported a parking space on the north side of the home. Council Member Cooney stated he did not believe Public Works would allow another curb cut in that location. He also did not want to worsen the safety issues for pedestrians.

Mayor Moore thought any changes would be a vast improvement. She agreed with Council Member Cooney's suggestion to add a parking space on site. She wondered about the current parking for patrons, to which Mr. Torres responded.

Council President Lindsay agreed with her colleagues. She asked if shade trees could be added to increase the landscape open space and to create shade for the sidewalk.

Council Member Moran asked about the cladding on the building's walls and agreed that one parking space should be added on site. She asked if a variance would be required for the second floor, to which Mr. Torres responded no.

A short discussion ensued about the path of the project.

Council President Lindsay called for public comment. No one indicated a desire to speak.

**A motion was made by Council Member Cooney and seconded by Council Member Moran to defer the project to the meeting on April 9, 2025, with the direction to send it for review by the Architectural Commission with further direction to increase the green space with shade trees and to incorporate on a parking spot on site. The motion was carried unanimously, 4-0.**

***This discussion lasted approximately 20 minutes. To listen, please click the link on the agenda topic above.***

Clerk's note: A short break was taken at 10:50 a.m. and resumed at 10:59 a.m.

- c. [\*\*ZON-24-0073\(ARC-24-0121\)1030N LAKEWAY\(COMBO\)– VARIANCE \(1:21:47\)\*\*](#) The applicant, David and Jennifer Fischer, has filed an application requesting Town Council review and approval for one (1) variance to exceed maximum cubic content ratio as part of an application to enclose a second-story terrace. The Architectural Commission shall perform design review of the application.

Council Member Cooney, Council President Pro Tem Crampton, and Mayor Moore disclosed ex-parte communications.

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the zoning requests and discussed the proposed hardships associated with the project. Leslie Pearce of Smith Architectural Group presented the architectural plans for the proposed project.

Council Member Cooney confirmed the scope of the project. Ms. Pearce responded.

Council Member Moran thought the addition seemed small and unnoticeable.

Council President Lindsay agreed with her colleagues.

Council President Lindsay called for public comment. No one indicated a desire to speak.

Council Member Cooney thought many of the land use projects on the agenda were minimal and would not need relief after the zoning

code rewrite.

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-24-0073 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 4-0.**

***This discussion lasted approximately 7 minutes. To listen, please click the link on the agenda topic above.***

- d. [\*\*ZON-24-0075 \(ARC-24-0127\) 210 VIA LINDA \(COMBO\) - VARIANCE \(1:28:05\)\*\*](#) The applicants, Diana Wood and Robert Pinkney, have filed an application requesting Town Council review and approval for one (1) variance to reduce the minimum required side setback as part of a garage addition. The Architectural Commission shall perform design review of the application.

Council Members Cooney, Moran, and Council President Pro Tem Crampton disclosed ex-parte communications.

Kyle Fant of Bartholomew + Partners presented the architectural plans for the proposed project.

Council Member Cooney confirmed that the roof would be slightly adjusted due to the comments made at the Architectural Commission. He thought the project was not different from the existing condition.

Council Member Moran thought the change was very small and was unfortunate that a small part of the building was being cut off.

Council President Lindsay asked about the landscaping changes. Mr. Fant mentioned the roots growing under a site wall, which had been addressed.

Council President Lindsay called for public comment. No one indicated a desire to speak.

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-24-0075 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 4-0.**

***This discussion lasted approximately 5 minutes. To listen, please click the link on the agenda topic above.***

- e. [\*\*ZON-25-0001 \(ARC-24-0066\) 324 PLANTATION RD \(COMBO\) - VARIANCES \(1:33:34\)\*\*](#) The applicant, Wendy Schriber Trust (Environment Design Group), has filed an application requesting Town Council review and approval for one (1) variance to exceed the maximum allowable height of a pergola within a setback. The Architectural Commission shall review the application as it pertains to zoning relief/approval.

Council Members Cooney and Moran, Council President Pro Tem Crampton, Council President Lindsay, and Mayor Moore disclosed ex-parte communications.

Dustin Mizell of Environment Design Group presented the plans for the proposed project.

Council Member Cooney asked if the Architectural Commission suggested the applicant seek a variance with the new design. Mr. Mizell responded. Council Member Cooney thought the commission provided good architectural suggestions; he concurred that the pitched roof was a better plan.

Mr. Murphy provided staff comments.

Council President Lindsay called for public comment. No one indicated a desire to speak.

**A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-24-0001 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 4-0.**

***This discussion lasted approximately 11 minutes. To listen, please click the link on the agenda topic above.***

- f. [\*\*ZON-24-0091 \(COA-24-0033\) RIGHT-OF-WAY IMPROVEMENTS – WELLS RD/CRESCENT DR/N COUNTY RD \(COMBO\) – SPECIAL EXCEPTION AND SITE PLAN REVIEW\*\*](#) The applicant, Town of Palm Beach, has filed an application requesting Town Council review and approval for Special Exception and Site Plan Review right-of-way and park improvements consisting of hardscape and landscape changes along the intersection of Wells Road, Crescent Drive and North County Road within the Wells Road Scenic Vista. The Landmarks Preservation Commission shall perform design review of the application. *[This project shall be deferred to the April 9, 2025, Town Council meeting, pending Landmark Commission design review.]*  
***Clerk's note: This item was deferred to the April 9, 2025, Town Council meeting at the Approval of the Agenda, Item VI.***

## B. Time Extensions and Waivers

### 1. [Requesting a Waiver of Town Code Section 18-237, for Building Permit Extension at 86 Middle Road. \(1:53:45\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request and provided recommendations.

Mayor Moore stated that contractors should ask for the length of time that they need at their first request. She thought that additional extensions hurt the neighbors.

Tom Keller with Wildes Builders explained the reason for requesting a waiver from Town Code Section 18-237 for a Building Permit extension.

When asked how much time the contractor needed to finish the job, Mr. Keller replied that the job would be completed in July. Council President Pro Tem Crampton confirmed that would be enough time for the contractor, to which Mr. Keller replied that it would.

Council Member Moran asked if any further approvals would be needed for any of the modifications. Mr. Keller stated he did not believe so.

Council Member Cooney asked that the homeowners be told that indecisiveness, which consequently extends the permit time, is not neighborly.

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to grant the extension of the building permit for 86 Middle Road as requested. The motion was carried unanimously, 4-0.**

***This discussion lasted approximately 4 minutes. To listen, please click the link on the agenda topic above.***

### 2. [Requesting a Waiver of Town Code Section 42-199, for Construction Hours at 500 S. County Road. \(1:44:31\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the waiver for construction work hours and provided recommendations.

Attorney Maura Ziska explained the reason for requesting a waiver from Town Code Section 42-199 for construction hours.

Mayor Moore stated the work would be on the golf course and would not affect any residents. The mayor suggested approval with the condition that Mr. Bergman address any issues.

Ms. Ziska stated that she contacted three of the residents with concerns. She further explained the project, which alleviated their concerns.

Council President Lindsay called for public comment. No one indicated a desire to speak.



**A motion was made by Council Member Cooney and seconded by Council President Lindsay to grant the waiver of Town Code Section 42-199 for construction hours at 500 S County Road as requested, with the condition that allows the Director of Planning, Zoning, and Building to address any issues that arise. The motion was carried unanimously, 5-0.**

***This discussion lasted approximately 3 minutes. To listen, please click the link on the agenda topic above.***

3. [Requesting a Waiver of Town Code Section 18-237, for Building Permit Extension at 128 Seabreeze Ave. \(1:57:15\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request and provided recommendations.

Tom Keller with Wildes Builders explained the reason for requesting a waiver from Town Code Section 18-237 for a Building Permit extension and spoke about the three strikes that the project had received.

Council Member Cooney asked about the illegal discharge to the sewers. Mr. Keller responded.

Council President Lindsay called for public comment. No one indicated a desire to speak.

Mayor Moore confirmed that the extension requested was enough to finish the job. Mr. Keller responded that it was enough time.

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to grant the building permit extension for 128 Seabreeze Avenue as requested. The motion was carried unanimously, 4-0.**

4. [Three Strike - Stop Work Order - 128 Seabreeze Ave. \(1:57:15\)](#)

This item was heard concurrently with the request for a waiver of Town Code Section 18-237 for a building permit extension of the same address.

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to waive the third strike for 128 Seabreeze Avenue, that right-of-way permits may be issued again, work can resume, and applicable fines must be paid. The motion was carried unanimously, 4-0.**

***This discussion lasted approximately 6 minutes. To listen, please click the link on the agenda topic above.***

5. [Three Strike - Stop Work Order – 201 Queens Lane \(1:47:51\)](#)

Wayne Bergman, Director of the Planning, Zoning, and Building Department, described the strikes and asked the contractor to outline the issues.

Josh Pertnoy of Shapiro Pertnoy Companies discussed the strikes they had received and what they have been doing to mitigate further strikes.

Mayor Moore asked about the time it would take to complete the project. Mr. Pertnoy responded. Mayor Moore recommended that the Town Council waive the third strike.

Council President Lindsay called for public comment. No one indicated a desire to speak.

Council Member Cooney thanked Mr. Pertnoy for keeping the job site clean.

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to waive the third strike for 201 Queens Lane, that right-of-way permits may be issued again, work can resume, and applicable fines must be paid. The motion was carried unanimously, 4-0.**

***This discussion lasted approximately 6 minutes. To listen, please click the link on the agenda topic above.***

6. [Three Strike - Stop Work Order – 1295 S Ocean Blvd. \(2:03:03\)](#)

Wayne Bergman, Director of the Planning, Zoning, and Building Department, described the strikes and asked the contractor to outline the issues.

Attorney Maura Ziska discussed the third strike that they had received.

When asked about strikes one and two, Gerard Garry of Dowbuilt discussed the first and second strikes.

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to waive the third strike for 1295 S. Ocean Blvd., that right-of-way permits may be issued again, work can resume, and applicable fines must be paid. The motion was carried unanimously, 4-0.**

***This discussion lasted approximately 3 minutes. To listen, please click the link on the agenda topic above.***

XI. [ANY OTHER MATTERS \(2:06:54\)](#)

There were no other matters discussed at this time.

**XII. ADJOURNMENT (2:06:57)**

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to adjourn the meeting at 11:45 a.m. The motion was carried unanimously, 5-0.**

APPROVED:

\_\_\_\_\_  
Bobbie D. Lindsay, Town Council President

ATTEST:

\_\_\_\_\_  
Kelly Churney, Town Clerk

Date: \_\_\_\_\_

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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Section of Agenda  
Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of March 26, 2025.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **March 26, 2025, ARCOM Meeting Minutes**



# TOWN OF PALM BEACH

## PLANNING, ZONING AND BUILDING DEPARTMENT

### SUMMARY OF THE ACTIONS TAKEN AT THE ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, MARCH 26, 2025

Please be advised that in keeping with a directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting once it has concluded may access the audio of that item via the Town's website at [www.townofpalmbeach.com](http://www.townofpalmbeach.com).

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **ELECTION OF CHAIR AND VICE-CHAIR**  
**ACTION: MR. SMITH WAS ELECTED AS CHAIR AND MR. SAMMONS WAS ELECTED AS VICE-CHAIR (7-0)**
- V. **RULES AND PROCEDURES**
- VI. **APPROVAL OF MINUTES**
  - A. Minutes of the Architectural Commission Meeting of February 26, 2025  
**ACTION: APPROVED (7-0)**
- VII. **APPROVAL OF THE AGENDA**  
**ACTION: APPROVED, AS AMENDED (7-0)**
- VIII. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**
- IX. **COMMENTS FROM THE ARCHITECTURAL REVIEW COMMISSION MEMBERS**
- X. **COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3 MINUTE LIMIT PLEASE)**
- XI. **PROJECT REVIEW**
  - A. **CONSENT AGENDA**
    1. **ARC-24-0145 (ZON-24-0094) 10 SLOANS CURVE DR (COMBO)**. The applicant, Sean Hannity, has filed an application requesting Architectural

Commission review and approval for a second-story addition to an existing two-story townhome, requiring site plan review. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

**ACTION: PULLED FROM CONSENT AGENDA AND HEARD AS ITEM NO. X.B.1.**

2. **ARC-25-0002 171 EL PUEBLO WAY.** The applicants, Kevin Ryan and Carolyn Pressly-Ryan, have filed an application requesting Architectural Commission review and approval for modifications to a previously approved new, two-story residence, including second-floor fenestration modifications, a revision to the swimming pool, and related landscape adjustments.

**ACTION: APPROVED ON CONSENT (7-0)**

3. **ARC-25-0004 223 SUNSET AVE.** The applicant, 223 Sunset Holdings LLC (Matt Peltz), has filed an application requesting Architectural Commission review and approval for modifications to previously approved renovations of an existing mixed-use structure, including raising terrace railings and new exterior windows and doors at the second-floor residences.

**ACTION: APPROVED ON CONSENT (7-0)**

#### **A. ITEMS PULLED FROM THE CONSENT AGENDA, IF NEEDED**

1. **ARC-24-0145 (ZON-24-0094) 10 SLOANS CURVE DR (COMBO).** The applicant, Sean Hannity, has filed an application requesting Architectural Commission review and approval for a second-story addition to an existing two-story townhome, requiring site plan review. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

**ACTION: DESIGN APPROVED (7-0)**

#### **B. MAJOR PROJECTS-OLD BUSINESS**

1. **ARC-24-0098 301 POLMER PARK RD.** The applicant, Patrick Carney, has filed an application requesting Architectural Commission review and approval for the construction of a new, split-level, two-story, single-family residence of over 10,000 square feet, with final hardscape, landscape and swimming pool improvements.

**ACTION: DEFERRED TO APRIL 23, 2025 (6-1, SMITH DISSENTING)**

2. **ARC-24-0027 (ZON-24-0034) 203 S LAKE TRL (COMBO)** The applicants, Darlene & Gerald Jordan, have filed an application requesting Architectural Commission review and approval for a new two-story single-family residence with a one-story pool house and padel court, with final hardscape, landscape, and swimming pool improvements; with (2) special exceptions required as it pertains to the proposed padel court and the location of a vehicular gate. Town Council shall review the application as it pertains to zoning relief/approval.

**ACTION: DEFERRED TO APRIL 23, 2025 (4-3, SMITH, SHIVERICK AND PHOENIX DISSENTING)**

3. **ARC-24-0114 (ZON-24-0092) 1010 N LAKE WAY (COMBO)** The applicant, 1010 North Lake Trust, LLC, has filed an application requesting Architectural Commission review and approval for elevation, shifting, and renovation of a two-story house, the addition of a loggia, new pool, hardscape and landscape requiring variances for lot coverage, setbacks, and screening. Town Council shall review the application as it pertains to zoning relief/approval.  
**ACTION: DESIGN APPROVED WITH CONDITIONS – ENTABLATURE AND COLUMN ORDER TO BE RESTUDIED AND SHUTTER COLOR – WHITE. CHANGES TO BE REVIEWED AND APPROVED BY CHAIR (7-0). VARIANCES SUPPORTED (7-0)**
4. **ARC-24-0040 (ZON-25-0002) 1285 N OCEAN BLVD (COMBO)** The applicant, M2B Properties LLC, has filed an application requesting Architectural Commission review and approval for construction of a new, two-story single-family residence with final hardscape, landscape, and swimming pool requiring a variance for fill. Town Council shall review the application as it pertains to zoning relief/approval.  
**ACTION: DEFERRED TO APRIL 23, 2025 (7-0)**
5. **ARC-24-0128 (ZON-24-0093) 203 VIA VIZCAYA (COMBO)** The applicant, PAUL Z. OKEAN (Trustee, under Trust Agreement dated 5/21/91 as the Paul Z. Okean Revocable Living Trust), has filed an application requesting Architectural Commission review for the design of a new, two-story, single-family residence with final hardscape, landscape and swimming pool improvements, with special exception approval required for redevelopment of a nonconforming parcel and a variance request for deficient landscape open space. Town Council shall review the application as it pertains to zoning relief/approval.  
**ACTION: DEFERRED TO APRIL 23, 2025 (7-0)**
6. **ARC-24-0071 224 VIA MARILA** The applicant, Adrian Tauro, has filed an application requesting Architectural Commission review and approval for the construction of a new, two-story single-family residence and attached accessory structure with final hardscape, landscape, and swimming pool.  
***This application has been deferred to the May 28, 2025 meeting.***
7. **ARC-24-0108 (ZON-24-0066) 1519 N OCEAN WAY (COMBO)** The applicant, 1519 N Ocean Way #1 LLC & 1519 N Ocean Way #2 LLC (Maura Ziska, Attorney), has filed an application requesting Architectural Commission review and approval for a new two-story single-family residence of over 10,000 sq ft and detached guest house with final hardscape, landscape, and swimming pool improvements. A special exception with site plan review is required to redevelop the existing nonconforming parcel and zoning variances are required to exceed maximum building height, maximum overall building height, and to permit improvements within the ocean bulkhead setback. The Town Council shall review the application as it pertains to zoning relief/approval. ***This application has been withdrawn by the applicant.***

C. **MAJOR PROJECTS-NEW BUSINESS**

1. **ARC-24-0129 288 QUEENS LANE** The applicant, Steven Rosenberg, has filed an application requesting Architectural Commission review and approval for the construction of a one-story addition on an existing single-family residence.

**ACTION: DEFERRED TO APRIL 23, 2025 (6-1, PHOENIX DISSENTING)**

2. **ARC-24-0090 (ZON-24-0046) 2720 – 2730 S OCEAN BLVD – EDGEWATER / AMBASSADOR SITE (COMBO)** The applicant, Palm Beach Edgewater Fee Borrower LLC, and Palm Beach Ambassador Fee Borrower LLC has filed an application for Architectural Commission review and approval of a new multifamily, multibuilding residential development on the east and west sides of S Ocean Boulevard with a new multi-story residential building with five residential levels and a subterranean parking level and rooftop penthouse mechanical equipment to replace two existing five- and eight-story buildings on the east side of S Ocean Boulevard and to replace an existing three-story building on the west side of S Ocean Boulevard, to be demolished. This project includes multiple variances related to building height, building setbacks, building length, lot coverage, maximum amount of fill, rooftop generators, and rooftop mechanical equipment. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

**ACTION: DEFERRED TO MAY 26, 2025 WITH CONDITION RECOMMENDATION THAT ITEM GOES TO TOWN COUNCIL FOR REVIEW OF VARIANCES AND SPECIAL EXCEPTION (4-3, SAMMONS, SMITH, CONNAUGHTON DISSENTING)**

3. **ARC-24-0111 (ZON-24-0067) 175 BRADLEY PL (COMBO)** The applicant, DOCPALMBEACH PPLC, has filed an application requesting Architectural Commission review and approval for a new second-floor addition for a new residential unit to an existing one-story commercial building and substantial exterior alterations, including variances from setbacks and parking requirements. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

**ACTION: APPROVED WITH CONDITIONS – RECOMMENDATION THAT PROJECT AS PROPOSED IS SUPERIOR TO THE ALTERNATE VERSION PRESENTED WITH A GARAGE. THE APPLICANT WILL ADD A SECOND WINDOW ON THE SECOND STORY AND GAS LANTERNS (6-1, SMITH DISSENTING). VARIANCES SUPPORTED (7-0).**

#### **D. MINOR PROJECTS - OLD BUSINESS**

1. **ARC-24-0137 (ZON-24-0086) 500 S COUNTY RD (COMBO)** The applicant, THE EVERGLADES CLUB INC, has filed an application requesting Architectural Commission review and approval for the design of a new concession stand and maintenance and upgrades to the golf course that will require a special exception and site plan review. Town Council shall review the application as it pertains to zoning relief/approval.

**ACTION: DEFERRED TO APRIL 23, 2025 (7-0)**



2. **ARC-24-0144 147 DUNBAR RD.** The applicant, Susan Pappas Trust, has filed an application requesting Architectural Commission review and approval for installation of two vehicular gates. ***This application has been deferred to the April 23, 2025 meeting.***
3. **ARC-24-0113 1600 S OCEAN BLVD.** The applicant, PB Pavilion Trust (Peter A. Flanagan, Robert G. Simes, & Michael Vineberg as Trustees), have submitted an application requesting Architectural Commission (ARCOM) review and approval for modifications to existing landscape and hardscape and modifications to the driveway gates and pedestrian gate at an existing single-family residence with ARCOM approved renovations and additions underway. ***This application has been deferred to the April 23, 2025 meeting.***
4. **ARC-24-0125 936 N LAKE WAY** The applicant, Pamela Cline, has filed an application requesting Architectural Commission review and approval for new garage door and pedestrian gate designs, driveway material changes, and landscape modifications. ***This application has been deferred to the April 23, 2025 meeting.***
5. **ARCS-24-0681 160 ROYAL PALM WAY (PALM HOUSE HOTEL).** The applicant, LR Palm House LLC (Natalie LeClerc, General Manager), has filed an application requesting ARCOM review and approval for signage on the hotel's front façade and for the approval of the design of the previously approved bollard lights in the rear courtyard. ***This application has been deferred to the April 23, 2025, meeting.***

**E. MINOR PROJECTS-NEWBUSINESS**

1. **ARC-25-0001 640 ISLAND DR.** The applicant, 640 Florida Land Trust, has filed an application requesting Architectural Commission review and approval for fenestration changes, modification of entry gates with landscape and hardscape improvements.  
**ACTION: DESIGN APPROVED WITH CONDITIONS – FRONT DOOR, GATE AND LANDERNS TO RETURN TO THE APRIL 23, 2025 MEETING (7-0)**
2. **ARCS-24-0622 225 VIA LINDA.** The applicant, John and Heather Rogers, have filed an application requesting Architectural Commission review and approval for window and door replacement.  
**ACTION: DEFERRED TO APRIL 23, 2025 (7-0)**
3. **ARC-25-0005 2252 IBIS ISLE RD.** The applicant, Andrew & Gail Marks (Madison Worth Architecture), has filed an application requesting Architectural Commission review and approval for modifications to a vehicular gate with landscape and hardscape modifications. ***This application has been deferred to the April 23, 2025 meeting.***

**XII. UNSCHEDULED ITEMS**

**XIII. NEXT MEETING DATE:** Wednesday, April 23, 2025

**XIV. ADJOURNMENT**

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Resolutions

## Agenda Title

RESOLUTION NO. 034-2025 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Change Order to DB Ecological Services, Inc. in the amount of \$27,000 related to Sea Turtle Nesting Monitoring.

## Presenter

Dean Mealy, II Procurement and Contract Manager

## ATTACHMENTS:

- ▯ **Memorandum dated March 27, 2025, from Dean Mealy, II, Procurement and Contract Manager**
- ▯ **Resolution No. 034-2025**

# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: April 8, 2025

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TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II NIGP-CPP, CPPO Town Procurement and Contract Manager

RE: Resolution No. 034-2025, approving a Change Order to DB Ecological Services, Inc in the amount of \$27,000.related to Sea Turtle Nesting Monitoring

DATE: March 27, 2025

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## **STAFF RECOMMENDATION**

Staff recommends the Town Council approve Resolution No. 034-2025, approving a Change Order to DB Ecological Services, Inc in the amount of \$27,000 related to Sea Turtle Nesting Monitoring.

## **SUMMARY EXPLANATION/BACKGROUND**

The award for Sea Turtle Nesting Monitoring was awarded in 2021 in the amount of \$1,292,840 for a five-year award to D.B. Ecological Services, Inc.

The projection for the five-year award did not contain sufficient contingency for annual CPI increases. This will be the final award of a purchase order under the authorization of Resolution No. 001-2021. The request for the change order in the amount of \$27,000 will allow a purchase order to be issued with sufficient authorized funding for FY25.

## **FUNDING/FISCAL IMPACT**

Funding for these awards will be from the Coastal Program.

## **TOWN ATTORNEY REVIEW**

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.



**RESOLUTION NO. 034-2025**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
PALM BEACH, PALM BEACH COUNTY, FLORIDA,  
APPROVING A CHANGE ORDER TO DB ECOLOGICAL  
SERVICES, INC. IN THE AMOUNT OF \$27,000 RELATED TO  
SEA TURTLE NESTING MONITORING**

NOW, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,  
PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 034-2025, approving a Change Order to DB Ecological Services, Inc in the amount of \$27,000 related to Sea Turtle Nesting Monitoring.

Section 2. The Town Manager is hereby authorized to execute the Purchase Orders on behalf of the Town of Palm Beach for these improvements.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8<sup>th</sup> day of April 2025

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Bobbie D. Lindsay, Town Council President

\_\_\_\_\_  
Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

\_\_\_\_\_  
Julie Araskog, Town Council Member

\_\_\_\_\_  
Edward A. Cooney, Town Council Member

\_\_\_\_\_  
Kelly Churney, CMC, Town Clerk

\_\_\_\_\_  
Bridget Moran, Town Council Member

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Resolutions

## Agenda Title

RESOLUTION NO. 035-2025 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding ITB No. 2025-011, North County Road Drainage Improvements to Huurr Homes LLC in the amount of \$783,177.38, approving a contingency in the amount of \$157,435 and establishing a project budget in the amount of \$940,612.

## Presenter

Dean Mealy, II Procurement and Contract Manager

## ATTACHMENTS:

- ▣ **Memorandum Dated March 27, 2025, from Dean Mealy, II, Procurement and Contract Manager**
- ▣ **Resolution No. 035-2025**
- ▣ **Award Recommendation**

# **TOWN OF PALM BEACH**

**Information for Town Council Meeting on: April 8, 2025**

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TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II NIGP-CPP, CPPO Town Procurement and Contract Manager

RE: Resolution No. 035-2025, awarding ITB No. 2025-011, North County Road Drainage Improvements to Huurr Homes LLC in the amount of \$783,177.38, approving a contingency in the amount of \$157,435 and establishing a project budget in the amount of \$940,612.

DATE: March 27, 2025

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## **STAFF RECOMMENDATION**

Staff recommends the Town Council approve Resolution No. 035-2025, awarding ITB No. 2025-011, North County Road Drainage Improvements to Huurr Homes LLC in the amount of \$783,177.38, approving a contingency in the amount of \$157,435 and establishing a project budget in the amount of \$940,612

## **SUMMARY EXPLANATION/BACKGROUND**

Procurement and Contract Management issued ITB No. 2025-011 for North County Road Drainage Improvements on February 10<sup>th</sup>. The Town received four bids for the project. Chen Moore and Associates (CMA) reviewed the bid packages for responsiveness and responsibility to the scope issued.

CMA is recommending moving forward with low responsive, responsible bidder, Huurr Homes, Inc. The Engineer's Opinion of Cost is \$1,000,021.60. The low bid submitted was \$738,177.38.

The location of the work to be performed is the intersection of Wells Rd and North County Rd to the intersection of Miraflores Drive and North County Road. Work includes the adjustment or replacement of existing manholes, and storm inlets between and including the above specified intersections. Work also includes installation of new storm water infrastructure to improve the drainage of North County Rd.

It should be noted that phase 2 will be the paving project of same area, that will be advertised separately after this project/phase 1 is completed. Phase 2 is planned to be advertised in 2026.

### **FUNDING/FISCAL IMPACT**

Funding for this project will be the Capital Improvement Fund.

### **TOWN ATTORNEY REVIEW**

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.



**RESOLUTION NO. 035-2025**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
PALM BEACH, PALM BEACH COUNTY, FLORIDA,  
AWARDING ITB NO. 2025-011, NORTH COUNTY ROAD  
DRAINAGE IMPROVEMENTS TO HUURR HOMES LLC IN  
THE AMOUNT OF \$783,177.38, APPROVING A CONTINGENCY  
IN THE AMOUNT OF \$157,435 AND ESTABLISHING A  
PROJECT BUDGET IN THE AMOUNT OF \$940,612**

NOW, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,  
PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 035-2025, awarding ITB No. 2025-011, awarding ITB No. 2025-011, North County Road Drainage Improvements to Huurr Homes LLC in the amount of \$783,177.38, approving a contingency in the amount of \$157,435 and establishing a project budget in the amount of \$940,612.

Section 2. The Town Manager is hereby authorized to execute the Purchase Orders on behalf of the Town of Palm Beach for these improvements.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8<sup>th</sup> day of April 2025

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Bobbie D. Lindsay, Town Council President

\_\_\_\_\_  
Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

\_\_\_\_\_  
Julie Araskog, Town Council Member

\_\_\_\_\_  
Edward A. Cooney, Town Council Member

\_\_\_\_\_  
Kelly Churney, CMC, Town Clerk

\_\_\_\_\_  
Bridget Moran, Town Council Member

500 S. Australian Ave., Suite 850  
West Palm Beach, FL 33401  
Office: +1 (561) 746-6900



March 28, 2025

Sent via email: [dpolski@TownOfPalmBeach.com](mailto:dpolski@TownOfPalmBeach.com)

Dennis Polski, P.E.  
Project Engineer  
**Town of Palm Beach,**  
**Department of Public Works**  
951 Okeechobee Rd., Suite "A"  
West Palm Beach, FL 33401

Re: North County Road Drainage Improvements Phase 1  
CMA Project No. 24-0431.00064  
Award Recommendation

Dear Mr. Polski,

Chen Moore and Associates (CMA) has conducted a review of the four (4) bids for the North County Road Drainage Improvements Phase 1. The lowest bidder is Huurr Homes, LLC (Huurr Homes) with a total submitted bid of \$783,177.38.

The engineer's lump sum estimate was approximately \$623,518.50 initially and later revised to \$1,000,021.60, based on additional market information. The bid price is within reasonable tolerance of the engineer's estimate.

Out of three references submitted by Huurr Homes, two were able to be contacted and verified, one was not. The reference check performed included questions verifying the type of work completed and contractor performance during the project. The feedback from both references indicated that Huurr Homes to be capable of performing the scope of work involved with this project.

On March 26, 2025, the Town of Palm Beach and CMA reached out to Huurr Homes to confirm prices associated with their bid. Huurr Homes responded the following day with a narrative explaining how they were able to keep costs down through innovative means and self-performing much of the work with their own equipment.

In conclusion, Huurr Homes was identified as the lowest bidder, has references that indicate they are capable of performing the work, responded to inquiries related to their bid within 48-hrs, provided required documentation including bid bond and submitted fair and reasonable bid prices in general. CMA recommends award of this contract to Huurr Homes.

Should you have any questions, please do not hesitate to contact me at my office at +1 (561) 746-6900, my cell phone at +1 561-704-9343 or send me an electronic message at [bchilders@chenmoore.com](mailto:bchilders@chenmoore.com).

Respectfully submitted,

CHEN MOORE AND ASSOCIATES  
Brad Childers, P.E.  
Project Engineer

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Resolutions

## Agenda Title

**RESOLUTION NO. 036-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding SS NO. 2025-006, Worth Ave Media Blasting and Pressure Washing Services to Green Earth Power Washing in the amount of \$263,500, approving a contingency in the amount of \$26,350 and approving a project budget in the amount of \$289,850.

## Presenter

Dean Mealy, II Procurement and Contract Manager

## ATTACHMENTS:

- ▣ **Memorandum dated March 27, 2025, from Dean Mealy, II, Procurement and Contract Manager**
- ▣ **Resolution No. 036-2025**

# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: April 8, 2025

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TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II NIGP-CPP, CPPO Town Procurement and Contract Manager

RE: Resolution No. 036-2025, awarding SS No. 2025-006, Worth Ave Media Blasting and Pressure Washing Services to Green Earth Power Washing in the amount of \$263,500, approving a contingency in the amount of \$26,350 and approving a project budget in the amount of \$289,850.

DATE: March 27, 2025

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## **STAFF RECOMMENDATION**

Staff recommends the Town Council approve Resolution No. 036-2025, awarding SS No. 2025-006, Worth Ave Media Blasting and Pressure Washing Services to Green Earth Power Washing in the amount of \$263,500, approving a contingency in the amount of \$26,350 and approving a project budget in the amount of \$289,850.

## **SUMMARY EXPLANATION/BACKGROUND**

The Town requires dustless media blasting and pressure washing services for the decorative sidewalks within the public right of way and easements. The Town approached GreenEarth about their ability to perform media blasting, and they agreed to review service needed. A test patch was completed, and the results of this test revealed the ideal cleaning method needed to maintain Worth Avenue's charm.

Green Earth Powerwashing LLC has been successfully providing cleaning and concrete sealing services for Worth Avenue Maintenance for over ten years, in addition to performing other cleaning and mitigation services. The Town has been utilizing a contract that the City of West Palm Beach had established. In review of specific requirements regarding media blasting and the associated costs, it was determined that the Town would solicit their own contract. The City of West Palm Beach contract does not include media blasting services.

The Scope of Work consists of the following:

- Provide media Blasting using DB800 Mobil trailer system.
- Provide and operate a ride-on vacuum system for the clean-up of used media.

- Provide Pressure Cleaning with the use of a 16' flatbed with 2 Hot water pressure washers at a 200-degree temperature.
- Provide Surface cleaning of the concrete tabby surface using a 48" Surface Cleaner and 200-degree hot water
- . • Provide Window Cleaning with the use of a DI, Pure water process.

Note: All work is to be completed at nighttime

The solicitation was issued on January 10, 2025. There were two bid submissions. The low bidder was requested to review the site with Town Staff and determine if their bid was responsible. After review, they could not hold their pricing and Green Earth Powerwashing LLC, the vendor that has been providing the services off the City of West Palm Beach contract, was found to be the lowest-cost, responsive and responsible bidder to the solicitation.

### **FUNDING/FISCAL IMPACT**

Funding for this award is from the Worth Avenue Association.

### **TOWN ATTORNEY REVIEW**

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

**RESOLUTION NO. 036-2025**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
PALM BEACH, PALM BEACH COUNTY, FLORIDA,  
AWARDING SS NO. 2025-006, WORTH AVE MEDIA BLASTING  
AND PRESSURE WASHING SERVICES TO GREEN EARTH  
POWER WASHING IN THE AMOUNT OF \$263,500,  
APPROVING A CONTINGENCY IN THE AMOUNT OF \$26,350  
AND APPROVING A PROJECT BUDGET IN THE AMOUNT OF  
\$289,850.**

NOW, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,  
PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 036-2025, awarding SS NO. 2025-006, Worth Ave Media Blasting and Pressure Washing Services to Green Earth Power Washing in the amount of \$263,500, approving a contingency in the amount of \$26,350 and approving a project budget in the amount of \$289,850.

Section 2. The Town Manager is hereby authorized to execute the Purchase Orders on behalf of the Town of Palm Beach for these improvements.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8<sup>th</sup> day of April 2025

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Bobbie D. Lindsay, Town Council President

\_\_\_\_\_  
Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

\_\_\_\_\_  
Julie Araskog, Town Council Member

\_\_\_\_\_  
Edward A. Cooney, Town Council Member

\_\_\_\_\_  
Kelly Churney, CMC, Town Clerk

\_\_\_\_\_  
Bridget Moran, Town Council Member

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Resolutions

## Agenda Title

**RESOLUTION NO. 038-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding RFQ No. 2025-002, Coastal Engineering Services to the following four firms: Coastal Protection Engineering Services, LLC, Geosyntec Consultants, Cummins Cederberg, Inc. and Moffatt & Nichol.

## Presenter

Dean Mealy, II Procurement and Contract Manager

## ATTACHMENTS:

- ▣ **Memorandum dated March 27, 2025 from Dean Mealy, II, Procurement and Contract Manager**
- ▣ **Resolution No. 038-2025**

# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: April 8, 2025

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TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II NIGP-CPP, CPPO Town Procurement and Contract Manager

RE: Resolution No. 038-2025, awarding RFQ No. 2025-002, Coastal Engineering Services to the following four firms: Coastal Protection Engineering Services, LLC, Geosyntec Consultants, Cummins Cederberg, Inc. and Moffatt & Nichol

DATE: March 27, 2025

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## **STAFF RECOMMENDATION**

Staff recommends the Town Council approve Resolution No. 038-2025, awarding RFQ No. 2025-002, Coastal Engineering Services to the following four firms: Coastal Protection Engineering Services, LLC, Geosyntec Consultants, Cummins Cederberg, Inc. and Moffatt & Nichol.

## **SUMMARY EXPLANATION/BACKGROUND**

Procurement and Contract Management issued RFQ No. 2025-002 for Coastal Engineering Services on January 8, 2025. The reason for issuing the solicitation is that existing continuing service contracts are nearing the end of their five-year operating period. The Town of Palm Beach coastal management program executes a fairly robust program every year and leverages qualified technical experts to assist with guidance of the program. The Town intends to utilize the coastal engineering services contract to execute purchase orders for general advisory services over the next five years, for the execution of our annual Beach Management Agreement requirements, as well as for project specific management of upcoming work. Work may be assigned for the engineering oversight of beach construction projects such as the Midtown Beach FCCE Renourishment and the Midtown Seawall Replacement. The consultants may also support the next phase of our vulnerability assessment and provide policy and implementation guidance. Selected consultants are highly qualified in beach, seawall, and marina projects, and will be able to support the variety of work that the Town's coastal program implements.

The solicitation was broadcast nationwide through the e-bidding platform Bonfire and DemandStar in addition to the Palm Beach Post and the outreach to known suppliers of the services being requested.



The selection committee consisted of:

<b><u>Voting</u></b>	<b><u>Non-Voting</u></b>
Jason Debrincat, P.E.	Paul Brazil, P.E.
Julie Parham, P.E.	Patricia Strayer, P.E.
Sara Gutekunst	Bob Miracle, CPA – financial review
	Duke Basha and Ryan Canterbury - facilitators

The Town received seven submittals. After the initial review of scoring, the selection committee shortlisted five firms for oral presentations of which, four were selected for recommendation of award.

### **FUNDING/FISCAL IMPACT**

Funding for these awards will be from the Coastal Program.

### **TOWN ATTORNEY REVIEW**

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

**RESOLUTION NO. 038-2025**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
PALM BEACH, PALM BEACH COUNTY, FLORIDA,  
AWARDING RFQ NO. 2025-002, COASTAL ENGINEERING  
SERVICES TO THE FOLLOWING FOUR FIRMS: COASTAL  
PROTECTION ENGINEERING SERVICES, LLC, GEOSYNTEC  
CONSULTANTS, CUMMINS CEDERBERG, INC. AND  
MOFFATT & NICHOL**

NOW, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,  
PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 038-2025, awarding RFQ No. 2025-002, Coastal Engineering Services to the following four firms: Coastal Protection Engineering Services, LLC, Geosyntec Consultants, Cummins Cederberg, Inc. and Moffatt & Nichol

Section 2. The Town Manager is hereby authorized to execute the Purchase Orders on behalf of the Town of Palm Beach for these improvements.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8<sup>th</sup> day of April 2025

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Bobbie D. Lindsay, Town Council President

\_\_\_\_\_  
Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

\_\_\_\_\_  
Julie Araskog, Town Council Member

\_\_\_\_\_  
Edward A. Cooney, Town Council Member

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Kelly Churney, CMC, Town Clerk

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Bridget Moran, Town Council Member

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Consent - Other

## Agenda Title

Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status

## Presenter

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

## ATTACHMENTS:

- ▣ **Memorandum dated March 25, 2025, from Patricia Strayer, P.E., Town Engineer**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 8, 2025

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TO: Mayor & Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Paul Brazil, P.E., Director of Public Works

FROM: Patricia Strayer, P.E., Town Engineer

RE: Utility Undergrounding Project Status Report

DATE: March 25, 2025

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## I. COMMUNICATIONS:

### A. Community Meetings:

None to report

### B. Significant Residential Communications

Staff meetings are focused on Phase 8 easement acquisition.

## II. PROGRESS SUMMARY:

Overall, Town-wide construction progress, fourteen (14) of fifteen (15) construction zones are either complete or in progress/funded for construction, inclusive of Phases 1N, 1S, 2N, 2S, 3N, 3S, 4N, 4S, 5N, 5S, 6N, 6S, 7N, and 7S. In phase 3 south pole removal began in early March in the south end of the phase and will work north. In PH4S the remaining manhole work is moving slowly due to FPL's inability to resolve issues. In phase 5 N, FPL's contractor continues removing the existing overhead wires and equipment. AT&T and Comcast have removed all of their facilities off the poles. In phase 6N, FPL continues to work through the last switching issues so the last few remaining switching orders can be completed. Phase 5 south is still awaiting more of the load to be transferred from the overhead system to the underground system in 4S so the existing feeder line in PH5N can be de-energized. In phase 6 south the last bit of feeder is being pulled and our contractor will soon be requesting switching orders from FPL. PH7N continues to progress. Pulling in the feeder cables should finish this month. Phase 7 south is moving along very well with the conduit installation. Phase 8 construction has not begun. The contractor is waiting on materials.

### A. Construction Progress:

#### **Phase 1 North:**

From the Inlet south to Onondaga Ave.

- Completed March 30, 2019

**Phase 1 South:**

From southern Town limits north to Sloan's Curve

- Completed April 3, 2020

**Phase 2 North Construction:**

From Esplanade Way to Ocean Terrace

- Completed October 29, 2020

**Phase 2 South Construction:**

From Sloan's' Curve to the intersection of South Ocean Blvd and South County Road

- Completed September 2023

**Phase 3 North Construction:**

From Osceola Way to the north-side of La Puerta Way

- Completed September 17, 2021

**Phase 3 South:**

From South Ocean Boulevard and South County Road to the alleyway south of Worth Avenue

- Phase 3 South construction is 95% complete.
- Conversions are complete.
- Pole removal is being scheduled.

**Phase 4 North:**

From south-side of La Puerta Way to north-side of List Road

- Poles are in the process of being removed.

**Phase 4 South:**

From Peruvian Avenue to Royal Palm Way

- Construction is 84% complete.
- Switching is focused on manhole work and 50% conversions are complete.
- ATT and Comcast are delayed in completing the installations and conversions.

**Phase 5 North:**

From Country Club Road to Southland Road

- Construction phase is 97% complete.
  - Comcast is complete.
  - ATT is complete.
  - Removal of FPL materials and poles has begun.
-

**Phase 5 South:**

From South Lake Drive/Hibiscus Avenue & Peruvian Avenue/Royal Palm Way, properties between the intracoastal waterway and the Atlantic Ocean and from Royal Palm Way to Seaspray Avenue.

- Construction phase is 95% complete.
- Switching and Conversions are complete.
- ATT is complete and Comcast is projecting to be complete within a month.
- Pole removal is being schedule to coincide with Phase 3 South and 5 North.

**Phase 6 North:**

From Chateaux Drive and Kawama Lane to the south-side of Plantation Road

- Construction phase is 85% complete.
- Switching is progressing
- Poles should be removed summer of 2025.

**Phase 6 South:**

Seaspray Avenue to the south of Royal Poinciana Way

- Construction is 64% complete.
- Poles should come down in 2026.

**Phase 7 North:**

Palm Beach Country Club north to the south side of List Road

- Construction is 58% completed.
- Targeting pole removal by March 2026. This is dependent on FPL, ATT, and Comcast completing switching and conversions.

**Phase 7 South:**

Atlantic Avenue north to Via Los Incas and Sanford Avenue

- Construction is 5% completed.

**Phase 8:**

Royal Poinciana Way north to Everglade Avenue

- Design is 88% complete and on schedule.
  - 104 of 114 (91%) easements approved.
  - Construction has been awarded.
-

### III. FINANCIAL SUMMARY:

#### A. FEMA Grant Update:

FEMA has granted the request for an extension of the completion deadline.

#### B. Project Budget Summary:

There are no significant changes since the last report. Updates include processing of vendor pay applications for design and work performed in active phases. The table below shows the latest construction cost summary which has been updated to include Phase 7 South.

Phase Area	Construction Cost Proposal	Master Plan OPC	Difference	% Difference
3S	\$8,029,384.83	\$7,710,000.00	\$319,384.83	+4.1%
4N	\$4,843,009.99	\$5,360,000.00	(\$516,990.01)	-9.6%
4S	\$8,803,506.00	\$6,400,000.00	\$2,403,506.00	+37.6%
5N	\$7,147,435.31	\$6,960,000.00	\$187,435.31	+2.7%
5S	\$7,962,327.89	\$8,940,000.00	(\$977,672.11)	-10.9%
6N	\$7,867,296.00	\$5,620,000.00	\$2,247,296.00	+40.0%
6S	\$8,149,565.00	\$10,040,000.00	(\$1,890,435.00)	-18.8%
7N	\$10,472,977.00	\$5,980,000.00	\$4,492,977.00	+75.1%
7S	\$11,442,769.58	\$6,300,000.00	\$5,142,769.58	+81.6%
<b>Totals</b>	<b>\$74,718,271.60</b>	<b>\$63,310,000.00</b>	<b>\$11,408,271.60</b>	<b>+18.0%</b>

As shown in the table above, while there is volatility in the individual phases, the overall construction cost for these eight (8) phases is within 18% of the updated, pre-pandemic Master Plan opinion of cost. Additionally, it should be noted that there is anticipated to be a cost savings of over \$540,000 across Phase 4 North, Phase 5 North, and Phase 5 South through the elimination of chicanes. These anticipated savings are reflected in the table.

The cost proposal for Phase 7 South was predominantly based on unit prices that were originally developed for Phase 7 North, without any adjustment. Phase 7 North was also significantly above the Master Plan opinion of cost for that phase due to it being predominantly based on unit prices that were impacted by historically significant changes in market conditions.

cc: Bob Miracle, Deputy Town Manager  
Kevin Schanen, Kimley-Horn & Associates

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**Underground Utility Project Budget**  
**Project Financial Summary**  
**February 28, 2025**

Expenditures	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
<b>Phase 1</b>	\$ 12,620,000	\$ 12,910,000	\$ 12,773,514	\$ 12,718,730	99.6%
<b>Phase 2</b>	\$ 9,170,000	\$ 13,470,000	\$ 13,669,545	\$ 13,639,472	99.8%
<b>Phase 3</b>	\$ 10,910,000	\$ 15,400,000	\$ 18,447,002	\$ 15,445,351	83.7%
<b>Phase 4</b>	\$ 10,370,000	\$ 15,220,000	\$ 19,081,845	\$ 17,685,131	92.7%
<b>Phase 5 (Includes \$8.5 Million FEMA Grant Offset)</b>	\$ 14,090,000	\$ 11,694,645	\$ 18,517,330	\$ 15,417,828	83.3%
<b>Phase 6</b>	\$ 16,820,000	\$ 20,800,000	\$ 19,966,261	\$ 13,142,098	65.8%
<b>Phase 7</b>	\$ 11,730,000	\$ 15,910,000	\$ 24,777,484	\$ 9,232,772	37.3%
<b>Phase 8</b>	\$ 12,300,000	\$ 14,500,000	\$ 18,239,476	\$ 1,656,491	9.1%
<b>Total Project Costs To Date</b>	<b>\$ 98,010,000</b>	<b>\$ 119,904,645</b>	<b>\$ 145,472,456</b>	<b>\$ 98,937,872</b>	<b>68.0%</b>
Other Costs Associated Directly with the Project (Page 8)	\$ 570,000	\$ 2,987,964	\$ 2,987,964	\$ 2,847,301	95.3%
<b>Grand Total of Costs Related to Project</b>	<b>\$ 98,580,000</b>	<b>\$ 122,892,609</b>	<b>\$ 148,460,420</b>	<b>\$ 101,785,173</b>	<b>68.6%</b>
Debt Service and Related Debt Issuance Costs (Page 8)			\$ 21,947,999	\$ 21,947,709	100.0%
Total Other Costs Outside Underground Budget (Page 8)			\$ 690,317	\$ 1,686,453	244.3%
<b>Grand Total of All Costs Related to the Project</b>	<b>\$ 98,580,000</b>	<b>\$ 122,892,609</b>	<b>\$ 149,150,737</b>	<b>\$ 125,419,335</b>	<b>84.1%</b>

<b>Total Project Budget - Opinion of cost for construction</b>	<b>\$ 122,892,609</b>
% Budgeted/Encumbered To Date Project Costs	120.81%
% Spent to Date - Project Costs	82.82%

**Project Revenues Received**

Revenues	Budget	Actual	% of Budget
<b>Revenues</b>			
Prepaid Assessments	\$ 18,329,914	\$ 18,329,914	0.0%
Assessment Revenue	\$ 25,280,000	\$ 32,574,178	128.9%
Commercial Paper	\$ -	\$ -	0.0%
Town Owned Property Prepaid Assessments	\$ 2,797,291	\$ 2,797,291	100.0%
Interest	\$ 1,667,009	\$ 6,413,623	384.7%
GO Bond Proceeds 2018	\$ 60,500,000	\$ 60,499,897	100.0%
GO Bond Proceeds 2021	\$ 9,198,896	\$ 9,198,896	100.0%
1 Cent Sales Tax (CIP Pay go)	\$ 5,000,000	\$ 4,500,000	90.0%
FPL	\$ 450,246	\$ 450,246	100.0%
FEMA Grant	\$ 8,500,000	\$ 3,919,184	46.1%
<b>Other</b>			
Kevin McGann - CO #9	\$ -	\$ 34,900	0.0%
Donations - Civic Association	\$ 49,250	\$ 49,250	100.0%
Transfer from (307) Fund CIP	\$ 760,200	\$ 760,200	100.0%
Transfer from (401) Fund Marina	\$ 5,200,000	\$ 15,300,000	294.2%
Transfer from (001) General Fund - PM Salary	\$ 942,116	\$ 1,209,157	128.3%
<b>Total Project Revenues</b>	<b>\$ 138,674,922</b>	<b>\$ 156,036,736</b>	<b>112.5%</b>



**Underground Utility Project Budget**  
**Phase 1 Project Costs**  
**February 28, 2025**

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
<b>Project Engineering</b>					
Task 2.1 - Detailed Design North End	590,000		472,063	472,063	100.0%
Task 2.2 - Detailed Design South End	740,000		619,411	619,411	100.0%
Task 2.3 - Permitting Assistance			17,790	17,790	100.0%
Task 2.4 - Bid Phase Assistance			42,166	42,166	100.0%
Task 2.5 - Meetings - Design Phase			125,399	125,383	100.0%
<b>Subtotal Design Phase</b>	<b>\$ 1,330,000</b>	<b>\$ 1,280,000</b>	<b>\$ 1,276,829</b>	<b>\$ 1,276,813</b>	<b>100.0%</b>
<b>Construction Costs</b>					
<b>Phase 1 North Construction</b>					
Preconstruction			\$ 19,720	19,720	100.0%
Burkhardt Construction			\$ 3,598,144	3,606,916	100.2%
Street Light Conversion			\$ 135,322	135,322	100.0%
Change Order for AT&T and Comcast Conduit			\$ 500,655	491,883	98.2%
Utility Design Costs			\$ 15,595	79,767	511.5%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 476,776	325,523	68.3%
Construction Engineering (KH)			\$ 207,771	205,818	99.1%
	<b>\$ 4,210,000</b>	<b>\$ 4,930,000</b>	<b>\$ 4,953,984</b>	<b>\$ 4,864,949</b>	<b>98.2%</b>
<b>Phase 1 South Construction</b>					
Preconstruction			\$ 22,200	22,200	100.0%
Whiting Turner Construction			\$ 4,450,977	4,518,572	101.5%
Utility Design Costs			\$ 33,013	119,725	362.7%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 1,374,193	1,250,395	91.0%
Construction Engineering (KH)			\$ 317,963	317,483	99.8%
	<b>\$ 6,800,000</b>	<b>\$ 6,350,000</b>	<b>\$ 6,198,347</b>	<b>\$ 6,228,375</b>	<b>100.5%</b>
Easement Recording Fees			\$ 740	740	100.0%
<b>Legal Costs/Easement Acquisition - Jones Foster</b>	<b>\$ 280,000</b>	<b>\$ 350,000</b>	<b>\$ 301,359</b>	<b>\$ 306,723</b>	<b>101.8%</b>
Legal Sketch and Description - Easements			34,000	33,215	97.7%
<b>Easement Abandonment</b>			<b>\$ 8,256</b>	5,120	62.0%
Legal Advertising				2,795	
<b>Total Phase 1 Costs</b>	<b>\$ 12,620,000</b>	<b>\$ 12,910,000</b>	<b>\$ 12,773,514</b>	<b>\$ 12,718,730</b>	<b>99.6%</b>

**Underground Utility Project Budget**  
**Phase 2 Project Costs**  
**February 28, 2025**

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
<b>Phase 2 Design</b>					
<b>Kimley Horn</b>					
Task 1.1 Phase 2 North Design	335,000		\$ 281,304	\$ 281,304	100.0%
Task 1.2 Phase 2 South Design	400,000		\$ 335,353	\$ 335,353	100.0%
Task 1.3 Permitting Assistance North and South			\$ 12,674	\$ 12,674	100.0%
Task 1.4 Bid Phase Assistance North and South			\$ 40,565	\$ 40,565	100.0%
Task 1.6 Meetings North and South			\$ 136,617	\$ 131,510	96.3%
<b>Total Phase 2 Design</b>	<b>\$ 735,000</b>	<b>\$ 807,000</b>	<b>\$ 806,513</b>	<b>\$ 801,406</b>	<b>99.4%</b>
<b>Construction Costs</b>					
<b>Phase 2 North Construction</b>					
Preconstruction			\$ 35,000	31,970	91.3%
Burkhardt Construction			\$ 3,932,792	3,932,792	100.0%
Owner Purchased Supplies			\$ 253,631	253,631	100.0%
FPL Design Cost			\$ 34,936	34,936	100.0%
ATT Design Cost			\$ 10,000	\$ 10,000	100.0%
Comcast Design Cost			\$ 5,000	\$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			\$ 496,307	\$ 423,898	85.4%
FPL - Additional Vista Switches			\$ 55,000	\$ 54,938	99.9%
Construction Engineering (KH)			\$ 248,121	\$ 246,227	99.2%
<b>Total Phase 2 North Construction</b>	<b>3,800,000</b>	<b>5,020,000</b>	<b>\$ 5,070,787</b>	<b>\$ 4,992,974</b>	<b>98.5%</b>
<b>Phase 2 South Construction</b>	<b>-</b>				
Preconstruction			\$ 35,000	87,667	250.5%
Burkhardt Construction			\$ 6,419,862	6,383,736	99.4%
Owner Supplied Materials			\$ 175,898	175,898	100.0%
FPL Design Cost			\$ 34,936	34,936	100.0%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 5,000	\$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			\$ 601,448	\$ 601,448	100.0%
Reimburse John Moran				\$ 39,240	
Construction Engineering (KH)	-		\$ 325,280	\$ 324,908	99.9%
<b>Total Phase 2 South Construction</b>	<b>4,435,000</b>	<b>7,424,000</b>	<b>\$ 7,602,424</b>	<b>\$ 7,657,414</b>	<b>100.7%</b>
<b>Easement Acquisition/Abandonment</b>	<b>200,000</b>	<b>219,000</b>			
<i>Kimley Horn Easement Assistance</i>					
Task 1.5 Easement Assistance North			\$ 64,936	\$ 64,935	100.0%
Task 1.5 Easement Assistance South			\$ 77,466	\$ 77,467	100.0%
<i>Surveys</i>					
Task 1.7 Legal Sketch North			\$ 14,020	\$ 14,020	100.0%
Task 1.7 Legal Sketch South			\$ 21,725	\$ 20,689	95.2%
Advertising			\$ 1,200	\$ 1,101	91.7%
Recording Costs			\$ 3,605	\$ 3,473	96.3%
Easement Abandonment			\$ 6,870	\$ 5,994	87.2%
<b>Total Easement Acquisition Costs</b>	<b>200,000</b>	<b>219,000</b>	<b>\$ 189,822</b>	<b>\$ 187,678</b>	<b>98.9%</b>
<b>Total Phase 2 Costs</b>	<b>\$ 9,170,000</b>	<b>\$ 13,470,000</b>	<b>\$ 13,669,545</b>	<b>\$ 13,639,472</b>	<b>99.8%</b>

**Underground Utility Project Budget**  
**Phase 3 Project Costs**  
**February 28, 2025**

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
<b>Phase 3 Design</b>					
<b>Kimley Horn</b>					
Task 1.1 Phase 3 North Design	\$ 325,000		\$ 280,189	\$ 280,189	100.0%
Task 1.2 Phase 3 South Design	\$ 535,000		\$ 486,333	\$ 486,323	100.0%
Task 1.3 Permitting Assistance			\$ 13,739	\$ 13,739	100.0%
Task 1.4 Bid Phase Assistance			\$ 36,834	\$ 36,834	100.0%
Task 1.5 Meetings			\$ 77,411	\$ 76,626	99.0%
<b>Total Phase 3 Design</b>	<b>\$ 860,000</b>	<b>\$ 895,000</b>	<b>\$ 894,505</b>	<b>\$ 893,710</b>	<b>99.9%</b>
<b>Construction Costs</b>					
<b>Phase 3 North Construction</b>	<b>\$ 3,700,000</b>	<b>\$ 5,300,000</b>			
Preconstruction			\$ 24,580	\$ 24,580	100.0%
Construction - Burkhardt			\$ 4,100,697	\$ 4,100,697	100.0%
Owner supplied materials			\$ 2,797	\$ 3,456	123.6%
FPL Design Cost			\$ 12,850	\$ 2,700	21.0%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 3,128	\$ 3,128	100.0%
FPL Construction			\$ 87,101	\$ 87,101	100.0%
Street Light Conversion			\$ 4,249	\$ 7,012	165.0%
Utility Costs (Comcast & ATT)			\$ 409,387	\$ 428,207	104.6%
Construction Engineering (KH)			\$ 236,976	\$ 224,829	94.9%
Daniella Construction - Nightingale/LaPuerta - Townwide portion			\$ 457,851	\$ 457,851	100.0%
FPL Nightingale/LaPuerta - Townwide Portion			\$ 85,796	\$ 85,796	100.0%
Comcast Nightingale/LaPuerta - Townwide Portion			\$ 8,885	\$ 8,885	100.0%
AT&T Nightingale/LaPuerta Townwide Portion			\$ 30,555	\$ 30,555	100.0%
Billing for Arnold Fisher relocate transformer Deanna Davis and Cohlan			\$ (17,647)	(17,647)	100.0%
<b>Total Phase 3 North Construction</b>	<b>\$ 3,700,000</b>	<b>\$ 5,300,000</b>	<b>\$ 5,452,205</b>	<b>\$ 5,452,150</b>	<b>100.0%</b>
<b>Phase 3 South Construction</b>	<b>\$ 6,090,000</b>	<b>\$ 8,875,000</b>			
Preconstruction			\$ 33,400	\$ 33,400	100.0%
Construction		\$ 8,029,385	\$ 9,937,101	\$ 6,718,689	67.6%
Owner supplied Pipe			\$ 153,809	\$ 138,366	90.0%
FPL Construction			\$ 562,000	\$ 562,905	100.2%
FPL Design Cost			\$ 11,359	\$ 17,159	151.1%
FPL - 101 El Brillo			\$ 10,875	\$ 10,875	100.0%
ATT Design and Construction Cost			\$ 537,254	\$ 631,371	117.5%
Comcast Design and Construction Cost			\$ 195,128	\$ 335,723	172.1%
Construction Engineering (KH)			\$ 322,540	\$ 318,213	98.7%
<b>Total Phase 3 South Construction</b>	<b>\$ 6,090,000</b>	<b>\$ 8,875,000</b>	<b>\$ 11,763,466</b>	<b>\$ 8,766,700</b>	<b>74.5%</b>
<b>Easement Acquisition/Abandonment</b>	<b>\$ 260,000</b>	<b>\$ 330,000</b>			
<i>Kimley Horn Easement Assistance</i>					
Task 1 Easement Assistance North and South			\$ 273,390	\$ 271,913	99.5%
Easement Amendment			\$ 49,285	\$ 49,198	99.8%
<i>Surveys</i>					
Recording Costs			\$ 6,000	\$ 5,137	85.6%
Easement Abandonment			\$ 8,150	\$ 6,542	80.3%
<b>Total Easement Acquisition Costs</b>	<b>\$ 260,000</b>	<b>\$ 330,000</b>	<b>\$ 336,825</b>	<b>\$ 332,791</b>	<b>98.8%</b>
<b>Total Phase 3 Costs</b>	<b>\$ 10,910,000</b>	<b>\$ 15,400,000</b>	<b>\$ 18,447,002</b>	<b>\$ 15,445,351</b>	<b>83.7%</b>

**Underground Utility Project Budget**  
**Phase 4 Project Costs**  
**February 28, 2025**

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
<b>Phase 4 Design</b>					
<b>Kimley Horn</b>					
Task 1.1 Phase 4 North Design	\$ 402,000		\$ 312,317	312,317	100.0%
Task 1.2 Phase 4 South Design	\$ 413,000		\$ 451,284	451,284	100.0%
Task 1.3 Permitting Assistance			\$ 14,468	14,468	100.0%
Task 1.4 Bid Phase Assistance			\$ 37,899	37,899	100.0%
Task 1.6 Meetings			\$ 77,911	77,383	99.3%
<b>Total Phase 4 Design</b>	<b>\$ 815,000</b>	<b>\$ 894,000</b>	<b>\$ 893,879</b>	<b>893,351</b>	<b>99.9%</b>
<b>Construction Costs</b>					
<b>Phase 4 North Construction</b>	<b>4,605,000</b>	<b>6,275,000</b>			
Preconstruction			\$ 22,270	22,270	100.0%
Construction Costs			\$ 5,016,315	4,923,217	98.1%
Owner Supplied Pipe and Vaults			\$ 156,238	156,238	100.0%
FPL BCE			\$ 91,543	91,543	100.0%
FPL Design Cost			\$ 12,757	12,850	100.7%
ATT Design Cost			\$ 5,000	91,208	1824.2%
Comcast Design and Construction Cost			\$ 173,151	3,128	1.8%
Utility Costs (FPL, Comcast, AT&T)			\$ 353,715	353,715	100.0%
Street Light Conversion FPL			\$ 4,222	4,222	100.0%
Construction Engineering (KH)			\$ 324,309	324,023	99.9%
<b>Total Phase 4 North Construction</b>	<b>\$ 4,605,000</b>	<b>\$ 6,275,000</b>	<b>\$ 6,159,520</b>	<b>5,982,413</b>	<b>97.1%</b>
<b>Phase 4 South Construction</b>	<b>4,710,000</b>	<b>7,640,000</b>			
Preconstruction			\$ 34,800	34,800	100.0%
Construction			\$ 8,909,957	7,634,118	85.7%
Construction with Lake Drive Park			\$ 320,311	363,499	113.5%
Owner Supplied Pipes			\$ 2,170	2,170	100.0%
Reimbursement from Preservation Foundation			\$ (102,500)	(102,500)	100.0%
Street Light Conversion (FPL)			\$ 7,098	7,098	100.0%
FPL Design Cost			\$ 13,160	1,350	10.3%
ATT Design Cost			\$ 5,000	5,000	100.0%
Comcast Design Cost			\$ 3,128	3,128	100.0%
Kimley Horn - Design services Hibiscus Ave			\$ 12,047	11,940	99.1%
Utility Costs (FPL, Comcast, AT&T)			\$ 2,013,298	2,075,861	103.1%
Construction Engineering (KH)			\$ 333,659	301,014	90.2%
<b>Total Phase 4 South Construction</b>	<b>\$ 4,710,000</b>	<b>\$ 7,640,000</b>	<b>\$ 11,552,128</b>	<b>10,337,477</b>	<b>89.5%</b>
<b>Easement Acquisition/Abandonment</b>	<b>\$ 240,000</b>	<b>\$ 411,000</b>			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance (KH)			\$ 280,270	280,254	100.0%
Easement Assistance (KH) -- Switches			\$ 67,747	67,481	99.6%
Easement Assistance (KH)			\$ 59,369	60,956	102.7%
<i>Surveys</i>					
Legal Sketch			\$ 38,230	38,092	99.6%
Legal Sketch - Switches			\$ 4,967		
Jones Foster - Legal					
Recording Costs			\$ 7,000	6,371	91.0%
Easement Abandonment			\$ 18,735	18,735	100.0%
<b>Total Easement Acquisition Costs</b>	<b>\$ 240,000</b>	<b>\$ 411,000</b>	<b>\$ 476,318</b>	<b>471,889</b>	<b>99.1%</b>
<b>Total Phase 4 Costs</b>	<b>\$ 10,370,000</b>	<b>\$ 15,220,000</b>	<b>\$ 19,081,845</b>	<b>17,685,131</b>	<b>92.7%</b>

**Underground Utility Project Budget**  
**Phase 5 Project Costs**  
**February 28, 2025**

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
<b>Phase 5</b>					
<b>Kimley Horn</b>					
Task 1.1 Phase 5 North Design	\$ 520,000		\$ 454,210	\$ 454,210	100.0%
Task 1.2 Phase 5 South Design	\$ 600,000		\$ 606,951	\$ 606,951	100.0%
Task 1.3 Permitting Assistance North/South			\$ 17,100	\$ 17,100	100.0%
Task 1.4 Bid Phase Assistance North/South			\$ 37,899	\$ 37,899	100.0%
Task 1.6 Meetings North/South			\$ 77,911	\$ 77,905	100.0%
<b>Total Phase 5 Design</b>	<b>\$ 1,120,000</b>	<b>\$ 1,195,000</b>	<b>\$ 1,194,071</b>	<b>\$ 1,194,065</b>	<b>100.0%</b>
<b>Construction Costs</b>					
<b>Phase 5 North Construction</b>	<b>\$ 5,890,000</b>	<b>\$ 8,055,000</b>			
Preconstruction			\$ 59,100	59,100	100.0%
Construction			\$ 6,456,367	6,075,336	94.1%
Construction Manager - Burkhardt			\$ 940,702	990,815	105.3%
Utility Costs (FPL, Comcast, AT&T)			\$ 333,639	333,639	100.0%
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 16,223	30,330	187.0%
Reimburse Caren and Gary Marder work performed			\$ 6,100	6,100	100.0%
Construction Engineering (KH)			\$ 334,147	325,095	97.3%
<b>Total Phase 5 North Construction</b>	<b>\$ 5,890,000</b>	<b>\$ 8,055,000</b>	<b>\$ 8,151,279</b>	<b>\$ 7,825,416</b>	<b>96.0%</b>
<b>Phase 5 South Construction</b>	<b>\$ 6,750,000</b>	<b>\$ 10,545,000</b>			
Preconstruction			\$ 59,100	59,100	100.0%
Construction			\$ 6,629,361	4,156,205	62.7%
Infrastructure from Phase 4 south bid - Not part of Grant			\$ 163,350	57,460	35.2%
Construction Manager - Burkhardt			\$ 979,098	783,278	80.0%
Four Arts Reimbursement			\$ (8,493)	(8,493)	
Utility Costs (FPL, Comcast, AT&T)			\$ 641,597	676,082	105.4%
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 21,043	21,043	100.0%
Construction Engineering (KH)			\$ 334,159	309,224	92.5%
<b>Total Phase 5 South Construction</b>	<b>\$ 6,750,000</b>	<b>\$ 10,545,000</b>	<b>\$ 8,824,214</b>	<b>\$ 6,058,899</b>	<b>68.7%</b>
<b>Easement Acquisition/Abandonment</b>	<b>\$ 330,000</b>	<b>\$ 365,000</b>			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 218,600	\$ 218,602	100.0%
Easement Assistance			\$ 81,086	\$ 78,699	97.1%
<i>Surveys</i>					
Legal Sketch			\$ 41,080	\$ 35,672	86.8%
Legal Ads			\$ 1,000	\$ 585	58.5%
Recording Costs			\$ 6,000	\$ 5,891	98.2%
Easement Abandonment				\$ -	
<b>Total Easement Acquisition Costs</b>	<b>\$ 330,000</b>	<b>\$ 365,000</b>	<b>\$ 347,766</b>	<b>\$ 339,448</b>	<b>97.6%</b>
<b>FEMA Grant</b>		<b>\$ (8,465,355)</b>			
<b>Total Phase 5 Costs</b>	<b>\$ 14,090,000</b>	<b>\$ 11,694,645</b>	<b>\$ 18,517,330</b>	<b>\$ 15,417,828</b>	<b>83.3%</b>

**Underground Utility Project Budget**  
**Phase 6 Project Costs**  
**February 28, 2025**

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
<b>Phase 6 Design</b>					
<b>Kimley Horn</b>					
Task 1.1 Phase 6 North Design	\$ 420,000		\$ 475,019	\$ 475,019	100.0%
Task 1.2 Phase 6 South Design	\$ 940,000		\$ 826,551	\$ 826,551	100.0%
Task 1.3 Permitting Assistance North/South			\$ 17,694	\$ 17,694	100.0%
Task 1.4 Bid Phase Assistance North/South			\$ 35,938	\$ 35,938	100.0%
Task 1.6 Meetings North			\$ 84,791	\$ 84,765	100.0%
<b>Total Phase 6 Design</b>	<b>\$ 1,360,000</b>	<b>\$ 1,440,000</b>	<b>\$ 1,439,993</b>	<b>\$ 1,439,967</b>	<b>100.0%</b>
<b>Utility and Construction Costs</b>					
<b>Phase 6 North Construction</b>	<b>\$ 4,790,000</b>	<b>\$ 6,615,000</b>			
Preconstruction			\$ 24,270	24,270	100.0%
Construction			\$ 7,867,296	3,898,444	49.6%
Approved Change Orders					
FPL Design Cost			\$ 15,868	29,198	184.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)			\$ 295,632	554,193	187.5%
Construction Engineering (KH)			\$ 344,177	328,600	95.5%
<b>Total Phase 6 North Construction</b>	<b>\$ 4,790,000</b>	<b>\$ 6,615,000</b>	<b>\$ 8,547,243</b>	<b>\$ 4,834,705</b>	<b>56.6%</b>
<b>Phase 6 South Construction</b>	<b>\$ 10,270,000</b>	<b>\$ 12,298,000</b>			
Preconstruction			\$ 24,270	24,270	100.0%
Construction			\$ 8,400,000	5,143,374	61.2%
Approved Change Orders					
FPL Design Cost			\$ 29,924	29,924	100.0%
ATT Design Cost			\$ 10,000	10,000	100.0%
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)			\$ 754,815	952,480	126.2%
Construction Engineering (KH)			\$ 344,007	293,287	85.3%
<b>Total Phase 6 South Construction</b>	<b>\$ 10,270,000</b>	<b>\$ 12,298,000</b>	<b>\$ 9,563,016</b>	<b>\$ 6,453,335</b>	<b>67.5%</b>
<b>Easement Acquisition/Abandonment</b>	<b>\$ 400,000</b>	<b>\$ 447,000</b>			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 351,594	\$ 371,979	105.8%
<i>Surveys</i>					
Legal Sketch			\$ 58,415	\$ 38,011	65.1%
Legal Ads			\$ 1,000	\$ 113	11.3%
Recording Costs			\$ 5,000	\$ 3,989	79.8%
Easement Abandonment				\$ -	
<b>Total Easement Acquisition Costs</b>	<b>\$ 400,000</b>	<b>\$ 447,000</b>	<b>\$ 416,009</b>	<b>\$ 414,091</b>	<b>99.5%</b>
<b>Total Phase 6 Costs</b>	<b>\$ 16,820,000</b>	<b>\$ 20,800,000</b>	<b>\$ 19,966,261</b>	<b>\$ 13,142,098</b>	<b>65.8%</b>

**Underground Utility Project Budget**  
**Phase 7 Project Costs**  
**February 28, 2025**

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
<b>Phase 7 Design</b>					
<b>Kimley Horn</b>					
Task 1.1 Phase 7 North Design	\$ 450,000		\$ 492,488	\$ 492,488	100.0%
Task 1.2 Phase 7 South Design	\$ 480,000		\$ 630,830	\$ 630,830	100.0%
Task 1.3 Bid Phase Assistance North and South			\$ 35,938	\$ 35,938	100.0%
Task 1.4 Meetings North and South			\$ 77,616	\$ 77,535	99.9%
<b>Total Phase 7 Design</b>	<b>\$ 930,000</b>	<b>\$ 1,237,000</b>	<b>\$ 1,236,872</b>	<b>\$ 1,236,791</b>	<b>100.0%</b>
<b>Utility and Construction Costs</b>					
<b>Phase 7 North Construction</b>	<b>\$ 5,140,000</b>	<b>\$ 7,005,000</b>			
Preconstruction			\$ 47,500	11,515	24.2%
Construction			\$ 10,472,977	6,902,715	65.9%
Chicane Demonstrations			\$ 47,500	19,558	41.2%
FPL Design Cost			\$ 15,806	41,728	264.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)			\$ 245,460	245,460	100.0%
Construction Engineering (KH)			\$ 354,458	239,197	67.5%
<b>Total Phase 7 North Construction</b>	<b>\$ 5,140,000</b>	<b>\$ 7,005,000</b>	<b>\$ 11,183,701</b>	<b>\$ 7,460,173</b>	<b>66.7%</b>
<b>Phase 7 South Construction</b>	<b>\$ 5,380,000</b>	<b>\$ 7,320,000</b>			
Preconstruction			\$ 47,500	35,785	75.3%
Construction			\$ 11,442,770		
Chicane Demonstrations			\$ 47,500	19,558	41.2%
FPL Design Cost			\$ 19,953	19,953	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)				-	
Construction Engineering (KH)			\$ 376,765	39,371	
<b>Total Phase 7 South Construction</b>	<b>\$ 5,380,000</b>	<b>\$ 7,320,000</b>	<b>\$ 11,934,488</b>	<b>\$ 114,667</b>	<b>1.0%</b>
<b>Easement Acquisition/Abandonment</b>	<b>\$ 280,000</b>	<b>\$ 348,000</b>			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 346,459	\$ 346,356	100.0%
Easement Assistance			\$ 69,964	\$ 69,919	99.9%
<i>Surveys</i>					
Legal Sketch					
Legal Ads			\$ 1,000	\$ 113	11.3%
American Acquisition Group					
Temp Services					
Legal Advertising					
Recording Costs			\$ 5,000	\$ 4,754	95.1%
<b>Total Easement Acquisition Costs</b>	<b>\$ 280,000</b>	<b>\$ 348,000</b>	<b>\$ 422,423</b>	<b>\$ 421,142</b>	<b>99.7%</b>
<b>Total Phase 7 Costs</b>	<b>\$ 11,730,000</b>	<b>\$ 15,910,000</b>	<b>\$ 24,777,484</b>	<b>\$ 9,232,772</b>	<b>37.3%</b>

**Underground Utility Project Budget**  
**Phase 8 Project Costs**  
**February 28, 2025**

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
<b>Phase 8 Design</b>					
<b>Kimley Horn</b>					
Task 1.1 Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,029,017	\$ 1,029,017	100.0%
Task 1.2 Permitting Assistance			\$ 17,694	\$ 15,925	90.0%
Task 1.3 Bid Phase Assistance			\$ 14,430	\$ 14,430	100.0%
Task 1.4 Meetings			\$ 89,778	\$ 89,752	100.0%
Task 1.5 Easement Assistance			\$ 129,997	\$ 129,993	100.0%
<b>Total Phase 8 Design</b>	<b>\$ 1,010,000</b>	<b>\$ 1,151,000</b>	<b>\$ 1,280,916</b>	<b>\$ 1,279,116</b>	<b>99.9%</b>
<b>Utility and Construction Costs</b>					
<b>Phase 8 Construction</b>	<b>\$ 10,990,000</b>	<b>\$ 13,107,000</b>			
Preconstruction				26,610	
Construction			<b>\$ 16,113,771</b>	-	
Approved Change Orders					
FPL Design Cost			<b>\$ 13,160</b>	13,160	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)			<b>\$ 470,759</b>		
<b>Total Phase 8 North Construction</b>	<b>\$ 10,990,000</b>	<b>\$ 13,107,000</b>	<b>\$ 16,597,690</b>	<b>\$ 39,770</b>	<b>0.2%</b>
<b>Easement Acquisition/Abandonment</b>	<b>\$ 300,000</b>	<b>\$ 242,000</b>			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			<b>\$ 227,724</b>	\$ 226,073	99.3%
Additional Easement Assistance PO240618			<b>\$ 78,372</b>	\$ 67,600	86.3%
Surveys					
Legal Sketch					
Legal Ads				\$ 56	
American Acquisition Group					
Kimley Horn Grant Assistance BRIC Grant			<b>\$ 49,774</b>	\$ 41,587	83.6%
Temp Services					
Recording Costs			<b>\$ 5,000</b>	\$ 2,289	45.8%
<b>Total Easement Acquisition Costs</b>	<b>\$ 300,000</b>	<b>\$ 242,000</b>	<b>\$ 360,870</b>	<b>\$ 337,605</b>	<b>93.6%</b>
<b>Total Phase 8 Costs</b>	<b>\$ 12,300,000</b>	<b>\$ 14,500,000</b>	<b>\$ 18,239,476</b>	<b>\$ 1,656,491</b>	<b>9.1%</b>



**Underground Utility Project Budget**  
**Other Project Costs**  
**February 28, 2025**

<b>Master Plan</b>	<b>Budget</b>	<b>Actual</b>	<b>% Expended</b>
Task 1.1 - Data Collection & GIS Base Mapping	\$ 88,021	\$ 88,021	100.0%
Task 1.1a Data Collection for Future Communications	\$ 23,511	\$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	\$ 161,756	\$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	\$ 31,244	\$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	\$ 77,660	\$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	\$ 17,448	\$ 17,448	100.0%
Task 1.6 - Master Plan Document	\$ 45,053	\$ 45,053	100.0%
Task 1.7 - Meetings Master Planning Phase	\$ 113,135	\$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	\$ 40,067	\$ 40,067	100.0%
<b>Subtotal Master Planning</b>	<b>\$ 597,895</b>	<b>\$ 597,883</b>	<b>100.0%</b>
<b>Comcast Preplanning - Master Plan</b>	<b>\$ 12,015</b>	<b>\$ 12,015</b>	<b>100.0%</b>
<b>Assessment Costs, Legal, Fees and Discounts</b>	<b>\$ 950,000</b>	<b>\$ 952,624</b>	<b>100.3%</b>
<b>Project Manager - Pay and benefits</b>	<b>\$ 840,000</b>	<b>\$ 786,590</b>	<b>93.6%</b>
<b>Temp Services - Easement Acquisition</b>	<b>\$ 150,000</b>	<b>\$ 106,050</b>	<b>70.7%</b>
<b>Other Miscellaneous Expenses</b>		<b>\$ 31,988</b>	
<b>General Easement Assistance</b>	<b>\$ 55,535</b>	<b>\$ 32,477</b>	<b>58.5%</b>
<b>Community Outreach</b>	<b>\$ 282,519</b>	<b>\$ 227,674</b>	<b>80.6%</b>
<b>Peer Review Study - Patterson &amp; Dewar (\$50,000 Offsetting Revenue)</b>	<b>\$ 100,000</b>	<b>\$ 100,000</b>	<b>100.0%</b>
<b>Total Other Project Costs</b>	<b>\$ 2,987,964</b>	<b>\$ 2,847,301</b>	<b>95.3%</b>

**Debt Service and Related Debt Issuance Costs**

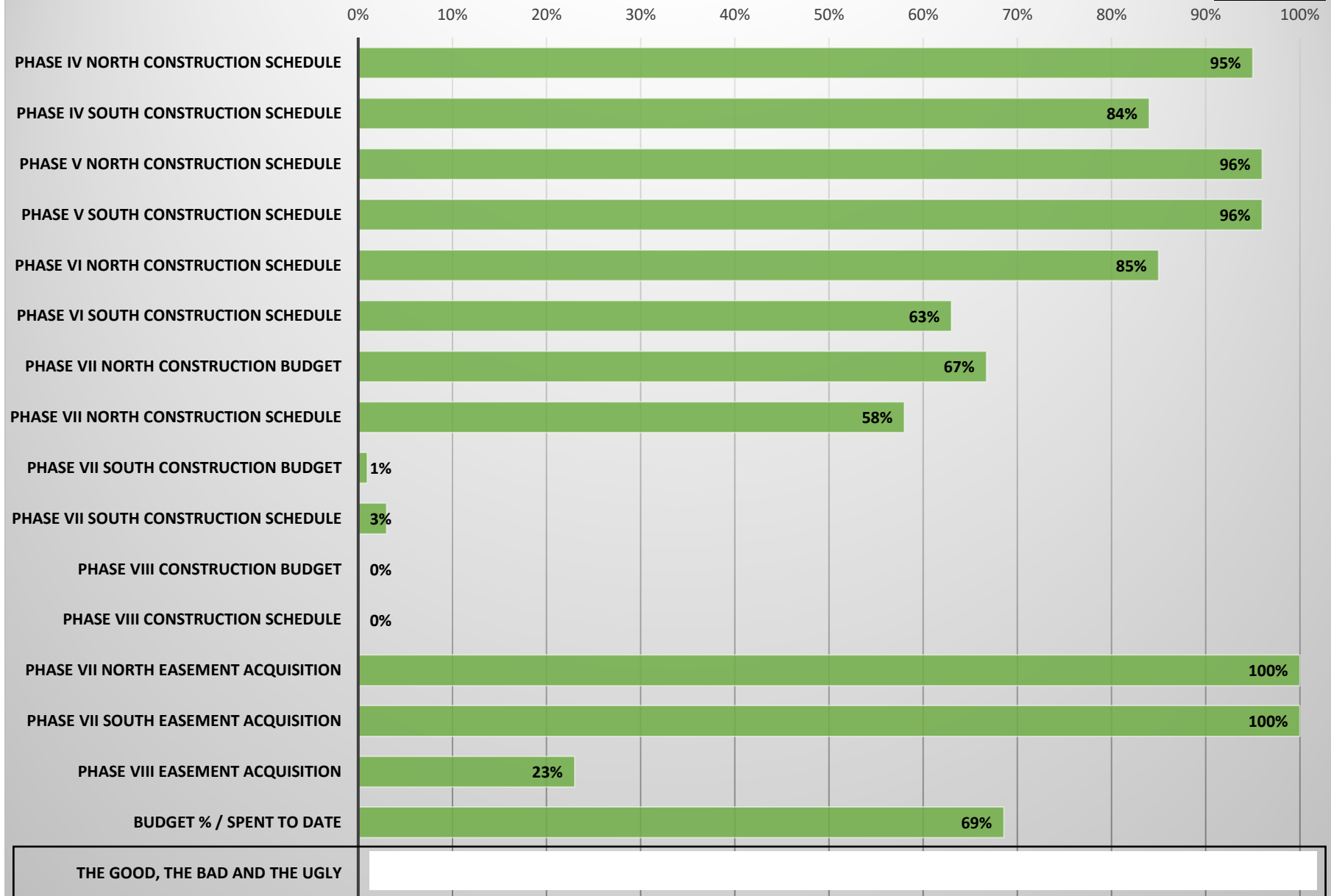
	<b>Budget</b>	<b>Actual</b>	<b>% Expended</b>
Commercial Paper Issuance Cost	\$ 260,116	\$ 260,116	100.0%
Commercial Paper Interest	\$ 243,096	\$ 243,096	100.0%
Arbitrage Rebate Calculation	\$ 2,500	\$ 4,300	172.0%
Debt Service Fees	\$ 2,000	\$ 500	25.0%
GO Bond Closing Costs 2018	\$ 488,271	\$ 487,471	99.8%
GO Bond Closing Costs 2021	\$ 202,169	\$ 202,380	100.1%
GO Bond Debt Service	\$ 20,749,847	\$ 20,749,847	100.0%
<b>Total Debt Service and Related Debt Issuance Costs</b>	<b>\$ 21,947,999</b>	<b>\$ 21,947,709</b>	<b>100.0%</b>

**Related Costs Outside of the Underground Project Budget**

	<b>Budget</b>	<b>Actual</b>	<b>% Expended</b>
<b>Costs paid from (307) Fund CIP</b>			
<b>Underground City of Lake Worth Section</b>			
Project Design	\$ 25,231	\$ 24,430	96.8%
Project Construction	\$ 351,081	\$ 351,081	100.0%
Project Construction Engineering	\$ 11,607	\$ 12,849	110.7%
Utility Cost (FPL, Comcast, AT&T)	\$ 134,333	\$ 127,531	94.9%
Project Meeting Attendance	\$ 3,334	\$ 2,914	87.4%
<b>Total Lake Worth Section</b>	<b>\$ 525,586</b>	<b>\$ 518,805</b>	<b>98.7%</b>
Ibis Way PGD Improvements	\$ 14,583	\$ 14,583	100.0%
Crosswalk Spare Conduits	\$ 26,148	\$ 24,841	95.0%
<b>General Fund Costs</b>			
Goldmacher v TPB Legal and Other Costs		\$ 183,701	
Kosberg v TPB Legal and Other Costs		\$ 615,602	
PBT Real Estate v TPB		\$ 197,178	
Gardner, Bist Bowden, Bush (Shef Wright)		\$ 24,799	
Telecommunications Consultant	\$ 89,000	\$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	\$ 35,000	\$ 23,735	67.8%
<b>Total Related Costs Outside of the Budget</b>	<b>\$ 690,317</b>	<b>\$ 1,686,453</b>	<b>244.3%</b>

# Town of Palm Beach - Underground Utility Project Dashboard - February 2025

**Status Legend**  
 Green - On Task  
 Yellow - Caution  
 Red - Not on Task  
 Complete - Not Shown



# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Board/Commission Annual Report

## Agenda Title

Annual Report of the Architectural Commission (ARCOM)

## Presenter

Jeffery W. Smith, Chair

## ATTACHMENTS:

- ▣ **ARCOM Annual Report**

# Architectural Review Commission

## Report of Activities for 2024 Calendar Year

The Architectural Review Commission was comprised of 10 members in 2024.  
(7 regular members and 3 alternates)

Two regular members were licensed architects: Jeffrey Smith and Richard Sammons

One regular member was a licensed landscape architect: Claudia Visconti

In March 2024 Town Council appointed David Phoenix as an alternate member and voted KT Catlin as a member. At the March 27, 2024 meeting Jeffrey Smith was reappointed as Chair and Richard Sammons as Vice Chairman.

### **Attendance by Commissioners**

There was a total of 16 absences by Commission members (4 Excused and 12 Unexcused).  
The 12 monthly meetings consisted of 73 hours for members of ARCOM.

### **Staff Level Applications**

Staff level applications submitted to the Town increased by 25% from 2023.

Received By Department	Approved	Denied*
892	693	54

\*Applications denied by staff can pursue full ARCOM review at the discretion of the applicant.

Based on the Town's Project Designation Manual Matrix several staff level applications continue to be reviewed by the Chairman of ARCOM.

### **Project Review**

New Projects – <i>advertised in 2024</i>	125
Number of agenda items*	241
Approvals	134
Deferrals	92
Time extensions	10
Applications with Variances Recommended to Town Council	36
Projects withdrawn	7
Denials	5

\*Projects can be deferred more than once.

In 2024, Town staff maintained their commitment to ensuring compliance with approved projects by conducting ARCOM inspections before issuing Certificates of Occupancy. With the adoption of Ordinance 012-2024, which allows only one extension request for approved projects, the Commissioners remain optimistic about their ongoing efforts to uphold the Town's high standards for development and redevelopment while ensuring timely project completion.

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Public Hearings

## Agenda Title

RESOLUTION NO. 032-2025 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning Portions of Existing Public Utility Easements Within the Property Commonly Known as 100 Ocean Terrace, in the Town of Palm Beach, Florida.

## Presenter

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

## ATTACHMENTS:

- ▣ **Memorandum dated March 11, 2025, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 032-2025**
- ▣ **Survey Exhibits**
- ▣ **Notice to Property Owner and Adjacent Owners**
- ▣ **Legal Ad**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 8, 2025

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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: Authorization to Vacate and Abandon Portions of Existing Public Utility Easements  
Located at 100 Ocean Terrace, Palm Beach, Florida 33480  
**Resolution No. 032-2025**

DATE: March 11, 2025

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## **STAFF RECOMMENDATION**

Town staff recommends that Town Council approve Resolution No. 032-2025 authorizing the abandonment of portions of the existing public utility easements located at 100 Ocean Terrace.

## **GENERAL INFORMATION**

In accordance with Town Code of Ordinances, Chapter 106, Article IV, the owner of the property has made an application to abandon public utility easements on 100 Ocean Terrace (FKA: 1330 N Ocean Boulevard). The portions of the easements to be abandoned are shown as Exhibit A, sketch and legal descriptions of the proposed Resolution. An application fee of twelve hundred (\$1,200) was received with the application for abandonment to cover direct costs and processing by the Town.

All existing utilities within portions of the easements proposed to be abandoned have provided consent. An active easement in the southwest corner of the site shall remain, which houses the existing FPL transformer, and other underground utilities that serves this area. The portions of the easements to remain are shown as Exhibit B, sketch and legal descriptions.

Information packages were sent to the twenty-five (25) neighboring property owners within three hundred (300) feet of the easement to be abandoned via certified mail on March 17, 2025. To date, no responses have been received from the neighboring property owners. The abandonment request was also advertised prior to this Town Council meeting as required by Town Code.

This is an abandonment of portions of the existing utility easements located on 100 Ocean Terrace and no property is being gained by the owner. Therefore, a privilege fee is not applicable.

**FUNDING/FISCAL IMPACT**

There is no fiscal impact to the Town.

**TOWN ATTORNEY REVIEW**

This Resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Jason Debrincat, P.E., Assistant Director of Public Works  
Patricia Strayer, P.E., Town Engineer  
Craig Hauschild, P.E., Civil Engineer

## **RESOLUTION NO. 032-2025**

### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, VACATING AND ABANDONING PORTIONS OF EXISTING PUBLIC UTILITY EASEMENTS WITHIN THE PROPERTY COMMONLY KNOWN AS 100 OCEAN TERRACE, IN THE TOWN OF PALM BEACH, FLORIDA.**

WHEREAS, the owner of the land hereinafter described is planning on further developing 100 Ocean Terrace (FKA: 1330 N Ocean Boulevard) with improvements that could potentially traverse the existing public utility easements; and

WHEREAS, all utility providers of said east-west easements have agreed to the abandonment of portions of the existing public utility easements; and

WHEREAS, undergrounding in the area of Phase 2 North has been completed and it has been determined the easement portions would not be needed; and

WHEREAS, the Town Council of the Town of Palm Beach does hereby find and determines that the portions of the utility easements located on 100 Ocean Terrace as described in Exhibit A attached are no longer necessary, does not serve any public purpose, nor is it necessary for public use; and

WHEREAS, the owner is responsible for all fees related to implementing the vacating and abandoning of the existing utility easement including recording fees.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, Florida as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The portions of the easements described and illustrated on Exhibit A, sketch and legal descriptions for 100 Ocean Terrace, are hereby vacated and abandoned.

Section 3. An underground easement as described and illustrated on Exhibit B, sketch and legal descriptions for 100 Ocean Terrace, shall remain in the southwest corner of the site.

Section 4. The Town Clerk is hereby authorized to advertise and record this resolution pursuant to law.



**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8<sup>th</sup> day of April 2025.

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Danielle H. Moore, Mayor

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Bobbie D. Lindsay, Town Council President

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Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

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Julie Araskog, Town Council Member

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Edward A. Cooney, Town Council Member

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Kelly Churney, Town Clerk

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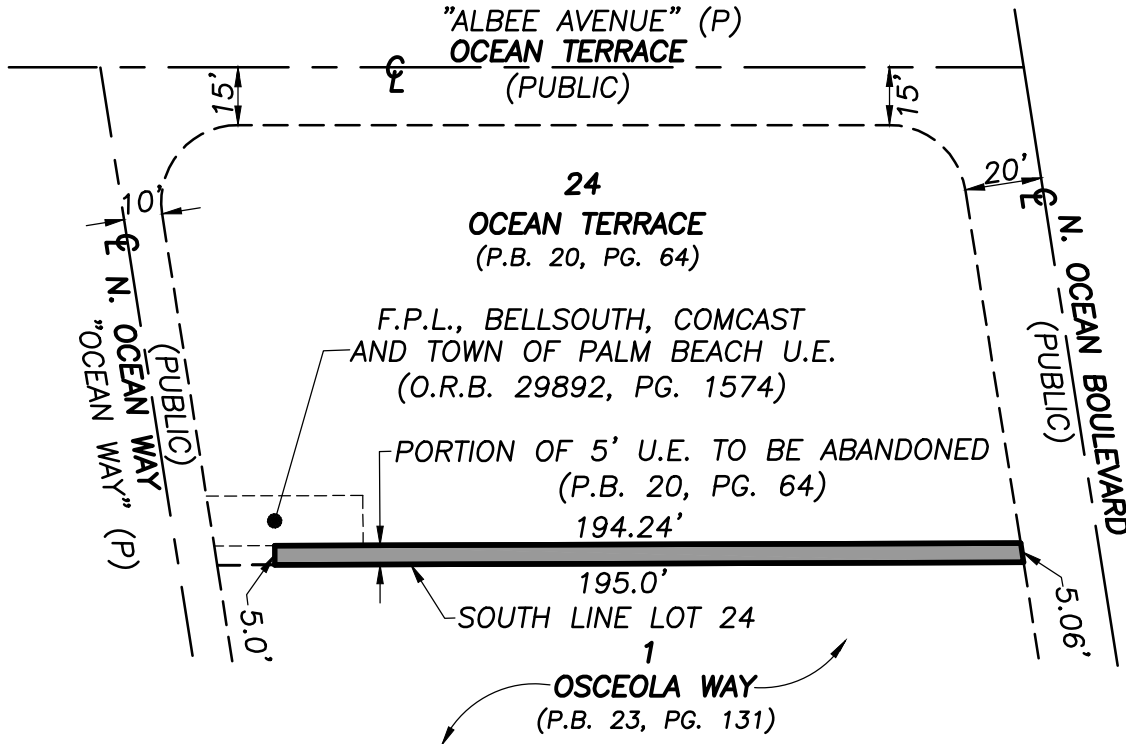
Bridget Moran, Town Council Member

EXHIBIT "A"

DESCRIPTION OF EASEMENT ABANDONMENT  
PAUL A. KRASKER, TRUSTEE OF THE 1330 N  
OCEAN REVOCABLE TRUST

LEGAL DESCRIPTION:

The South 5 feet of the East 195 feet as measured along the South line of Lot 24, **OCEAN TERRACE**, according to the Plat thereof, as recorded in Plat Book 20, Page 64, of the Public Records of Palm Beach County, Florida. Containing, 973 square feet more or less.



NOTES:

1. No title policy or commitment affecting title or boundary to the subject property has been provided. It is possible there are deeds and easements, recorded or unrecorded, which could affect the subject property. No search of the Public Records has been made by this office.
2. This sketch cannot be transferred or assigned without the specific written permission of Wallace Surveying Corporation.
3. This is not a survey!
4. Unless presented in digital form with electronic seal and electronic signature this sketch must bear the signature and the original raised seal of a Florida licensed surveyor or mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.

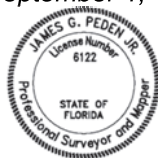
CERTIFICATION:

I HEREBY ATTEST that the description sketch shown hereon conforms to the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers adopted in Rule 5J-17, Florida Administrative Code pursuant to Section 472.027, Florida Statutes, effective September 1, 1981.

LEGEND

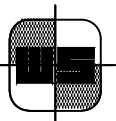
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LLC	=	LIMITED LIABILITY CORPORATION
PB	=	PLAT BOOK
PG.	=	PAGE
SF	=	SQUARE FEET

James G. Peden Jr.  
Professional Surveyor and Mapper  
Florida Certificate No. 6122



JAMES G.  
PEDEN JR

Digitally signed by  
JAMES G PEDEN JR  
Date: 2024.12.24  
10:08:35 -05'00'



**WALLACE SURVEYING**  
CORP. LICENSED BUSINESS # 8598

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 \* (561) 640-4551

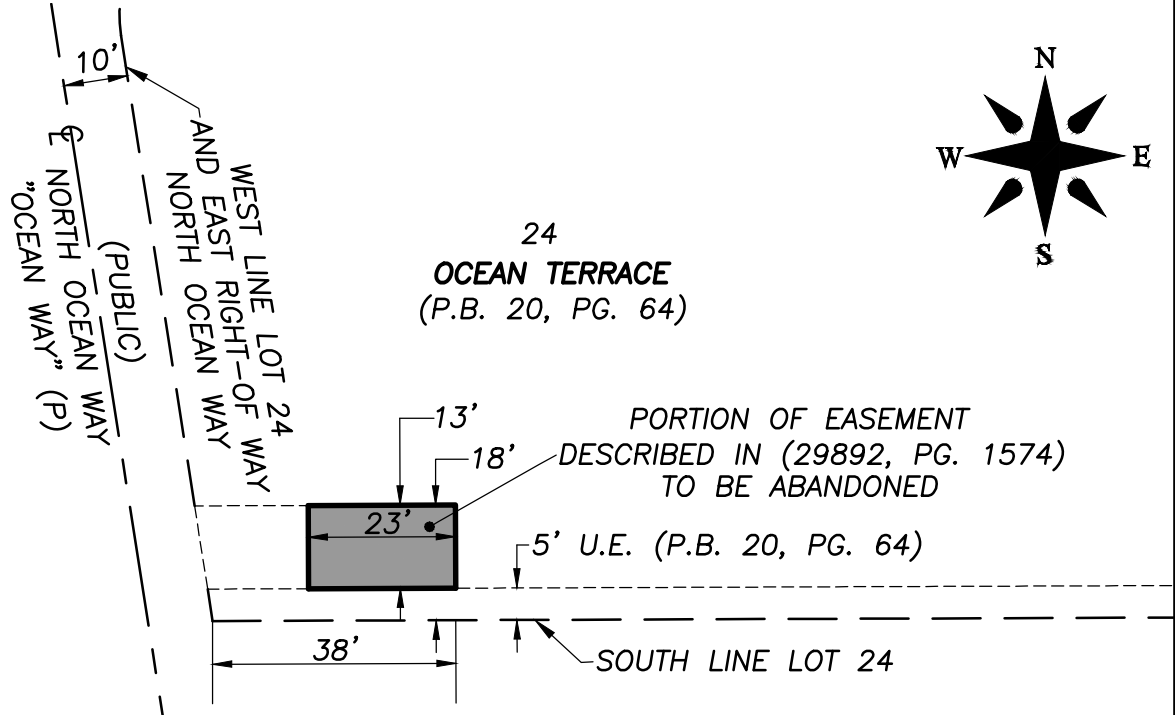
DATE: 12/10/24	DWG. No.: 16-1581-1
OFFICE: S.W.	SHEET: 1 OF 1
C'K'D.: J.P.	JOB No.: 16-1581.4

EXHIBIT "A"

**DESCRIPTION OF EASEMENT ABANDONMENT**  
**PAUL A. KRASKER, TRUSTEE OF THE 1330 N**  
**OCEAN REVOCABLE TRUST**

**LEGAL DESCRIPTION:**

The North 13 feet of the South 18 feet of the East 23 feet of the West 38 feet as measured along the South line of Lot 24, **OCEAN TERRACE**, according to the Plat thereof, as recorded in Plat Book 20, Page 64, of the Public Records of Palm Beach County, Florida.  
Containing, 299 square feet more or less.



**NOTES:**

1. No title policy or commitment affecting title or boundary to the subject property has been provided. It is possible there are deeds and easements, recorded or unrecorded, which could affect the subject property. No search of the Public Records has been made by this office.
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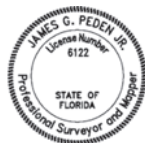
**CERTIFICATION:**

**I HEREBY ATTEST** that the description sketch shown hereon conforms to the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers adopted in Rule 5J-17, Florida Administrative Code pursuant to Section 472.027, Florida Statutes, effective September 1, 1981.

**LEGEND**

CL	=	CENTERLINE
LLC	=	LIMITED LIABILITY CORPORATION
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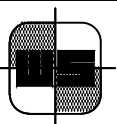
James G. Peden Jr.  
Professional Surveyor and Mapper  
Florida Certificate No. 6122



**JAMES G**  
**PEDEN JR**

Digitally signed  
by JAMES G  
PEDEN JR  
Date: 2024.12.24  
10:10:37 -05'00'

0' 50' 100'  
SCALE: 1"=50'



**WALLACE SURVEYING**  
CORP. LICENSED BUSINESS # 8598

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 \* (561) 640-4551

DATE: 12/10/24	DWG. No.: 16-1581-3
OFFICE: S.W.	SHEET: 1 OF 1
C'K'D.: J.P.	JOB No.: 16-1581.4

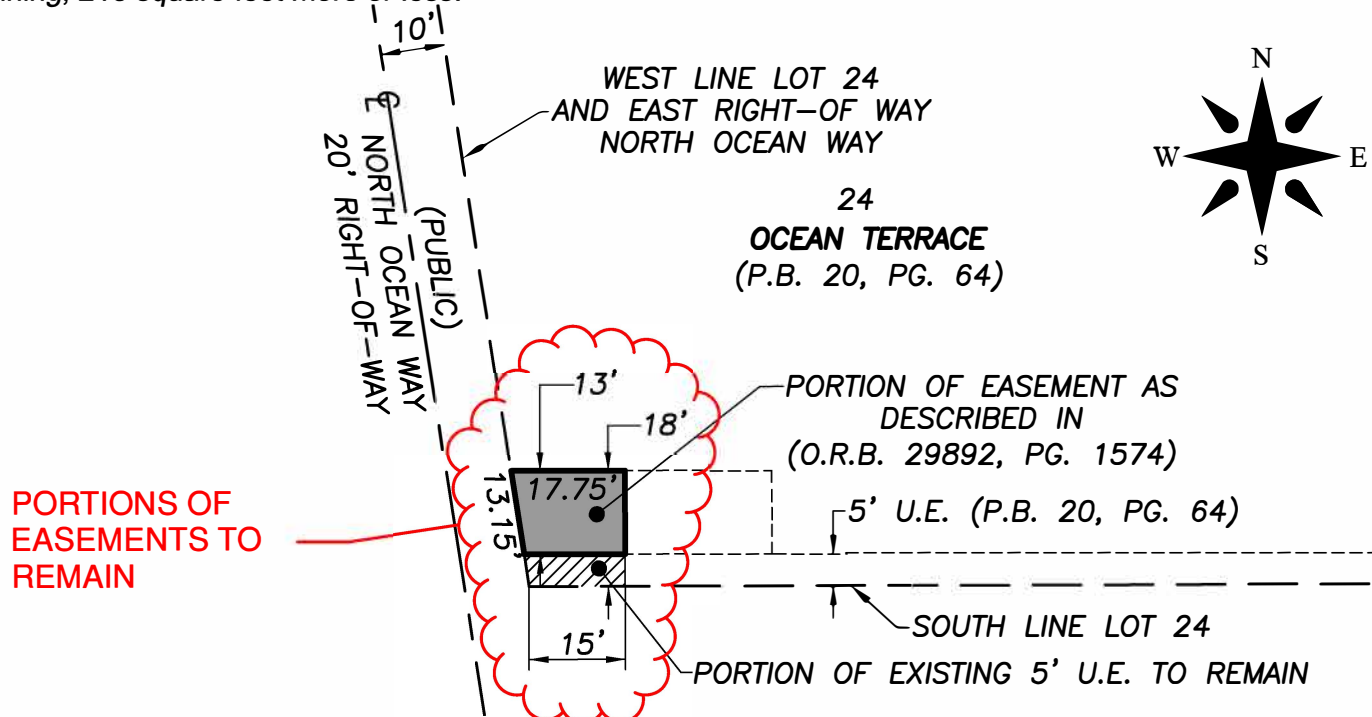
**Description Sketch For:**  
**PAUL A. KRASKER, TRUSTEE OF THE 1330 N**  
**OCEAN REVOCABLE TRUST**

**EXHIBIT "B"**

**LEGAL DESCRIPTION:**

The North 13 feet of the South 18 feet of the West 15 feet as measured along the South line of Lot 24 lying East of the the East Right-of-Way **OCEAN TERRACE**, according to the Plat thereof, as recorded in Plat Book 20, Page 64, of the Public Records of Palm Beach County, Florida.

Containing, 218 square feet more or less.



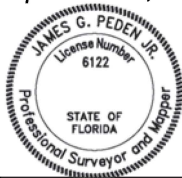
**NOTES:**

1. No title policy or commitment affecting title or boundary to the subject property has been provided. It is possible there are deeds and easements, recorded or unrecorded, which could affect the subject property. No search of the Public Records has been made by this office.
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3. This is not a survey!
4. Unless presented in digital form with electronic seal and electronic signature this sketch must bear the signature and the original raised seal of a Florida licensed surveyor or mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.

**CERTIFICATION:**

**I HEREBY ATTEST** that the description sketch shown hereon conforms to the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers adopted in Rule 5J-17, Florida Administrative Code pursuant to Section 472.02, Florida Statutes, effective September 1, 1981.

James G. Peden Jr.  
Professional Surveyor and Mapper  
Florida Certificate No. 6122

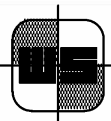
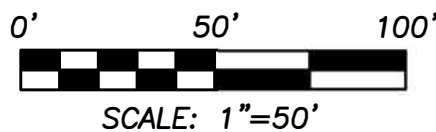


**JAMES G**  
**PEDEN JR**

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JAMES G PEDEN JR  
Date: 2024.12.24  
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**LEGEND**

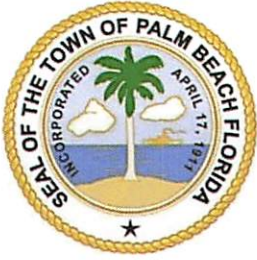
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**WALLACE SURVEYING**  
CORP. LICENSED BUSINESS # 8598

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 \* (561) 640-4551

DATE: 12/23/24	DWG. No.: 16-1581-2
OFFICE: S.W.	SHEET: 1 OF 1
C'K'D.: J.P.	JOB No.: 16-1581.4



# TOWN OF PALM BEACH

## NOTIFICATION TO PROPERTY OWNER

March 17, 2025

Certified Mail  
Return Receipt Requested

1330 N Ocean Trust  
1615 Forum Place, FL 5  
West Palm Beach, FL 33401

PCN: 50434303030000240 - Property Address: 100 Ocean Terrace

### **REGARDING TOWN OF PALM BEACH ABANDONMENT OF DEDICATED PUBLIC PROPERTY (RIGHT-OF-WAY AND EASEMENTS)**

All property owners within a three hundred-foot radius of the subject property are hereby notified by mail of the proposed abandonment of right-of-way, on the subject property.

This notice is being provided to you in conjunction with the review by the Town Council of this matter.

Please be advised that the Town Council will consider the following matter on **April 8, 2025**. The meeting will begin at 9:30 a.m. at the Council Chambers, 360 S. County Road, Palm Beach, Florida 33480. The application will be heard at that time or soon thereafter.

This notification is not to solicit your approval or disapproval. If you desire, you may file your comments in writing prior to the meeting or you may attend the meeting to speak on the matter. This application is on file in the Public Works Department and is available for review Monday through Friday between 8:30 a.m. and 4:30 p.m.

Subject Property Address: 100 Ocean Terrace (FKA: 1330 N Ocean Boulevard)  
Palm Beach, FL

Applicant: 1330 N Ocean Revocable Trust  
Paul A. Krasker - Trustee

Project Description: Abandonment of Public Utility Easements

Attached please find a copy of the Survey Exhibits, showing the easements being abandoned. All utility providers have consented to the abandonments as the portions of the easements specified in the survey exhibits are no longer in use or needed. If we can be of further assistance, please contact me by phone at (561) 227-7042 or via email at [100oceanterrace.easement@townofpalmbeach.com](mailto:100oceanterrace.easement@townofpalmbeach.com)

Craig Hauschild, P.E., Civil Engineer  
Attachments

cc: Public Works File





# TOWN OF PALM BEACH

## NOTIFICATION TO ADJACENT PROPERTY OWNERS

March 17, 2025

Certified Mail  
Return Receipt Requested

PCN: - Property Address:

### **REGARDING TOWN OF PALM BEACH ABANDONMENT OF DEDICATED PUBLIC PROPERTY (RIGHT-OF-WAY AND EASEMENTS)**

All property owners within a three hundred-foot radius of the subject property are hereby notified by mail of the proposed abandonment of right-of-way, on the subject property.

This notice is being provided to you in conjunction with the review by the Town Council of this matter.

Please be advised that the Town Council will consider the following matter on **April 8, 2025**. The meeting will begin at 9:30 a.m. at the Council Chambers, 360 S. County Road, Palm Beach, Florida 33480. The application will be heard at that time or soon thereafter.

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Subject Property Address: 100 Ocean Terrace (FKA: 1330 N Ocean Boulevard)  
Palm Beach, FL

Applicant: 1330 N Ocean Revocable Trust  
Paul A. Krasker - Trustee

Project Description: Abandonment of Public Utility Easements

Attached please find a copy of the Survey Exhibits, showing the easements being abandoned. All utility providers have consented to the abandonments as the portions of the easements specified in the survey exhibits are no longer in use or needed. If we can be of further assistance, please contact me by phone at (561) 227-7042 or via email at [100oceanterrace.easement@townofpalmbeach.com](mailto:100oceanterrace.easement@townofpalmbeach.com)

Craig Hauschild, P.E., Civil Engineer  
Attachments

cc: Public Works File

# Ad Preview

LEGAL ADVERTISEMENT  
NOTICE IS HEREBY GIVEN that the Town Council of the Town of Palm Beach, Palm Beach, Florida, at a regular meeting to be held April 8, 2025, beginning at 9:30 a.m., in the Council Chambers of the Town Hall, 360 South County Road, Palm Beach, Florida, will have on the agenda the following:  
PETITION FOR THE ABANDONMENT OF DEDICATED PUBLIC UTILITY EASEMENTS ON PROPERTY COMMONLY KNOWN AS 100 OCEAN TERRACE, PALM BEACH, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
PUBLIC UTILITY EASEMENTS TO BE ABANDONED:  
The South 5 feet of the East 195 feet as measured along the South line of Lot 24, OCEAN TERRACE, according to the Plat thereof, as recorded in Plat Book 20, Page 64, of the Public Records of Palm Beach County, Florida. Containing, 973 square feet more or less.  
The North 13 feet of the South 18 feet of the East 23 feet of the West 38 feet as measured along the South line of Lot 24, OCEAN TERRACE, according to the Plat thereof, as recorded in Plat Book 20, Page 64, of the Public Records of Palm Beach County, Florida. Containing, 299 square feet more or less.  
PUBLIC UTILITY EASEMENT TO REMAIN:  
The North 13 feet of the South 18 feet of the West 15 feet as measured along the South line of Lot 24 lying East of the East Right-of-Way OCEAN TERRACE, according to the Plat thereof, as recorded in Plat Book 20, Page 64, of the Public Records of Palm Beach County, Florida. Containing, 218 square feet more or less.  
This application for abandonment and dedication has been filed by: 1330 N Ocean Revocable Trust, Paul A. Krasker, Trustee, 1615 Forum Place, 5th Floor, West Palm Beach, FL 33401. A copy of the application is on file with the Town of Palm Beach, Public Works Department, and will be provided upon request or may be examined between the hours of 8:30 a.m. to 4:30 p.m. at 951 Okeechobee Road, Suite A, West Palm Beach, Florida 33401.  
ALL PERSONS INTERESTED in this matter may appear before the Town Council of the Town of Palm Beach at the time and place aforesaid and be heard.  
SHOULD ANY INTERESTED PARTY SEEK TO APPEAL ANY DECISION MADE BY THE TOWN COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC HEARING, SAID PARTY WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BEING BASED, 286.0105 F.S.S.  
H. Paul Brazil, P.E.  
Director, Department of Public Works - Town of Palm Beach  
PUB.: Palm Beach Post  
March 18, 2025

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Regular Agenda - Old Business

## Agenda Title

Seaview Park Field Lighting Proposal from Friends of Recreation

**TIME CERTAIN: 10:30 AM**

## Presenter

Mark Bresnahan, Director of Recreation

## ATTACHMENTS:

- ▣ **Field Lighting Proposal for the Mandel Rec Center**



# Field Lighting Proposal for the Mandel Rec Center



# Town Commitments to Recreation Needs

As quoted from the 2024 Town of Palm Beach Comprehensive Plan & Town of Palm Beach Strategic Plan 2023-2028

## 2024 Town of Palm Beach Comprehensive Plan:

The Town has developed a cohesive recreation and open space plan. To ensure the continuation, the Recreation and Open Space Element must reflect the existing and future population, the location and condition of existing facilities, as well as the supporting role that the private sector plays in the recreational network. Recommended is the recognition of the exceptional recreational programming the Recreation Department manages. As such, a new Sub-Element has been established that pertains exclusively to programming with associated corresponding Goals, Objectives, and Policies. Recreational programming will continue to play a critical role in the Town as younger families with children move to Palm Beach. That trend is expected to continue, impacting programs, sports, and enrichment programs in the future. Priority will be given to Town residents. (Page 264 of 477)

**OBJECTIVE 1** - The Town will continue to maintain its system of parks and recreational facilities to meet the needs of the current and future resident population. (Page 266 of 477)

**POLICY 1.6** - The Town of Palm Beach shall prioritize potential future improvements to Town parks and recreational facilities. (Page 267 of 477)

**OBJECTIVE 3 RECREATION AND OPEN SPACE: GOALS, OBJECTIVES AND POLICIES** - The Town will ensure the continued mutual relationship between it the Town and with public and private sector ventures providing recreational programming and amenities. (Page 268 of 477)

**POLICY 3.3** - The Town shall periodically review recreational programming at the Mandel Recreation Center. (Page 268 of 477)

## 2023 - 2028 Town of Palm Beach Strategic Plan:

**Strategic Objectives:** Update youth and adult programming and seek partnerships as needed. Collaborate programming with partner HealthFitness, Rush Soccer, and Perseverance Basketball. (Page 5)



# The Opportunity

The Mandel Recreation Center is at the heart of our healthy community here in Palm Beach. Every year, it hosts countless sports, activities, and social events that boost local participation and foster community health and ties for residents of all ages. Still, one major shortcoming persists: the absence of field lights limits its offerings, particularly post-sunset, which can be as early as 5:30 pm in winter months.

Based on community demographic changes, demands, and needs, we have an opportunity to transform our recreation center into a space that is productive, safe, and aesthetically conscientious of its surroundings during all operating hours in the winter months.

**The proposed lighting is new LED lighting technology that provides highly directed lighting that seriously reduces neighborhood impact. The location of the proposed lighting is for the field that abuts Royal Palm Way, which is surrounded by commercial structures and zoning on all sides.**

# Who is behind the proposal

The Friends of Recreation Board and Residents of the Town of Palm Beach community would like to propose the installation of permanent lighting on the field at the Morton and Barbara Mandel Recreation Center in the Town of Palm Beach.

- Friends of Recreation Board (exhibit a)
- Friends of Recreation Field Lighting Committee (exhibit b)
- 122 Palm Beach Residents, petitioners (exhibit c)

**“From the Community to the Community”**

# Who benefits from the proposed lighting

## Child/Youth Residents of Palm Beach

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Since the new Rec Center opened in 2019, the town of Palm Beach has grown significantly, with a significant increase in the number of children calling the town of Palm Beach home. We have seen a record number of children using the rec center for classes, camps, soccer and football leagues, and lacrosse. There is an opportunity and need for more of these classes across youth ages.

If approved, this would directly impact Resident Majority Youth Only Sports programs for children from preschool age through eighth grade - specifically soccer, flag football, and lacrosse.

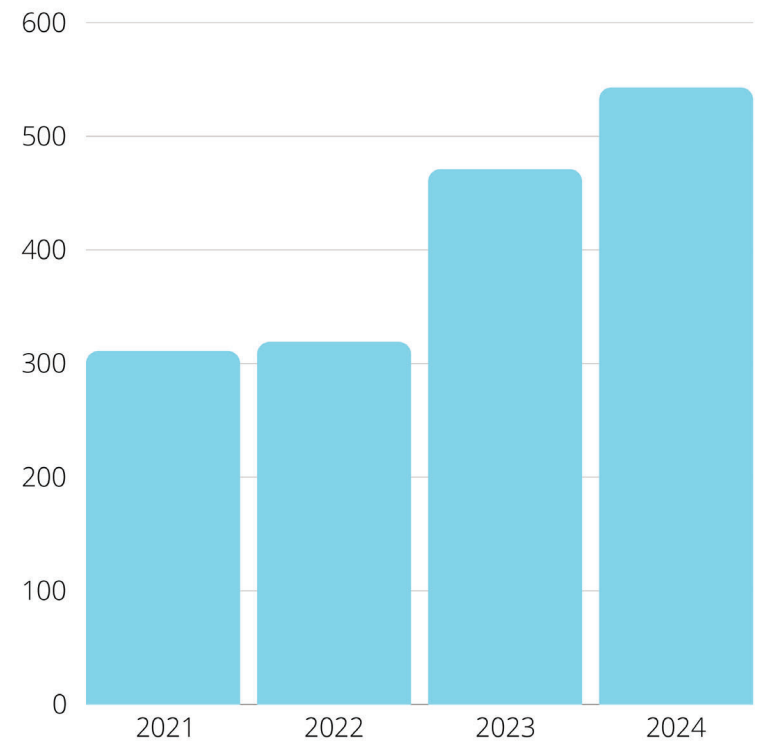
It is important to note that The Town Recreation Department is solely responsible for regulating and managing access and programming on the field.

## An analysis of Demographic Changes in the Town of Palm Beach

Understanding and keeping up with the community's needs requires understanding the changing demographics of the town's residents, particularly the increase in number of children who now call Palm Beach their full-time home.

Resident youth program participation at the Town of Palm Beach Recreation has grown substantially, rising from 311 children in 2021 to 543 in 2024—a remarkable increase of approximately 75%. This surge highlights the community's expanding engagement with local youth initiatives.

Increase in Resident Child Usage at the Mandel Rec Center



## Demographic Analysis continued...

Looking at child demand/population increases across community institutions:

### **Palm Beach Day Student Enrollment: Increased by 49.6% over the last 5 years**

'24-'25 593 students  
(85 new)  
'23-'24 579 students  
(100 new)  
'22-'23 575 students  
(101 new)  
'21-'22 557 students  
(147 new)  
'20-'21 465 students  
(141 new)  
'19-'20 396 students  
(85 new)

### **Palm Beach Synagogue Student Enrollment: Increased by 140% over the last 5 years**

2019 - 40 kids enrolled in Hebrew School  
2024 - 96 children enrolled in Hebrew School

### **St. Edwards Church Children Programming: Increased by 133.3 % over last 5 years**

Parishioners and families have more than doubled in size over the last five years. On Sundays, faith formation classes used to attract 30 kids, but they now average around 70.

### **Royal Poinciana Chapel:**

Average Sunday has anywhere between 20-40 children in Sunday School

Kids Club Tuesday after school:  
Toddlers- 4th Grade 20-30 Children

Friday Night Live: Children 5th-8th grade 25-35 Children

\*In July 2023 the estimated population of youth in Palm Beach from census data was 500.





## Why addressing children's needs benefits the community at large

As mothers, we see that a quiet battle is going on today in capturing kids' focus and attention. The screen epidemic is real, and children at younger and younger ages are falling into screen addiction, alienating them from critical social development and investment in community structures. In order for our community to be healthy, we must have citizens who are participating and connecting within that community.

We see that in our community, we need options for children to play together, work together, and move their bodies together. In past generations, we saw a direct correlation with outliers in youth who did not participate in group and community structures more easily falling into delinquency, gangs, and other self-harming and community-harming behaviors. What is at stake now in this generation is far greater, with many children participating in solo alienating screen addictive behavior.

It is imperative for our community today that its children actively participate in physical and social group activities. This is important for the long-term health of our community and its individuals.





Historically, when only a few children lived in Palm Beach, families would drive off the island to towns like Palm Beach Gardens and Jupiter to participate in sports and community activities. However, with so many new children calling Palm Beach home, active group structures closer to home are needed to meet that population's needs. As stated in the Town Comprehensive Plan and Strategic Plan, the town has an obligation to keep up with and meet these changing and expanding needs.

The Rec Center is now offering competitive sports right here on the island. Families are thrilled to be able to participate in the RUSH soccer program in their backyards, along with Lacrosse and Flag Football for both girls and boys. There is a large demand for more lacrosse programming for more age groups.

We should be able to keep up with our residents' demand for additional outdoor activities. As the programming expands, so does our need to meet those demands.

#### National Data Points:

- 2.7 million: The number of children experiencing severe major depression
- Suicide is now the second leading cause of death for children ages 10 to 14, killing more kids those ages than every type of cancer combined
- 15% of teens reported first seeing online pornography at age 10 or younger.



# THE PROPOSALS

## Two Proposal Options for Lighting

We have received two proposals from Commercial lighting vendors. If the Town Council approves the field lighting concept, it would then move forward to ARCOM. A Notice of Availability for Bids would open up, enabling further competitive and targeted bidding managed by Town Staff. This would dive further into exact specification needs and requirements.

The First Proposal is for six fifty-foot lights, using special targeted LED technology to mitigate upward light pollution. The system is International Dark Sky Certified and supplied by Musco, the nation's leading sports lighting supplier. The price of this system is roughly \$400k - \$500k

The Second proposal is from Lite Maintenance. They are the suppliers of tennis lighting at The Breakers and The Mandel Rec Center tennis courts. They are proposing six 24-foot Lights with targeted LED lights. The price of this system is roughly \$150k

The following images are renderings of light locations and how the mitigated targeted lighting looks at night.

# Lighting Location Rendering

Locations of proposed lights





## Usage

Over the course of a year, adding lights provides approximately 350 additional hours of youth programming. This extended time is especially beneficial during the shorter days of fall and winter, where early sunsets currently limit after-school activities. By enabling programming to continue until 8 p.m. each night, we can significantly enhance opportunities for youth engagement, physical activity, and community involvement throughout the year. This also allows for parents to be able to watch their children play after work hours.



This presents a good balance of increasing programming without adding to the overuse of the field. Please note that the rec center has already purchased and is utilizing a new robotic mower, which is successfully helping maintain field integrity.

Month	Sunset	Hours Gained/ Day	Days/Month	Total Hours Gained
January	5:46 PM	2.23	31	69.13
February	6:10 PM	1.83	28	51.24
March	7:27 PM	0.55	31	17.05
April	7:44 PM	0.27	30	8.1
May	8:00 PM	0	31	0
June	8:12 PM	0	30	0
July	8:12 PM	0	31	0
August	7:57 PM	0.05	31	1.55
September	7:23 PM	0.62	30	18.6
October	6:46 PM	1.23	31	38.13
November	5:32 PM	2.47	30	74.1
December	5:30 PM	2.5	31	77.5
Total				355.4

**The Rec Center is currently staffed through 8 pm as a standard. No additional town-salaried staffing will be required.**

**Lights will go on as needed, and will stay on until 8pm ONLY if the field is in use. Lights will NOT be on in sunlit hours and will only be used in months with shortened days.**

## Funding

### From the Community to the Community

The Friends of Recreation Board commits to privately funding the lights. We estimate the cost at between 100k and 500k. The board alone has raised 244k, and we plan to raise the rest, if needed, privately.

#### Current Commitments:

- 100k The Friends of Recreation Endowment
- 144k Raised from eight individual members of the Friends of Rec Board, all of whom are Palm Beach residents and parents of school-aged children.

#### Future Raising (if needed):

- ~150-250k to be privately raised by the Field Lighting Committee of the Friends of Rec Board

The intention is to begin the program in Oct 2025.

**The yearly maintenance of proposed lights is less than 5k per year from the town. No additional staffing is required, and more over any additional usage would likely result in more income/revenue for the town as a result.**

### We hear your concerns

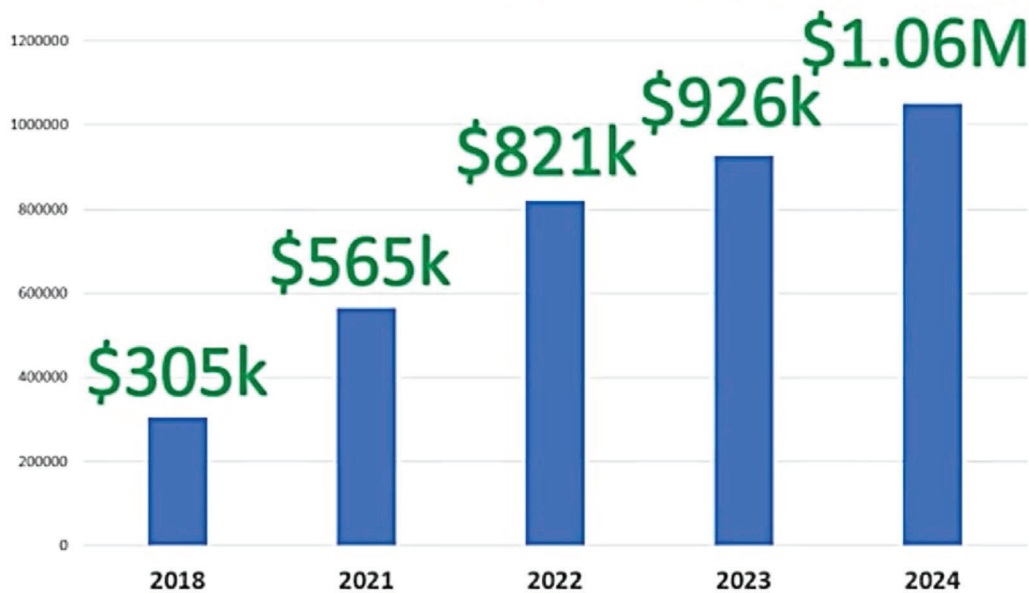
On Friday, January 24, 2025, the Town of Palm Beach Rec Commission unanimously approved the field lighting for further approval by the Town Council.

An area of concern that was raised was the integrity and maintenance of the field. The Town currently needs to add more rope drainage to the remainder of the back field and the front field.

If the lighting is approved, the Friends of Rec Board is committed to funding the additional ropeage up to \$250k, less the cost of the lights.

Currently, the cost of the second lighting proposal is \$150k, which will well allow for the full cost of the remainder of ropes needed, coming in at an estimated cost of \$65k.

## Rec Center Revenue



- 2018 at \$305k was the largest year revenue of the old building.



Important to note is the vast increase over the five years in revenue. Please note the table to the left shows Rec Center Revenue alone, not including tennis.

While we cannot directly correlate the increase in child population to the increase in revenue, it should be noted how financially well the Rec Center is doing.

We believe that the lights can positively add to an increase in revenue.

# Mandel Rec Center In the News

## Palm Beach Daily News

NEWS

### Palm Beach's popular Mandel Recreation Center marks fifth anniversary



**Jodie Wagner**  
Palm Beach Daily News

Published 5:08 a.m. ET Jan. 28, 2025



5 Photos

[VIEW FULL GALLERY](#)

See photos as Mandel Recreation Center marks fifth anniversary with Birthday Bash  
Event on Jan. 25 was moved indoors because recent rain

January 28, 2025

"The influx of young families moving to the island has led to a noticeable rise in youth participation across recreational and competitive sports, making our programs more vibrant than ever," Bresnahan said. "At the same time, we've embraced cutting-edge technology to enhance efficiency and the user experience."

"Whenever you step through our doors, it's hard not to feel the positive transformation and sense of joy that define the Mandel Recreation Center as the heart of Palm Beach," he said.

Participation numbers are up "across the board" for the facility's fitness center and its youth sports programs, he added.

Youth participation in nearly every sport remains at or near record highs, Bresnahan said, which has driven a significant growth in revenue.

"We surpassed the \$1 million mark this past fiscal year, soaring well above the former high of \$305,000 in the old building," he said.

"This center represents more than just a building," Bresnahan said. "It's where resident connections are made, health goals are achieved, and families come together."



THE MANDEL RECREATION CENTER IS AT THE HEART OF PALM BEACH - PUMPING LIFE, VITALITY, AND JOY THROUGHOUT OUR BEAUTIFUL COMMUNITY. AT THE FRIENDS OF REC BOARD, WE BELIEVE IT IS IMPORTANT TO GIVE RESOURCES AND ATTENTION TO WHAT WORKS, AND TO METAPHORICALLY AND FIGURATIVELY BRING LIGHT TO WHAT BRINGS LIGHT. WE HOPE YOU'LL SEE THE IMPORTANCE OF THE GIFT WE WANT TO CONTRIBUTE TO THE WELL-BEING OF OUR BELOVED COMMUNITY. IN PARTICULAR, ITS SMALLEST AND MOST FORMATIVE MEMBERS.

-

PALM BEACH RESIDENTS  
THE FIELD LIGHTING COMMITTEE  
FRIENDS OF RECREATION BOARD



# Exhibits :

## Exhibit A

### Friends of Recreation Board

#### Executive Committee:

Matthew Smith  
Michael Ainslie  
Darlene Jordan  
Michael Kluger  
Alicia Mullen  
Steve Smith

#### Board Members:

Suzanne Ainslie  
Katie Benjamin  
Cody Crowell  
Natalie Emerson  
Kimberly Goodwin  
Kelly Grace  
Jason Kalisman  
Sara Maggio  
Marley Overman  
Todd Peter  
Gary Pohrer  
Carolyn Ryan  
Diana Sterne  
Tara Vecellio

## Exhibit B

### The Committee for Field Lighting of the Friends of Rec Board

#### Chairs

Natalie Emerson  
Kimberly Goodwin  
Tara Vecellio

#### Committee Members

Kelly Grace  
Sara Maggio  
Gary Pohrer  
Carolyn Ryan

## Exhibit C

### Change.org Petition

<https://www.change.org/p/install-field-lighting-at-the-mandel-recreation-center-palm-beach>

119 Signed Petitioners  
Palm Beach Residents



## Exhibit C - continued...

change.org

RESIDENT PETITION



**Install Field Lighting at the Mandel Recreation Center, Palm Beach**

Share this petition

### The Issue

The Mandel Recreation Center is at the heart of our healthy community here in Palm Beach. Every year, it hosts countless sports, activities, and social events that boost local participation and foster community health and ties for residents of all ages. Still, one major shortcoming persists: the absence of field lights limits its offerings, particularly post-sunset, which can be as early as 5:30 pm in winter.

The proposed lighting is new LED lighting technology that provides highly directed lighting that seriously reduces neighborhood impact. The location of the proposed lighting is for the field that abuts Royal Palm Way, which is surrounded by commercial structures and zoning on all sides.

The tennis courts at the Rec Center, located adjacent to Seaview, are already equipped with lighting during dark operating hours. This proposal aims to provide the field with the same level of usability during dark operating hours as the Rec Center tennis courts have.

We have an opportunity to transform our recreation center into a space that is productive, safe, and aesthetically conscientious of its surroundings during all operating hours.

We need your signature rallying to install field lights to illuminate our community Rec Center field even after sunset. Please sign this petition and support our cause for a better-lit and utilized field at the Mandel Recreation Center.

# Exhibits :

## Exhibit C - continued...

Name	City	State
Adam Demark	Palm Beach	FL
Alejandro Canet	Palm Beach	FL
Alexandra Garrison New	Palm Beach	FL
Alicia Mullen	Palm Beach	FL
Allison Wren	Palm Beach	FL
Allyson Shrikhande	Palm Beach	FL
Amber Grow	Palm Beach	FL
Andrea Kosoy	Palm Beach	FL
Andres Alfonso Fanjul	Palm beach	FL
Andrew Scharf	Palm beach	FL
Andy Gottlieb	Palm Beach	FL
Andy Unanue	Palm Beach	FL
Ann DesRuisseaux	Palm Beach	FL
Ann Kovacs	Palm Beach	FL
Aurelia Demark	Palm Beach	FL
Brian Kosoy	Palm Beach	FL
Brooke McKernan	Palm Beach	FL
Brooke McKernan	Palm Beach	FL
Cameron Preston	Palm Beach	FL
Cara Coniglio McClure	Palm Beach	FL
Carin Searby	Palm Beach	FL
Carissa Coniglio	Palm Beach	FL
Caroline McClelland	Palm Beach	FL
Carolyn Pressly-Ryan	Palm Beach	FL
Catherine Fanjul	Palm Beach	FL
Charlotte Ross	Palm Beach	FL
Chris O'Connor	Palm Beach	FL
Christie Fennebresque	Palm Beach	FL
Christine Beall	Palm Beach	FL
Christopher Goldberg	Palm Beach	FL
Claire Capello	Palm Beach	FL

Cody Crowell	Palm Beach	FL
Crista Kobza	Palm Beach	FL
Dabney Jewel	Palm Beach	FL
Dana Koch	Palm Beach	FL
Daniel Castro	Palm Beach	FL
Daniel Stanton	Palm Beach	FL
David Lambert	Palm Beach	FL
David Sinclair	Palm Beach	FL
Diana Sterne	Palm Beach	FL
Dominick Maggio	Palm Beach	FL
Edward Emerson	Palm Beach	FL
Elizabeth Coleman	Palm Beach	FL
Elisabeth Munder	Palm Beach	FL
Elizabeth Ryan	Palm Beach	FL
Elizabeth Wetherell	Palm Beach	FL
Emily Myers	Palm Beach	FL
Frances Frisbie	Palm Beach	FL
Franchesca McGann	Palm beach	FL
Gary Pohrer	Palm Beach	FL
Greg Saville	Palm Beach	FL
Holly Grace	Palm Beach	FL
Hunter Beall	Palm Beach	FL
James Sterne	Palm Beach	FL
Jeff Preston	Palm Beach	FL
Jenna crespi	Palm Beach	FL
Jennifer Charlston	Palm Beach	FL
Jennifer Lazzara	Palm Beach	FL
Jennifer Saville	Palm Beach	FL
Jill Schecter	Palm Beach	FL
Joan Weinsten	Palm Beach	FL
John Copeland	Palm Beach	FL
John Mendell	Palm Beach	FL

Juliana Gendelman	Palm Beach	FL
Kathryn Bauman	Palm Beach	FL
Katie Benjamin	Palm Beach	FL
Katie Crowell	Palm Beach	FL
Kelly Pohrer	Palm Beach	FL
Kevin McNamara	Palm Beach	FL
Kevin Ryan	Palm Beach	FL
Kristen Lambert	Palm Beach	FL
Kristen Schonwald Vila	Palm Beach	FL
Laura Day Baker	Palm Beach	FL
Leo Vecellio	Palm Beach	FL
Lisa Rodman	Palm Beach	FL
London Jacobs	Palm Beach	FL
Lorraine Dodge	Palm Beach	FL
Marley Overman	Palm Beach	FL
Mary MAHONEY	Palm Beach	FL
Mary Stucchi	Palm Beach	FL
Mary Willis	Palm beach	FL
Matthew K. Smith	Palm Beach	FL
Matthew Mittelberg	Palm Beach	FL
Maura Ziska Christu	Palm Beach	FL
Melanie Fowler	Palm Beach	FL
Meredith Hunt	Palm Beach	FL
Michael Selverian	Palm Beach	FL
Molly Austin	Palm Beach	FL
Natalie Emerson	Palm Beach	FL
Ned Grace	Palm Beach	FL
Neville Marks	Palm beach	FL
Nick Coleman	Palm beach	FL
Nick Coniglio	Palm Beach	FL
Patrick Ryan	Palm Beach	FL
Patty Garvy	Palm Beach	FL

Peter Garvy	Palm Beach	FL
Ricky Grow	Palm Beach	FL
Rochelle Cummings	Palm beach	NY
Samantha Carroll	Palm beach	FL
Sara Quinn	Palm Beach	FL
Scott Carmilani	Palm Beach	FL
Scott Goodwin	Palm Beach	FL
Sean Bresnan	Palm Beach	FL
Stan Johnson	Palm Beach	FL
Stephanie Benavides	Palm Beach	FL
Stephanie Eady	Palm Beach	FL
Stephanie LaNasa	Palm Beach	FL
Stan Johnson	Palm Beach	FL
Stephen Smith	Palm Beach	FL
Sydney Kosoy	Palm Beach	FL
Tami Lippit	Palm Beach	FL
Tara Vecellio	Palm Beach	FL
Timothy Moran	Palm Beach	FL
Toni Zoumas	Palm Beach	FL
Tony Smith	Palm Beach	FL
Vanessa Rooks	Palm Beach	FL
Wendy Topkis	Palm Beach	FL
Whitney Hesse	Palm Beach	FL
William Eady	Palm Beach	FL
Sara Maggio	Palm Beach	FL
Lore Smith	Palm Beach	FL
Kimberly Goodwin	Palm Beach	FL

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Regular Agenda - Old Business

## Agenda Title

RESOLUTION NO. 033-2025 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Change Order in the amount of \$100,000 for Water Feasibility Study to Kimley-Horn and Associates, Inc.

## Presenter

Dean Mealy, II Procurement and Contract Manager

## ATTACHMENTS:

- ▣ **Memorandum Dated March 27, 2025, from Dean Mealy, II, Procurement and Contract Manager**
- ▣ **Resolution No. 033-2025**
- ▣ **Proposal**

# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: April 8, 2025

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TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II NIGP-CPP, CPPO Town Procurement and Contract Manager

RE: Resolution No. 033-2025, approving a Change Order in the amount of \$100,000 for Water Feasibility Study to Kimley-Horn and Associates, Inc.

DATE: March 27, 2025

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## **STAFF RECOMMENDATION**

Staff recommends the Town Council approve Resolution No. 033-2025, approving a Change Order in the amount of \$100,000 for Water Feasibility Study to Kimley-Horn and Associates, Inc.

## **SUMMARY EXPLANATION/BACKGROUND**

The Town of Palm Beach is currently in the negotiation process with the City of West Palm Beach and City of Lake Worth Beach for providing residents and business owners of the Town potable water upon expiration of the current Retail Water Service and Franchise Agreement with the City of West Palm Beach. The Town has requested that Kimley-Horn continue to provide post-study support services to continue assisting the Town through the decision-making process as we negotiate with both the City of West Palm Beach and City of Lake Worth Beach.

Kimley-Horn will provide post-study professional engineering services on an as-needed basis to the Town. The exact nature of the support services that may be requested by the Town are unknown at this time.

The original purchase order was approved in April 2020 in the amount of \$316,380. Since that date, four change orders have been approved with a new award authority of \$666,350. There is currently \$1,371.94 available, Kimley-Horn and Associates, Inc. have requested an additional \$100,000 for the on-going studies and negotiations which would bring the new total purchase order to \$766,350.

## **FUNDING/FISCAL IMPACT**

This will be paid out of the Capital Improvement Fund. \$75,000 was budgeted in FY25.

## **TOWN ATTORNEY REVIEW**

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachment – Proposal from KHA

**RESOLUTION NO. 033-2025**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
PALM BEACH, PALM BEACH COUNTY, FLORIDA,  
APPROVING A CHANGE ORDER IN THE AMOUNT OF  
\$100,000 FOR WATER FEASIBILITY STUDY TO KIMLEY-  
HORN AND ASSOCIATES, INC.**

NOW, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,  
PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 033-2025, approving a Change Order in the amount of \$100,000 for Water Feasibility Study to Kimley-Horn and Associates, Inc.

Section 2. The Town Manager is hereby authorized to execute the Purchase Orders on behalf of the Town of Palm Beach for these improvements.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8<sup>th</sup> day of April 2025

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Bobbie D. Lindsay, Town Council President

\_\_\_\_\_  
Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

\_\_\_\_\_  
Julie Araskog, Town Council Member

\_\_\_\_\_  
Edward A. Cooney, Town Council Member

\_\_\_\_\_  
Kelly Churney, CMC, Town Clerk

\_\_\_\_\_  
Bridget Moran, Town Council Member





March 6, 2025

Mr. Dean Mealy  
Town of Palm Beach  
951 Old Okeechobee Road  
Suite A  
West Palm Beach, FL 33401

**RE: *Water Supply Feasibility Study – Post Study Support Services Proposal***

Dear Dean,

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services for post study support related to the Water Supply Feasibility Study for the Town of Palm Beach. Our project understanding, scope of services, and fee follows.

### **Project Understanding**

The Town of Palm Beach is currently in the negotiation process with the City of West Palm Beach and City of Lake Worth Beach for providing residents and business owners of the Town potable water upon expiration of the current Retail Water Service and Franchise Agreement with the City of West Palm Beach. The Town has requested that Kimley-Horn continue to provide post-study support services to continue assisting the Town through the decision-making process as they negotiate with both the City of West Palm Beach and the City of Lake Worth Beach.

### **Scope of Services**

Kimley-Horn will provide post study professional engineering services on an as-needed basis to the Town. The exact nature of the support services that may be requested by the Town are unknown at this time, but we expect that they could include the following:

- Further refinement of Alternatives described in the report
- Attendance at meetings to answer questions and provide engineering support to the negotiations process
- Provide presentations to the Town and other stakeholders
- Performance of tasks to provide engineering data that may support the Town's decision-making process



## **Additional Services**

Any services not specifically provided for in the above scope, as well as any changes in the scope you request, will be considered additional services. These services will be performed based on proposals approved by the Town prior to the performance of those requested additional services. Additional services we can provide include, but are not limited to, the following:

- Calibration of the hydraulic water model
- Water Loss Study of existing system
- Corrosion Study to examine effects of differing water quality from alternative water suppliers
- Review of disinfection by-products for any alternative
- Rate sufficiency analysis of any alternative
- Real Estate Acquisition Cost Development

## **Information Provided by the Town**

We shall be entitled to rely upon the accuracy of information provided by others in the performance of professional services.

## **Schedule**

We will provide our services as expeditiously as practical to meet a mutually agreed upon schedule.

## **Fee and Billing**

Kimley-Horn will perform post study services as requested by the Town on an hourly basis in accordance with our Contract with the Town. It is understood that the Town desires to establish a budget of \$100,000 for these services. We will not exceed this amount without prior written approval by the Town. We will notify the Town if we believe that any requested task would exceed this established budget.

## **Closure**

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or "CLIENT" shall refer to The Town of Palm Beach.

We appreciate the opportunity to propose these services to you.

Very truly yours,

**KIMLEY-HORN AND ASSOCIATES, INC.**

A handwritten signature in blue ink, appearing to read 'K. Schanen', is positioned above the typed name.

By: Kevin Schanen, P.E.  
Sr. Vice President

K:\WPB\_Civil\General\Lee\Proposals\Palm Beach\Water Supply Support Services\Water Supply Support Services  
20250301.docx

# ESTIMATE FOR ENGINEERING SERVICES

PROJECT:	Water Supply Feasibility Study - Support Services									SHEET 1 of 1		
CLIENT:	Town of Palm Beach									FILE NO.		
ESTIMATOR:	JRL/KMS									DATE: 03/01/25		
									ALLOCA 0.0000			
DESCRIPTION:	DIRECT LABOR (MAN-HOURS)											
See Scope of Services	Principal	Chief Engineer	Senior Engineer	Senior Prof. Eng.	Eng. Prof.	Eng. Int	Sr. Field Tech	Admin/Clerical	Senior Designer	SUB	EXP	LINE TOTAL
Post Study Support Services												
Alternative Refinement	16.0	16.0			16.0			8.0				\$15,783
Performance of Tasks to provide engineering data	20.0	20.0			20.0	20.0		8.0				\$22,430
Meeting Attendance	40.0	40.0				20.0		16.0			\$10	\$34,608
Presentations	20.0	20.0			30.0	40.0		8.0				\$27,179
												\$0
												\$0
								</				

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Regular Agenda - Old Business

## Agenda Title

Discussion on Traffic Mitigation - Signal Timing County Road Corridor

*Kirk Blouin, Town Manager*

## Presenter

## ATTACHMENTS:

No Attachments Available

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Regular Agenda - Old Business

## Agenda Title

Update on North End Beach Nourishment Project

**TIME CERTAIN: 1:00 PM**

## Time Certain

1:00 PM

## Presenter

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

## ATTACHMENTS:

No Attachments Available

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Regular Agenda - New Business

## Agenda Title

Landfill Capacity Information

## Presenter

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

## ATTACHMENTS:

- ▣ **Memorandum dated March 6, 2025, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **2024 Capacity Analysis Package - Final**
- ▣ **Pages from Skees Road Landfill Operation Manual**
- ▣ **FDEP - Solid Waste Quality Report - Electronic Submission**

# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: April 8, 2025

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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: Landfill Capacity Information

DATE: March 6, 2025

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Town staff was requested to provide information related to the impact of the closure and development of the Okeechobee Landfill site specific to the remaining capacity and life of the Skees Road Landfill.

## **BACKGROUND**

In 2014, the Public Works Department tasked the consultant, Kimley-Horn and Associates, Inc., to develop and provide a capacity analysis report annually for the Town's landfill sites using aerial photography and digital mapping. This report was incorporated into the operating permits under specific conditions. Prior to this analysis, capacity was estimated from topography gathered in 1989 and again in 2011 at permit renewal time. The methodology used a formula based on elevation rise and cubic yards of vegetative waste delivered to the site.

Due to the size, configuration, and volume of material at the Okeechobee site, operational constraints made it inefficient to operate the landfill. In addition, there was discussion on the sale or lease of the property. 2015 was the last year that waste was placed at this site. From that time until present, the Skees Road Landfill has been operated year-round.

## **GENERAL INFORMATION**

The use of the capacity analysis allows us to estimate the total volume deposited on an annual basis and determine estimated useful life of the site as an asset to the Town. This report also allows us to evaluate the landfiling operation relating to pile size and height and providing the proper compaction to minimize decomposition time. In 2020, staff began working with our consultant to determine if there was alternate methods to manage the waste to decrease decomposition periods and extend the life of the landfill. After research and meetings with the regulatory agencies, a landfill debris screening project and a pilot vegetation grinding program have been approved by the Florida Department of Health and incorporated in the Operation Manual of the recently issued 2024 Operations Permit. These tasks are projected to begin within the next year.

In summary, based on the analysis report completed for 2024, the remaining useful life of the Skees Road Landfill is estimated at thirty-one (31) years using the current landfill operating practices. Attached for additional details on this information is the 2024 report submitted by the consultant and pages from the Operation Manual with detail on the project and pilot program.

#### Attachments

cc: Bob Miracle, Deputy Town Manager  
Jason Debrincat, P.E., Assistant Director  
Patricia Strayer, P.E., Town Engineer  
Julie Parham, P.E., Deputy Town Engineer





## Technical Memorandum

To: Chester Purves

From: Kaitlin Townsend, P.E.

Capacity Analysis  
Re: 2024 Landfill Monitoring – Town of Palm Beach  
***Skees Road Disposal Facility (WACS ID No. 65863 / Permit No. 48963-006-SO)***  
Kimley-Horn Project No. 044063321

Date: March 14, 2024

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The following is a summary of our findings from the 2024 landfill capacity analysis of the Town of Palm Beach's Skees Road Class III landfill.

### INTRODUCTION

The Town requested that Kimley-Horn provide an analysis of the volume of debris deposited at this landfill site as a part of the overall monitoring program services that we provide. The purpose of this analysis is to provide the Town with information that will allow them to better estimate the total volume of material that is deposited at this site on an annual basis, as well as forecast the estimated remaining life of the landfill.

### DATA COLLECTION

Kimley-Horn employed the services of a survey sub-consultant, Avirom & Associates, Inc. (AA), to obtain updated aerial photography and digital mapping of the Skees Road landfill sites in January of 2024. The total area mapped was approximately 30 acres.

AA obtained digital vertical photography of Skees landfill on January 24, 2024. A Color Digital Orthophotography (.tif file) was produced from the new color aerial photography. The imagery was then orthorectified to the Digital Terrain Model files with an intended display scale of 1"=50' or smaller.

Control and datum information is the basis for controlling the photography for digital mapping. Table 1 shows the AA established horizontal and vertical ground control target/photo ID locations required.

Table 1: Skees Road Landfill Mapping Control Points

POINT #	NORTHING	EASTING	ELEVATION	DESCRIPTION
1	860514.36	931249.42	14.72	Along trail in NW corner of landfill
2	860433.2	932466.7	18.08	Along trail in NW corner of landfill
3	859599.95	931280.43	16.16	Along trail in SW corner of landfill
4	859581.57	932448.38	13.45	Along trail in SE corner of landfill
5	859569.53	931762.38	14.52	Along trail directly south of the lake
6	860032.25	931646.06	16.24	Under tree directly north of the lake
7	860468.38	931694.56	14.62	Directly north of maintenance building

The horizontal datum coordinates are based on the current adjustment of the North American Datum of 1983 (NAD83/90) of the Florida State Plane Coordinate System (Transverse Mercator Projection), East Zone, established by a Real-time Kinematic (RTK) GPS Control Survey which is certified to a two-centimeter local accuracy relative to the nearest control points. Ties were made to the Palm Beach County Horizontal Control Monuments "OKEE DREX," "OKEE SSP," AND "PBF 7."

Vertical control was established relative to the Palm Beach County Benchmarks "RITUAL" and "RIPPY." Elevations were obtained in the National Geodetic Vertical Datum of 1929 (NGVD 1929) and converted to North American Vertical Datum of 1988 (NAVD 1988) using a site-specific model value calculated using the U.S. Army Corps of Engineers Program Corpscon for Windows, Version 6.0.1. The elevations provided are reported in feet and decimals, relative to NAVD 1988.

## CAPACITY ANALYSIS

Once the topographic maps and Extensible Markup Language (XML) files were submitted to Kimley-Horn by AA, the remaining capacity of the landfill site was estimated via a three-dimensional cut/fill analysis using AutoCAD Civil 3D 2024. The XML files provided by AA were used to create an existing surface for the Skees Road site.

The closure plans contained in the landfill operating permits Skees indicate a closure grade of 52.0' NGVD 1929, including a 2.0' topsoil cover and 3:1 maximum side slopes. The closure grade was converted to NAVD 1988 for each site to be consistent with the collected data. To simulate the proposed landfill closure, surfaces were created using the closure constraints.

Exhibit 1 shows plan and section views of the existing surfaces, closure surfaces, and volumes remaining for each cell of the Skees Road landfill. Additionally, the Town requested that we determine

the total volume of the landfill, as taken from the average grades that surround the landfill cells. These volumes are also shown on Exhibit 1. The volume of topsoil cover required was not calculated.

The photogrammetric data taken in January of 2024 was used to calculate the net volume differences over the past year at both sites. This data is available in the attached Data Summary. The surface contour data that was generated for years prior to 2014, using historical surveys, was discarded because it lacks the detail and accuracy that is provided by the photogrammetric data.

## RESULTS

### *Skees Road Landfill*

The cut/fill analysis indicates that the 2024 volume remaining until closure is 330,922 CY. This is a net decrease in volume remaining of 8,437 CY from 2023. The volume remaining for this landfill decreased over the past year because all the vegetative material being hauled from the Town was placed at this facility.

To estimate the remaining useful life of this facility, we used the average of the volume-reduction rates developed in 2015, and 2017 through 2024 to project future decreases in volume remaining when the facility is expected to be active all year, and the volume-reduction rate calculated in 2016 to project future decreases in volume when the facility is only expected to be active for part of the year. It should be noted that the amount of decomposition that will occur during the active periods cannot be precisely determined but is accounted for in the volume-reduction rates. The amount of decomposition that will occur during the periods of inactivity cannot be precisely determined either but is also accounted for in the volume-reduction rates.

On May 26, 2023, a closure permit for the Okeechobee Blvd. site was issued by the Florida Department of Health. With the Okeechobee Blvd. landfill no longer in use, it has been assumed that the Town will need to use the Skees Road landfill for disposal of all vegetative waste it generates on a year-round basis. The capacity analysis calculations have been updated to reflect this change in operations.

The updated calculations project a remaining useful life for the Skees Road facility of approximately 31 years assuming the Town operates the facility similarly to current operations at the site. Detailed calculations are attached.

Useful-Life Projections

Okeechobee Boulevard Decomposition Rate (Gross) Calculation

Year	Volume Remaining (CY)	Dec. Rate/Year (CY)	Dec. Rate/4 Months (CY)
2014	42,440	---	---
2015	43,516	1,076	359

Not operated

Okeechobee Boulevard Volume-Reduction (Net) Calculation

Year	Volume Remaining (CY)	VR Rate/Year (CY)	VR Rate/4 Months (CY)
2015	43,516	---	---
2016	35,740	-7,776	-7,776

Operated 4 months

Okeechobee Boulevard Decomposition Rate (Gross) Calculation

Year	Volume Remaining (CY)	Dec. Rate/Year (CY)	Dec. Rate/4 Months (CY)
2016	35,740	---	---
2017	38,715	2,975	992

Not operated

Okeechobee Boulevard Decomposition Rate (Gross) Calculation

Year	Volume Remaining (CY)	Dec. Rate/Year (CY)	Dec. Rate/4 Months (CY)
2017	38,715	---	---
2018	39,773	1,058	353

Not operated

Okeechobee Boulevard Decomposition Rate (Gross) Calculation

Year	Volume Remaining (CY)	Dec. Rate/Year (CY)	Dec. Rate/4 Months (CY)
2018	39,773	---	---
2019	45,758	5,985	1,995

Not operated

Okeechobee Boulevard Decomposition Rate (Gross) Calculation

Year	Volume Remaining (CY)	Dec. Rate/Year (CY)	Dec. Rate/4 Months (CY)
2019	45,758	---	---
2020	45,730	-28	-9

Not operated

Okeechobee Boulevard Decomposition Rate (Gross) Calculation

Year	Volume Remaining (CY)	Dec. Rate/Year (CY)	Dec. Rate/4 Months (CY)
2020	45,730	---	---
2021	46,185	455	152

Not operated

Okeechobee Boulevard Decomposition Rate (Gross) Calculation

Year	Volume Remaining (CY)	Dec. Rate/Year (CY)	Dec. Rate/4 Months (CY)
2021	46,185	---	---
2022	47,141	956	319

Not operated

Okeechobee Boulevard Decomposition Rate (Gross) Calculation

Year	Volume Remaining (CY)	Dec. Rate/Year (CY)	Dec. Rate/4 Months (CY)
2022	47,141	---	---
2023	48,096	956	319

Not operated

Average Decomposition Rate (2015, 2017, 2018, 2019, 2020,2021,2022 and 2023)	560
Volume-Reduction Rate (2016)	-7,776

Okeechobee Boulevard Projection

Year	Time Period	Active Site	Volume Remaining (CY)	VR Rate/4 Months (CY)	Dec. Rate/4 Months (CY)
2014	Jan	N	42,440	Inactive Site	359
	May	N	42,799	Inactive Site	359
	Sept	N	43,157	Inactive Site	359
2015	Jan	N	43,516	Inactive Site	Included in VR Rate
	May	Y	35,740	-7,776	Included in VR Rate
	Sept	N	-	Inactive Site	Included in VR Rate
2016	Jan	N	-	Inactive Site	992
	May	N	36,732	Inactive Site	992
	Sept	N	37,723	Inactive Site	992
2017	Jan	N	38,715	Inactive Site	353
	May	N	39,068	Inactive Site	353
	Sept	N	39,420	Inactive Site	353
2018	Jan	N	39,773	Inactive Site	1995
	May	N	41,768	Inactive Site	1995
	Sept	N	43,763	Inactive Site	1995
2019	Jan	N	45,758	Inactive Site	-9
	May	N	45,749	Inactive Site	-9
	Sept	N	45,739	Inactive Site	-9
2020	Jan	N	45,730	Inactive Site	152
	May	N	45,882	Inactive Site	152
	Sept	N	46,033	Inactive Site	152
2021	Jan	N	46,185	Inactive Site	319
	May	N	46,504	Inactive Site	319
	Sept	N	46,822	Inactive Site	319
2022	Jan	N	47,141	Inactive Site	319
	May	N	47,459	Inactive Site	319
	Sept	N	47,778	Inactive Site	319
2023	Jan	N	48,096	Inactive Site	319
	May	N	48,415	Inactive Site	319
	Sept	N	Site Closed	Site Closed	Site Closed
2024	Jan	N	Site Closed	Site Closed	Site Closed

Skees Road Volume-Reduction Rate (Net) Calculation

Year	Volume Remaining (CY)	VR Rate/Year (CY)	VR Rate/4 Months (CY)
2014	432,762	---	---
2015	412,405	-20,357	-6,786

Operated 12 months

Skees Road Volume-Reduction Rate (Net) Calculation

Year	Volume Remaining (CY)	VR Rate/Year (CY)	VR Rate/4 Months (CY)
2015	412,405	---	---
2016	405,925	-6,480	-3,240

Operated 8 months

Skees Road Volume-Reduction Rate (Net) Calculation

Year	Volume Remaining (CY)	VR Rate/Year (CY)	VR Rate/4 Months (CY)
2016	405,925	---	---
2017	394,297	-11,628	-3,876

Operated 12 months

Skees Road Volume-Reduction Rate (Net) Calculation

Year	Volume Remaining (CY)	VR Rate/Year (CY)	VR Rate/4 Months (CY)
2017	394,297	---	---
2018	380,296	-14,001	-4,667

Operated 12 months

Skees Road Volume-Reduction Rate (Net) Calculation

Year	Volume Remaining (CY)	VR Rate/Year (CY)	VR Rate/4 Months (CY)
2018	380,296	---	---
2019	380,595	299	100

Operated 12 months

Skees Road Volume-Reduction Rate (Net) Calculation

Year	Volume Remaining (CY)	VR Rate/Year (CY)	VR Rate/4 Months (CY)
2019	380,595	---	---
2020	351,886	-28,709	-9,570

Operated 12 months

Skees Road Volume-Reduction Rate (Net) Calculation

Year	Volume Remaining (CY)	VR Rate/Year (CY)	VR Rate/4 Months (CY)
2020	351,886	---	---
2021	350,841	-1,045	-348

Operated 12 months

Skees Road Volume-Reduction Rate (Net) Calculation

Year	Volume Remaining (CY)	VR Rate/Year (CY)	VR Rate/4 Months (CY)
2021	350,841	---	---
2022	347,949	-2,892	-964

Operated 12 months

Skees Road Volume-Reduction Rate (Net) Calculation

Year	Volume Remaining (CY)	VR Rate/Year (CY)	VR Rate/4 Months (CY)
2022	347,949	---	---
2023	339,359	-8,590	-2,863

Operated 12 months

Skees Road Volume-Reduction Rate (Net) Calculation

Year	Volume Remaining (CY)	VR Rate/Year (CY)	VR Rate/4 Months (CY)
2023	339,359	---	---
2024	330,922	-8,437	-2,812

Operated 12 months

Average Whole-Year Rate (2015, 2017, 2018, 2019, 2020, 2021,2023 and 2024)	-3,532
Partial-Year Rate (2016)	-3,240

Skees Road Projection

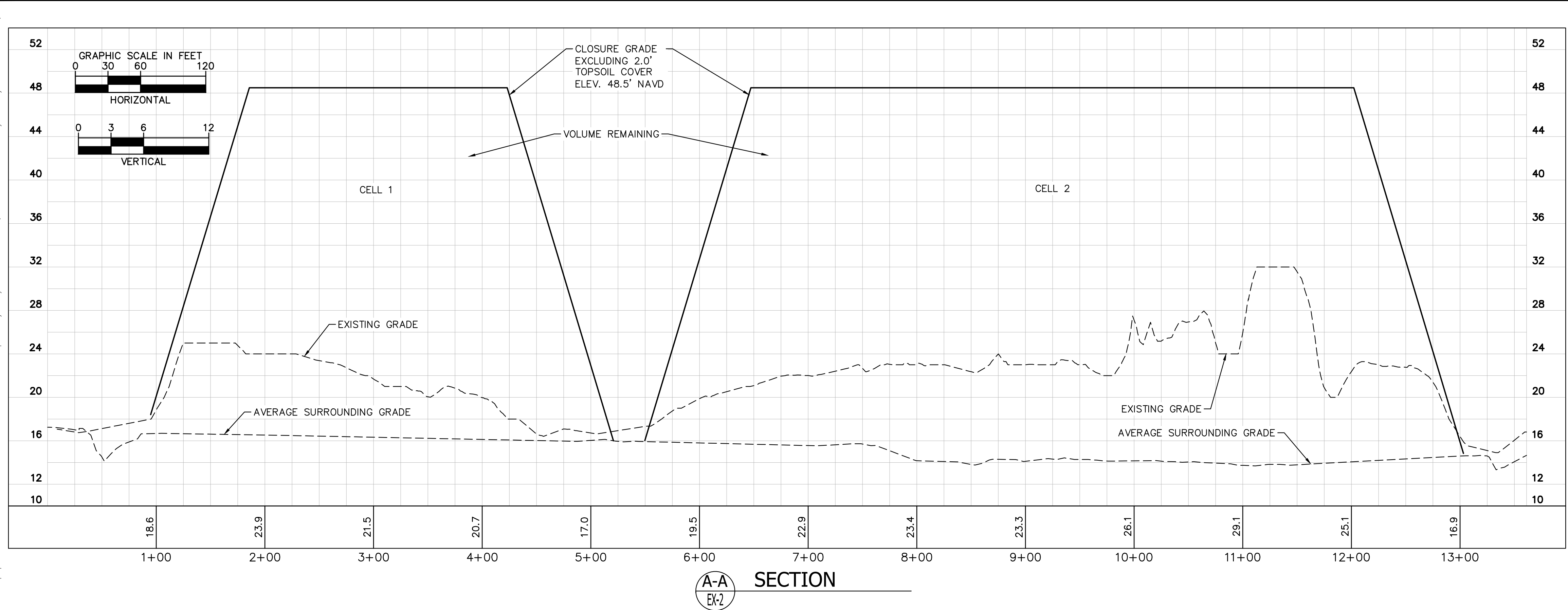
Year	Time Period	Active Site	Volume Remaining (CY)	VR Rate/4 Months (CY)	Dec. Rate/4 Months (CY)
2014	Jan	Y	432,762	-6,786	Included in VR Rate
	May	Y	425,976	-6,786	Included in VR Rate
	Sept	Y	419,191	-6,786	Included in VR Rate
2015	Jan	Y	412,405	-3,240	Included in VR Rate
	May	N	409,165	Inactive Site	Included in VR Rate
	Sept	Y	-	-3,240	Included in VR Rate
2016	Jan	Y	405,925	-3,876	Included in VR Rate
	May	Y	402,049	-3,876	Included in VR Rate
	Sept	Y	398,173	-3,876	Included in VR Rate
2017	Jan	Y	394,297	-4,667	Included in VR Rate
	May	Y	389,630	-4,667	Included in VR Rate
	Sept	Y	384,963	-4,667	Included in VR Rate
2018	Jan	Y	380,296	100	Included in VR Rate
	May	Y	380,396	100	Included in VR Rate
	Sept	Y	380,495	100	Included in VR Rate
2019	Jan	Y	380,595	-9,570	Included in VR Rate
	May	Y	371,025	-9,570	Included in VR Rate
	Sept	Y	361,456	-9,570	Included in VR Rate
2020	Jan	Y	351,886	-348	Included in VR Rate
	May	Y	351,538	-348	Included in VR Rate
	Sept	Y	351,189	-348	Included in VR Rate
2021	Jan	Y	350,841	-964	Included in VR Rate
	May	Y	349,877	-964	Included in VR Rate
	Sept	Y	348,913	-964	Included in VR Rate
2022	Jan	Y	347,949	-2,863	Included in VR Rate
	May	Y	345,086	-2,863	Included in VR Rate
	Sept	Y	342,222	-2,863	Included in VR Rate
2023	Jan	Y	339,359	-2,812	Included in VR Rate
	May	Y	336,547	-2,812	Included in VR Rate
	Sept	Y	333,734	-2,812	Included in VR Rate
2024	Jan	Y	330,922	-3,532	Included in VR Rate
	May	Y	327,390	-3,532	Included in VR Rate
	Sept	Y	323,858	-3,532	Included in VR Rate
2025	Jan	Y	320,326	-3,532	Included in VR Rate
	May	Y	316,795	-3,532	Included in VR Rate
	Sept	Y	313,263	-3,532	Included in VR Rate
2026	Jan	Y	309,731	-3,532	Included in VR Rate
	May	Y	306,199	-3,532	Included in VR Rate
	Sept	Y	302,667	-3,532	Included in VR Rate
2027	Jan	Y	299,135	-3,532	Included in VR Rate
	May	Y	295,603	-3,532	Included in VR Rate
	Sept	Y	292,072	-3,532	Included in VR Rate
2028	Jan	Y	288,540	-3,532	Included in VR Rate
	May	Y	285,008	-3,532	Included in VR Rate
	Sept	Y	281,476	-3,532	Included in VR Rate

Skees Road Projection

Year	Time Period	Active Site	Volume Remaining (CY)	VR Rate/4 Months (CY)	Dec. Rate/4 Months (CY)
2029	Jan	Y	277,944	-3,532	Included in VR Rate
	May	Y	274,412	-3,532	Included in VR Rate
	Sept	Y	270,881	-3,532	Included in VR Rate
2030	Jan	Y	267,349	-3,532	Included in VR Rate
	May	Y	263,817	-3,532	Included in VR Rate
	Sept	Y	260,285	-3,532	Included in VR Rate
2031	Jan	Y	256,753	-3,532	Included in VR Rate
	May	Y	253,221	-3,532	Included in VR Rate
	Sept	Y	249,689	-3,532	Included in VR Rate
2032	Jan	Y	246,158	-3,532	Included in VR Rate
	May	Y	242,626	-3,532	Included in VR Rate
	Sept	Y	239,094	-3,532	Included in VR Rate
2033	Jan	Y	235,562	-3,532	Included in VR Rate
	May	Y	232,030	-3,532	Included in VR Rate
	Sept	Y	228,498	-3,532	Included in VR Rate
2034	Jan	Y	224,966	-3,532	Included in VR Rate
	May	Y	221,435	-3,532	Included in VR Rate
	Sept	Y	217,903	-3,532	Included in VR Rate
2035	Jan	Y	214,371	-3,532	Included in VR Rate
	May	Y	210,839	-3,532	Included in VR Rate
	Sept	Y	207,307	-3,532	Included in VR Rate
2036	Jan	Y	203,775	-3,532	Included in VR Rate
	May	Y	200,243	-3,532	Included in VR Rate
	Sept	Y	196,712	-3,532	Included in VR Rate
2037	Jan	Y	193,180	-3,532	Included in VR Rate
	May	Y	189,648	-3,532	Included in VR Rate
	Sept	Y	186,116	-3,532	Included in VR Rate
2038	Jan	Y	182,584	-3,532	Included in VR Rate
	May	Y	179,052	-3,532	Included in VR Rate
	Sept	Y	175,521	-3,532	Included in VR Rate
2039	Jan	Y	171,989	-3,532	Included in VR Rate
	May	Y	168,457	-3,532	Included in VR Rate
	Sept	Y	164,925	-3,532	Included in VR Rate
2040	Jan	Y	161,393	-3,532	Included in VR Rate
	May	Y	157,861	-3,532	Included in VR Rate
	Sept	Y	154,329	-3,532	Included in VR Rate
2041	Jan	Y	150,798	-3,532	Included in VR Rate
	May	Y	147,266	-3,532	Included in VR Rate
	Sept	Y	143,734	-3,532	Included in VR Rate
2042	Jan	Y	140,202	-3,532	Included in VR Rate
	May	Y	136,670	-3,532	Included in VR Rate
	Sept	Y	133,138	-3,532	Included in VR Rate
2043	Jan	Y	129,606	-3,532	Included in VR Rate
	May	Y	126,075	-3,532	Included in VR Rate
	Sept	Y	122,543	-3,532	Included in VR Rate
2044	Jan	Y	119,011	-3,532	Included in VR Rate
	May	Y	115,479	-3,532	Included in VR Rate
	Sept	Y	111,947	-3,532	Included in VR Rate
2045	Jan	Y	108,415	-3,532	Included in VR Rate
	May	Y	104,883	-3,532	Included in VR Rate
	Sept	Y	101,352	-3,532	Included in VR Rate
2046	Jan	Y	97,820	-3,532	Included in VR Rate
	May	Y	94,288	-3,532	Included in VR Rate
	Sept	Y	90,756	-3,532	Included in VR Rate
2047	Jan	Y	87,224	-3,532	Included in VR Rate
	May	Y	83,692	-3,532	Included in VR Rate
	Sept	Y	80,161	-3,532	Included in VR Rate
2048	Jan	Y	76,629	-3,532	Included in VR Rate
	May	Y	73,097	-3,532	Included in VR Rate
	Sept	Y	69,565	-3,532	Included in VR Rate
2049	Jan	Y	66,033	-3,532	Included in VR Rate
	May	Y	62,501	-3,532	Included in VR Rate
	Sept	Y	58,969	-3,532	Included in VR Rate
2050	Jan	Y	55,438	-3,532	Included in VR Rate
	May	Y	51,906	-3,532	Included in VR Rate
	Sept	Y	48,374	-3,532	Included in VR Rate
2051	Jan	Y	44,842	-3,532	Included in VR Rate
	May	Y	41,310	-3,532	Included in VR Rate
	Sept	Y	37,778	-3,532	Included in VR Rate
2052	Jan	Y	34,246	-3,532	Included in VR Rate
	May	Y	30,715	-3,532	Included in VR Rate
	Sept	Y	27,183	-3,532	Included in VR Rate
2053	Jan	Y	23,651	-3,532	Included in VR Rate
	May	Y	20,119	-3,532	Included in VR Rate
	Sept	Y	16,587	-3,532	Included in VR Rate
2054	Jan	Y	13,055	-3,532	Included in VR Rate
	May	Y	9,523	-3,532	Included in VR Rate
	Sept	Y	5,992	-3,532	Included in VR Rate
2055	Jan	Y	2,460	-3,532	Included in VR Rate
	May	N	-1,072	Capacity Reached	Included in VR Rate



Plotted By: Robbins, Sebastian  
Sheet Set: 2024 Landfill Monitoring - Layout: 01 SKEES ROAD CAPACITY - March 11, 2024 05:08:14pm  
K:\WPB\_Civil\044063321 - 2024 Landfill Monitoring\CAD\Plansheets\01 SKEES ROAD CAPACITY.dwg  
This document, together with the concepts and designs presented herein, is an instrument of service and shall be without liability to Kimley-Horn and Associates, Inc.

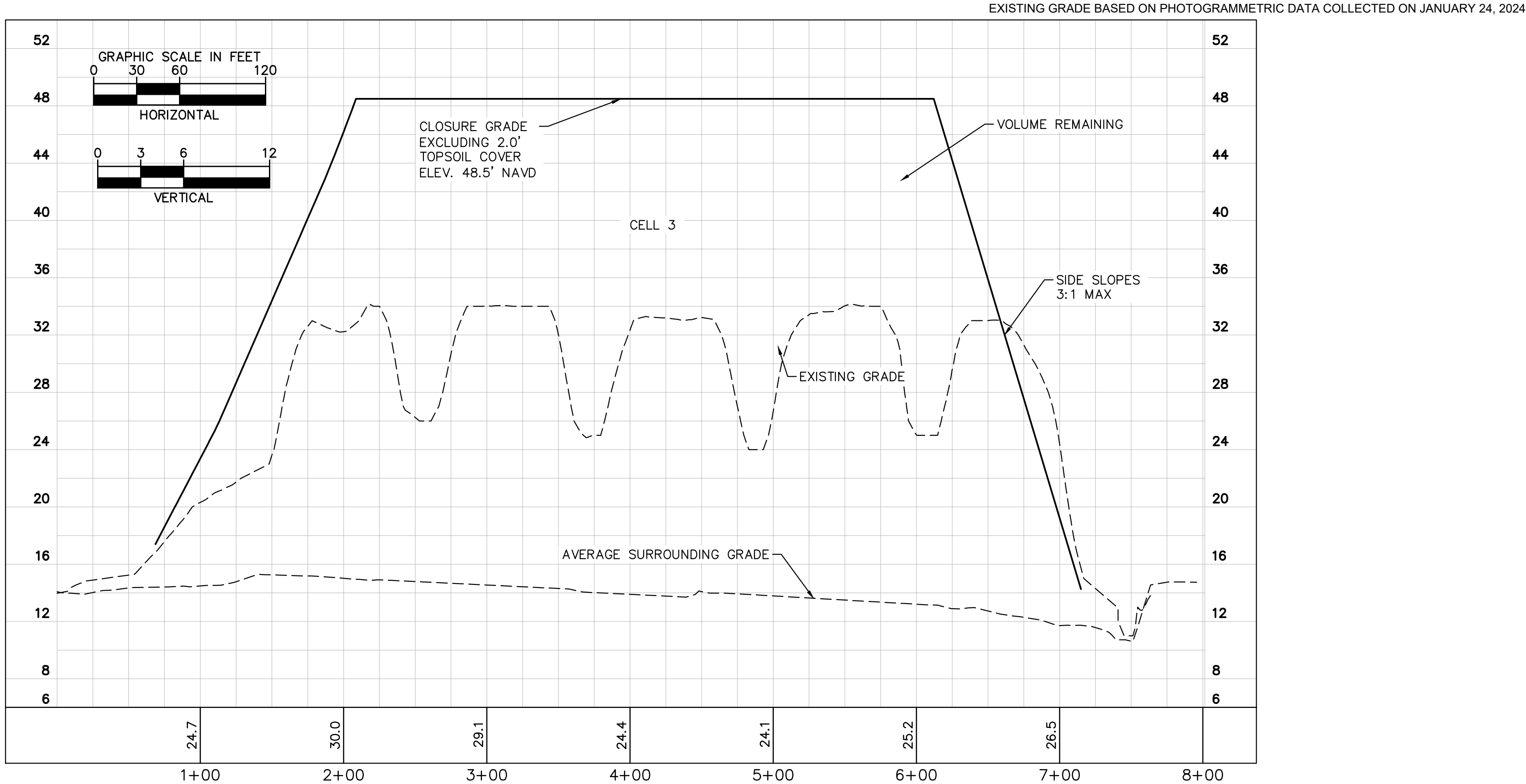
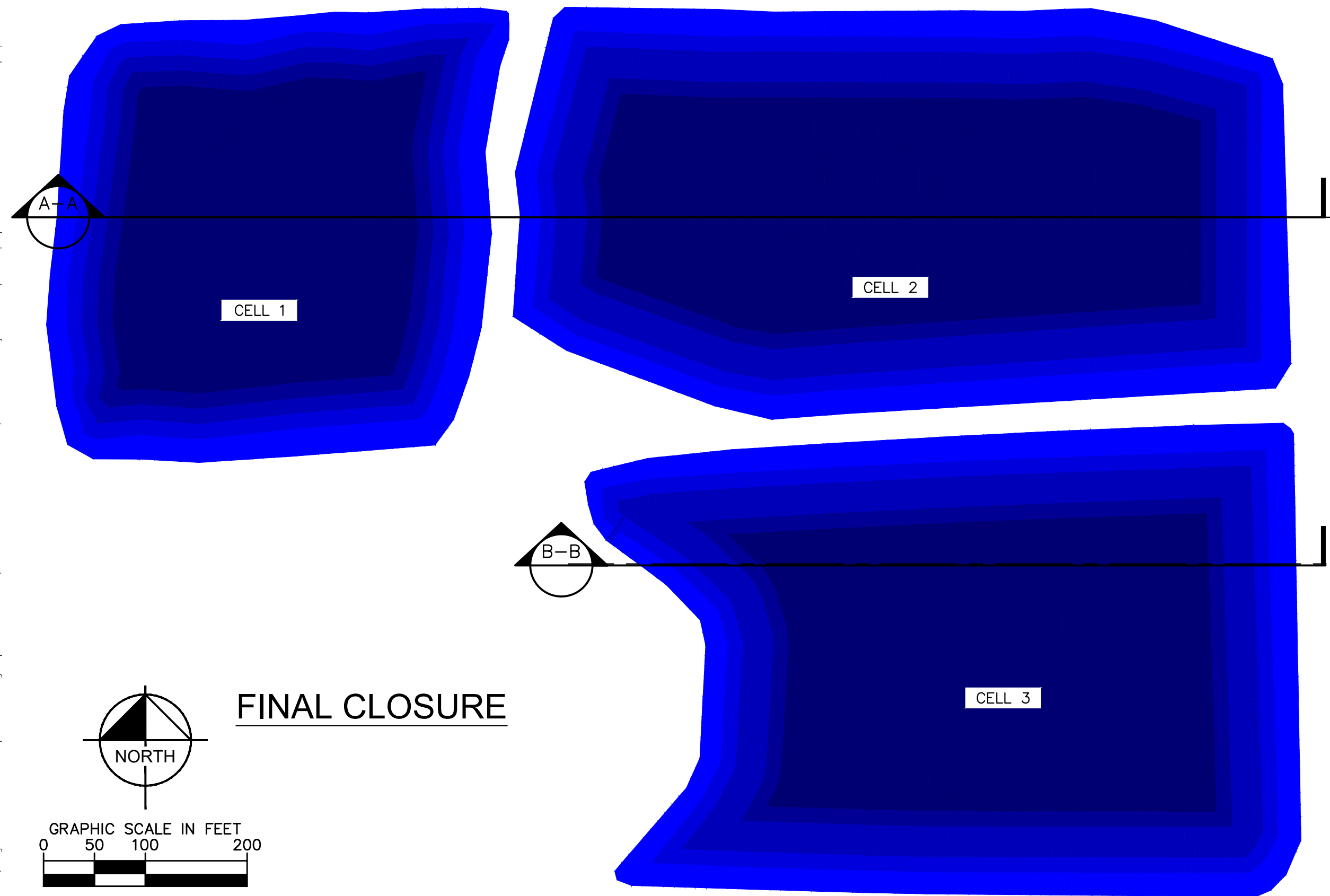


VOLUME REMAINING

CELL 1	95,958	CY
CELL 2	139,152	CY
CELL 3	95,812	CY
TOTAL	330,922	CY

CLOSED VOLUME

CELL 1	137,874	CY
CELL 2	232,660	CY
CELL 3	234,660	CY
TOTAL	605,118	CY



No.	REVISIONS	DATE	BY

© 2024 KIMLEY-HORN AND ASSOCIATES, INC.  
1920 WEKIVA WAY SUITE 200, WEST PALM BEACH, FL 33411  
PHONE: 561-845-0665 FAX: 561-863-8175  
WWW.KIMLEY-HORN.COM REGISTRY NO. 35106

KHA PROJECT  
044063321

DATE  
MARCH 2024

SCALE AS SHOWN

DESIGNED BY KET

DRAWN BY SFR

CHECKED BY KMS

2024 LANDFILL MONITORING

PREPARED FOR

TOWN OF PALM BEACH

FL

DATE: \_\_\_\_\_

LICENSED PROFESSIONAL

KAITLIN E. TOWNSEND

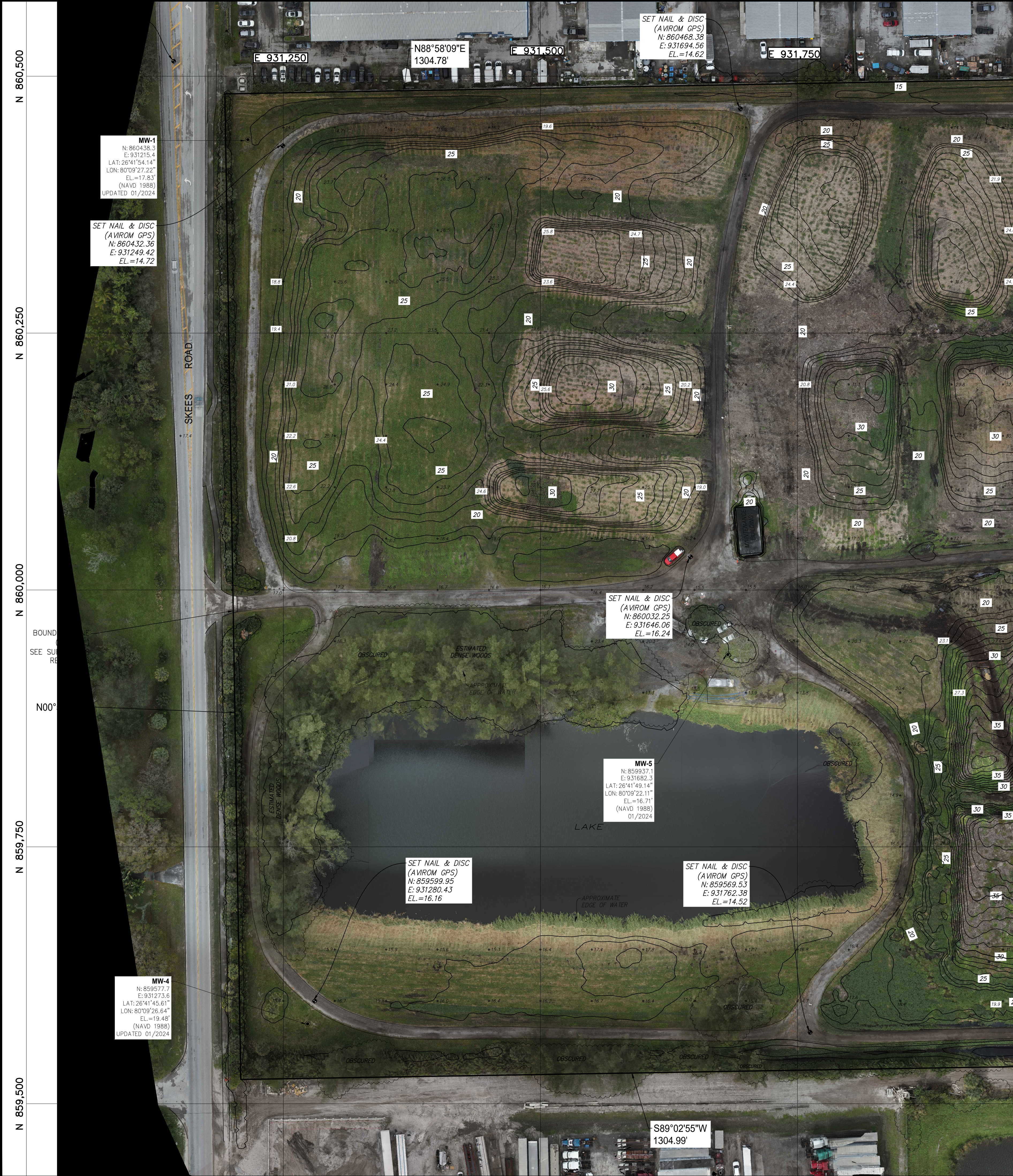
FL LICENSE NUMBER  
87791

SKEES ROAD CAPACITY

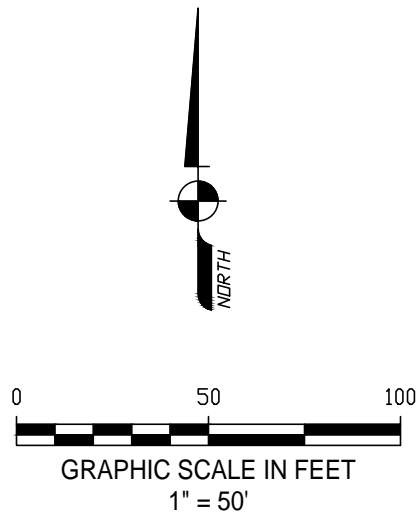
SHEET NUMBER

01





MONITOR WELL #	NORTHING	EASTING	LATITUDE	LONGITUDE	ELEVATION (NAVD 1988)
MW-1	N: 860438.3	E: 931215.4	26°41'54.14"	80°09'27.22"	17.83'
MW-2	N: 860433.2	E: 932466.7	26°41'54.00"	80°09'13.42"	18.08'
MW-3R	N: 859586.2	E: 932483.6	26°41'45.61"	80°09'13.30"	17.38'
MW-4	N: 859577.7	E: 931273.6	26°41'45.61"	80°09'26.64"	19.48'
MW-5	N: 859937.1	E: 931682.3	26°41'49.14"	80°09'22.11"	16.71'
MW-6	N: 860074.8	E: 932098.9	26°41'50.48"	80°09'17.50"	17.52'
MW-7	N: 860061.9	E: 932479.7	26°41'50.33"	80°09'13.31"	15.22'
MW-8	N: 860072.2	E: 932094.3	26°41'50.45"	80°09'17.56"	17.67'
MW-9	N: 859580.1	E: 932481.5	26°41'45.55"	80°09'13.32"	17.21'



SURVEYOR'S REPORT:

- Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
- No underground improvements were located.
- Coordinates shown hereon are based on the current adjustment of the North American Datum of 1983 (NAD 83/90) of the Florida State Plane Coordinate System (Transverse Mercator Projection), East Zone, established by a Real-time Kinematic (RTK) GPS Control Survey which is certified to a 2 centimeter local accuracy, relative to the nearest control points.
  - Method: Wide Area Continuously Operating GPS Reference Station Network.
  - Equipment Used: Leica GS18 High Precision GNSS (Multi Frequency Receiver), Serial Number 3602055 and DJI M300 UAV, Serial Number 1ZNBK7700C0FQ.
  - Processing Software: Leica Infinity, Version 3.4 and Pix4D, Version 4.6.3.
  - Ties were made to Palm Beach County Horizontal Control Monuments:
    - "OKEE DREX," Northing 863788.2350, Easting 938313.0020, located at the intersection of Drexel Road and Okeechobee Boulevard;
    - "OKEE SSP," Northing 863864.9460, Easting 936689.8120, located at the intersection of Okeechobee Boulevard and Florida's Turnpike.
    - "PBF 7," Northing 860857.0120, Easting 931146.8760, located at the intersection of Skees Road and Golden River Drive.
- Elevations indicated hereon are in feet and decimals, relative to the North American Vertical Datum of 1988 (NAVD 1988). These elevations were obtain in the field in National Geodetic Vertical Datum of 1929 (NGVD 1929) and converted to NAVD 1988 by adding algebraically the model value of (-)1.504 to the NGVD 1929 height. The model value was calculated utilizing the U.S. Army Corps of Engineers Program Corpcon for Windows, Version 6.0.1.
- Benchmark references: Palm Beach County Benchmarks: "RITUAL", Elevation = 17.609' (NGVD 1929) and "RIPPY", Elevation = 22.837 feet (NGVD 1929).
- Boundary lines shown hereon are based on a survey by Heller-Weaver and Sheremeta, Inc, HWS File No. 11-15593-S1, dated 02/18/2011 and were not verified by Aviom & Associates, Inc.
- Data shown hereon was compiled from instrument(s) of record and does not constitute a Boundary Survey.
- Symbols shown hereon and in the legend may have been enlarged for clarity. These symbols have been plotted at the center of the field location and may not represent the actual shape or size of the feature.
- Some information shown hereon are from a previous Topographic Survey by photogrammetry methods provided by Axis Geospatial SE LLC, last updated 01/06/2020, dense vegetation canopies have been outlined in layer "OBSCURED" as defined by Axis Geospatial SE LLC. Elevation data in the DTM file provided shown interior to this outline may be less accurate than the data in open areas.
- The topographic survey depicted hereon was produced by photogrammetric mapping methods.
- Abbreviation Legend: B.M. = Benchmark; C.M. = Concrete Monument; CONC. = Concrete; EL. = Elevation; F.B. = Field Book; FD. = Found; ID. = Identification; I.P. = Iron Pipe; I.R. = Iron Rod; LAT. = Latitude; L.B. = Licensed Business; LON. = Longitude; L.S. = License Surveyor; NAD = North American Datum; NAVD = North American Vertical Datum; N/D = Nail & Disk; NGVD = National Geodetic Vertical Datum of 1929; N/TT = Nail & Tin Tab; PK = Parker-Kalon; P.S.M. = Professional Surveyor & Mapper; W/CAP = With Surveyors Cap.
- This map represents actual site conditions existing at the time of aerial photography acquired 01-24-2024. Ground controls, aerial targets, contours and elevations were updated by Aviom & Associates, Inc. Flight was performed with the FAA LAANC Airspace Authorization ALTAKWOWT9TTO and followed all Chapter 107 guidelines for remote drone operation and was overseen by a FAA UAS Remote Pilot, Certificate #4299222.

CERTIFICATION:

I HEREBY CERTIFY that the Topographic and Control Survey as shown hereon is true and correct to the best of my knowledge and belief as surveyed in the field under my direction. I FURTHER CERTIFY that this Topographic and Control Survey meets the Standards of Practice set forth in Chapter 5J-17, Florida Administrative Code, pursuant to Chapter 472, Florida Statutes.

MICHAEL J. AVIROM, P.S.M.  
Florida Registration No. 7253  
AVIROM & ASSOCIATES, INC.  
L.B. No. 3300

TOPOGRAPHIC & CONTROL SURVEY  
SKEES ROAD LANDFILL  
A PORTION OF TRACT 10, BLOCK 1  
PALM BEACH FARMS COMPANY PLAT NO. 3  
(PLAT BOOK 2, PAGE 42, P.B.C.R.)  
TOWN OF PALM BEACH  
PALM BEACH COUNTY, FLORIDA

SCALE: 1" = 50'

DATE: 01/23/2014

BY: M.M.K.

CHECKED: M.D.A.

F.B. 1674 PG. 1-4

SHEET: 1 OF 2

AVIROM & ASSOCIATES, INC.  
SURVEYING & MAPPING  
50 S.W. 2nd AVENUE, SUITE 102  
BOCA RATON, FLORIDA 33432  
(561) 392-2594 / www.AVIROMSURVEY.com  
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REVISIONS

REVISED FOR	DATE	FB / PG	BY	CKD	REVISIONS	DATE	FB / PG	BY	CKD
REVISED FOR UPDATED AERIAL PHOTOGRAPHY	01/27/2015	N/A	M.M.K.	M.D.A.	UPDATED SURVEY / UPDATE MONITORING WELLS	01/24/2024	2007/4-8	BY	CKD
REVISED FOR UPDATED AERIAL PHOTOGRAPHY	02/09/2016	1389/28	S.E.L.	M.D.A.					
REVISED FOR UPDATED AERIAL PHOTOGRAPHY	02/02/2017	1805/09	M.M.K.	M.D.A.					
REVISED FOR UPDATED AERIAL PHOTOGRAPHY	02/02/2019	1807/44	M.M.K.	M.D.A.					
REVISED FOR UPDATED AERIAL PHOTOGRAPHY	02/10/2020	1809/51	M.M.K.	M.D.A.					
REVISED FOR MONITORING WELL INF (UM-30)	02/17/2020	1807/46-49	M.M.K.	M.D.A.					
REVISED FOR UPDATED AERIAL PHOTOGRAPHY	01/27/2022	SKEEN	M.M.K.	M.D.A.					
REVISED FOR UPDATED AERIAL PHOTOGRAPHY	01/24/2023		M.M.K.	M.D.A.					



TOPOGRAPHIC & CONTROL SURVEY									
1" = 50'									
DATE: 01/23/2014									
BY: M.M.K.									
CHECKED: M.D.A.									
F.B. 1674 PG. 1-4									
SHEET: 2 OF 2									
<p>SKREE ROAD LANDFILL</p> <p>A PORTION OF TRACT 10, BLOCK 1</p> <p>PALM BEACH FARMS COMPANY PLAT NO. 3</p> <p>(PLAT BOOK 2, PAGE 42, P.B.C.)</p> <p>TOWN OF PALM BEACH</p> <p>PALM BEACH COUNTY, FLORIDA</p>									
REVISONS		DATE	BY	PG.	REVISIONS	DATE	BY	PG.	CKD
REVISED FOR UPDATED AERIAL PHOTOGRAPHY		01/27/2015	N/A	M.M.K.					
REVISED FOR UPDATED AERIAL PHOTOGRAPHY		02/03/2016	S.E.L.	M.D.A.					
REVISED FOR UPDATED AERIAL PHOTOGRAPHY		11/22/2017	1850/26	M.M.K.					
REVISED FOR UPDATED AERIAL PHOTOGRAPHY		02/16/2019	1850/44	M.M.K.					
REVISED MAIN TOWNAL MAP (M-38)		02/17/2020	1850/46-49	M.M.K.					
REVISED FOR UPDATED AERIAL PHOTOGRAPHY		07/13/2021	295/19	M.E.L.					
REVISED FOR UPDATED AERIAL PHOTOGRAPHY		01/24/2023	295/19	M.D.A.					



Any pilot program to be implemented would first be described in writing and presented to the Palm Beach County Health Department for review prior to implementation. Implementation of any pilot program at the facility would not commence until the Town receives a written notice of no objections from the Palm Beach County Health Department.

In general, the pilot grinding program will consist of the following operations:

- The landfill facility operator and supervisor are responsible for processing and controlling incoming yard waste that will be used to conduct the pilot grinding program.
- The pilot program will be conducted in the northwest corner of the landfill, specifically in the areas of landfill cells 21 through 28 and 30.
- Landfill cells 21 through 28 and 30 will be mined to the existing top of natural grade. All non-Class III materials will be removed and disposed of legally off-site at the SWA facility. This mining operation will be a one-time occurrence in order to prepare the site for the grinding operation.
- Excess soil materials removed from cells 21, 22, and 26 will be placed in the area of cells 23, 24, 25, 27, 28, and 30. Cells 21, 22, and 26 will be graded level to create a working platform for the pilot grinding operation.
- Any remaining topsoil recovered will be stored in the location south of the on-site pond.
- Upon completion of the one-time mining process described above, a machine grinder will be set up in the general location of cell 21.
- Incoming yard waste to be ground.
  - 70% of the ground material shall have a particle size capable of passing through a three-inch screen.
  - Ground material to be spread to a smooth contour and compacted properly. Blowing of shredded waste by the wind shall be controlled using water and compaction.

- Ground materials will be stockpiled in windrows over cells 22 and 26. Windrow volumes will be recorded by survey to document their initial volume.
- The site will be annually surveyed to collect topographical data and aerial photography and obtain current pile heights.
- The survey data will be used to compare decomposition rates between ground material and unground material. This data will then be used in decision making for modifications to landfill operations in the future. Any future changes to landfill operations will be submitted to the Palm Beach County Health Department as a permit modification for review and approval.



## FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Alexis A. Lambert**  
Secretary

---

### Electronic Submission

### Solid Waste Quantity Report

You have submitted your Solid Waste Quantity Report as required by Rule 62-701.500 F.A.C. which implements the requirements of the Florida Solid Waste Management Act, § 403.702-.7193 and 403.75-.769, Florida Statutes.

Below is a copy of the information you submitted for your records.

#### Facility Information

**Facility ID:** 65863  
**Facility or Business Name:** TOWN OF PALM BEACH - SKEES ROAD  
**Address Line 1:** 1300 SKEES RD  
**Address Line 2:**  
**City/State/Zip Code:** West Palm Beach, FL 33417 0  
**County:** Palm Beach

#### Mailing Address

**Company Name:** TOWN OF PALM BEACH  
**Address Line 1:** PO BOX 2029  
**Address Line 2:**  
**City/State/Zip Code:** PALM BEACH, FL 33480 0

#### Site Supervisor

**Name:** CHET PURVES  
**Phone Number:** (561) 838-5440  
**Extension:**  
**E-mail Address:** cpurves@townofpalmbeach.com

If you have any questions or concerns about the information contained in this report, please contact the Solid Waste Program Coordinator in the Solid Waste Program Office at (850) 245-8707 or send e-mail to SWPP@dep.state.fl.us.

## Annual Report Summary

(all values in tons)

Facility Type	Class I Waste	Class III Waste	Ash Residue	Other Wastes
Class III Landfill	0.0	15520.28	0.0	0.0

County of Origin: PALM\_BEACH

### Class III Report Information (all values in tons)

Month/Year	Class I Waste	Class III Waste	Ash Residue	Other Wastes
1/2024	0.00	878.63	0.00	0.00
2/2024	0.00	771.38	0.00	0.00
3/2024	0.00	816.75	0.00	0.00
4/2024	0.00	876.00	0.00	0.00
5/2024	0.00	1608.75	0.00	0.00
6/2024	0.00	1922.75	0.00	0.00
7/2024	0.00	2215.13	0.00	0.00
8/2024	0.00	1967.63	0.00	0.00
9/2024	0.00	1241.63	0.00	0.00
10/2024	0.00	1237.50	0.00	0.00
11/2024	0.00	1188.00	0.00	0.00
12/2024	0.00	796.13	0.00	0.00
Total	0.00	15520.28	0.00	0.00

Additional information describing the **Other Waste** disposed of:

---

### Report Submitted By

**Name:** Chet Purves  
**Phone Number:** (561) 227-7020  
**Extension:**  
**E-mail Address:** cpurves@townofpalmbeach.com

All information submitted was certified true, accurate, and correct to the best of the knowledge of the person whose name appears above.

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

---

## Section of Agenda

Regular Agenda - New Business

## Agenda Title

Discussion on Formation of Water Resources Task Force

## Presenter

Bridget Moran, Town Council Member

## ATTACHMENTS:

No Attachments Available



# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

---

## Section of Agenda

### DEVELOPMENT REVIEW MATTERS

#### Agenda Title

Review of Draft Declaration of Use Agreement - ZON-24-0055 (COA-24-0022)

**120-132 N County Road - Palm Beach Synagogue**

**TO BE HEARD AFTER THE COMPLETION OF THE REGULAR BUSINESS OR AFTER 2:00 P.M.**

#### Presenter

Wayne Bergman, Director of Planning, Zoning and Building

#### ATTACHMENTS:

- ▢ **Memorandum Dated April 1, 2025, from Joanne M. O'Connor, Town Attorney**
- ▢ **Draft Declaration of Use Agreement PB Synagogue 3.19.25**
- ▢ **Draft Construction Management Agreement**

# Memo

**To:** Mayor & Town Council  
**From:** Town Attorney, Joanne M. O'Connor  
**Date:** April 1, 2025  
**Re:** Palm Beach Synagogue Declaration of Use Agreement

By its January 15, 2025 Development Order (Corrected), the Town Council ***conditionally*** approved a variance to reduce the required on-site parking spaces to provide eight (8) spaces for the Sunday School where 139 are required, and 18 spaces for the Saturday service where 139 are required. The approval was conditioned on the applicant returning to Town Council to review and approve a Declaration of Use Agreement outlining its off-site parking arrangements and that the applicant submit written parking agreements subject to the review and approval of the Town Council, among other items.

The applicant did not apply for a special exception for required off-street parking facilities or supplemental shared off-site parking under Sections 134-2177 and 134-2182 of the Zoning Code respectively. Such required off-street and supplemental shared off-site parking must be located within 500 feet of the premises. Sec. 134-2177(1); 134-2182(d)(2). Required off-street parking is subject to a number of conditions under the Zoning Code, including that the owner of the parking area enter into a written agreement with the Town that the land comprising the parking area will be so used in perpetuity. Sec. 134-2177(1)(c). Supplemental off-site shared parking is also subject to a number of conditions, including evidence from a traffic planner or traffic engineer “that all other establishments using the existing parking spaces will primarily utilize these spaces at different times of the day, week, month or year from that of the applicant’s use, and that the sharing of such parking spaces will not result in conflicting or overlapping usage of the parking facilities.” Sec. 134-2182(d)(4).

At the hearing on this application, the applicant represented to the Town Council that while it did not have access to offsite shared parking in perpetuity, it had written agreements for 105 parking spaces in the following locations within 500 feet of its property:

1. Echo Restaurant parking lot
2. Paramount parking lot
3. Bank of America, Chairman’s Club parking lot

An excerpt from the applicant’s PowerPoint presentation is attached and purports to show the location of these offsite parking areas.

## Review of Parking Agreements Submitted

The applicant has recently submitted the attached two (2) parking agreements with respect to the Echo and Paramount parking lots. I note the following for your consideration:

### 1. Echo parking lot

This agreement with the Palm Beach Hotel (Garage owner) and Flagler System Management (tenant) would allow the applicant to use a maximum of 30 parking spaces **on a non-exclusive basis** on the following dates/times:

- Saturday and Sunday, 8:00 a.m. to 4:00 p.m.
- Rosh Hashanah, Yom Kippur and the evening prior to Yom Kippur – on prior notice and written approval from Flagler System and “provided that the parking spaces ... can be made available on those Jewish High Holidays **in [Flagler System’s] sole discretion**”
- Other dates and times pre-approved by the garage owner and Flagler System in writing, “**at their sole discretion.**”

To use the Echo lot, the applicant **must** use a **valet**. Please note, however, that the applicant has **not** agreed to use a valet for Saturday religious services, Sunday School or on Rosh Hashanah and Yom Kippur, citing religious practices. As a result, it is my understanding that the Echo parking lot would not be available on these dates and times and any others when the applicant does not use a valet.

This agreement is terminable by either party “for any reason, or no reason at all” on 60 days written notice.

### 2. Paramount parking lot

This agreement with WEG Paramount LLC would allow the applicant to use a maximum of 35 spaces **on a non-exclusive basis** on the following dates/times:

- Saturdays, 8:00 a.m. to 12:00 p.m.
- Jewish High Holidays and other special events with notice to and **the prior written approval** of WEG Paramount LLC
- Other dates and times as approved by WEG Paramount LLC “**at its sole discretion**”

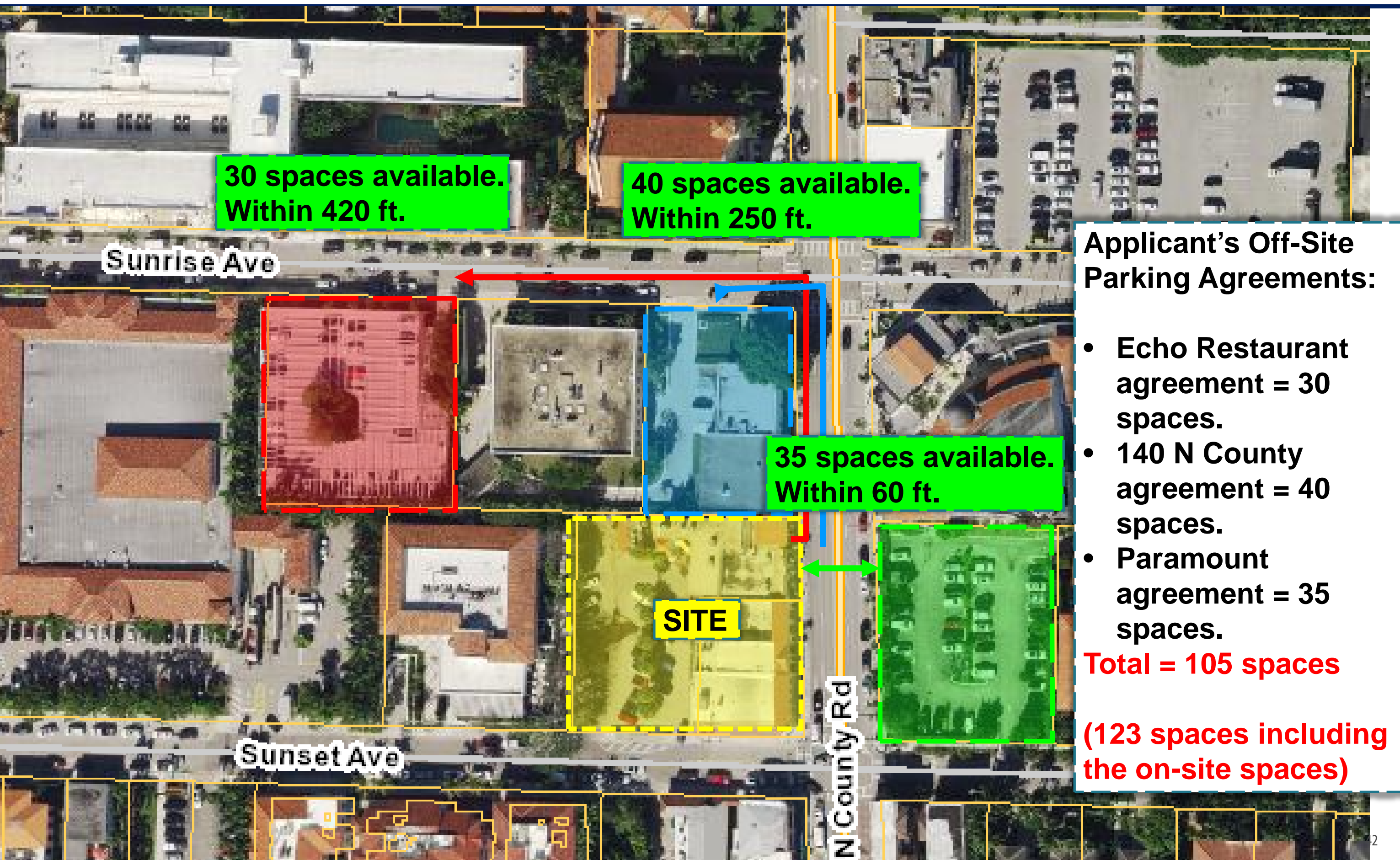
As you are aware, WEG Paramount LLC is in litigation with the Town currently over development approvals for the Paramount. We reached out to Mr. Woerner with respect to this parking agreement and he provided the following comment:

Mr. Woerner stated he has plans to redevelop the Paramount in the near future, and as such the parking agreement between Paramount and the Synagogue is expressly made terminable “with written notice for any reason, or for no reason at all.” Mr. Woerner asserts that the parking agreement should not be construed in any way to limit Paramount’s parking capacity/entitlements now, or for its future plans. According to him, the intent of the parking agreement with PB Synagogue has always been temporary in nature for the purpose of furnishing parking to its neighbor when not utilized for its own use.

The applicant has **not** submitted an agreement with respect to the **Bank of America parking lot**. The applicant represented at the hearing that any such agreement would only provide parking spaces “***from the end of business on Friday to the start of business on Monday.***”

**\*\*Please note that because the applicant did not apply for a special exception for required off-street parking or shared off-site parking, neither Staff nor I have confirmed whether the above “receiving” sites have a surplus of parking to share with the PB Synagogue at any time let alone on Saturday, Sunday or the cited holidays.**

## (V5) PARKING – Parking Agreements



### Applicant's Off-Site Parking Agreements:

- Echo Restaurant agreement = 30 spaces.
- 140 N County agreement = 40 spaces.
- Paramount agreement = 35 spaces.

**Total = 105 spaces**

**(123 spaces including the on-site spaces)**



## **PARKING AGREEMENT**

This Parking Agreement ("Agreement") is entered into this 12<sup>th</sup> day November, 2024 ("Effective Date"), by and between Palm Beach Hotel, LP ("Parking Garage Owner"), Flagler System Management, Inc. ("Parking Garage Tenant"), and the Palm Beach Orthodox Synagogue, Inc. ("Palm Beach Synagogue"). Parking Garage Owner, Parking Garage Tenant and Palm Beach Synagogue are individually referred to as a "Party" and collectively referred to as the "Parties."

### **RECITALS**

WHEREAS, Parking Garage Owner owns the real property located at 230 Sunrise Avenue, Palm Beach Florida, identified by Parcel Identification Number 50-43-43-15-10-000-0750 ("Parking Garage Property"); and

WHEREAS, Parking Garage Owner entered into a Lease Agreement with Parking Garage Tenant, whereby Parking Garage Tenant has the right to use specified parking spaces on the Parking Garage Property at specified times of day.

WHEREAS, Palm Beach Synagogue owns the real properties located at 120 North County Road and 132 North County Road, Palm Beach, Florida, identified by Parcel Identification Numbers 50-43-43-22-31-000-1751 and 50-43-43-22-31-000-1730 (collectively "Palm Beach Synagogue Property"); and

WHEREAS, Palm Beach Synagogue plans to renovate and expand the existing buildings located on the Synagogue Property and seeks additional off-site parking spaces to supplement its on-site parking on weekends, special events, and certain Jewish High Holidays; and

WHEREAS, the Parking Garage Property is caddy corner to the Palm Beach Synagogue Property; and

WHEREAS, Palm Beach Synagogue desires to utilize the parking spaces located on the Parking Garage Property, and Parking Garage Owner and Parking Garage Tenant desire to make their parking spaces available to the Palm Beach Synagogue under the terms and conditions set forth in this Parking Agreement.

NOW THEREFORE, in consideration of the foregoing recitals and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge by the Parties, the Parking Garage Owner, Parking Garage Tenant and Palm Beach Synagogue hereby enter into this Parking Agreement, subject to the following terms and conditions:

### **WITNESSETH**

1. The above recitals, incorporated and adopted herein by reference, are true and correct.

2. Parking Garage Owner and Parking Garage Tenant shall allow the Palm Beach Synagogue to use a maximum of 30 parking spaces located on the Parking Garage Property.
3. Palm Beach Synagogue shall be allowed to use any 30 parking spaces, as they are available on a non-exclusive basis, on the Parking Garage Property except for the following parking spaces, as identified on the attached Exhibit:
  - a. The three (3) parking spaces located on the westernmost portion of the ground floor of the Parking Garage Property located directly behind Suite B of the Parking Garage Property; and
  - b. The four (4) parking spaces located on the ground floor of the Parking Garage Property located directly behind the ECHO restaurant.
  - c. The one (1) space on the ground floor for the benefit of the Parking Garage Owner or its guests/invitees
  - d. The twelve parking spaces along the west wall on the 2<sup>nd</sup> floor of the parking garage that are for the exclusive use of the Parking Garage Owner
4. Palm Beach Synagogue's right to use the parking spaces located on the Parking Garage Property shall be limited to:
  - a. Saturdays and Sundays, from 8:00 a.m. to 4:00 p.m.;
  - b. Rosh Hashanah, Yom Kippur and the evening prior to Yom Kippur ("Jewish High Holidays"), with prior notice to and written approval of Parking Garage Tenant and provided that the parking spaces on the Parking Garage Property can be made available on those Jewish High Holidays in Parking Garage Tenant's sole discretion;
  - c. Special events hosted at the Palm Beach Synagogue, with notice to and prior written approval of Parking Garage Tenant at its sole discretion; and
  - d. Any other dates and times pre-approved by Parking Garage Owner and Parking Garage Tenant in writing, at their sole discretion.
5. Palm Beach Synagogue will only use the Parking Garage Property for parking and for no other purpose.
6. Palm Beach Synagogue shall utilize a valet service provider to park vehicles on the Parking Garage Property.
7. Parking Garage Owner and Parking Garage Tenant shall have the right but not the requirement to designate a certain area where the Palm Beach Synagogue may park according to this Agreement.

8. Parking Garage Owner and Parking Garage Tenant have the right to modify or terminate this Agreement at any time as their own operational needs require. Parking Garage Owner and Parking Garage Tenant shall provide Palm Beach Synagogue with at least sixty (60) days prior written notice of any modification or termination of this Agreement. However, due to potential impact on operations in case of breach, if Palm Beach Synagogue violates the terms of this Agreement and after notice fails to cure such breach within twenty-four hours, Parking Garage Owner and/or Parking Garage Tenant may terminate the Agreement immediately.
9. Parking Garage Owner and Parking Garage Tenant shall not assume liability for any damage to vehicles or any contents. Palm Beach Synagogue shall release and indemnify Parking Garage Owner and Parking Garage Tenant, as well as their parents, affiliates, directors, officers, employees and agents from and against any and all actions, costs, claims, losses, expenses and/or damages for any personal injury, negligence, property damage, loss or other liability resulting from Palm Beach Synagogue's use of the Parking Garage Property. Palm Beach Synagogue shall at all times keep in force and provide proof of general liability insurance with bodily injury limits of not less than One Million and No/100 Dollars (\$1,000,000.00) for each occurrence and with property damage limits of not less than One Million and No/100 Dollars (\$1,000,000.00) for each occurrence. Palm Beach Synagogue shall furnish certificates of insurance to Property Garage Owner and Property Garage Tenant naming Property Garage Owner and Property Garage Tenant as additional insureds on all such policies.
10. This Parking Agreement will be construed in accordance with the laws of the State of Florida.
11. Each Party acknowledges the sufficiency of the consideration herein.
12. Any Party may terminate this Parking Agreement with at least sixty (60) days prior written notice, for any reason, or no reason at all. However, due to potential impact on operations in case of breach, if Palm Beach Synagogue violates the terms of this Agreement and after notice fails to cure such breach within twenty-four hours, Parking Garage Owner and/or Parking Garage Tenant may terminate the Agreement immediately.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties have executed this Parking Agreement as of the date first written above.

**PALM BEACH HOTEL, LP**

By: [Signature]

Name: Frederich Grace

Title: Manager

**FLAGLER SYSTEM MANAGEMENT, INC.**

By: [Signature]

Name: Darren Hirsowitz

Title: Treasurer

**PALM BEACH ORTHODOX SYNAGOGUE, INC.**

By: Rabbi Moshe Scheiner

Name: Moshe Scheiner

Title: Rabbi, Palm Beach Synagogue

EXHIBIT E-1 (Top Floor)  
Parking Diagram

Scanned with CamScanner

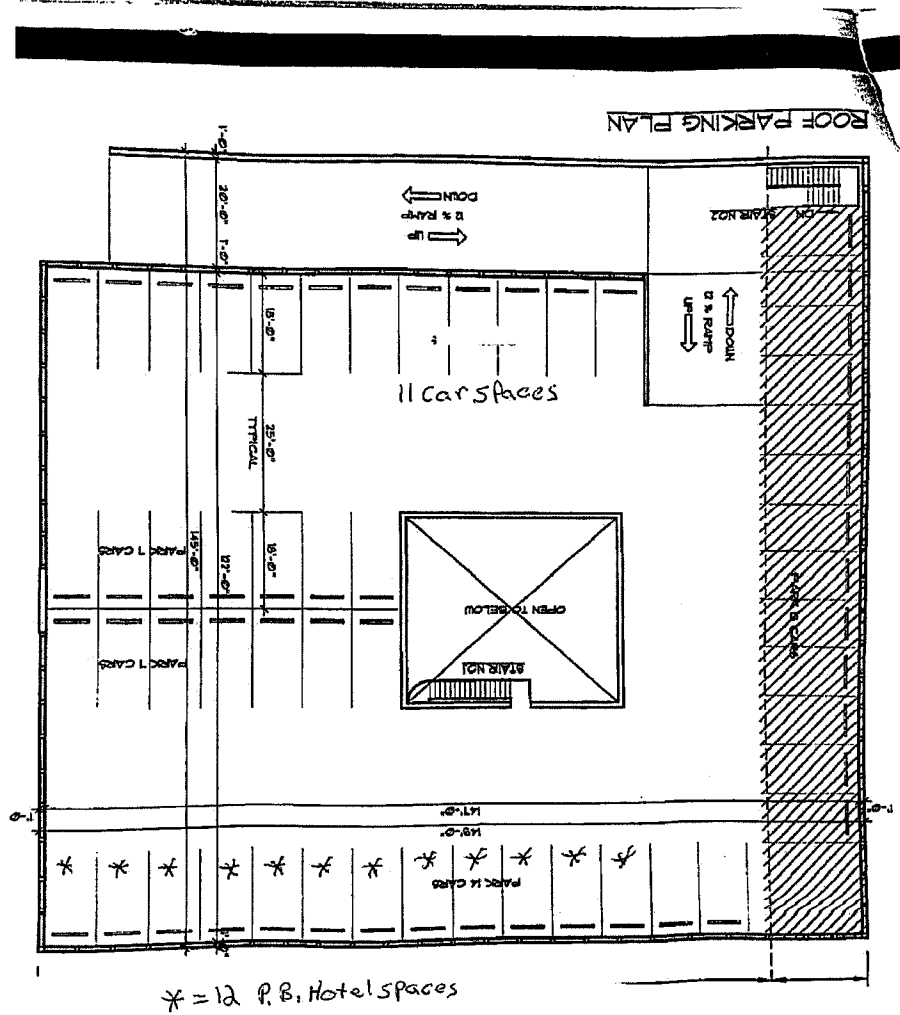
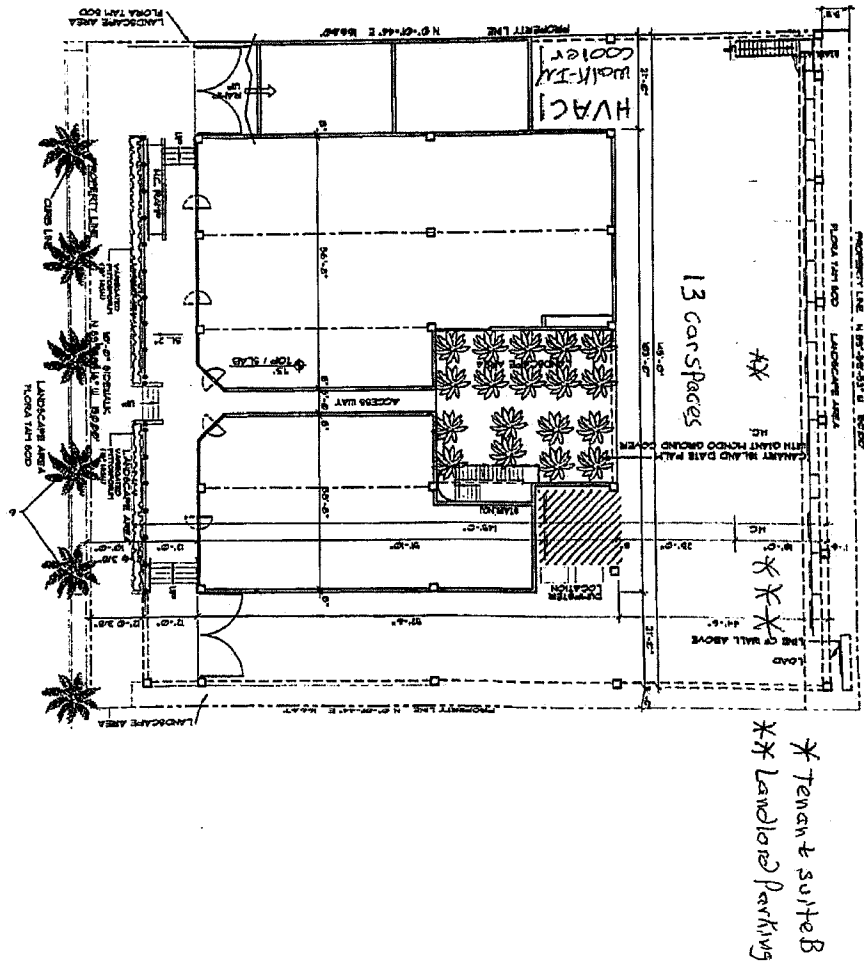




EXHIBIT E-2 Ground Floor)  
Parking Diagram

Scanned with CamScanner



## **PARKING AGREEMENT**

This Parking Agreement ("Agreement") is entered into this 6<sup>th</sup> day of November, 2024 ("Effective Date"), by and between of WEG Paramount LLC ("Parking Lot Owner") and the Palm Beach Orthodox Synagogue, Inc. ("Palm Beach Synagogue"). Parking Lot Owner and Palm Beach Synagogue are individually referred to as a "Party" and collectively referred to as the "Parties."

### **RECITALS**

WHEREAS, Parking Lot Owner owns the real property located at 139 North County Road Palm Beach, Florida, identified by Parcel Identification Number 50-43-43-15-09-000-0140 ("Parking Lot Property"); and

WHEREAS, Palm Beach Synagogue owns the real properties located at 120 North County Road and 132 North County Road, Palm Beach, Florida, identified by Parcel Identification Numbers 50-43-43-22-31-000-1751 and 50-43-43-22-31-000-1730 (collectively "Synagogue Property"); and

WHEREAS, Palm Beach Synagogue plans to renovate and expand the existing buildings located on the Synagogue Property and seeks additional off-site parking facilities to supplement its on-site parking on certain enumerated days and times as set forth in this Agreement; and

WHEREAS, the Parking Lot Property is across the street from the Synagogue Property and has unused parking spaces on the days and times that Palm Beach Synagogue needs parking spaces; and

WHEREAS, Palm Beach Synagogue desires to utilize the parking spaces located on the Parking Lot Property and the Parking Lot Owner desires to make its parking spaces available to the Palm Beach Synagogue under the terms and conditions set forth in this Agreement.

NOW THEREFORE, in consideration of the foregoing recitals and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, the Parking Lot Owner and Palm Beach Synagogue hereby enter into this Agreement, subject to the following terms and conditions:

### **WITNESSETH**

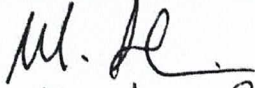
1. The above recitals, incorporated and adopted herein by reference, are true and correct.
2. The Parking Lot Owner shall allow the Palm Beach Synagogue to use a maximum of 35 parking spaces located on the Parking Lot Property.

3. Palm Beach Synagogue's right to use the parking spaces located on the Parking Lot Property shall be limited to:
  - a. Saturdays, from 8:00 a.m. to 12:00 p.m
  - b. Jewish High Holidays and other special events hosted at the Palm Beach Synagogue, with notice to and prior written approval of the Parking Lot Owner; and
  - c. Any other dates and times approved by the Parking Lot Owner, at its sole discretion.
4. Palm Beach Synagogue shall only use the Parking Lot Property for parking cars and for no other purpose.
5. Parking Lot Owner shall not assume liability for any damage to vehicles or any contents. Palm Beach Synagogue shall release and indemnify Parking Lot Owner, their parents, affiliates, directors, officers, employees and agents from and against any and all actions, costs, claims, losses, expenses and/or damages for any personal injury, negligence, property damage, loss or other liability resulting from Palm Beach Synagogue's use of Parking Lot Owner's property. Palm Beach Synagogue shall at all times keep in force and provide proof of general liability insurance with bodily injury limits of not less than One Million and No/100 Dollars (\$1,000,000.00) for each occurrence and with property damage limits of not less than One Million and No/100 Dollars (\$1,000,000.00) for each occurrence. Palm Beach Synagogue shall furnish certificates of insurance to Property Lot Owner naming Property Lot Owner as an additional insured on all such policies.
6. This Agreement shall be construed in accordance with the laws of the State of Florida.
7. Each Party acknowledges the sufficiency of the consideration herein.
8. Either Party may terminate this Parking Agreement with written notice for any reason, or no reason at all.

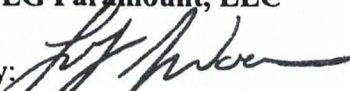
[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

**PALM BEACH ORTHODOX SYNAGOGUE, INC.**

By:   
Name: Moshe Scheiner  
Title: Title

**WEG Paramount, LLC**

By:   
Name: Lester J. Werner  
Title: President of Manager,  
Werner Management, Inc.

**Prepared by, record, and return to:**  
Harvey E. Oyer, III, ESQ  
525 Okeechobee Blvd. Suite 1100  
West Palm Beach, FL 33401

**AMENDMENT OF DECLARATION  
OF USE AGREEMENT**

**by**

**THE TOWN OF PALM BEACH**

**and**

**PALM BEACH ORTHODOX  
SYNAGOGUE, INC.**

\_\_\_\_\_, 2025



## AMENDMENT OF DECLARATION OF USE AGREEMENT

THIS AMENDMENT OF DECLARATION OF USE AGREEMENT ("Amended Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2025 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter called "Town") and Palm Beach Orthodox Synagogue, Inc., (hereinafter called "PB Synagogue"), which terms "Town" and "PB Synagogue" will include and bind the successors and assigns of the parties, wherever the context so requires or admits.

### WITNESSETH:

**WHEREAS**, the Town and PB Synagogue heretofore entered into a Declaration of Use Agreement, dated May 12, 2008, recorded in Official Records Book 22640, Page 0733, of the Public Records of Palm Beach County, Florida (the "Agreement"); and

**WHEREAS**, the Agreement affected certain land described therein located at 120 N. County Road within the municipal limits of the Town as more particularly described in Exhibit "A" attached hereto (the "Original Synagogue Property"); and

**WHEREAS**, this Amended Agreement affects the Original Synagogue Property and the additional property acquired by PB Synagogue described in Exhibit "B" attached hereto ("Chez Jean Pierre Property") and made a part hereof (the Original Synagogue Property together with the Chez Jean Pierre Property are collectively hereinafter referred to as the "Property") located at 120-132 N. County Road within the municipal limits of the Town; and

**WHEREAS**, the Agreement reflected the terms and conditions of a Special Exception / Site Plan Review approved by the Town for the Original Synagogue Property (Special Exception #3-2007 with Site Plan Review), hereinafter referred to as the "Prior Approval"; and

**WHEREAS**, the Agreement provides that it may be amended by written instrument signed by all parties thereto; and

**WHEREAS**, on September 5, 2024, PB Synagogue submitted an application for a Special Exception Use / Site Plan Review / Variances (Application Number ZON-24-0055 and COA-24-0022, hereinafter referred to as the "Application") on the Property; and

**WHEREAS**, the Town Council conditionally approved the Application on January 15, 2025 and granted approval of three (3) Special Exceptions for: 1) Churches, synagogues or other houses of worship, 2) two-stories in the C-TS zoning district and 3) square footage greater than 3,000 square feet in the C-TS district with Site Plan Review and nine (9) variances due to demolition exceeding 50%, renovations, and building additions for: 1) reduction in the minimum required front yard setback and pedestrian walkway, 2) reduction in the minimum

required overall landscape open space, 3) reduction in the minimum front yard landscape open space, 4) increase in the maximum permitted building length, 5) reduction to the on-site parking requirement, 6) elimination of the minimum required number of berths (off-street loading spaces), 7) increase of the maximum permitted gross building area, 8) reduction in the minimum required side yard setback, and 9) reduction in the minimum required rear yard setback for the landmarked property (hereinafter referred to as the “Project”); and

**WHEREAS**, the terms and conditions contained in the Agreement are only applicable to the Prior Approval and are hereby repealed and replaced with the terms and conditions in this Amended Agreement as set forth herein; and

**WHEREAS**, the parties wish to amend the Agreement with this Amended Agreement to reflect the changes approved by the Town as part of the Project approval; and

**WHEREAS**, all of the representations made herein are true and accurate and the approval of the Project is conditioned upon the representations made herein and all of the conditions herein imposed;

**NOW, THEREFORE**, in consideration of the mutual promises set forth herein, the receipt and sufficiency of which is hereby acknowledged by both parties, it is agreed as follows:

## **ARTICLE I REPRESENTATION OF AUTHORITY**

PB Synagogue has full right to enter into this Amended Agreement and to bind the Property and itself to the terms hereof. There are no covenants, restrictions or reservations of record that will prevent the use of the Property in accordance with the terms and conditions of this Amended Agreement. No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority, or other party other than any such consent which already has been unconditionally given or referenced herein. The execution of this Amended Agreement or the consummation of the actions contemplated herein will not violate any restriction, court order, or agreement to which the Property is subject.

## **ARTICLE II SYNAGOGUE USE**

The synagogue and accessory uses that are the subject of this Amended Agreement shall be as set forth in the Application and approved by the Town Council on January 15, 2025 as the same may be amended from time to time (hereinafter referred to as the "Approval").

### ARTICLE III CONDITIONS

The Approval shall be based upon the following conditions:

1. The Project was approved for the continued operation of a synagogue/house of worship with accessory uses as outlined in the Application, including a Sunday School and Social Hall.
2. The maximum occupancy shall not exceed 72 people except when there is Sunday School, religious services on Saturday, religious services on the following observed Jewish holidays—Shabbat, Rosh Hashanah, Yom Kippur, Sukkot, Shemini Atzeret, Simchat Torah, Hanukkah, Tu Bishvat, Purim, Passover, Yom HaShoah, Yom HaZikaron, Yom HaAtzmaut, Lag BaOmer, Shavuot, Tisha B’Av (the “major holidays”), or a Special Event.
3. The **Sunday School accessory use** shall be limited as follows:
  - a) Attendees of the Sunday School shall be limited to the children of the members of the synagogue;
  - b) The maximum number of attendees to the Sunday School shall be 150 attendees and no more than 20 staff;
  - c) Sunday School shall only operate on Sundays;
  - d) Sunday School shall not commence before 9:30 a.m. and shall conclude no later than 12:30 p.m.;
  - e) Attendees of the Sunday School shall use a drop-off and pick-up procedure in the internal courtyard area as shown in the drop-off and pick-up plan, a copy of which is attached hereto as Exhibit “C”, and which shall not involve vehicles queuing into Sunset Avenue or any other roadway adjacent to the Property;
  - f) PB Synagogue shall not use the 12 northernmost parking spaces in the internal courtyard for parking purposes during the operating hours of the Sunday School. These parking spaces shall only be used for the Sunday School drop-off and pick-up procedure as shown in the drop-off and pick-up plan.
4. PB Synagogue shall not operate any type of school, including any academic, professional or studio-type school as defined in Section 134-2 of the Town’s Code of Ordinances on weekdays or Saturdays. The only permitted school shall be the Sunday School described herein. PB Synagogue shall record a deed restriction/restrictive covenant in the public records reflecting this prohibition.
5. The **Social Hall accessory use** shall be limited as follows:
  - a) The Social Hall shall only be used for dining events that precede or follow religious services (“Dining Events”), and non-dining events (including Special Events) that support synagogue and congregation activities.
  - b) The maximum number of attendees to Dining Events in the Social Hall shall be 230 attendees.
  - c) The maximum number of attendees to Special Events in the Social Hall shall be 230 attendees.

- d) The maximum number of attendees to any other non-dining event that supports synagogue and congregation activities in the Social Hall shall be 72 attendees.
6. The **Sanctuary use** shall be limited as follows:
- a) The Sanctuary shall only be used for religious services held on a Saturday or major holiday or for Special Event(s).
  - b) The maximum number of attendees to services or Special Events in the Sanctuary shall be 230 attendees.
7. There shall not be separate simultaneous events in any combination of the Sanctuary, the Social Hall, and the Sunday School classrooms. Further, a Special Event may be held in either the Sanctuary or Social Hall but not both locations at the same time.
8. **Townpersons Requirement.** At all times, no less than 50% of the members of the PB Synagogue shall consist of individuals who are “townpersons” as defined in the Town’s Code. Unless otherwise waived by the Town, PB Synagogue is required to provide the Town an affidavit of compliance with the townpersons requirement on an annual basis.
9. **Special Events** shall be subject to the following restrictions:
- a) A Special Event is defined as a PB Synagogue-sponsored function for 72 or more people held in the Social Hall or Sanctuary that is not Sunday School or a religious service held on a Saturday or major holiday (“Special Events”).
  - b) There shall be no more than four (4) Special Events per month.
  - c) The maximum number of attendees to a Special Event shall be 230 people.
  - d) Only the PB Synagogue may host a Special Event; neither the PB Synagogue nor any member of the PB Synagogue may rent out the Social Hall or any other portion of the property including to other members.
  - e) At least one law enforcement officer shall be required for all Special Events unless more officers or an alternative arrangement is requested by the Town police or by the Fire Marshal.
  - f) The PB Synagogue is required to maintain records of Special Events, including number of attendees, and will make such records available to the Town upon request. The PB Synagogue shall be required to keep such records for a period of no less than 12 months.
  - g) There shall be no Special Events scheduled before 6:30 p.m. on a weekday (Monday through Friday) and no Special Events on Saturday. All Special Events shall conclude by 10:00 p.m.
  - h) Valet parking shall be required for all Special Events and must be previously approved by the Town’s Police Chief. The number of valet parkers may be modified by the Town’s Police Department if it is determined that either more or fewer valet parkers are required to manage the PB Synagogue’s parking. Valet parking for Special Events shall not involve vehicles queuing into Sunset Avenue or any other roadway adjacent to the Property. The PB Synagogue shall obtain and maintain a valet parking permit for one valet stand.
10. **Parking.** Similar to other houses of worship in the Town, the PB Synagogue shall be

permitted to park in Town public road rights-of-way where parking is permitted during religious services that fall on Saturdays and Sundays. To enhance the general character of the C-TS Town-Serving Commercial District in which the Property is located and the compatibility of the district with its residential surroundings, it is the intent of this Agreement that members and attendees of religious services held other than on Saturday and Sunday and of Special Events at PB Synagogue will not park on the Town's public rights-of-way but will instead park in private off-site parking locations. To that end, PB Synagogue shall obtain and use its best efforts to keep in effect written parking arrangement(s) with one or more off-site parking locations for use during religious services held other than on Saturday and Sunday and during all Special Events.

11. The PB Synagogue shall instruct its delivery services to use the existing commercial loading zones adjacent to the Property on Sunset Avenue. There shall be no scheduled deliveries before 8:00 a.m. or after 8:00 p.m. and no scheduled deliveries between 2:00 p.m. and 5:00 p.m. on Monday through Friday or during the hours of operation of the Sunday School from 9:30 a.m. to 12:30 p.m. on Sundays.
12. The PB Synagogue shall enter into a Construction Management Agreement ("CMA") with the Town prior to the issuance of the first building permit for the Project.
13. The Town shall have the right to conduct inspections on the buildings and Property on a periodic basis to confirm compliance with this Amended Agreement. Failure to allow an inspection by the Town will constitute a violation of this Amended Agreement.

#### **ARTICLE IV VOLUNTARY AGREEMENT**

PB Synagogue agrees to be bound by the terms and conditions in this Amended Agreement.

#### **ARTICLE V REMEDIES FOR VIOLATION**

1. Upon determination by anyone with authority that there is a violation of conditions of approval, this Agreement, or other provisions of the Town Code, the Town shall provide written notice to PB Synagogue and their representative of said violation and the date upon which said violation(s) shall be corrected. If PB Synagogue fails to correct the violation(s) within the timeframe set forth, the violation(s) shall be referred to the Town Code Enforcement Board for adjudication. PB Synagogue, their successors and assigns, agree that they shall pay the Town a liquidated amount of \$2,000.00 per day for each violation until corrected; however, PB Synagogue, their successors and assigns, further agree and acknowledge that the Code Enforcement Board may levy fines of up to \$5,000 per day for each violation until corrected if the Code Enforcement Board finds the violation to be



irreparable or irreversible in nature after due notice and hearing, pursuant to Fla. Stat. § 162.09. In addition to all remedies provided in the Town Code, in the event PB Synagogue fails to correct the violation(s) within the time provided, this Agreement may be reconsidered by the Town Council upon 30 days' written notice. The Town Council shall have the authority to revise or rescind the approval of the use.

2. The Town shall have all remedies available at law and equity in order to enforce the terms of this Amended Agreement including but not limited to (a) the Town's code enforcement procedures; (b) all remedies otherwise offered in the Town's Code of Ordinances; and (c) injunction, specific performance, and any and all other equitable relief through the civil courts in and for Palm Beach County for the State of Florida. In the event the Town is required to seek injunctive relief, it shall not be required to post bond. In the event of any litigation involving this Amended Agreement, or any of its covenants, agreements, terms or conditions, the prevailing party shall be entitled to reasonable attorney's fees and court costs from the non-prevailing party.

## **ARTICLE VI PROVISIONS TO RUN WITH THE PROPERTY**

This Amended Agreement shall run with the Property and shall be binding upon PB Synagogue, and shall terminate upon the termination of PB Synagogue's business tax receipt for operation of a synagogue, or rescission of the Approval. This Amended Agreement shall be recorded by PB Synagogue in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto.

## **ARTICLE VII ENTIRE AMENDED AGREEMENT**

This Amended Agreement represents the entire agreement between the parties as to its subject matter and it may not be amended except by written agreement executed by both parties.

## **ARTICLE VIII EFFECTIVE DATE**

The Effective Date of this Amended Agreement shall be the day upon which this Agreement is executed by the last party to sign the Agreement.

## **ARTICLE IX MISCELLANEOUS PROVISIONS**

Wherever the word "laws" appears in this Amended Agreement, it shall be deemed to include all ordinances, rules, and regulations as well as laws of the appropriate governmental authorities.

All references in this Amended Agreement to times of a day are stated in terms of Eastern Standard Time, i.e., whichever of Eastern Standard Time or Eastern Daylight Time may be in effect at the time. The word "day" in this Amended Agreement means any period beginning when the time of day is midnight and ending on the next later occasion when the time of day is midnight.

This Amended Agreement may not be amended except by written instrument signed by all parties hereto.

Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to paragraphs and subparagraphs of this Amended Agreement and to exhibits attached hereto, which exhibits are by this reference made a part hereof.

In the event of the invalidity of any provision of this Amended Agreement, the invalidated provision shall be deemed stricken from this Amended Agreement and the remainder of this Amended Agreement shall continue in full force and effect as if such invalid provision were never a part hereof.

This Amended Agreement shall be governed by and construed in accordance with the laws of the State of Florida and the United States of America.

**IN WITNESS WHEREOF** the parties have hereunto set their hands and seals the day and year first above.

[Signatures, Notary, and Exhibits to follow]

Signed, sealed, executed, and acknowledged on this \_\_\_\_ day of \_\_\_\_\_, 2025. In Palm Beach County, Florida.

IN WITNESS WHEREOF

Owner

\_\_\_\_\_  
Witness # 1 Signature

\_\_\_\_\_  
Palm Beach Orthodox Synagogue, Inc.

\_\_\_\_\_  
Witness # 1 Printed Name

\_\_\_\_\_  
Witness # 2 Signature

\_\_\_\_\_  
Witness # 2 Printed Name

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_ day of \_\_\_\_\_, 2025, by \_\_\_\_\_ who ☐ is personally known to me or who ☐ has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public –

\_\_\_\_\_  
My Commission Expires: Notary Seal:

TOWN:

TOWN OF PALM BEACH

IN WITNESS WHEREOF

By: \_\_\_\_\_  
Kirk Blouin, Town Manager

\_\_\_\_\_

Witness # 1 Signature

\_\_\_\_\_  
Witness # 1 Printed Name

\_\_\_\_\_  
Witness # 2 Signature

\_\_\_\_\_  
Witness # 2 Printed Name

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by KIRK BLOUIN, as Town Manager of the Town of Palm Beach, a municipal corporation existing under the laws of the State of Florida, on behalf of the corporation, who ☐ is personally known to me or who ☐ has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public – State of Florida

Notary Seal: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Kelly Churney, Acting Town Clerk

APPROVED AS TO LEGAL FORM AND  
SUFFICIENCY:

\_\_\_\_\_  
Joanne M. O'Connor, Town Attorney

**EXHIBIT “A”**

**LEGAL DESCRIPTION:**

Lots 178-176 and the South 8.14 Feet of Lot 175, Floral Park, as recorded in Plat Book 2, Page 6, Palm Beach County, Florida Public Records, less the East 15 Feet of County Road Right of Way.

## **EXHIBIT "B"**

### **LEGAL DESCRIPTION:**

A parcel of land bounded by the existing exterior walls of the Richardson Greenfield Securities Building and the West right-of-way line of South County Road, Town of Palm Beach, Florida; said parcel of land being part of Lots 175 and 176, Plat of **FLORAL PARK**, according to the Plat thereof as recorded in Plat Book 2, Page 6, Public Records of Palm Beach County, Florida, and being more fully described as follows:

**COMMENCING** at the Southeast corner of said Lot 176;  
Thence, North 90°00'00" West, along the South line of said Lot 176, a distance of 15 feet to the intersection thereof with the West right of way line of South Country Road and the **POINT OF BEGINNING**;

Thence, continue North 90°00'00" West, along the South line of said Lot 176, a distance of 5 feet, more or less, to the Southeast corner of the said Richardson Greenfield Securities Building;  
Thence, continue North 90°00'00" West, along the South face of said building, a distance of 76 feet, more or less, to the Southwest corner of said building;  
Thence, Northerly along the West face of said building, a distance of 27.9 feet;  
Thence, Easterly along the Northerly face of said building a distance of 5.4 feet;  
Thence, Northerly, along the West Face of said building, a distance of 5.3 feet;  
Thence, Easterly along the North face of said building, a distance of 74.41 feet, more or less, to the Northeast corner of said building;  
Thence continue Easterly along said line, a distance of 5 feet to the West right of way line of said South County Road;  
Thence, South 02°45'00" East, along said right of way line a distance of 33.2 feet, more or less, to the **POINT OF BEGINNING**.

The bearings stated herein are based on an assumed North 90°00'00" West, along the South line of Lot 176;

**AND**

Lots 173 through 176 together with lots 180 through 183, inclusive, Plat of **FLORAL PARK**, as recorded in Plat Book 2, page 6, Public Records of Palm Beach County, Florida.

### **LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS**

The South 8.14 feet of Lot 175, Less the East 15 feet thereof, and Lot 176, less the East 15 feet thereof, of the Plat of **FLORAL PARK** according to the Plat thereof, as recoded in Plat book 2, Page 6, of the Public Records of Palm Beach County, Florida, being conveyed out by Warranty Deed, recorded in official Records Book 13287, Page 1027, in the Public Records of Palm Beach County, Florida.

**AND**

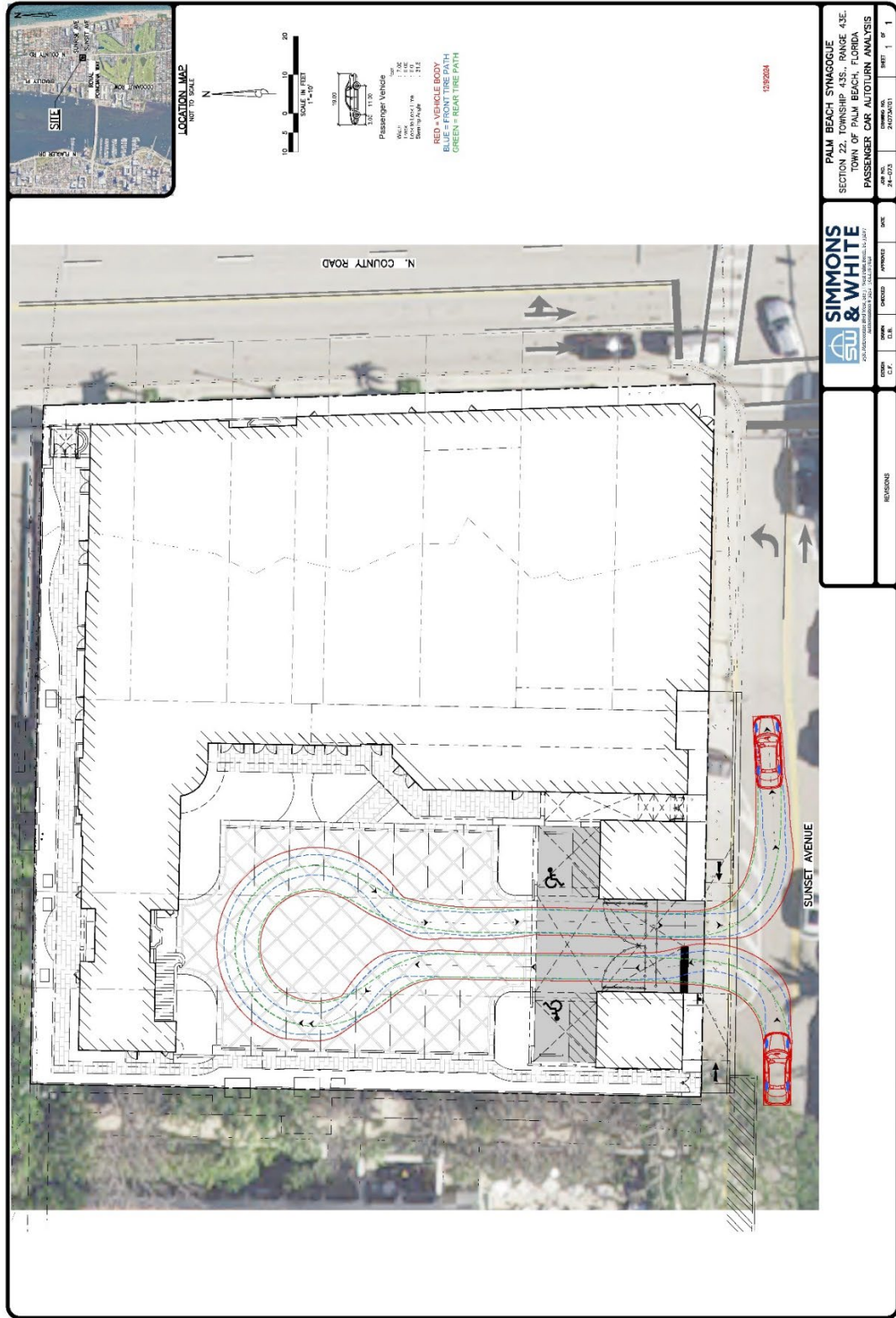


**LESS AND EXCEPT:**

Lots 178 and 179, **FLORAL PARK**, according to the Plat thereof, as recorded in Plat Book 2, Page 6, Public Records of Palm Beach County, Florida, being conveyed out by Warranty Deed, recorded in Official Records Book 11295, Page 435.

**EXHIBIT “C”**

Sunday School drop-off and pick-up plan



#6072866 v1 13156-00008

**CONSTRUCTION MANAGEMENT AGREEMENT FOR  
PALM BEACH ORTHODOX SYNAGOGUE**

This Construction Management Agreement (the "Agreement") is made this \_\_\_\_ day of \_\_\_\_\_, 202\_, and entered into between Palm Beach Orthodox Synagogue, Inc., as owner of 120-132 N. County Road, Palm Beach, Florida 33480 (hereafter the "Owner"), and Conkling and Lewis Construction, Inc, a licensed contractor with contractor license number CGC 026716 with registered address at 1241 Old Okeechobee Road, West Palm Beach, Florida 33401 (hereafter the "Contractor"), and the Town of Palm Beach, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereafter the "Town").

---

**WHEREAS**, a construction project will occur at 120-132 N. County Road,  
Legal Description of said property contained in Exhibit A.

**NOW THEREFORE**, for valid and legal consideration acknowledged by each of the parties hereto, the parties each agree, acknowledge, and pledge their adherence to the following terms and conditions:

1. **Recitals**: The foregoing recitals are true and correct and are incorporated herein by reference.
2. **Schedule**: Attached hereto as **Exhibit B** is the true and correct construction schedule presented by Owner and Contractor ("Construction Schedule") and required for full and complete close-out, delivery, and conclusion of construction activities at the Property (as described, the "Construction Activities"). The Construction Schedule provides the true and correct dates for each milestone associated with the Construction Activities including the full and final completion date for all Construction Activities (the "Completion Date"). The parties hereto agree and acknowledge that the Town may rely and is relying upon the truthfulness of the Construction Schedule and the milestone dates that Owner and Contractor are presenting herewith. The parties agree and commit the following with regard to the Construction Schedule:
  - a. The dates within the Construction Schedule for critical milestones must be adhered to and the completion date may only be modified with the consent of the Town.
  - b. The Completion Date set forth on the Construction Schedule shall not be altered or revised without the express written consent of Town Council.
  - c. Promptly upon entering into this Agreement, the Owner and the Contractor shall schedule an on-site construction meeting with Town staff, Owner's representatives, Contractor, and all sub-contractors. The purpose of the meeting will be to review this Agreement, all construction management requirements, schedule, project logistics, and Town expectations and requirements.

- d. The Contractor shall provide the Building Official with bi-monthly written updates of the progress of the Project.
- e. Generally, the Owner and the Contractor are accountable to the Town to complete construction: (i) as expeditiously and efficiently as possible and within the time frame set forth in the Construction Schedule, (ii) in accordance with Town's Code of Ordinances, and (iii) with a minimum of disturbance to or friction with the neighbors and neighborhood and the Town.

**3. Project specifications and performance:** Contractor shall provide the Building Official the following items in writing:

- a. Owner's selection of the following contractors/trades within 30 days of signing this document, and any change during the permit duration of the contractors:
  - i. Roofing Subcontractor
  - ii. Shell / Structural Subcontractor
  - iii. Mechanical Subcontractor
  - iv. Plumbing Subcontractor
  - v. Electrical Subcontractor
  - vi. Window and Door Subcontractor
- b. Owner's selection of the roofing materials and a copy of the order placed with the Supplier within 30 days of signing this document.
- c. Owner's selection of windows and exterior doors and a copy of the order placed with the Supplier within 30 days of signing this document.

**4. Job Site, Facilities, and Storage:** Contractor shall provide the Building Official the following items:

- a. (1) Project Description (2) truck logistics plan per Town Code of Ordinances Section 18-86, (3) construction staging plan per Town Code of Ordinances Section 18-86, (4) construction screening plan per Town Code of Ordinances Section 18-201, (5) detailed construction plan per Town Code of Ordinances Section 18-351, (6) staging plan per Town Code of Ordinances Section 18-86, (7) delivery plan per Town Code of Ordinances Section 18-86, (8) lay-down plan, (9) rodent control with a written report provided to the Town, (10) dust control per Town Code of Ordinances Section 42-164, (11) noise control per Town Code of Ordinances Section 42-196 through 42-229, (12) trash removal plan per Town Code of Ordinances Section 18-351, and (13) protective fencing around the jobsite and any trees and vegetation to be preserved. The Building Official shall use its best efforts to expedite review. These or any other construction related facilities shall not be in the public right-of-way at any time.
- b. Owner has the right to hire a third-party inspector to inspect construction progress and provide progress reports on a monthly basis.

- c. Contractor to mitigate any dirt or debris from accumulating on the sidewalk or roadway.

**5. Deliveries, Construction Traffic and Parking Plan: Contractor's primary goals are (1) to limit the amount of construction traffic and parking and (2) to ensure adequate and appropriate emergency response accessibility to the neighbors and (3) to properly maintain the Project site.**

- a. All construction deliveries shall be conducted on the Property and not in the right-of-way, if possible, and shall be conducted between the hours of **10** a.m. and 2 p.m. on Mondays through Fridays. Any deliveries or parking that can only occur within the road right-of-ways shall require the application, Town review, and issuance of appropriate Right-Of-Way Permits from the Town Public Works Department.
- b. Contractor to obtain necessary Right-Of-Way Permits for trucks and cranes that extend beyond the driveway.
- c. Parking: No contractor street parking is permitted, unless approved by the Town Public Works Engineer.
- d. All subcontractors, suppliers and others on the Property shall be advised of the foregoing and Contractor shall manage Construction Activities accordingly.
- e. The Contractor shall provide off-Island parking for their workers and shall shuttle the workers onto and off the Island each day in vehicles provided by the Contractor. The intent is to reduce the number of trips on and off the Island each day. This shuttle service shall run for the full duration of the project.

**6. Construction Hours:** Hours of Construction shall be governed by Town Code of Ordinances Section 42-199. Beginning May 1 through the Monday preceding Thanksgiving, work may commence at 8:00am and cease at the hour of 6:00pm., except Saturdays, Sundays, and Town observed holidays, when all construction work is restricted and prohibited. Construction work is permissible on Saturdays from May 1 through the Monday preceding Thanksgiving, work may commence at 9:00 a.m. and cease at the hour of 5:00 p.m. Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m. All subcontractors, suppliers and others on the Property shall be advised of the foregoing and Contractor shall manage Construction Activities accordingly.



**7. Construction Contact information:**

- a. Gregory H. Lewis / Contractor / Cell: (561) 718-3394 / Email: glewis@conklingandlewis.com
- b. Kenneth G. Lewis/ Project Manager / Cell: (561) 7183395 / Email: klewis@conklingandlewis.com

**8. Remedies for Violations:**

- a. There shall be no right of Owner or Contractor to unilaterally modify or deviate from this Agreement or the Construction Schedule, absent the prior written consent of the Town which shall include notification to all neighboring property owners.
- b. Any violation of Town Code of Ordinances Section 18-351 will constitute strikes under the "3 Strike Rule", which is detailed in the Town Right of Way Manual, Chapter XII, Miscellaneous Provisions, Construction Parking & Construction Site Management.
- c. Owner's or Contractor's violation of any portion of this Agreement or other applicable construction management requirement may at Town's discretion result in a cessation or modification of construction activities of the Project or other consequences, e.g., prosecution by Code Enforcement, et al., until such time as the Town is satisfied that such violations have been resolved. Any and all levies assessed by the Town on Owner or Contractor with regard to any such violations shall apply as a lien against the Property to the full and complete detriment of Owner's right, title, and interest thereto.

**THE TOWN OF PALM BEACH**

By: \_\_\_\_\_

\_\_\_\_\_  
Building Official

**OWNER**

By: \_\_\_\_\_

\_\_\_\_\_  
Owner

**CONTRACTOR**

By:\_\_\_\_\_

\_\_\_\_\_  
Contractor

**EXHIBIT A**  
**LEGAL DESCRIPTION**

**PROPERTY ADDRESS:**

120 & 132 North County Road  
Palm Beach, FL 33480

**LEGAL DESCRIPTION:**

A parcel of land bounded by the existing exterior walls of the Richardson Greenfield Securities Building and the West right-of-way line of South County Road, Town of Palm Beach, Florida; said parcel of land being part of Lots 175 and 176, Plat of **FLORAL PARK**, according to the Plat thereof as recorded in Plat Book 2, Page 6, Public Records of Palm Beach County, Florida, and being more fully described as follows:

**COMMENCING** at the Southeast corner of said Lot 176;

Thence, North 90°00'00" West, along the South line of said Lot 176, a distance of 15 feet to the intersection thereof with the West right of way line of South Country Road and the **POINT OF BEGINNING**;

Thence, continue North 90°00'00" West, along the South line of said Lot 176, a distance of 5 feet, more or less, to the Southeast corner of the said Richardson Greenfield Securities Building;

Thence, continue North 90°00'00" West, along the South face of said building, a distance of 76 feet, more or less, to the Southwest corner of said building;

Thence, Northerly along the West face of said building, a distance of 27.9 feet;

Thence, Easterly along the Northerly face of said building a distance of 5.4 feet;

Thence, Northerly, along the West Face of said building, a distance of 5.3 feet;

Thence, Easterly along the North face of said building, a distance of 74.41 feet, more or less, to the Northeast corner of said building;

Thence continue Easterly along said line, a distance of 5 feet to the West right of way line of said South County Road;

Thence, South 02°45'00" East, along said right of way line a distance of 33.2 feet, more or less, to the **POINT OF BEGINNING**.

The bearings stated herein are based on an assumed North 90°00'00" West, along the South line of Lot 176;

**AND**

Lots 173 through 176 together with lots 180 through 183, inclusive, Plat of **FLORAL PARK**, as recorded in Plat Book 2, page 6, Public Records of Palm Beach County, Florida.

**LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS**

The South 8.14 feet of Lot 175, Less the East 15 feet thereof, and Lot 176, less the East 15 feet thereof, of the Plat of **FLORAL PARK** according to the Plat thereof, as recoded in Plat book 2, Page 6, of the Public Records of Palm Beach County, Florida, being conveyed out by Warranty Deed, recorded in official Records Book 13287, Page 1027, in the Public Records of Palm Beach County, Florida.

**AND**

**LESS AND EXCEPT:**

Lots 178 and 179, **FLORAL PARK**, according to the Plat thereof, as recorded in Plat Book 2, Page 6, Public Records of Palm Beach County, Florida, being conveyed out by Warranty Deed, recorded in Official Records Book 11295, Page 435.

**AND**

**Parcel A:**

The South 8.14 feet of Lot 175, less the East 15 feet thereof, and Lot 176, less the East 15 feet thereof, **FLORAL PARK**, according to the Plat thereof as recorded in Plat Book 2, Page(s) 6, Public Records of Palm Beach County, Florida.

**Parcel B:**

Lot 177, **FLORAL PARK**, according to the Plat thereof as recorded in Plat Book 2, Page(s) 6, Public Records of Palm Beach County, Florida, Less the East 15 feet thereof.

**Parcel C:**

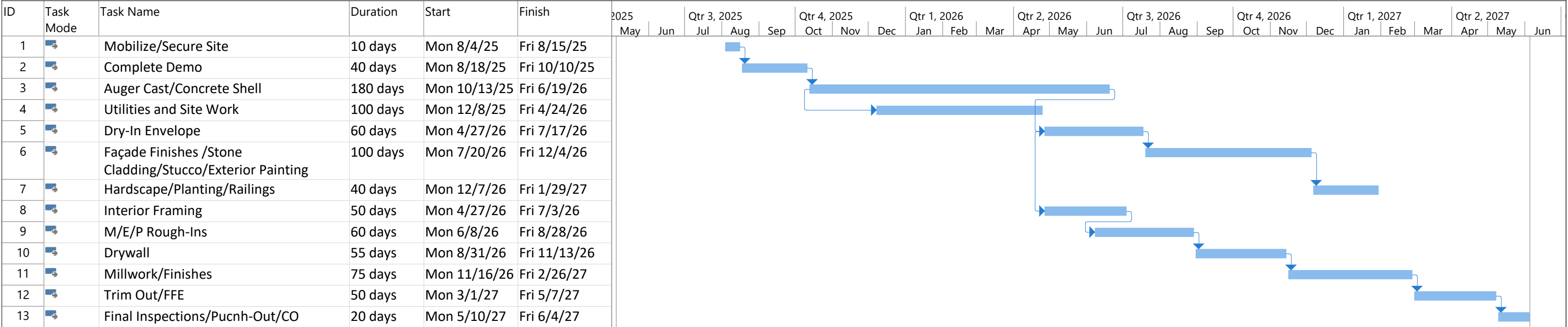
Lots 178 and 179, **FLORAL PARK**, according to the Plat thereof as recorded in Plat Book 2, Page(s) 6, Public Records of Palm Beach County, Florida, Less the East 15 feet thereof.

EXHIBIT "B"

The Palm Beach Orthodox Synagogue  
Expansion and Renovation Project  
120-132 N COUNTY ROAD



**Bartholemew  
+ Partners**  
ARCHITECTURE AND DESIGN  
PROGETTO DI ARCHITETTURA



Conceptual Schedule



# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

### DEVELOPMENT REVIEW MATTERS

#### Agenda Title

Review of Draft Declaration of Use Agreement and Construction Management Agreement - ZON-24-0043 (COA-24-0018) **100, 101, 102, AND 103 Four Arts Plaza - The Society of The Four Arts**

TO BE HEARD IMMEDIATELY FOLLOWING ITEM NO. XVII.A

#### Presenter

Wayne Bergman, Director of Planning, Zoning and Building

#### ATTACHMENTS:

- ▣ **Draft Declaration of Use Agreement Four Arts**



**Prepared by, record, and return to:**

Harvey E. Oyer, III, ESQ

525 Okeechobee Blvd. Suite 1100

West Palm Beach, FL 33401

**AMENDED AND RESTATED DECLARATION OF USE AGREEMENT**

**by**

**THE TOWN OF PALM BEACH**

**and**

**THE SOCIETY OF THE FOUR ARTS, INC.**

**Dated: \_\_\_\_\_, 2025**

## AMENDED AND RESTATED DECLARATION OF USE AGREEMENT

THIS AMENDED DECLARATION OF USE AGREEMENT (“Amended Agreement”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2025 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, whose address is 360 South County Road, Palm Beach, Florida 33480 (hereinafter called the “Town”); and THE SOCIETY OF THE FOURS ARTS, INC. a Florida corporation, whose address is 100 Four Arts Plaza, Palm Beach, Florida 33480 (hereinafter called “Owner”), which terms “Town” and “Owner” will include and bind the successors and assigns of the parties, wherever the context so requires.

### WITNESSETH:

**WHEREAS**, the Town and Owner heretofore entered into a Declaration of Use Agreement, dated September 16, 2011, recorded in Official Records Book 24762, Page 1457, of the Public Records of Palm Beach County, Florida (the “Prior Agreement”); and

**WHEREAS**, the Prior Agreement affected certain land described in Exhibit “A” attached hereto and all improvements located thereon (hereinafter referred to as the “Property”) located within the municipal limits of the Town; and

**WHEREAS**, this Amended Agreement affects the Property; and

**WHEREAS**, the Prior Agreement reflected the terms and conditions of a Special Exception / Site Plan Review approved by the Town for the Property (Special Exception No. 19-2011 with Site Plan Review and Variance on July 13, 2011), hereinafter referred to as the “Prior Approval”; and

**WHEREAS**, the Prior Agreement provides that it may be amended by written instrument signed by all parties thereto; and

**WHEREAS**, on August 8, 2024, Owner submitted an application for Special Exceptions / Site Plan Review / Variances (Application Number ZON-24-0043 and COA-24-0018, hereinafter referred to as the “Application”) on the Property; and

**WHEREAS**, the Application was approved for the continued operation of a cultural institution with accessory uses as outlined in the Application; and

**WHEREAS**, the Town Council conditionally approved the Application on February 12, 2025 and granted approval of two (2) Special Exceptions for: 1) three-story building, and 2) building length greater than 150 feet with Site Plan Review, and one (1) variance to reduce the required parking spaces by 81 spaces (hereinafter referred to as the “Project”); and

**WHEREAS**, a condition of the 2025 Project approvals is the amendment of the Prior Agreement to formally require the additional parking and traffic mitigation efforts that the Owner had already implemented; and

**WHEREAS**, the parties wish to amend and restate the Prior Agreement with this Amended Agreement to reflect the changes approved by the Town as part of the Project approval; and

**WHEREAS**, a draft of this Amended Agreement was reviewed and approved by the Town Council at its meeting of April 8, 2025; and

**WHEREAS**, all of the representations made herein are true and accurate and the approval of the Project is conditioned upon the representations made herein and all of the conditions herein imposed; and

**WHEREAS**, in granting the 2025 Project approvals, the Town Council relied upon the oral and written representations of the Owner both on the record and as part of the application process;

**NOW, THEREFORE**, in consideration of the mutual promises set forth herein, the receipt and sufficiency of which is hereby acknowledged by both parties, the Town and Owner agree that the Prior Agreement has been superseded and replaced in its entirety with this Amended and Restated Declaration of Use Agreement, and that the terms of the Amended and Restated Declaration and Use Agreement are as follows:

## **ARTICLE I REPRESENTATION OF AUTHORITY**

Owner has full right to enter into this Amended Agreement and to bind the Property and itself to the terms hereof. There are no covenants, restrictions or reservations of record that will prevent the use of the Property in accordance with the terms and conditions of this Amended Agreement. No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority, or other party other than any such consent which already has been unconditionally given or referenced herein. The execution of this Amended Agreement or the consummation of the actions contemplated herein will not violate any restriction, court order, or agreement to which the Property is subject.

## **ARTICLE II CULTURAL INSTITUTION USE**

The cultural institution and accessory uses that are the subject of this Amended Agreement shall be as set forth in the Application and approved by the Town Council on February 12, 2025 as the same may be amended from time to time (hereinafter referred to as the "Approval").

### **ARTICLE III CONDITIONS**

The Approval shall be based upon the following conditions:

1. Owner shall not schedule any event in the Johnson Hall of the Fitz Eugene Dixon Education Building or in the 700-seat Gubelmann Auditorium located in the Esther O’Keeffe Building to either begin or end at the same time as the normal drop-off or pick-up times of the Palm Beach Public Elementary School located at 239 Cocanut Row.
2. Owner shall not schedule events in the Johnson Hall of the Fitz Eugene Dixon Education Building and in the 700-seat Gubelmann Auditorium located in the Esther O’Keeffe Building to occur at the same time.
3. Owner must use valet parking for events with more than 400 reservations.
4. For any event held at the Property with more than two hundred fifty (250) people in attendance, Owner shall provide a sufficient number of trained personnel to direct traffic both prior to and after said event.
5. Lauder Way shall normally function as one-way, westbound. Owner may reverse traffic flow to one-way, eastbound at the conclusion of events held on the Property with greater than two hundred fifty (250) people in attendance. If so, at least one trained traffic person shall be stationed at Lauder Way and Cocanut Row to direct traffic at such times when the traffic flow is reversed to own-way eastbound.
6. Owner shall maintain in perpetuity the landscaping placed on the north side of the courtyard on the north side of the Fitz Eugene Dixon Education Building.
7. The following shall apply to the Esther B. O’Keeffe Speakers Series lectures held on Tuesday afternoons during January, February, and March, to Four Arts Contemporaries Gala whenever held, and to any other events with more than 400 reservations:
  - a. Employees shall park off-site (approximately 49 employees) in an effort to provide more on-site parking for patrons.
  - b. Parking permits are to be provided to members only and limited to one parking permit per family.
  - c. As to the O’Keeffe Speakers Series, Owner shall continue to utilize and encourage member use of the live broadcast option rather than in-person attendance.
8. Owner shall provide to the Town a certificate of compliance on or before October 1<sup>st</sup> of each year.

## **ARTICLE IV VOLUNTARY AGREEMENT**

Owner agrees to be bound by the terms and conditions in this Amended Agreement.

## **ARTICLE V REMEDIES FOR VIOLATION**

1. Upon determination by anyone with authority that there is a violation of conditions of approval, this Amended Agreement, or other provisions of the Town Code, the Town shall provide written notice to Owner and their representative of said violation and the date upon which said violation(s) shall be corrected. If Owner fails to correct the violation(s) within the timeframe set forth, the violation(s) shall be referred to the Town Code Enforcement Board for adjudication. Owner, their successors and assigns, agree that they shall pay the Town a liquidated amount of \$2,000.00 per day for each violation until corrected; however, Owner, their successors and assigns, further agree and acknowledge that the Code Enforcement Board may levy fines of up to \$5,000 per day for each violation until corrected if the Code Enforcement Board finds the violation to be irreparable or irreversible in nature after due notice and hearing, pursuant to Fla. Stat. § 162.09. In addition to all remedies provided in the Town Code, in the event Owner fails to correct the violation(s) within the time provided, this Amended Agreement may be reconsidered by the Town Council upon 30 days' written notice. The Town Council shall have the authority to revise or rescind the approval of the use.

2. The Town shall have all remedies available at law and equity in order to enforce the terms of this Amended Agreement including but not limited to (a) the Town's code enforcement procedures; (b) all remedies otherwise offered in the Town's Code of Ordinances; and (c) injunction, specific performance, and any and all other equitable relief through the civil courts in and for Palm Beach County for the State of Florida. In the event the Town is required to seek injunctive relief, it shall not be required to post bond. In the event of any litigation involving this Amended Agreement, or any of its covenants, agreements, terms or conditions, the prevailing party shall be entitled to reasonable attorney's fees and court costs from the non-prevailing party.

## **ARTICLE VI PROVISIONS TO RUN WITH THE PROPERTY**

This Amended Agreement shall run with the Property and shall be binding upon Owner, and shall terminate upon the termination of Owner's business tax receipt for operation of a cultural institution, or rescission of the approval. This Amended Agreement shall be recorded by Owner in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto.

## **ARTICLE VII ENTIRE AMENDED AGREEMENT**

This Amended Agreement represents the entire agreement between the parties as to its subject matter and it may not be amended except by written agreement executed by both parties.

## **ARTICLE VIII EFFECTIVE DATE**

The Effective Date of this Amended Agreement shall be the day upon which this Amended Agreement is executed by the last party to sign this Amended Agreement.

## **ARTICLE IX MISCELLANEOUS PROVISIONS**

This Amended and Restated Declaration of Use Agreement supersedes all previous agreements as recorded in Official Records Book 24762, Page 1457 of the Public Records of Palm Beach County.

Wherever the word "laws" appears in this Amended Agreement, it shall be deemed to include all ordinances, rules, and regulations as well as laws of the appropriate governmental authorities.

All references in this Amended Agreement to times of a day are stated in terms of Eastern Standard Time, i.e., whichever of Eastern Standard Time or Eastern Daylight Time may be in effect at the time. The word "day" in this Amended Agreement means any period beginning when the time of day is midnight and ending on the next later occasion when the time of day is midnight.

Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to paragraphs and subparagraphs of this Amended Agreement and to exhibits attached hereto, which exhibits are by this reference made a part hereof.

In the event of the invalidity of any provision of this Amended Agreement, the invalidated provision shall be deemed stricken from this Amended Agreement and the remainder of this Amended Agreement shall continue in full force and effect as if such invalid provision were never a part hereof.

This Amended Agreement shall be governed by and construed in accordance with the laws of the State of Florida and the United States of America.



**IN WITNESS WHEREOF** the parties have hereunto set their hands and seals the day and year first above.

Signed, sealed, executed, and acknowledged on this \_\_\_\_ day of \_\_\_\_\_, 2025. In Palm Beach County, Florida.

IN WITNESS WHEREOF

Owner

\_\_\_\_\_  
Witness # 1 Signature

\_\_\_\_\_  
The Society of the Four Arts, Inc.

\_\_\_\_\_  
Witness # 1 Printed Name

\_\_\_\_\_  
Witness # 2 Signature

\_\_\_\_\_  
Witness # 2 Printed Name

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_ day of \_\_\_\_\_, 2025, by \_\_\_\_\_ who ☐ is personally known to me or who ☐ has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public –

\_\_\_\_\_  
Notary Seal:  
My Commission Expires:

TOWN OF PALM BEACH

IN WITNESS WHEREOF

By: \_\_\_\_\_  
Danielle Moore, Mayor

\_\_\_\_\_  
Witness # 1 Signature

\_\_\_\_\_  
Witness # 1 Printed Name

\_\_\_\_\_  
Witness # 2 Signature

\_\_\_\_\_  
Witness # 2 Printed Name

IN WITNESS WHEREOF

By: \_\_\_\_\_  
Bobbie Lindsay, President  
Town Council

\_\_\_\_\_  
Witness # 1 Signature

\_\_\_\_\_  
Witness # 1 Printed Name

\_\_\_\_\_  
Witness # 2 Signature

\_\_\_\_\_  
Witness # 2 Printed Name

IN WITNESS WHEREOF

By: \_\_\_\_\_  
Kirk Blouin, President  
Town Council

\_\_\_\_\_  
Witness # 1 Signature

\_\_\_\_\_  
Witness # 1 Printed Name

\_\_\_\_\_  
Witness # 2 Signature

\_\_\_\_\_  
Witness # 2 Printed Name

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by DANIELLE MOORE, as Mayor of the Town of Palm Beach, a municipal corporation existing under the laws of the State of Florida, on behalf of the corporation, who ☐ is personally known to me or who ☐ has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public – State of Florida

Notary Seal: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Kelly Churney, Town Clerk

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by BOBBIE LINDSAY, as President of the Town Council of the Town of Palm Beach, a municipal corporation existing under the laws of the State of Florida, on behalf of the corporation, who ☐ is personally known to me or who ☐ has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public – State of Florida

Notary Seal: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Kelly Churney, Town Clerk

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by KIRK BLOUIN, as Town Manager of the Town of Palm Beach, a municipal corporation existing under the laws of the State of Florida, on behalf of the corporation, who ☐ is personally known to me or who ☐ has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public – State of Florida

Notary Seal: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Kelly Churney, Town Clerk

APPROVED AS TO LEGAL FORM AND  
SUFFICIENCY:

\_\_\_\_\_  
Joanne M. O'Connor, Town Attorney

## **EXHIBIT "A"**

### **LEGAL DESCRIPTION:**

#### **WEST CAMPUS:**

A PORTION OF GOVERNMENT LOT 3, LYING WITHIN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, AND LOTS 1, 2, AND A PORTION OF LOT 3, BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 OF BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, THENCE N90°00'00"W ALONG THE SOUTH LINE OF SAID BLOCK "A" BEING COINCIDENT WITH THE NORTH RIGHT OF WAY LINE OF ROYAL PALM WAY FOR A DISTANCE OF 302.04 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE DESCRIBED IN OFFICIAL RECORDS BOOK 7151, PAGE 617 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N00°00'47"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 182.78 FEET; THENCE S89°59'13"W FOR A DISTANCE OF 3.76 FEET TO A POINT ON THE WEST LINE OF A PARCEL DESCRIBED IN SECTION ONE IN OFFICIAL RECORDS BOOK 469, PAGE 230, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N00°49'40"E ALONG SAID WEST LINE FOR A DISTANCE OF 107.24 FEET; THENCE N90°00'00"W TO A POINT ON THE WESTERLY EXTENSION OF LOT 1 OF SAID BLOCK "A" FOR A DISTANCE OF 20.30 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE DESCRIBED IN SAID OFFICIAL RECORDS BOOK 7151, PAGE 617, SAID POINT BEING ON A NON TANGENT CIRCULAR CURVE CONCAVE TO THE WEST, SAID POINT BEARING N88°48'20"E FROM THE RADIUS POINT OF SAID CURVE; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 13°23'57" FOR A DISTANCE OF 26.89 FEET TO A POINT OF TANGENCY; THENCE N14°35'41"W FOR A DISTANCE OF 19.16 FEET; THENCE N90°00'00"E ALONG THE NORTH LINE OF PARCEL 3 DESCRIBED IN DEED BOOK 809, PAGE 524, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FOR A DISTANCE OF 276.10 FEET; THENCE N00°00'00"E ALONG THE WEST LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 5272, PAGE 331, FOR A DISTANCE OF 84.36 FEET TO A POINT ON A NON TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT BEARING S03°10'59"E FROM THE RADIUS POINT OF SAID CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 36.00 FEET AND A CENTRAL ANGLE OF 57°10'32" FOR A DISTANCE OF 35.92 FEET; THENCE S90°00'00"E ALONG THE SOUTH RIGHT OF WAY LINE OF SEA VIEW AVENUE AS SHOWN ON THE PLAT OF POINCIANA PARK 3RD ADDITION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 72 FOR A DISTANCE OF 74.71 FEET; THENCE S00°00'00"W ALONG THE WEST RIGHT OF WAY LINE OF FOUR ARTS PLAZA (FORMERLY CEIBA AVENUE) FOR A DISTANCE OF 437.62 FEET; THENCE N90°00'00"W ALONG THE NORTH RIGHT OF WAY LINE OF SAID ROYAL PALM WAY FOR A DISTANCE OF 47.00 FEET TO THE POINT OF BEGINNING; SAID LANDS SITUATE WITHIN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH (A):

A PORTION OF GOVERNMENT LOT 3 OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF FOUR ARTS PLAZA (CIEBA AVENUE) AND THE NORTH RIGHT-OF-WAY LINE OF ROYAL PALM WAY (100 FOOT WIDE RIGHT-OF-WAY); THENCE N90°00'00"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, 90.00 FEET; THENCE N00°00'00"E, PARALLEL WITH SAID WEST RIGHT-OF-WAY LINE OF CIEBA AVENUE, 335.12 FEET; THENCE N90°00'00"W, PARALLEL WITH SAID NORTH RIGHT-OF-WAY LINE OF ROYAL PALM WAY, 300.58 FEET TO THE POINT OF BEGINNING; THENCE S14°34'47"E, 21.75 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF A TANGENT CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 105.00 FEET, A DELTA OF 12°53'47", AN ARC DISTANCE OF 23.63 FEET TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 3.00 FEET, A DELTA OF 91°41'08", AN ARC DISTANCE OF 4.80 FEET; THENCE TANGENT TO SAID CURVE N90°00'00"W, 6.96 FEET; THENCE S00°00'00"E, 2.51 FEET; THENCE N90°00'00"W, 102.47 FEET TO THE WATERS OF LAKE WORTH; THENCE N00°22'23"E, ALONG SAID WATERS, 50.00 FEET; THENCE S90°00'00"E, 103.29 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH (B):

A PORTION OF GOVERNMENT LOT 3, SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, LYING EAST OF AND ADJACENT TO THE WATERS OF LAKE WORTH (LESS LAKE DRIVE RIGHT-OF-WAY, PER OFFICIAL RECORDS BOOK 7151, PAGE 617, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF FOUR ARTS PLAZA (CIEBA AVENUE) AND THE NORTH RIGHT-OF-WAY LINE OF ROYAL PALM WAY (100-FOOT WIDE RIGHT-OF-WAY); THENCE N90°00'00"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, 386.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE, N90°00'00"W, 110.63 FEET TO THE WATERS OF LAKE WORTH; THENCE N00°12'38"E, ALONG SAID WATERS OF LAKE WORTH, 285.13 FEET TO THE INTERSECTION WITH THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 7151, PAGE 614, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N90°00'00"E, ALONG SAID SOUTH LINE, 104.17 FEET TO THE WEST LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 7151, PAGE 617, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S00°00'53"E ALONG SAID WEST LINE, 122.36 FEET; THENCE N89°59'13"E, 7.85 FEET; THENCE S00°52'16"W, 162.79 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

EAST CAMPUS:

A PORTION OF GOVERNMENT LOT 3, LYING WITHIN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, AND LOTS 5, 6, A PORTION OF LOTS 4, AND 7, BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 7 OF BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, THENCE S00°00'00"W ALONG THE EAST LINE OF SAID BLOCK "A" BEING



COINCIDENT WITH THE WEST RIGHT OF WAY LINE OF COCOANUT ROW FOR A DISTANCE OF 275.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE DESCRIBED IN OFFICIAL RECORDS BOOK 1909, PAGE 74 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA TO A TANGENT CIRCULAR CURVE CONCAVE TO THE WEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 15.00 FEET AND CENTRAL ANGLE OF 90°00'00" FOR A DISTANCE OF 23.56 FEET; THENCE N90°00'00"W ALONG THE SOUTH LINE OF SAID BLOCK "A", BEING COINCIDENT WITH THE NORTH RIGHT OF WAY LINE OF ROYAL PALM WAY FOR A DISTANCE OF 373.90 FEET TO A POINT ON THE EAST LINE OF THE WEST 3 FEET OF LOT 4, PLAT BOOK 4, PAGE 1, AS DESCRIBED IN DEED BOOK 549, PAGE 180, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N00°00'00"E ALONG THE SAID EAST LINE OF THE WEST 3 FEET OF LOT 4 AND THE EXTENSION THEREOF, BEING COINCIDENT WITH EAST RIGHT OF WAY LINE OF FOUR ARTS PLAZA FOR A DISTANCE OF 437.62 FEET; THENCE N90°00'00"E ALONG THE SOUTH RIGHT OF WAY LINE OF SEA VIEW AVENUE AS SHOWN ON THE PLAT OF POINCIANA PARK 3RD ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 72, FOR A DISTANCE OF 379.44 FEET; THENCE S00°00'00"E ALONG THE WEST RIGHT OF WAY LINE OF COCOANUT ROW, AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 1909, PAGE 74, A DISTANCE OF 9.51 FEET TO A TANGENT CIRCULAR CURVE CONCAVE TO THE EAST; THENCE CONTINUE ALONG SAID WEST RIGHT OF WAY LINE, SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 276.17 FEET, AND CENTRAL ANGLE OF 02°08'33", FOR A DISTANCE OF 10.33 FEET; THENCE S04°08'54"E ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 127.72 FEET TO THE POINT OF BEGINNING, SAID LANDS SITUATE WITHIN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

### DEVELOPMENT REVIEW MATTERS

## Agenda Title

**ARC-24-0142 280 El Pueblo Way - ARCOM Decision Appeal  
TO BE HEARD IMMEDIATELY FOLLOWING ITEM NO. XVII.B**

## Presenter

Wayne Bergman, Director of Planning, Zoning and Building

## ATTACHMENTS:

- ▣ **Letter of Appeal Dated March 4, 2025, from Dustin Mizell, Environment Design Group**
- ▣ **Excerpt from the February 26, 2025 Architectural Commission Meeting Minutes**
- ▣ **ARC-24-0142 El Pueblo Way - ARCOM Development Order**
- ▣ **Letter of Intent**
- ▣ **Plans**

Land Planning  
Landscape Architecture  
Landscape Management

March 4, 2025

Kelly Churney, Acting Town Clerk  
Town of Palm Beach  
360 South County Road  
Palm Beach, Florida 33480

Attn: Kelly Churney, Acting Town Clerk  
Re: 280 El Pueblo Way – Landscape Architecture  
Our Ref # 24201.00 LA  
ARC-24-0142

## **LETTER OF APPEAL**

Dear Ms. Kelly Churney,

We are the Landscape Architect of record for this project address. Our client / property ownership, David & Danielle Ganek, has requested an appeal to the Town of Palm Beach ARCOM designation to our development review application (ARC-24-0142).

Our development review application sought to propose hardscape modifications to the street side yard. The commission did approve the application with some conditions, but the majority of the proposed modifications were not part of the approval. Please see the attached Letter of Intent and Development Order for your reference.

As such, we write this letter on behalf of our client to appeal this decision. Our understanding is that the proposed application meets all town zoning code requirements. While bringing a practical element to the family's every-day life.

Please consider this letter as our formal request to appeal the ARCOM approval decision to Town Council for their review. If there are any questions regarding this project, or if further information is needed, please feel free to reach out to our office.



Dustin M. Mizell, MLA RLA #6666784  
Environment Design Group

**E. MINOR PROJECTS-NEWBUSINESS**

4. **ARC-24-0142 280 EL PUEBLO WAY.** The applicant, David & Danielle Ganek (Environment Design Group), has filed an application requesting Architectural Commission review and approval for the installation of a rear yard putting green composed of artificial turf.

Ms. Mittner provided staff comments on the project.

Several members disclosed ex-parte communications.

Dustin Mizell of Environment Design Group presented the landscape and hardscape plans for the site.

Ms. Shiverick asked if there was artificial turf on the site other than the putting green. Mr. Mizell responded and discussed the issue of growing grass in the rear yard with the surrounding trees. Ms. Shiverick wondered if the putting green could be turned into real grass. Mr. Mizell responded and stated that the small area and shade were the issues.

Ms. Catlin asked if the chipping area was artificial turf, to which Mr. Mizell confirmed. Ms. Catlin confirmed that there were two areas of artificial turf.

Ms. Visconti thought the chipping area could be changed to Zoysia grass.

Ms. Grace thought the whole area should be replaced with grass; she thought it was a bad precedent, and others would want the same material. She was opposed to the proposal.

Ms. Visconti was not opposed to a small area of artificial turf. Ms. Grace stated that the Town has been moving away from plastic and keeping landscape materials chemical-free.

Ms. Catlin asked what the code said about artificial turf. Ms. Mittner stated that the code allowed it, but it did not count in landscape open space calculations.

Ms. Connaughton stated she could not approve of artificial turf.

Ms. Visconti stated that the shade was a factor, so the material could not be real grass in the proposed area. She thought the chipping green could be constructed of real grass, but not the putting area, as there was not

enough light.

Ms. Shiverick thought that the minimal grass could be used for the putting green. Ms. Visconti did not believe that any grass could grow in the area.

Mr. Phoenix thought every meeting had an artificial turf issue, and it could be a greater issue moving forward.

Mr. Mizell advocated for the project and argued that the driveway recently approved had much more artificial turf than this area.

Mr. Falco discussed the code enforcement case related to the project, adding it was to reduce the amount of artificial turf to comply with zoning, and then seek approval for the design.

Mr. Mizell stated that the code allowed artificial turf and added it had been approved in driveways in front of the property. His client had a small amount in the rear yard, where it cannot be seen.

**A motion was made by Mr. Phoenix and seconded by Ms. Connaughton to deny ARC-24-0142, 280 El Pueblo Way, based on code sections 18-205 (a) 4 and 8. The motion failed 3-4, with Messrs. Sammons, Karakul, Mses. Catlin, and Visconti dissenting.**

**A motion was made by Ms. Visconti and seconded by Ms. Catlin to that project ARC-24-0142, 280 El Pueblo Way, has met the approval criteria listed in Section 18-205 of the Town's code of ordinances and should be approved as presented with the conditions that the chipping green and all other areas are changed to real grass, allowing artificial turf only for a small piece of the putting green. The motion carried 6-1, with Ms. Connaughton dissenting.**



# TOWN OF PALM BEACH

Planning, Zoning & Building Department

## DEVELOPMENT ORDER (ARCOM)

File: ARC-24-0142  
Property: 280 El Pueblo Way  
Meeting Date: February 26, 2025

The Architectural Commission (ARCOM) approved the addition of a putting green in the rear yard (7-0) accordance with Section 18-205 of the Town Code with the following condition(s) to be included as part of this Development Order:

- 1. Applicant may install artificial turf only within the putting green and shall add zoysia grass in the surrounding area.**

Provided, the applicant builds substantially in accordance with the approved plans, as prepared and submitted by **Environment Design Group**, on February 10, 2025 as approved by ARCOM, and as determined by staff.

Approval of this application by the ARCOM does not relieve the owner and/or applicant from obtaining additional Town approvals as may be required, such as Town Council approval and the necessary building permits. A building permit for the work authorized under this approval must be obtained within one year from the date of approval or said approval will expire.

When requesting a building permit, the plans submitted to the Town for permit are required to be consistent with the plans approved by the Commission and modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Development Order. A copy of all pages of the Development Order shall be scanned into the plans submitted for a building permit and shall be located immediately after the front cover page of the permit plans.

Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the Commission and shall be subject to all conditions of approval herein, unless otherwise modified by the Commission. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

This Development Order shall serve as the written finding of the ARCOM in accordance with Section 18-203(4).

Dated this 28th day of February, 20 25.

Sincerely,

Wayne Bergman, Director of Planning, Zoning and Building, on behalf of  
ARCHITECTURAL COMMISSION

cc: James G. Murphy, Assistant Director of Planning, Zoning and Building  
Sarah C. Pardue, Design & Preservation Planner (PM)







**ENVIRONMENT  
DESIGN  
GROUP**

Land Planning  
Landscape Architecture  
Landscape Management

December 26, 2024

Town of Palm Beach  
Planning, Zoning, & Building Department  
360 S. County Road  
Palm Beach, Florida 33480

ATTN: **ARCOM Staff**  
Re: 280 El Pueblo Way - Landscape Architecture  
Our Ref # 22071.00 LA  
ARC-24-0142

### **LETTER OF INTENT**

Current zoning for the project is R-A LOW DENSITY RESIDENTIAL

Our current proposal, for improvements to the site, does not include any architectural changes to the approved house. We are proposing the following revisions to the originally approved ARCOM plans.

#### **The proposed changes include:**

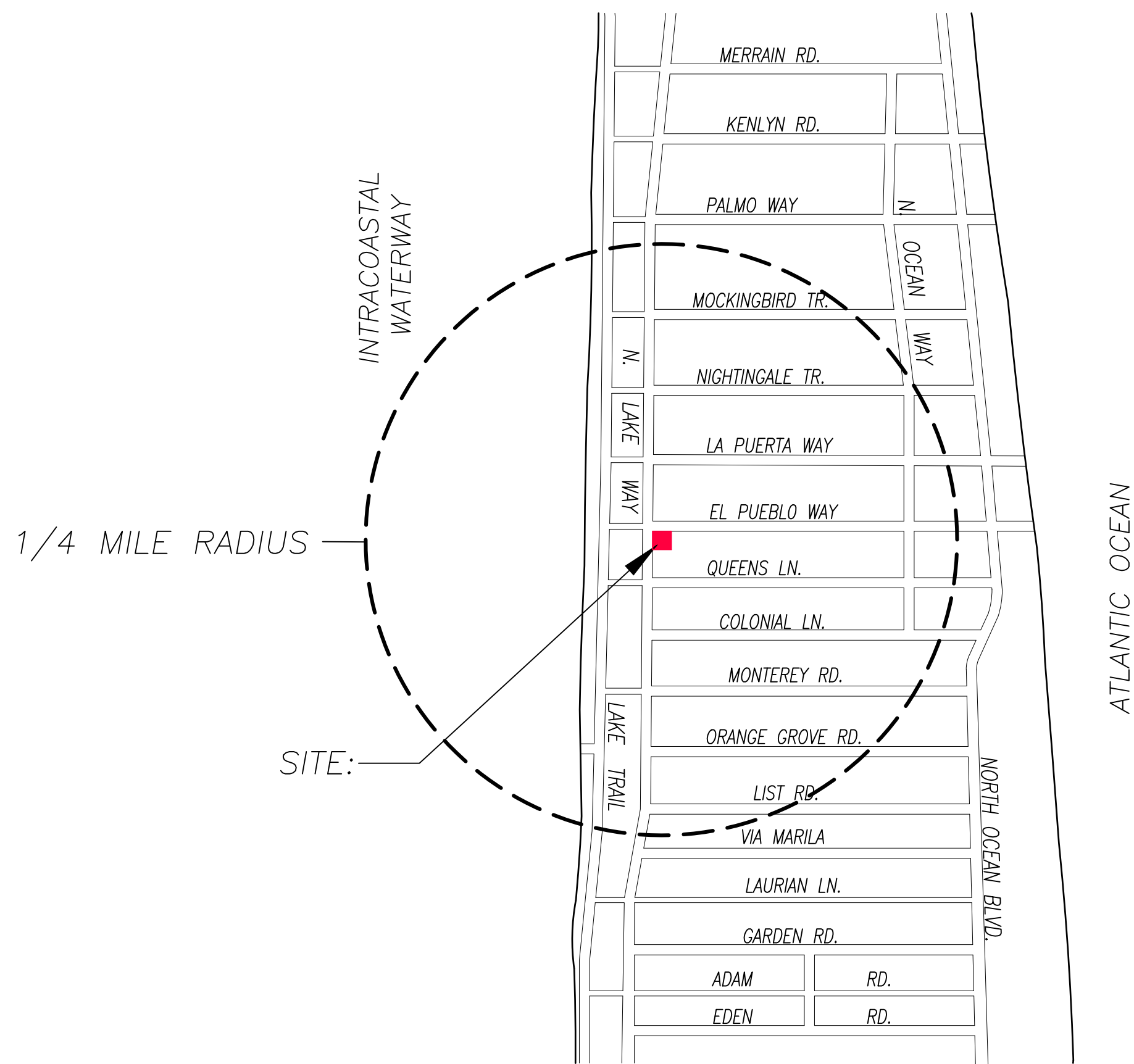
1. Proposed 670 S.F. artificial turf putting green.
  - a. Will not be visible from the street or neighboring properties
  - b. 235 S.F of existing pavers will be demolished and removed to meet Town of Palm Beach LOS requirements

The attached plan reflects the above-outlined revisions.

If there are any questions regarding this project, please feel free to reach out to our office.  
Thank you for your assistance.

Dustin Mizell, MLA RLA #6666784  
**Environment Design Group**

Paramount Building  
139 North County Road, Suite 20-B  
Palm Beach, FL 33480  
561.832.4600 phone  
Dustin@environmentdesigngroup.com



Vicinity Location Map

ENVIRONMENT  
DESIGN  
GROUP

139 North County Road Suite 20-B Palm Beach, FL 33480

Phone 561.832.4600 Mobile 561.313.4424

Landscape Architecture

Land Planning

Landscape Management

Dustin M. Mizell, MLA RLA #6666784

Dustin@environmentdesigngroup.com

Private Residence  
280 El Pueblo Way  
Town of Palm Beach  
Final Submittal: 02/10/25  
Projected Hearing Date: 02/26/25  
ARC-24-0142

Sheet Index

- Cover Sheet
- L1.0

Existing Conditions
- L1.1

Existing Conditions (photo)
- L2.0

Demolition Plan
- L3.0

Site Plan / Materials & Finishes
- L3.1

Landscape Open Space Diagram
- L3.2

Landscape Alteration Diagram

Survey

Scope of Work

- Proposed 670 S.F. Artificial Turf Putting Green
  - Will not be visible from the street or neighboring properties.
- 235 S.F. of Existing Pavers will be demolished and removed to meet Town of Palm Beach Landscape Open Space Requirements

Design Team/Consultants

Landscape Architects  
ENVIRONMENT DESIGN GROUP  
139 NORTH COUNTY ROAD SUITE 20B  
PALM BEACH, FL 33480  
561.832.4600  
WWW.ENVIRONMENTDESIGNGROUP.COM

Zoning Legend

PROPERTY ADDRESS	280 EL PUEBLO WAY		
ZONING DISTRICT	R-B LOW DENSITY RESIDENTIAL		
LOT AREA (SQ. FT.)	25,024 S.F.		
LOT WIDTH (W) & LOT DEPTH (D) (FT.)	200' (W) X 125' (D)		
STRUCTURE TYPE:	SINGLE FAMILY HOME		
FEMA FLOOD ZONE DESIGNATION:	N/A		
ZERO DATUM FOR POINT OF MEAS. (NAVD)	N/A		
CROWN OF ROAD (COR) (NAVD)	N/A		
	REQ'D / PERMITTED	EXISTING	PROPOSED
LOT COVERAGE	N/A*	N/A*	N/A*
ENCLOSED SQUARE FOOTAGE	N/A*	N/A*	N/A*
FRONT YARD SETBACK (FT.)	N/A*	N/A*	N/A*
SIDE YARD SETBACK (1ST STORY) (FT.)	N/A*	N/A*	N/A*
SIDE YARD SETBACK (2ND STORY) (FT.)	N/A*	N/A*	N/A*
REAR YARD SETBACK (FT.)	N/A*	N/A*	N/A*
ANGLE OF VISION (DEG.)	N/A*	N/A*	N/A*
BUILDING HEIGHT (FT.)	N/A*	N/A*	N/A*
OVERALL BUILDING HEIGHT (FT.)	N/A*	N/A*	N/A*
CUBIC CONTENT RATIO (CCR) (R-B ONLY)	N/A*	N/A*	N/A*
MAX. FILL ADDED TO SITE (FT.)	N/A*	N/A*	N/A*
FINISHED FLOOR ELEVATION (FFE) (NAVD)	N/A*	N/A*	N/A*
BASE FLOOD ELEVATION (FFE) (NAVD)	N/A*	N/A*	N/A*

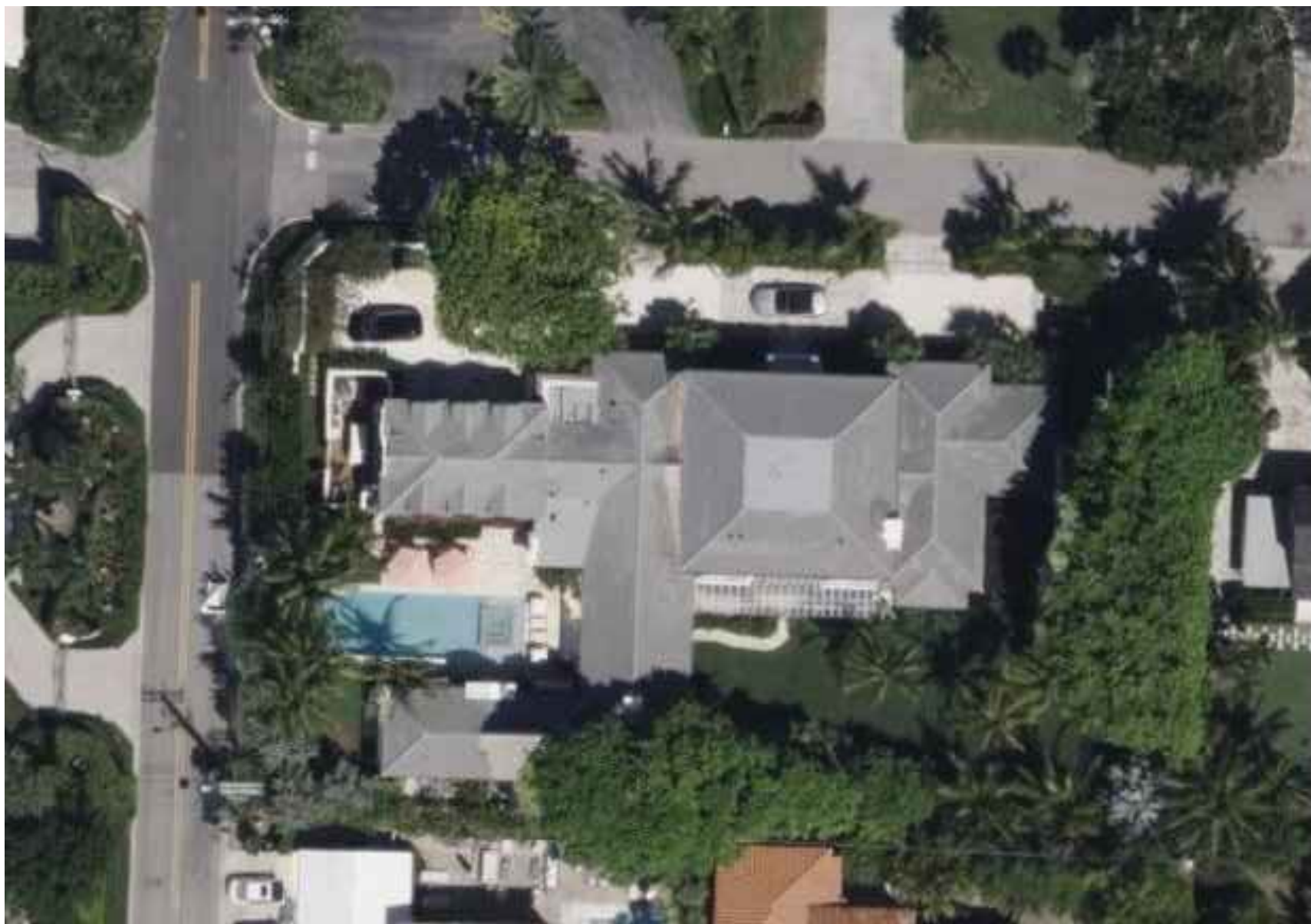
\*NOTE: WILL NOT BE AFFECTED BY PROPOSED IMPROVEMENTS  
(SEE PREVIOUSLY APPROVED PLANT SCHEDULE)

Landscape Legend

LOT AREA: 25,024 S.F.	REQ'D / PERMITTED	EXISTING /APPROVED	PROPOSED
LANDSCAPE OPEN SPACE (LOS) (SQ. FT. AND %)	45% MINIMUM 11,260 S.F.	50.83% 12,720 S.F.	49.1% 12,285 S.F.
LOS TO BE ALTERED	N/A	N/A	3.6 % 905 S.F.
PERIMETER LOS (SQ. FT. AND %)	N/A - LOT GREATER THAN 20,000 S.F.	N/A	N/A
FRONT YARD LOS (SQ. FT. AND %)	40% MIN. 2,004 S.F.	46% 2,306 S.F.	46% 2,306 S.F.
NATIVE TREES %	N/A*	N/A*	N/A*
NATIVE SHRUBS & VINES %	N/A*	N/A*	N/A*
NATIVE GROUNDCOVER %	N/A*	N/A*	N/A*

SEE LANDSCAPE OPEN SPACE DIAGRAM ON SHEET L3.1 FOR DETAILS.

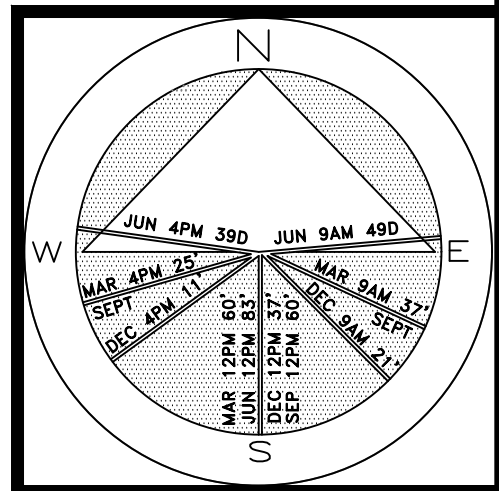
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(SEE PREVIOUSLY APPROVED PLANT SCHEDULE)



Aerial View

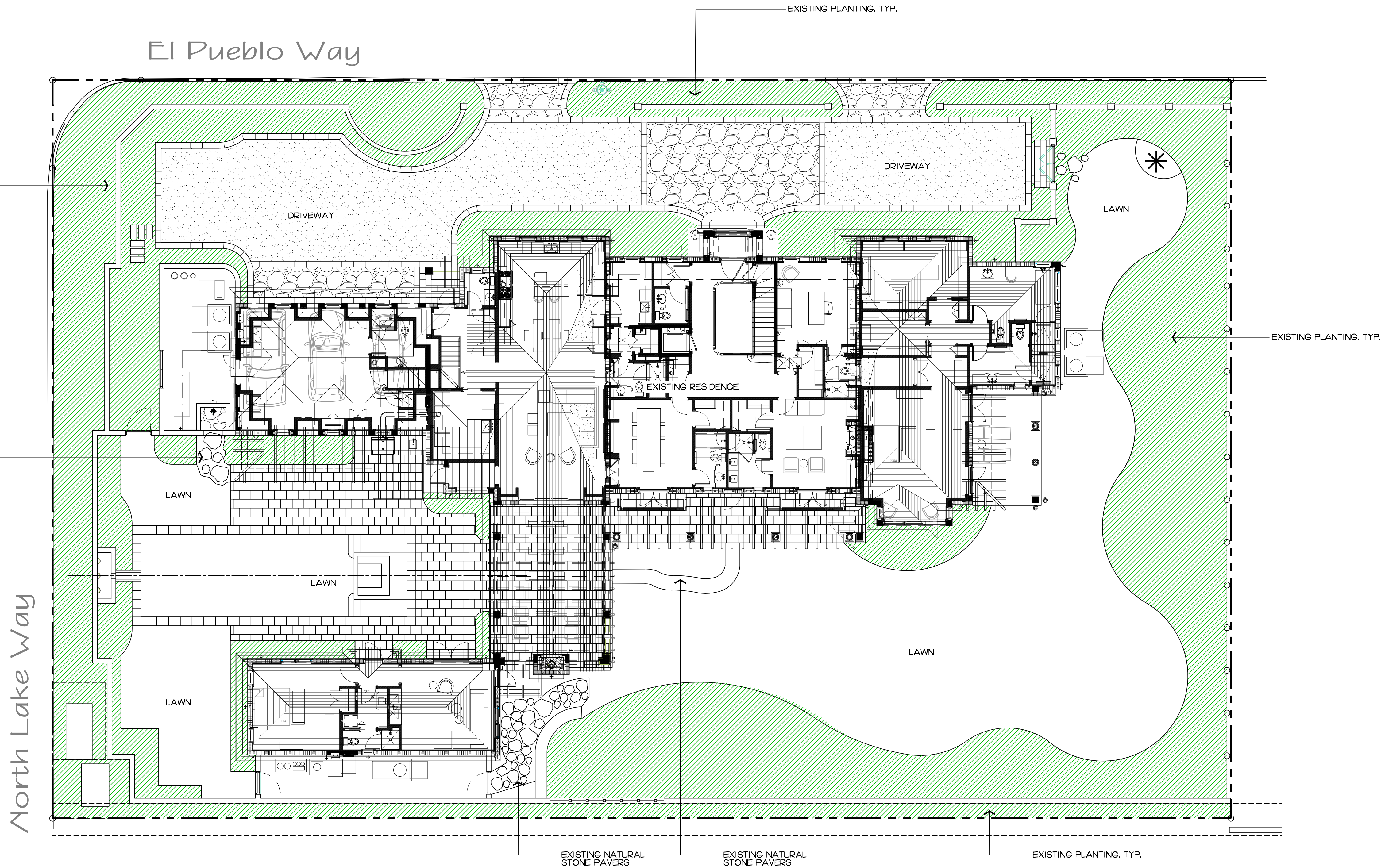


Private Residence  
280 El Pueblo Way  
Palm Beach



JOB NUMBER: # 22071.00 LA  
DRAWN BY: Jean Twomey  
DATE: 02.04.2025

SHEET L 1.0







Aerial View



POOL GARDEN - PUTTING GREEN SOUTH OF POOL



POOL GARDEN - ARTIFICIAL TURF CHIPPING GREEN ON NORTH SIDE OF POOL



POOL GARDEN - ARTIFICIAL TURF CHIPPING GREEN ON NORTH SIDE OF POOL



POOL GARDEN - ARTIFICIAL TURF CHIPPING GREEN ON NORTH SIDE OF POOL



POOL GARDEN - PUTTING GREEN SOUTH OF POOL

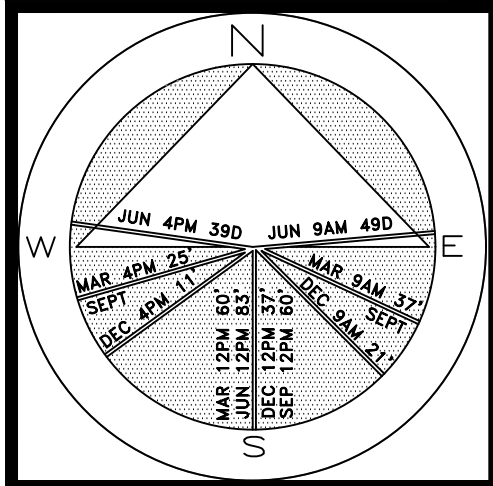
ENVIRONMENT  
DESIGN  
GROUP

139 North County Road 5820-B Palm Beach, FL 33480  
Phone 561.832.4600 Mobile 561.313.4424

Landscape Architecture  
Land Planning  
Landscape Management

Dustin M. Mizell, M.L.A. #6666784  
Dustin@environmentdesigngroup.com

Private Residence  
280 El Pueblo Way  
Palm Beach



JOB NUMBER: # 22071.00 LA  
DRAWN BY: Jean Twomey  
DATE: 02.04.2025

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48 HOURS BEFORE DIGGING  
CALL TOLL FREE:  
1-800-432-4770  
SUNSHINE STATE ONE CALL  
OF FLORIDA, INC.

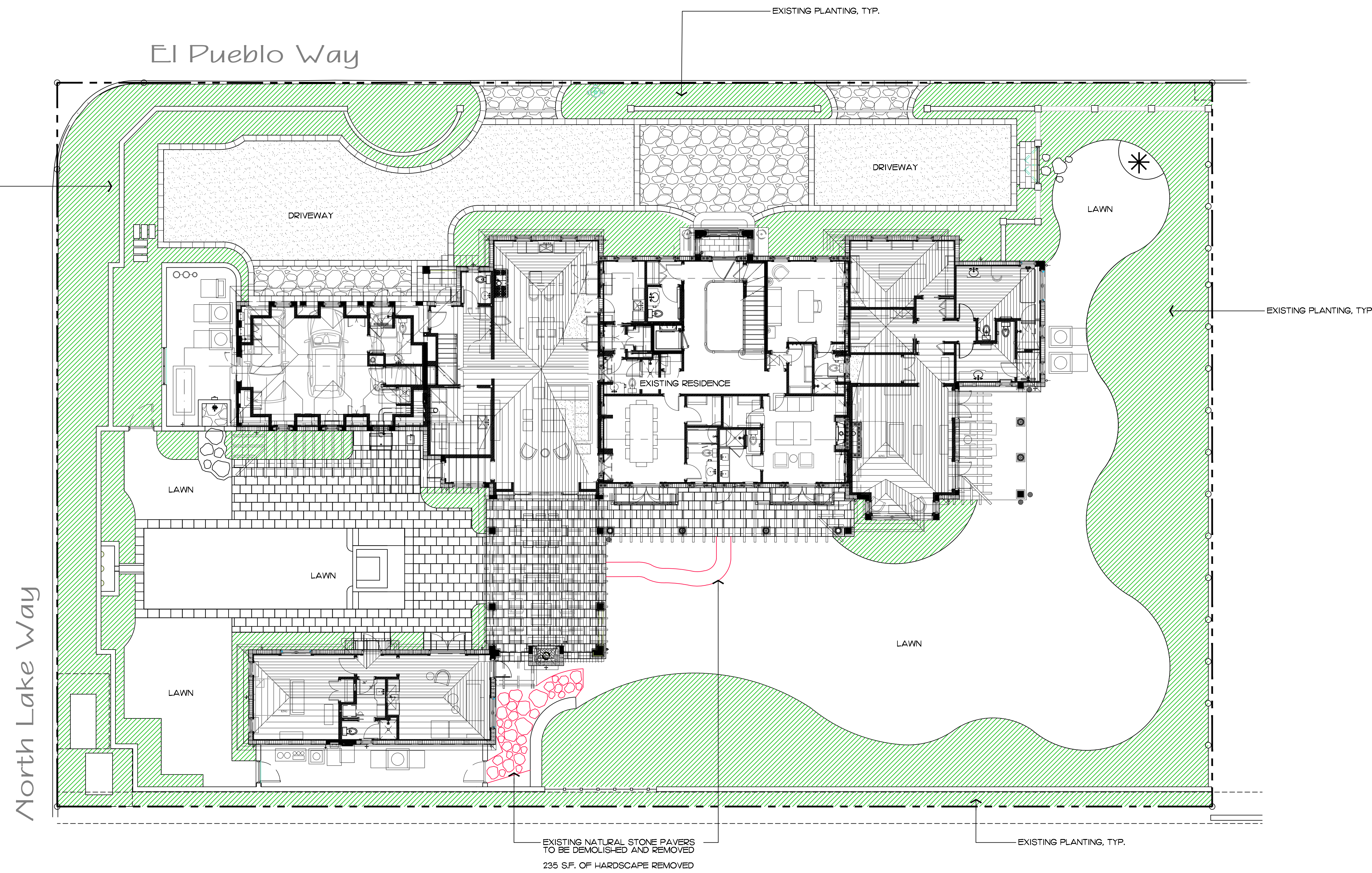
ARC-24-0142  
Existing Conditions - Images

SHEET L 1.1

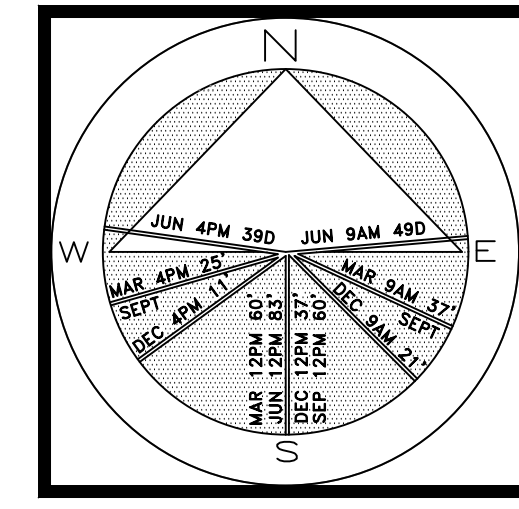
100' sf.  
AREA IN SQ.FT.



NOTES:  
EXISTING LANDSCAPING WILL NOT BE AFFECTED  
BY PROPOSED HARDSCAPE DEMOLITION  
  
DEMOLITION WILL NOT BE VISIBLE FROM THE  
ROADWAYS OR NEIGHBORING PROPERTIES



Private Residence  
280 El Pueblo Way  
Palm Beach



JOB NUMBER: # 22071.00 LA  
DRAWN BY: Sean Twomey  
DATE: 02.05.2025



Materials & Finishes



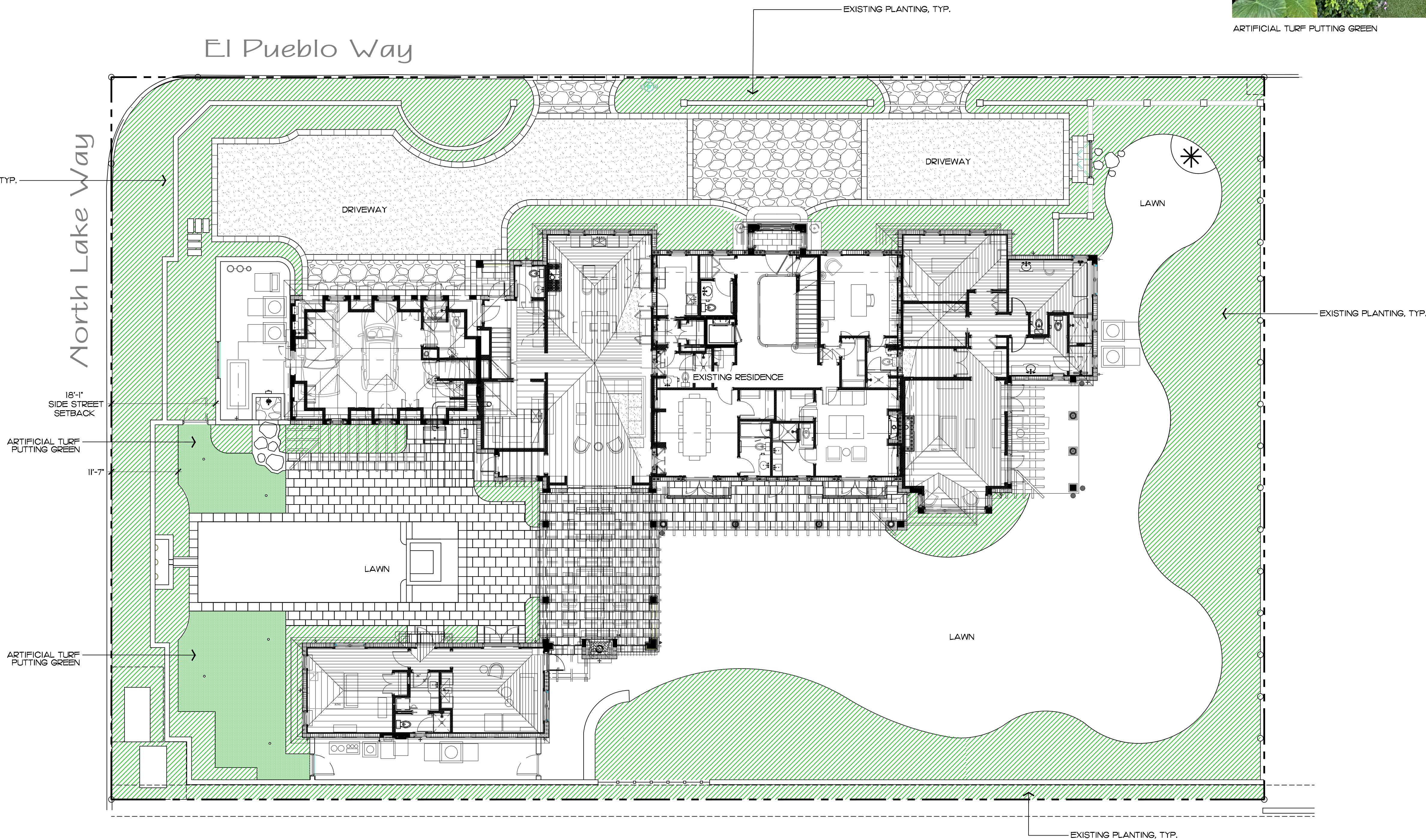
ARTIFICIAL TURF PUTTING GREEN

ENVIRONMENT  
DESIGN  
GROUP

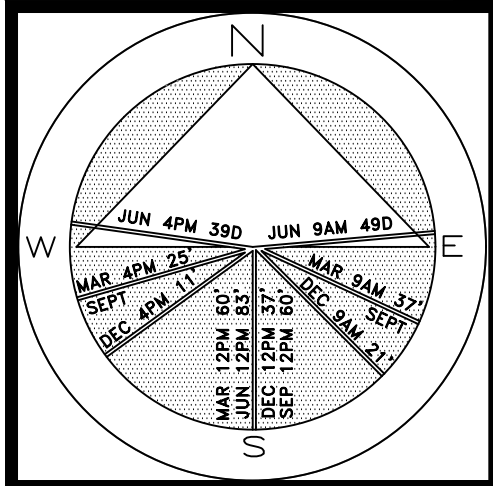
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Phone 561.832.4600 Mobile 561.313.4424

Landscape Architecture  
Land Planning  
Landscape Management

Dustin M. Mizell, M.L.A. R.L.A. #6666784  
Dustin@environmentdesigngroup.com



NOTE:  
EXISTING LANDSCAPING WILL NOT  
BE AFFECTED BY PROPOSED  
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DRAWN BY: Sean Twomey  
DATE: 02.04.2024

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48 HOURS BEFORE DIGGING  
CALL TOLL FREE  
1-800-432-4770  
SUNSHINE STATE ONE CALL  
OF FLORIDA, INC.

Site Plan / Materials & Finishes



ARC-24-0142

SHEET L 3.0

100' sq. ft.

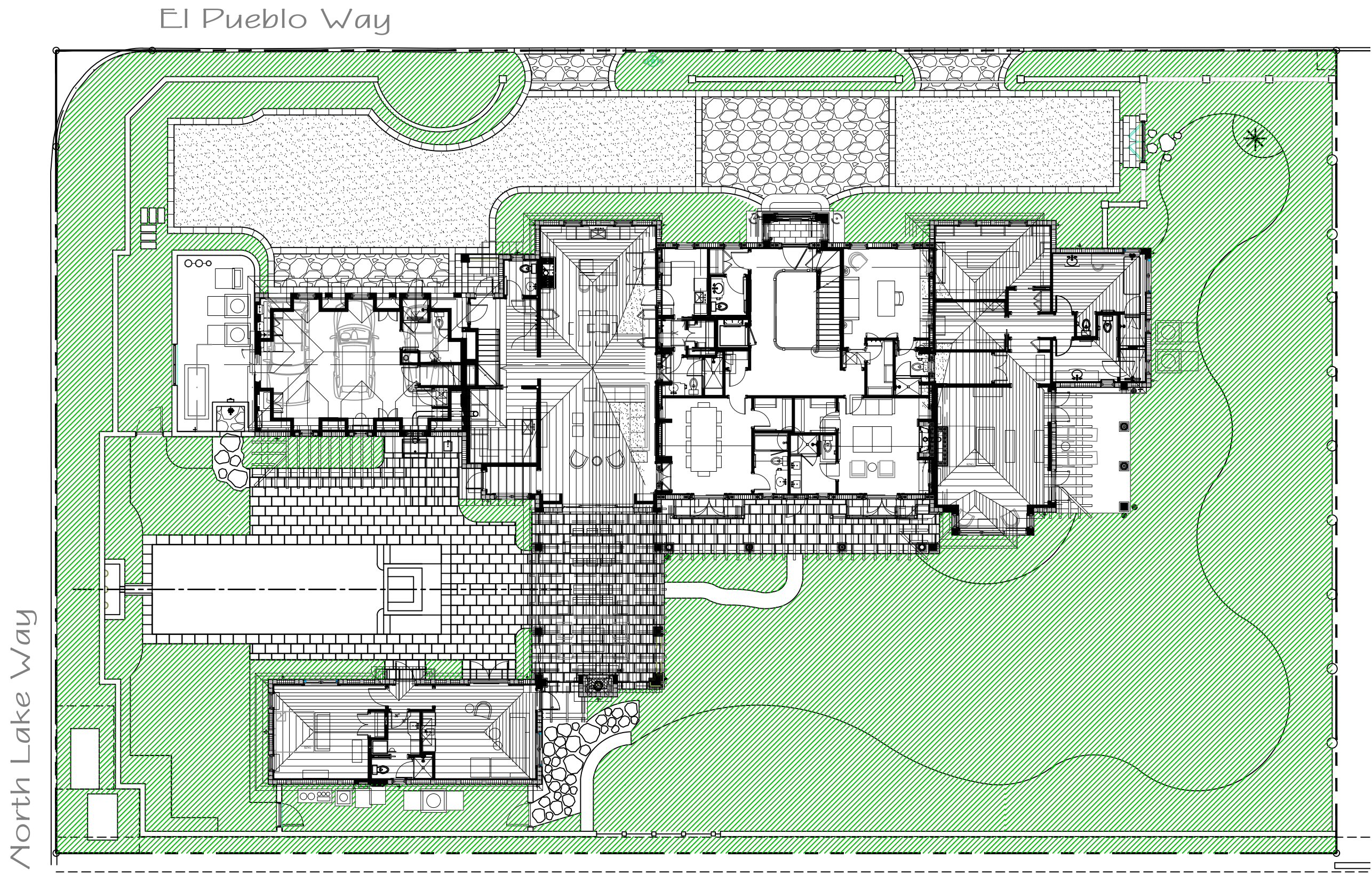
AREA IN SQ. FT.



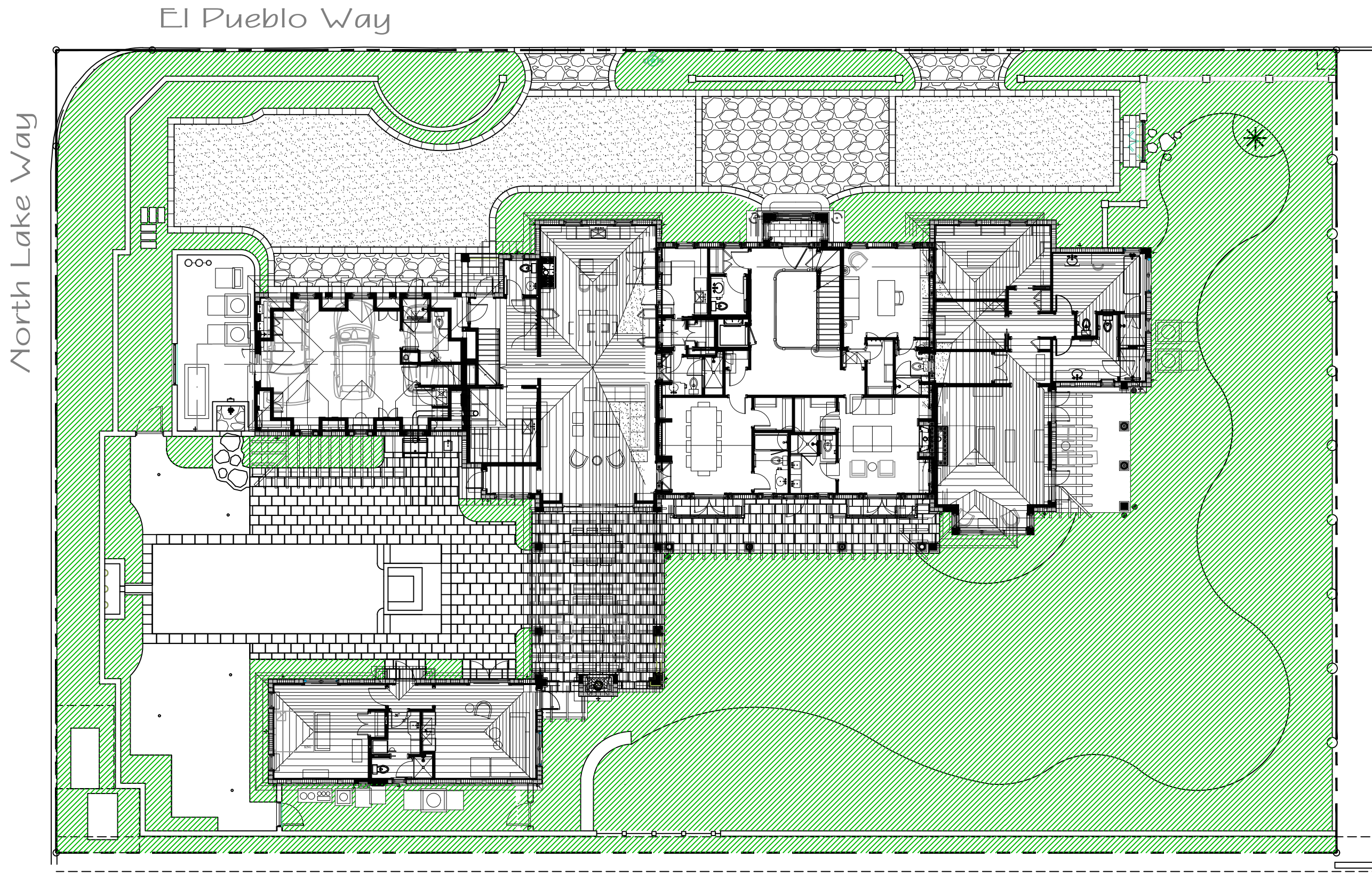
Landscape Legend

LOT AREA: 25,024 S.F.	REQ'D / PERMITTED	EXISTING /APPROVED	PROPOSED
LANDSCAPE OPEN SPACE (LOS) (SQ. FT. AND %)	45% MINIMUM 11,260 S.F.	50.83% 12,720 S.F.	49.1% 12,285 S.F.
LOS TO BE ALTERED	N/A	N/A	3.6 % 905 S.F.
PERIMETER LOS (SQ. FT. AND %)	N/A - LOT GREATER THAN 20,000 S.F.	N/A	N/A
FRONT YARD LOS (SQ. FT. AND %)	40% MIN. 2,004 S.F.	46% 2,306 S.F.	46% 2,306 S.F.
NATIVE TREES %	N/A*	N/A*	N/A*
NATIVE SHRUBS & VINES %	N/A*	N/A*	N/A*
NATIVE GROUNDCOVER %	N/A*	N/A*	N/A*

\*NOTE: LANDSCAPE WILL NOT BE AFFECTED BY PROPOSED IMPROVEMENTS (SEE PREVIOUSLY APPROVED PLANT SCHEDULE)



Existing Conditions



Currently Proposed

Landscape Open Space Diagram

ARC-24-0142



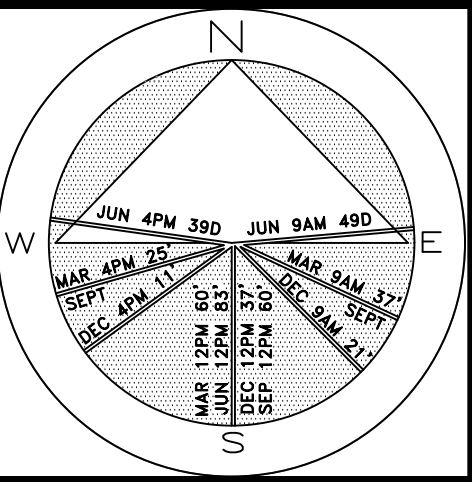
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DESIGN  
GROUP

139 North County Road 5820-B Palm Beach, FL 33480  
Phone 561.832.4600 Mobile 561.313.4424

Landscape Architecture  
Land Planning  
Landscape Management

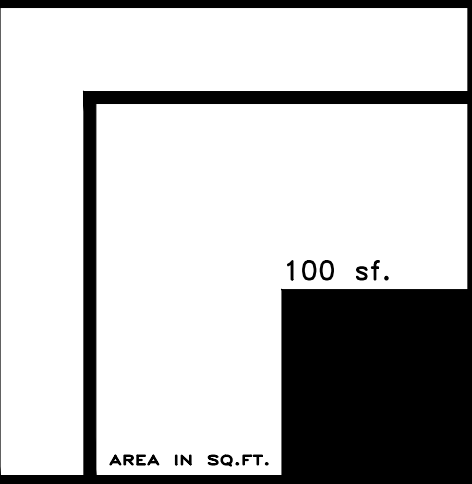
Dustin M. Mizell, M.L.A. R.L.A. #6666784  
Dustin@environmentdesigngroup.com

Private Residence  
280 El Pueblo Way  
Palm Beach



JOB NUMBER: # 22071.00 LA  
DRAWN BY: Sean Twomey  
DATE: 02.04.2025

SHEET 3.0



COPYRIGHT: 2024

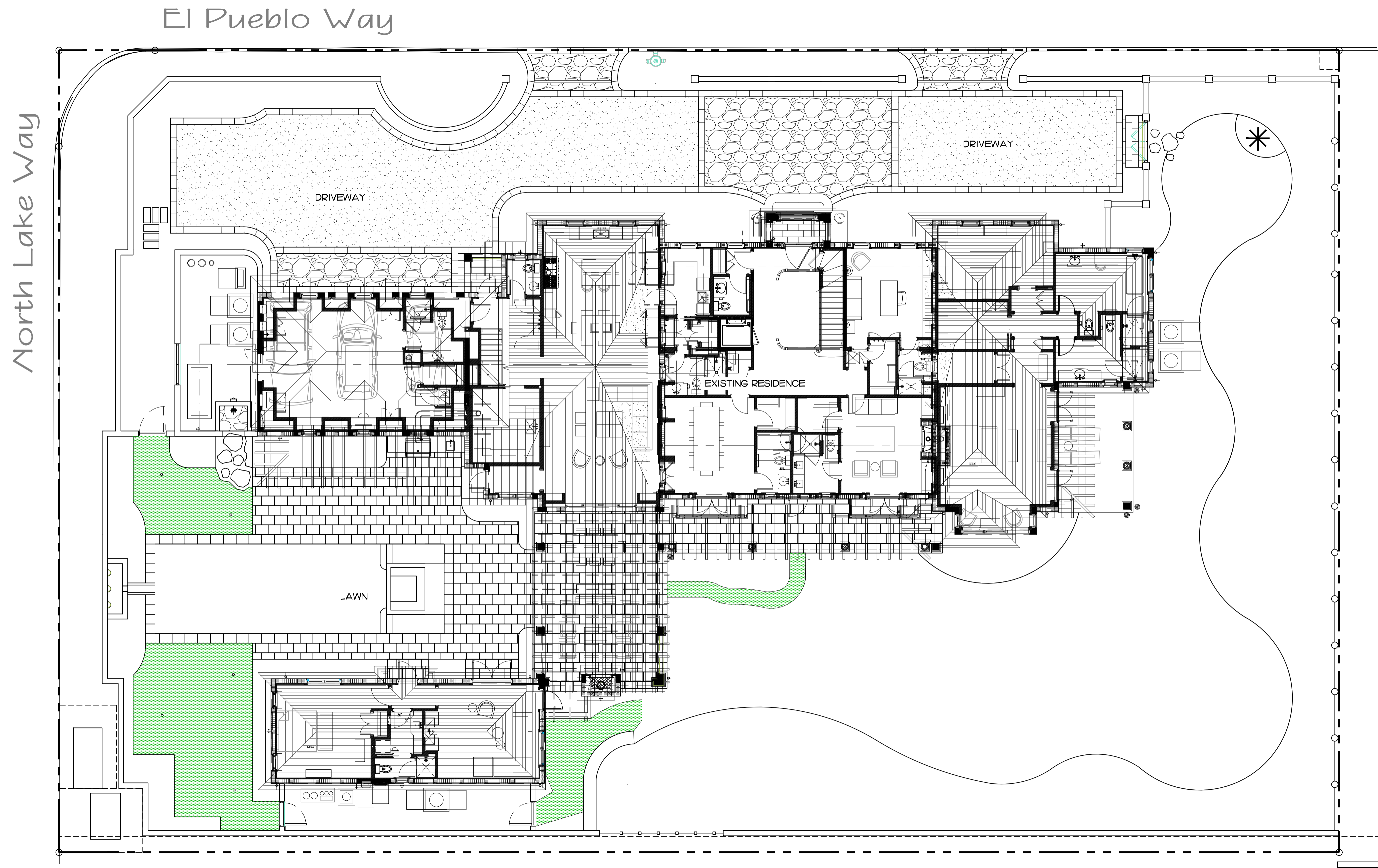
The following drawings are instruments of service to the Landscape Architect. They are not products of design. All ideas, designs, arrangements and plans indicated or represented by this/these drawings are owned by and the property of the designer, and were created, evolved and developed for use in and in connection with this project. None of such ideas, designs, arrangements or plans shall be used by or disclosed to any person, firm or corporation without the written permission of the Landscape Architect.

DISCLAIMER: 2024

Construction, as the term is generally understood, and that ENVIRONMENT DESIGN GROUP does not provide landscape architectural services during construction, including on-site monitoring, site visits, shop drawing review, design clarification, etc., the client agrees to indemnify and hold harmless ENVIRONMENT DESIGN GROUP from any liability arising from, acts or omissions in the performance of said services during construction by the client, and his/her agents, employees, or subcontractors.

48 HOURS BEFORE DIGGING  
CALL TOLL FREE:  
1-800-432-4770  
SUNSHINE STATE ONE CALL  
OF FLORIDA, INC.





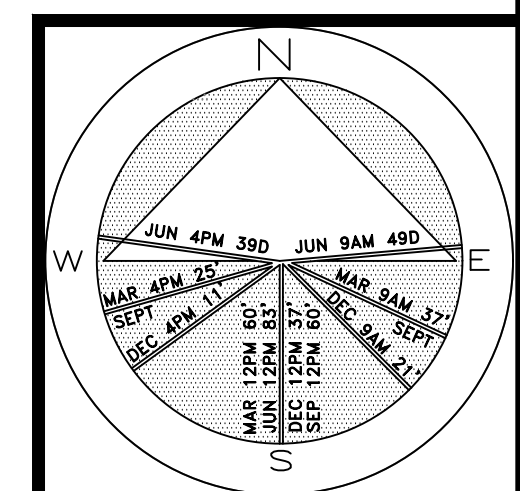
LOT AREA: 25,024 S.F.

	LANDSCAPE ALTERATION TOTAL AREA	905 S.F. 3.6% OF TOTAL SITE
--	------------------------------------	--------------------------------

ARC-24-0142

# Landscape Alteration Diagram

SCALE IN FEET 0' 10' 20' 30'



JOB NUMBER: # 22071.00 LA  
DRAWN BY: Sean Twomey  
DATE: 02.04.2025

SHEET 3.2

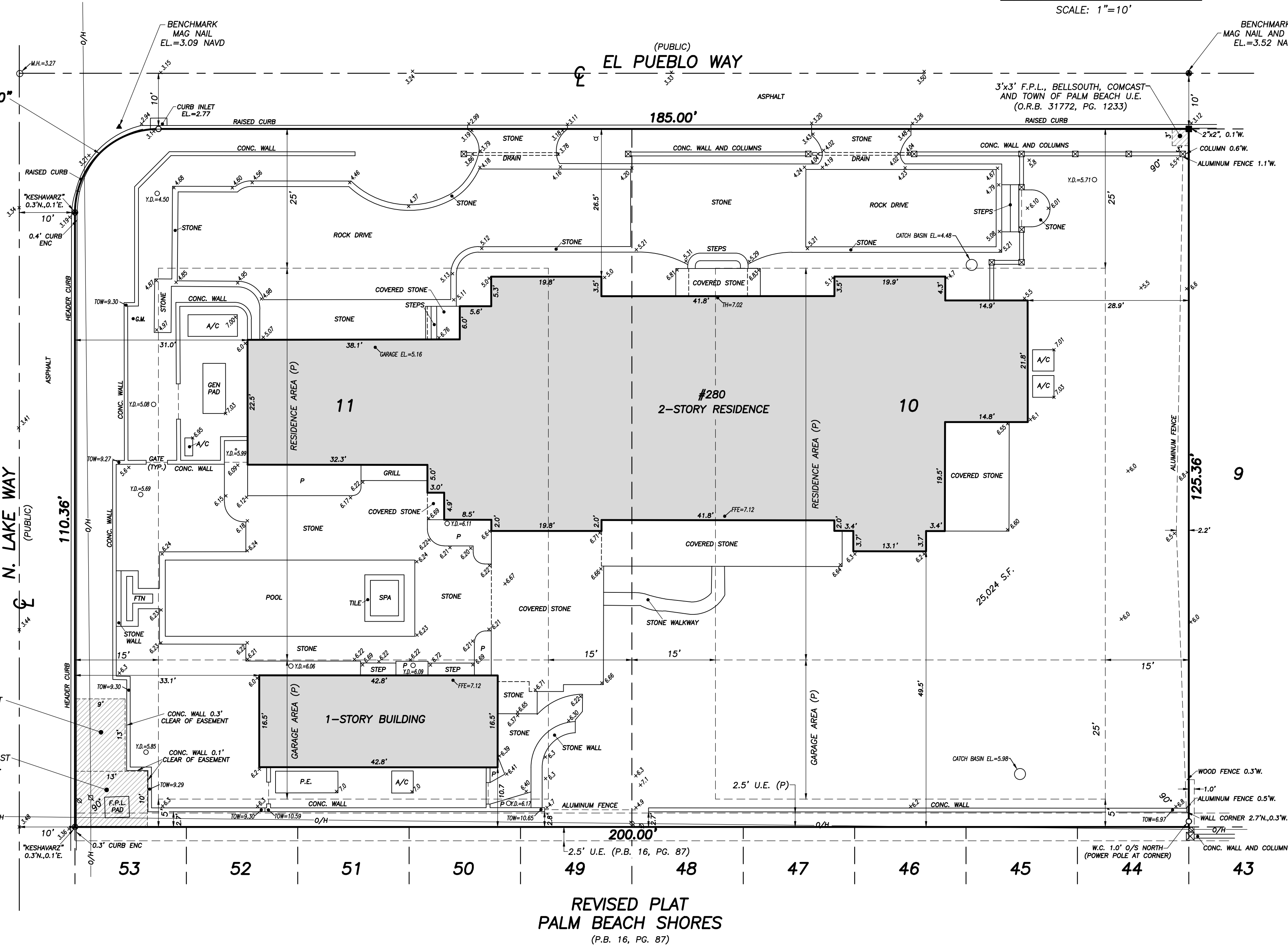
100' sf.  
AREA IN SQ. FT.



LEGEND

- A = ARC LENGTH  
A/C = AIR CONDITIONING  
A.E. = ACCESS EASEMENT  
A.K.A. = ALSO KNOWN AS  
ASPH. = ASPHALT  
BLDG. = BUILDING  
B.M. = BENCHMARK  
B.O.C. = BACK OF CURB  
B.O.W. = BACK OF WALK  
(C) = CALCULATED  
CATV = CABLE ANTENNA TELEVISION  
C.B. = CHORD BEARING  
C.B.S. = CONCRETE BLOCK STRUCTURE  
C.C.C.L. = COASTAL CONSTRUCTION CONTROL LINE  
CH = CHORD  
C.L.F. = CHAIN LINK FENCE  
CLR. = CLEAR  
C.M.P. = CORRUGATED METAL PIPE  
CONC. = CONCRETE  
(D) = DESCRIPTION DATUM  
D.B. = DEED BOOK  
D.E. = DRAINAGE EASEMENT  
D.H. = DRILL HOLE  
D/W = DRIVEWAY  
EL. = ELEVATION  
ENC. = ENCROACHMENT  
E.O.P. = EDGE OF PAVEMENT  
E.O.W. = EDGE OF WATER  
ESMT = EASEMENT  
FFE = FINISH FLOOR ELEVATION  
FND. = FOUND  
FTN = FOUNTAIN  
GEN = GENERATOR  
G.M. = GAS METER  
INV. = INVERT  
L.A.E. = LIMITED ACCESS EASEMENT  
L.B. = LICENSE BOARD  
L.W.D.D. = LAKE WORTH DRAINAGE DISTRICT  
(M) = FIELD MEASUREMENT  
M.H. = MANHOLE  
M.H.W.L. = MEAN HIGH WATER LINE  
M.L.W.L. = MEAN LOW WATER LINE  
N.A.V.D. = NORTH AMERICAN VERTICAL DATUM  
N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM  
N.P.B.C.I.D. = NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT  
N.T.S. = NOT TO SCALE  
O.A. = OVERALL  
O/H = OVERHEAD UTILITY LINE  
O.R.B. = OFFICIAL RECORD BOOK  
O/S = OFFSET  
P = PLANTER  
(P) = PLAT DATUM  
P.B. = PLAT BOOK  
P.B.C. = PALM BEACH COUNTY  
P.C. = POINT OF CURVATURE  
P.C.C. = POINT OF COMPOUND CURVATURE  
P.E. = POOL EQUIPMENT  
PG. = PAGE  
P.I. = POINT OF INTERSECTION  
P/O = PART OF  
P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCEMENT  
P.R.C. = POINT OF REVERSE CURVATURE  
P.R.M. = PERMANENT REFERENCE MONUMENT  
PROP. = PROPOSED  
P.T. = POINT OF TANGENCY  
P.V.M.T. = PAVEMENT  
(R) = RADIAL  
R = RADIUS  
RGE. = RANGE  
R.P.B. = ROAD PLAT BOOK  
R/W = RIGHT OF WAY  
(S) = SURVEY DATUM  
S.B. = SETBACK  
SEC. = SECTION  
S/D = SUBDIVISION  
S.F. = SQUARE FEET  
S.F.W.M.D. = SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
S.I.R.W.C.D. = SOUTH INDIAN RIVER WATER CONTROL DISTRICT  
S.R. = STATE ROAD  
STA. = STATION  
STY. = STORY  
TH = THRESHOLD ELEVATION  
T.O.B. = TOP OF BANK  
TOW = TOP OF WALL  
TWP. = TOWNSHIP  
TYP. = TYPICAL  
U/C = UNDER CONSTRUCTION  
U.E. = UTILITY EASEMENT  
U.R. = UNRECORDED  
W.C. = WITNESS CORNER  
W.M.E. = WATER MANAGEMENT EASEMENT  
W.M.M.E. = WATER MANAGEMENT MAINTENANCE EASEMENT  
W.M.T. = WATER MANAGEMENT TRACT  
Y.D. = YARD DRAIN  
CL = CENTERLINE  
Δ = CENTRAL ANGLE/Delta  
■ = CONCRETE MONUMENT FOUND (AS NOTED)  
□ = CONCRETE MONUMENT SET (LB #8598)  
● = ROD & CAP FOUND (AS NOTED)  
○ = 5/8" ROD & CAP SET (LB #8598)  
○ = IRON PIPE FOUND (AS NOTED)  
● = IRON ROD FOUND (AS NOTED)  
▲ = NAIL FOUND  
● = NAIL & DISK FOUND (AS NOTED)  
● = MAG NAIL & DISK SET (LB #8598)  
● = PROPERTY LINE  
● = UTILITY POLE  
● = FIRE HYDRANT  
● = WATER METER  
● = WATER VALVE  
● = LIGHT POLE

Δ=90°00'00"  
A=23.56'  
R=15.00'

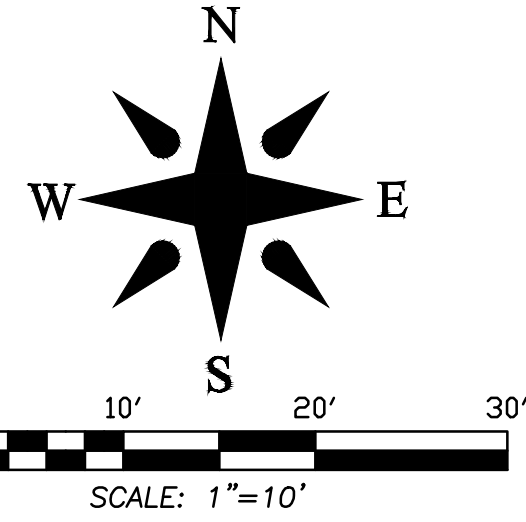


FLOOD ZONE:

This property is located in Flood Zone X, AE (EL 6), according to F.I.R.M. (Flood Insurance Rate Map) No. 12099C0393G, dated 12/20/2024.

NOTES:

- No title policy or commitment affecting title or boundary to the subject property has been provided. It is possible there are deeds and easements, recorded or unrecorded, which could affect this survey and boundaries. This office has made no search of the Public Records.
- Elevations shown hereon, if any, are in feet and decimal parts thereof and are based on NAVD-88. The expected accuracy of the elevations shown hereon is 0.03' for the hard surface elevations (shown thus x 0.00) and 0.1' (shown thus x 0.0) for the soft surface elevations. Elevations shown hereon are U.S. survey feet unless otherwise noted.
- Description furnished by client or client's agent.
- Unless presented in digital form with electronic seal and electronic signature this survey must bear the signature and the original raised seal of a Florida licensed surveyor or mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.
- This survey cannot be transferred or assigned without the specific written permission of Wallace Surveying Corporation. Certificate of Authorization Number LB8598.
- Except as shown, underground and overhead improvements are not located. Underground foundations not located.
- The survey sketch shown hereon does not necessarily contain all of the information obtained or developed by the undersigned surveyor in his field work, office work or research.
- No responsibility is assumed by this surveyor for the construction of improvements, from building ties shown on this survey.
- Revisions shown hereon do not represent a "survey update" unless otherwise noted.
- All dates shown within the revisions block hereon are for interoffice filing use only and in no way affect the date of the field survey stated herein.
- In some instances, graphic representations have been exaggerated to more clearly illustrate the relationships between physical improvements and/or lot lines. In all cases, dimensions shown shall control the location of the improvements over scaled positions.
- It is a violation of Rule 5J-17 of the Florida Administrative Code to alter this survey without the express prior written consent of the Surveyor. Additions and/or deletions made to the face of this survey will make this survey invalid.
- The ownership of fences, perimeter walls and/or hedges shown hereon are not known and thus are not listed as encroachments. Fences, hedges and/or perimeter walls are shown in their relative position to the boundary.
- The expected horizontal accuracy of the information shown hereon is +/- 0.10'.



SITE

VICINITY SKETCH N.T.S.

Boundary Survey For:  
DANIELLE GANEK & DAVID GANEK

This survey is made specifically and only for the following parties for the purpose of a closing on the surveyed property.

Danielle Ganek & David Ganek

The undersigned surveyor assumes no responsibility or liability for any other purpose or to any other party other than stated above.

PROPERTY ADDRESS:

280 El Pueblo Way  
Palm Beach, FL 33480

LEGAL DESCRIPTION:

Lot 10 & 11 of EL CANTO, A SUBDIVISION OF THE Town of Palm Beach, Florida, according to the Plat thereof as recorded in Plat Book 11, Page 53, of the Public Records of Palm Beach County, Florida.

FLOOD ZONE:

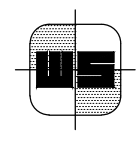
This property is located in Flood Zone X, AE (EL 6), according to F.I.R.M. (Flood Insurance Rate Map) No. 12099C0393G, dated 12/20/2024.

REVISIONS

01/27/25 SURVEY UPDATE J.M./D.P.S./J.P.  
12/08/21 REMOVE ABANDONED EASEMENT BY ORB 32015, PG 416, C.W.  
11/17/21 SURVEY AND FINAL TIE-IN WITH SPOT ELEVATIONS B.M.M.B. 20-1531.16 PB32339  
03/22/21 WEST SITE WALL LOCATION J.C./S.W. 20-1531.13 PB30774  
02/20/21 2ND FLOOR TIE-BEAM ELEVATIONS J.O./S.W. 20-1531.10 PB30489  
02/04/21 SLAB AND TIE-BEAM ELEVATIONS AND SITE WALL LOCATION B.M.M.B. 20-1531.9 PB30716  
01/13/21 FORMBOARD TIE-IN J.C./M.B. 20-1531.8 PB30528  
12/22/20 FORMBOARD TIE-IN J.C./S.W. 20-1531.6 PB30077  
12/16/20 UNDER CONSTRUCTION TIE-IN B.M.M.B. 20-1531.5 PB30378

BOUNDARY SURVEY FOR:

DAVID GANEK AND DANIELLE GANEK



**WALLACE SURVEYING**  
CORP. LICENSED BUSINESS # 8994  
5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 \* (561) 640-4551

James G. Peden, Jr.  
Professional Surveyor and Mapper  
Florida Certificate No. 6122

FIELD	J.O.	JOB NO.	20-1531.3	F.B.	PB303	PG.	62
OFFICE	M.B.	DATE	12/9/20	DWG. NO.	20-1531		
C.W.	C.W.	REF.	20-1531.DWG	SHEET	1	OF	1

# TOWN OF PALM BEACH

Town Council Meeting on: April 8, 2025

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## Section of Agenda

Ordinances - First Reading

## Agenda Title

Proposed Ordinance to Review Chapter 18 of the Town Code Regarding Construction that Deviates from Approved Permit Plans

ORDINANCE NO. 005-2025: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18 - Building And Building Regulations, Article VII.- Construction Site Management By Adding Section 18-354 To Address Construction That Deviates From The Approved Set Of Plans; Amending Section 2-439 of the Town Code Relating to Citation Fine Schedule; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

## Presenter

Wayne Bergman, Director of Planning, Zoning and Building

## ATTACHMENTS:

- ▣ **Memorandum Dated: February 21, 2025, From Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Ordinance No. 005-2025**
- ▣ **Business Impact Statement**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 8, 2025

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To: Mayor and Town Council

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



Cc: Kirk Blouin, Town Manager & James Murphy, Asst. Director of PZB

Re: Construction That Deviates From The Approved Permit Plans – Round Three

Date: February 21, 2025

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## **DISCUSSION:**

One of the continuing and problematic issues for the Planning, Zoning & Building Department occurs when a construction project deviates from the approved design plan. Arcom and Landmarks often spend a great deal of time and effort to approve construction projects, many times with significant neighbor input. Projects are approved and permitted with specific plans. But the owners often deviate from the approved plans and install unapproved and unpermitted features or exceed the scope of the approved work. Often these deviations are not noticed until it is after the fact or at the end of the project (if the owner or contractor are using private providers) when the now-mandatory design inspections are called for. The unapproved and unpermitted work creates the need for further design review by staff, involvement with the Chairs of Arcom or Landmarks, and sometimes by the full design Commissions. Staff cannot issue the final inspections and the certificate of occupancy until the Town formally approves the deviations. At times even zoning variances are required at the end of a project for height or setback encroachments resulting from the unpermitted construction work.

Most of these “After the Fact” approvals relate to the placement of mechanical equipment, site walls, screening walls around equipment, pool and water feature locations, changes to roofs, changes to windows and doors, driveway materials and layout, and building and structure setbacks.

During your December, 2024 and February, 2025 Development Review meetings you discussed this matter and considered various options to impose on owners and contractors in an effort to eliminate unapproved construction work from occurring. At the February meeting, several options were reviewed and a consensus regarding a path forward was provided to staff. A draft ordinance was prepared that incorporated these options.

The ordinance was reviewed by the Town Attorney for content and legal form. This matter is ready for consideration and possible approval on First Reading.



**ORDINANCE NO. 005-2025**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 18 - BUILDING AND BUILDING REGULATIONS, ARTICLE VII. - CONSTRUCTION SITE MANAGEMENT BY ADDING SECTION 18-354 TO ADDRESS CONSTRUCTION THAT DEVIATES FROM THE APPROVED SET OF PLANS; AMENDING SECTION 2-439 OF THE TOWN CODE RELATING TO CITATION FINE SCHEDULE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Palm Beach, Florida (“Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, Town Staff and the Town’s design review boards, the Landmarks Preservation Commission (LPC) and the Architectural Review Commission (ARCOM) devote significant resources to approving construction projects, often with significant input from the public; and

**WHEREAS**, construction projects are approved and permitted with specific construction plans but owners often deviate from the approved plans and install unapproved and unpermitted features or exceed the scope of the approved work; and



**WHEREAS**, these deviations are often not noticed until after the improvements have been made or at the end of the project; and

**WHEREAS**, the unapproved and unpermitted construction work creates the need for further design review by Staff, ARCOM and/or LPC and prevents Staff from issuing final inspections and certificates of occupancy until the deviations are approved; and

**WHEREAS**, Staff have tried various remedies to stop this unapproved and unpermitted construction work without much success; and

**WHEREAS**, authorizing the Town's building official to issue a stop work order immediately upon the discovery of construction that deviates from approved construction plans will ensure the high quality of the Town's residential and commercial neighborhoods, preserve property values, and otherwise protect the health, safety, and welfare of the public; and

**NOW THEREFORE BE IT ORDAINED** by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

**Section 1.** The recitations set forth above are true and correct and incorporated herein as legislative findings of the Town Council.

**Section 2.** The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 18 – Building and Building Regulations, Article VII.- Construction Site Management by adding Section 18-354 to read:

**“18-354 – Construction That Deviates from Approved Plans.**

a) Stop Work Order authorized. Whenever the building official finds any construction being performed in a manner that deviates from (violates) the approved construction plans, the building official shall immediately issue a stop work order.

(1) The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping work.

(2) Any person who continues the cited work after having been served with a stop work order, except such work as the building official directs that person to perform to remove a violation or unsafe condition, shall be subject to penalties as provided in section 2-439 of this Code and otherwise permitted by Florida law.

(1) Any application to retain the unapproved construction feature(s) shall be made to the architectural commission (ARCOM) or landmarks preservation commission (LPC), and the Town Council as deemed necessary by the director of the Planning, Zoning and Building Department within 30 days of issuance of the stop work order. The application shall include a doubling of the normal application fees (2 times the normal fees) in order to offset additional costs incurred by the Planning, Zoning and Building Department.

(2) The property owner shall have the right to appeal the denial of an application to retain by ARCOM or LPC to the Town Council. The appeal

must be filed at least five (5) days prior to the next available meeting of the Town Council subsequent to the notice of appeal.

(3) The unapproved construction work shall be removed by the owner or contractor within 30 days of the exhaustion of any appeal to or decision by the Town Council denying the application to retain.

- b) Restrictions on issuance of Certificate of Occupancy: During the time that unapproved construction work has been determined to exist on a project, the Town shall not issue any form of Temporary Certificate of Occupancy, Final Certificate of Occupancy, or Final Certificate of Completion to the subject project.
- c) It is the intent of this section to provide an alternative manner to resolve construction that deviates from approved plans on an expedited basis; provided, however, both the Town and the owner retain all rights and obligations set forth in Chapter 2, Article V, Code Enforcement.
- d) The owner and contractor shall acknowledge this regulation prior to construction by executing the "Owner/Contractor Deviation of Construction from Approved Plans Affidavit", which is part of the Building Permit Application Packet.

**Section 3.** The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 2 – Administration, Article V. - Code Enforcement by amending Section 2-439, Citation Fine Schedule as set forth below. Except as amended herein, the remainder of Section 2-439 remains in full force and effect.

**Sec. 2-439 – Citation Fine Schedule:**

Code Section		Class
CHAPTER 18 BUILDING AND BUILDING REGULATIONS		

**Section 4. Severability.**

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

**Section 5. Repeal of Ordinances in Conflict.**

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

**Section 6. Codification.**

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

**Section 7. Effective Date.**

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this \_\_\_\_ day of \_\_\_\_\_, 2025, and for second and final reading on this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Bobbie D. Lindsay, Town Council President

\_\_\_\_\_  
Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

\_\_\_\_\_  
Julie Araskog, Town Council Member

\_\_\_\_\_  
Edward A. Cooney, Town Council Member

\_\_\_\_\_  
Kelly Churney, CMC, Town Clerk

\_\_\_\_\_  
Bridget Moran, Town Council Member





## Business Impact Estimate

### TOWN OF PALM BEACH

#### **TITLE OF ORDINANCE:**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 18- BUILDING AND BUILDING REGULATIONS, ARTICLE VII.-CONSTRUCTION SITE MANAGEMENT BY ADDING SECTION 18-355 TO ADDRESS CONSTRUCTION THAT DEVIATES FROM THE APPROVED SET OF PLANS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF

#### **Business Impact Estimate**

This is provided in accordance with section 166.041(4), Florida Statutes. According to Section 166.041(4)(c) of the Florida Statutes, if one or more boxes are checked below, state law **does not** require a business impact estimate for the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation.
- ☐ The proposed ordinance relates to the issuance or refinancing of debt.
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance.
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  - a. Development orders and development permits, as those terms are defined in s. 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220 - 163.3243.
  - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.
  - c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts.
  - d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention

In accordance with the provisions of controlling law, the Town hereby publishes the following information:

1. Summary of the proposed ordinance:

Providing for an efficient method to handle construction projects that deviate from the approved design review commission approved plans.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town, if any:

This will depend upon the path determined by the owner and/or the contractor, which could temporarily delay the completion of construction projects.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

Any general, residential, or building contractors that do not follow the construction plans approved by the Town of Palm Beach.

4. Additional information the governing body deems useful (if any):

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Town of Palm Beach's website by the time notice of the proposed enactment of the ordinance is published.*