

Monday, December 17, 2018  
6:00 pm



Town Hall Commission Chambers  
247 Edwards Lane  
Palm Beach Shores, FL 33404

**TOWN COMMISSION  
REGULAR MEETING AGENDA**

Mayor Myra Koutzen  
Vice Mayor Roby DeReuil

Commissioner Gil Gilgallon  
Commissioner Bob Stanton  
Commissioner Brian Tyler

Town Attorney Keith Davis  
Town Clerk Evyonne Browning  
Assistant Clerk Gaudy Quesada

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1. **CALL TO ORDER**

- a. Pledge of Allegiance
- b. Roll Call

2. **APPROVAL OF MEETING AGENDA** (Additions, substitutions, deletions)

3. **CONSENT AGENDA** (Items that do not need discussion, but require a vote)

- a. November 19, 2018 Regular Commission Meeting Minutes
- b. Cabana Beach Chair Contract Amendment to add on-site storage
- c. Special Event SP18-27: Sailfish Marine Fishing Tournament – Bluewater Movements January 16, 2018. 6:00 pm to 10:00 pm with 300 participants. (All paperwork received)
- d. Special Event SP18-28: Café Chardonnay wedding reception July 6, 2018 at Community Center from 4:30 pm to 10:00 pm with 80 to 100 participants. (All paperwork received)

4. **PRESENTATIONS/UPDATES**

- a. Pinning and Swearing in of Robert Villagomez, Full-time Fire Fighter/EMT
- b. Update on Undergrounding Project (*Presented by Danny Brannon*)

5. **DEPARTMENT AND BOARD REPORTS**

- a. Financials
  - 1. Approval of Financial Report for Period ending December 31, 2018
- b. Staff Reports:
  - 1. Police Department
  - 2. Fire Department
  - 3. Public Works
  - 4. Town Clerk
  - 5. Town Attorney
- c. Planning & Zoning Report (verbal)

6. **COMMISSION REPORTS**

7. **PUBLIC COMMENTS**

**PUBLIC PARTICIPATION AND OPPORTUNITY TO BE HEARD (Resolution R-7-13)**

8. **UPDATES/DISCUSSIONS** (*Non-voting items*)

9. **OTHER BUSINESS** (Any regular business requiring a vote)

- a. Potential date change for January 21, 2018 due to Martin Luther King Day (Suggested date January 28, as P & Z meeting on January 22<sup>nd</sup>.)
- b. Potential date change for February 18, 2018 due to President's Day (Suggested dates January 19<sup>th</sup> or January 25<sup>th</sup>)

10. **ORDINANCES AND RESOLUTIONS**

- a. Resolution R-17-18: Change Banking Services (*Presented by Town Accountant*)
- b. Resolution R-18-18: Fiscal Year 2017/18 Budget Amendment No. 5(*Presented by Town Accountant*).
- c. Ordinance O-10-18: Amend Appendix Chapter 18. Business, Occupations and Professions. (**2<sup>nd</sup> Reading**) (*Presented by Town Attorney*)
- d. Ordinance O-11-18: Amend Appendix A. Zoning for Districts B, C, and D to allow replacement of existing asphalt or concrete pavement material with driveway pavers in the Town's 10' strip. (**2<sup>nd</sup> Reading**) (*Presented by Town Attorney*)
- e. Ordinance O-12-18: Amend Appendix A. Zoning at Section II Definitions to provide cross-reference to definitions in Chapter 82. (**1<sup>st</sup> Reading**) (*Presented by Town Attorney*)
- f. Ordinance O-13-18: Amend Chapter 82 (creating an entirely new section 82-50 and Amend Section 82-51) (**1<sup>st</sup> Reading**) (*Presented by Town Attorney*)

11. **ADJOURNMENT**

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Town Commission with respect to any matter considered at this meeting or hearing, such interested person 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 based. The meeting/hearing will be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting.

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. **FOR HEARING ASSISTANCE:** If any person wishes to use a hearing device, please contact the Town Clerk.

**TOWN OF PALM BEACH SHORES, FLORIDA  
REGULAR COMMISSION MEETING MINUTES**

**November 19, 2018**

*This meeting was recorded, and the full meeting dialogue is available  
in audio format through the Town Clerk's office.*

**1. CALL TO ORDER**

**Mayor Koutzen** called the meeting to order at 5:59 pm. The meeting was held at Town Hall located at 247 Edwards Lane, Palm Beach Shores, FL 33404.

**Town Clerk Browning** called the roll and those present were Mayor Myra Koutzen, Vice Mayor Roby DeReuil, Commissioner Gil Gilgallon, Commissioner Robert Stanton, and Commissioner Brian Tyler.

**2. APPROVAL OF MEETING AGENDA** (Additions, substitutions, deletions)

**MOTION:** Vice Mayor DeReuil moved to approve the meeting agenda as presented

**SECOND:** Commissioner Gilgallon seconded the motion.

**VOTE:** Gilgallon: YES

DeReuil: YES

Tyler: YES

Stanton: YES

Koutzen: YES

**The Motion Passed Unanimously**

**3. CONSENT AGENDA** (Items that do not need discussion, but require a vote)

a. October 15, 2018 Regular Commission Meeting Minutes

b. October 29, 2018 Special called Commission Meeting Minutes

c. Special Event Permit SP18-26: December 1, 2018, John Workman, 2<sup>nd</sup> floor Community Center event from 2:00 pm to 11:00 pm. (All paperwork received).

**MOTION:** Commissioner Stanton moved to approve the consent agenda as presented

**SECOND:** Commissioner Gilgallon seconded the motion.

**VOTE:** Gilgallon: YES

DeReuil: YES

Tyler: YES

Stanton: YES

Koutzen: YES

**The Motion Passed Unanimously**

**4. PRESENTATIONS/UPDATES**

a. Swearing in of Robert Villagomez, Full-time Fire Fighter/EMT **(Delayed until the next Commission Meeting in December)**

b. Swearing in of Mary Boeckler, Full-time Dispatch Operator

**5. DEPARTMENT AND BOARD REPORTS**

a. Financials

1. Approval of Financial Report for Period ending October 31, 2018

**MOTION:** Commissioner Gilgallon moved to approve the Financial Report as printed

**SECOND:** Commissioner Tyler seconded the motion.

**(VOTE ON NEXT PAGE)**

Item 5a: 1. Financials (vote)

**VOTE:** Gilgallon: YES

DeReuil: YES

Tyler: YES

Stanton: YES

Koutzen: YES

**The Motion Passed Unanimously**

2. Approve Assigned Fund Balances at 9/30/18

**MOTION:** Commissioner Gilgallon moved to approve the Assigned Fund Balances

**SECOND:** Commissioner Tyler seconded the motion.

**VOTE:** Gilgallon: YES

DeReuil: YES

Tyler: YES

Stanton: YES

Koutzen: YES

**The Motion Passed Unanimously**

3. Approve Capital deletions for Fiscal Year ended 9/30/18

**MOTION:** Commissioner Tyler moved to approve the Capital deletions as presented

**SECOND:** Commissioner Stanton seconded the motion.

**VOTE:** Gilgallon: YES

DeReuil: YES

Tyler: YES

Stanton: YES

Koutzen: YES

**The Motion Passed Unanimously**

4. Update on Undergrounding Utilities Costs: **An overview of the process and the costs as of today were given by Mayor Koutzen.**

b. Staff Reports were given by Police Chief Langevin, Fire Chief Steedman, Public Works Director Welch, and Town Clerk Browning.

c. There was no Planning and Zoning Report.

## 6. COMMISSION REPORTS

Mayor Koutzen gave an update on the status of repairing the sea wall at the Inlet. She also thanked everyone who came to the beach clean-up event. She gave a special “thank you” to Grace Sterrett for reviewing the Town’s Fertilizer Ordinance and giving input into make it easy to understand and providing a hand-out sheet to help everyone understand the content and process.

## 7. PUBLIC COMMENTS

**PUBLIC PARTICIPATION AND OPPORTUNITY TO BE HEARD (Resolution R-7-13)**

Grace Sterrett representing the Environmental Committee thanked the Commission for tabling the Tree Ordinance as requested by the committee.

## 8. PROJECT UPDATES/DISCUSSIONS None at this meeting



9. **OTHER BUSINESS** (Any regular business requiring a vote)

- a. Approval of 2 Police vehicles and LPR/CCTV systems

**MOTION:** Commissioner Gilgallon moved to approve the 2 Police Vehicles as stated.

**SECOND:** Commissioner Tyler seconded the motion.

**VOTE:** Gilgallon: YES  
DeReuil: YES  
Tyler: YES  
Stanton: YES  
Koutzen: YES      The Motion Passed Unanimously

- b. Approval of 1 Public Works Truck

**MOTION:** Commissioner Stanton moved to approve the purchase of a new Public Works truck.

**SECOND:** Commissioner Gilgallon seconded the motion.

**VOTE:** Gilgallon: YES  
DeReuil: YES  
Tyler: YES  
Stanton: YES  
Koutzen: YES      The Motion Passed Unanimously

- c. Approval of five (5) Police Department in-car cameras

**MOTION:** Commissioner Tyler moved to approve the purchase of the 5 police department in-car cameras with the funds donated by the Fleming Foundation.

**SECOND:** Commissioner Gilgallon seconded the motion.

**VOTE:** Gilgallon: YES  
DeReuil: YES  
Tyler: YES  
Stanton: YES  
Koutzen: YES      The Motion Passed Unanimously

10. **ORDINANCES AND RESOLUTIONS**

- a. Resolution R-15-18: Fiscal Year 2017/18 Budget Amendment No. 4.

**MOTION:** Commissioner Gilgallon moved to approve Resolution R-15-18 as printed.

**SECOND:** Commissioner Stanton seconded the motion.

**VOTE:** Gilgallon: YES  
DeReuil: YES  
Tyler: YES  
Stanton: YES  
Koutzen: YES      The Motion Passed Unanimously

- b. Resolution R-16-18: Fiscal Year 2018/19 Budget Amendment No. 1.

**MOTION:** Vice Mayor DeReuil moved to approve Resolution R-16-18 as presented

**SECOND:** Commissioner Gilgallon seconded the motion.

**VOTE:** Gilgallon: YES  
DeReuil: YES  
Tyler: YES  
Stanton: YES  
Koutzen: YES      The Motion Passed Unanimously

- c. Ordinance O-6-18: Amend 62, Streets, Sidewalks, and other public places regarding the undergrounding project.

**MOTION:** Commissioner Gilgallon moved to approve the 2<sup>nd</sup> reading and adoption of Ordinance O-6-18 as presented by the Town Attorney.

**SECOND:** Vice Mayor DeReuil seconded the motion.

**VOTE:** Gilgallon: YES

DeReuil: YES

Tyler: YES

Stanton: YES

Koutzen: YES

**The Motion Passed Unanimously**

- d. Ordinance O-10-18: Amend Appendix Chapter 18. Business, Occupations and Professions.

**MOTION:** Commissioner Stanton moved to approve the 1<sup>st</sup> reading of Ordinance O-10-18 as presented by the Town Attorney.

**SECOND:** Vice Mayor DeReuil seconded the motion.

**VOTE:** Gilgallon: YES

DeReuil: YES

Tyler: YES

Stanton: YES

Koutzen: YES

**The Motion Passed Unanimously**

- e. Ordinance O-11-18: Amend Appendix A. Zoning for Districts B, C, and D to allow replacement of existing asphalt or concrete pavement material with driveway pavers in the Town's 10' strip. *(Presented by Town Attorney)*

**MOTION:** Commissioner Stanton moved to approve the 1<sup>st</sup> reading of Ordinance O-11-18 as presented by the Town Attorney

**SECOND:** Commissioner Gilgallon seconded the motion.

**VOTE:** Gilgallon: YES

DeReuil: YES

Tyler: YES

Stanton: YES

Koutzen: YES

**The Motion Passed Unanimously**

## **11. ADJOURNMENT**

Mayor Koutzen adjourned the meeting at 6:50 pm.

Approved this 17<sup>th</sup> day of December 2018

ATTEST:

\_\_\_\_\_  
Evyonne Browning, Town Clerk

\_\_\_\_\_  
Myra Koutzen, Mayor

(Seal)

To: Palm Beach Shores Town Commission  
From: Mayor Myra Koutzen  
Re: Beach Cabana Contract  
Date: December 17, 2018

The purpose of this report is to recommend a second year of beach cabana service with minor modifications to the agreement.

#### Background

A year ago, the Town signed a one-year agreement with Tracy Larcher's Beach Cabana Service LLC to provide limited cabana services on the Town beach. The agreement included the option for a one-year extension.

In addition, Tracy Larcher has requested the ability to provide storage for their cabana cushions and umbrellas.

There have been no issues with the cabana service over the past year. They have followed the terms of the agreement and their customers appear happy.

#### Staff Recommendation

Staff recommends that the Town extend the agreement for an additional year and allow Tracy to add the requested storage. The proposed addendum to the agreement and description of the storage are attached.

**TOWN OF PALM BEACH SHORES  
BEACH CABANA CHAIRS/UMBRELLA SERVICES CONTRACT  
ADDENDUM NO. 1**

**THIS ADDENDUM NO. 1** is meant to renew and amend the “Town of Palm Beach Shores Beach Cabana Chairs/Umbrella Services Contract” between Beach Cabana Service LLC and the Town of Palm Beach Shores, dated and effective January 1, 2017.

1. The BEACH CABANA CHAIRS/UMBRELLA SERVICES CONTRACT is renewed for one additional one-year term, commencing January 1, 2019 through December 31, 2019.
2. The original BEACH CABANA CHAIRS/UMBRELLA SERVICES CONTRACT is amended to provide for and allow the placement of a cushion storage container and an umbrella storage container as depicted and further explained in Exhibit “A” to this Addendum No. 1.
3. All other terms, conditions and rates as set forth in the original BEACH CABANA CHAIRS/UMBRELLA SERVICES CONTRACT shall remain in full force and effect as set forth therein.

**IN WITNESS WHEREOF**, the Town Commission of the Town of Palm Beach Shores, Florida, has approved and authorized its Mayor to execute this Addendum No. 1 on behalf of the TOWN and caused the seal of the TOWN to be affixed hereto, and Beach Cabana Service LLC has hereunto set its hand and seal the day and year written. Beach Cabana Service LLC represents that its Manager is authorized to execute this contract on its behalf.

ATTEST:

**TOWN:**

Town of Palm Beach Shores

By: \_\_\_\_\_  
Evyonne Browning, Town Clerk

By: \_\_\_\_\_  
Myra Koutzen, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

(Seal)

By: \_\_\_\_\_  
Keith W. Davis, Town Attorney



ATTEST:

**CONTRACTOR:**

Beach Cabana Service LLC

By: \_\_\_\_\_  
(Print Name) \_\_\_\_\_

By: \_\_\_\_\_  
Tracy Larcher, Manager

(Corporate Seal)

Signed, sealed and delivered in  
the presence of two witnesses:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness



Cabana Beach Service, LLC  
118 Blossom Lane  
Palm Beach Shores, FL 33404

Attachment "A"  
Beach Cabana Chair Contract  
Addendum No. 1

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December 11, 2018

Town of Palm Beach Shores  
100 Edwards Ave  
Palm Beach Shores, FL 33404

Subj: Beach Cabana Chairs/Umbrella Services Contract

Dear Commissioners,

This letter is submitted to request a one-year extension to the beach service contract dated 1 January 2018 and to request modification of the contract to specifically authorize storage of umbrellas and cabana cushions.

Equipment storage plan is provided as enclosure (1).

Sincerely,

Tracy Larcher  
Cabana Beach Service, LLC

Encl: (1) Beach Service Equipment Storage Plan

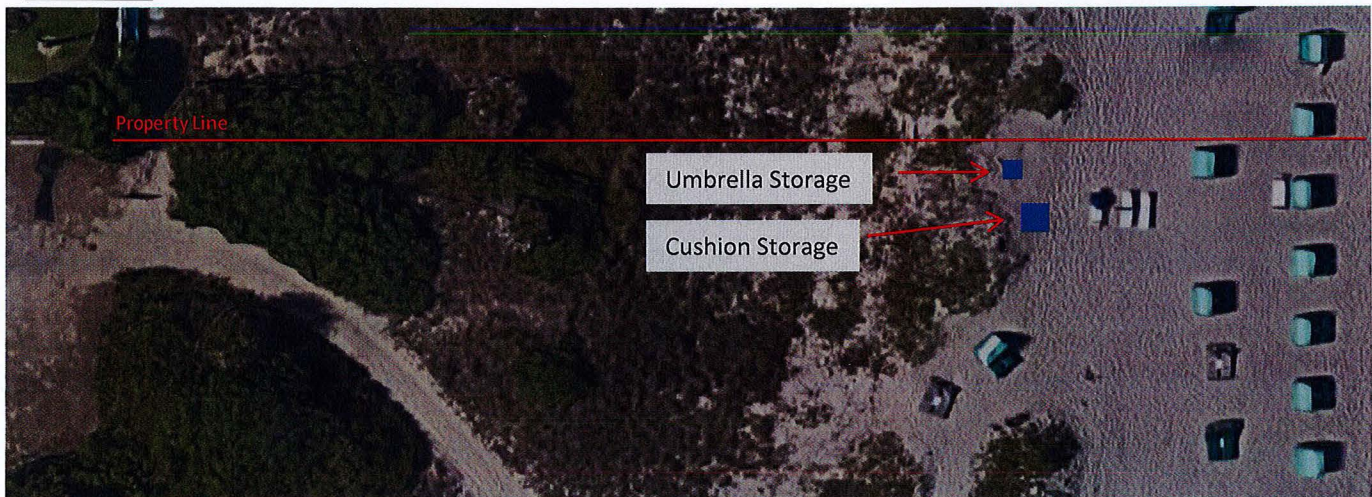
## Beach Service Equipment Storage Plan

### Cushion and Umbrella Storage

Cushions are neatly stacked on a custom platform constructed of pressure treated wood. Storage dimensions (including platform) are 72"W x 72"L x 36"H. During overnight hours the cushions are covered with a weather proof cover designed and made specifically for this purpose. Umbrellas are stored in a single wooden umbrella box with above ground dimensions of 48"L x 48"W x 72"H. The box is of similar design and construction to storage boxes currently in use at Riviera Beach and Marriott Ocean Pointe and is painted to blend in with the natural surroundings. The umbrella box and cushion storage are positioned at the toe of the dune clear of all natural vegetation.



### Site Plan





DATE SUBMITTED



PERMIT NO.

SP18-27

ITEM 3c

Dec 17 2018

Town of Palm Beach Shores

APPLICATION FOR  
SPECIAL EVENTS PERMIT

(Section 18-27 of Town Code)

Type of event: Fishing Tournament Location: Sailfish Marina

Sponsor: Bluewater Moments Telephone: 561-844-1728

Property owner's consent and acknowledgement of responsibility:

Signature: [Signature]

Date and Time January 16<sup>th</sup> 2019 6:00 Time it ends: 10:00pm

Number of participants: 300

Proof of insurance attached? Yes      No ✓

Copy of all required state and county permits if event will be held on or utilize state and/or county-controlled property.

Please indicate any traffic, fire-rescue, utilities impact, and/or mitigation plan:

Will need traffic detail 1/16/19  
Bluewater to Contact will Detail

Permit fee \$50 ✓ (Untimely application \$150     ) Receipt # 11247

APPROVED:

Fire Department:      Police Department:     

Number of off-duty officers required:     

Date of Commission Review:      Approved:



Town of Palm Beach Shores

247 Edwards Lane  
Palm Beach Shores FL 33404

Brothers Property Manag / Sailfish Marina

Special Event Permit for BLUEWATER MOVMENTS FISHING  
TOURNAMENT  
JANUARY 16 2019  
561-844-1728

***Town of Palm Beach Shores***

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Receipt #: 11247	Date: 10/30/2018	From: Brothers Property Manag / S	Register: Gaudy	Operator ID: asystAdmin
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Miscellaneous Receipt	Special Permits - Sailfish Brothers Property Manag / Sailfis	\$50.00
	NG TOURNAMENT - JAN. 16 2019 Balance:	
	<b>Total Receipts</b>	<b>\$50.00</b>
Check - 28157		<b>\$50.00</b>
	<b>Change Due:</b>	<b>\$0.00</b>

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Thank you.

DATE SUBMITTED

DEC 05 2018

PERMIT NO.

SP18-28

Town of Palm Beach Shores

ITEM 3d

Dec. 17 2018

APPLICATION FOR  
SPECIAL EVENTS PERMIT

(Section 18-27 of Town Code)

Type of event: Wedding

Location: Community Center

Sponsor: CAFE CHARDONNAY

Telephone: 561-627-2662

Property owner's consent and acknowledgement of responsibility:

Signature: \_\_\_\_\_

Date and Time July 6, 2019 (430pm) Time it ends: 10pm

Number of participants: 80-100 ppl

Proof of insurance attached? Yes (on file) No \_\_\_\_\_

Copy of all required state and county permits if event will be held on or utilize state and/or county-controlled property.

Please indicate any traffic, fire-rescue, utilities impact, and/or mitigation plan:

NONE

Permit fee \$50 ☒ (Untimely application \$150 \_\_\_\_\_) Receipt # 11320

APPROVED:

Fire Department: \_\_\_\_\_

Police Department: \_\_\_\_\_

Number of off-duty officers required: \_\_\_\_\_

Date of Commission Review: Dec. 17<sup>th</sup> 2018 Approved: \_\_\_\_\_



## SERVICE PROVIDER REQUEST

**IMPORTANT:** Requests must be submitted to Town Hall via fax or e-mail. Requests will be handled on a "first come first serve" basis. If approved, you will receive confirmation via fax or e-mail, the event date is not confirmed until you receive confirmation. You will then have 14 days to submit the \$500 non-refundable payment and set-up form. Special Events Application to be filled out for events with attendance of 50 or more guests for a fee of \$50. Beach Reservations require a separate Special Beach Event Permit Application and fee. If payment is not received by the 14th day the date will be reopened. \* Police detail for anticipated attendance of 120 is required at a fee of \$45 an hour 3 hours minimum. **REQUIRED CLEANING FEES:** \$185 2<sup>ND</sup> Floor; \$145 1<sup>ST</sup> Floor; \$100 Beach (if necessary).

Requested Date & Facility: SATURDAY July 6, 2019 1<sup>st</sup> Floor ☒ 2<sup>nd</sup> Floor ☒

Service Provider: CAFE CHARDONNOY

Contact: MINDY MASON

Phone: 561-627-2662

E-mail: MINDY@CAFE-CHARDONNOY.COM

Fax: 561-627-3413

Clients Name: JOHN SAKOWSKI (and Amy)

Event Information- Attach selected pre-approved floor plan set up		
Type of event	<u>WEDDING</u>	Alcoholic Beverages Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Anticipated attendance	<u>80-100</u> (120 Max)	State & local laws apply to alcohol consumption; sale of alcohol must be permitted and sold by a licensed vendor, service provider must have license on premises available for review upon request..
Requested access time	<u>1pm - 11pm</u>	
Time event will begin	<u>4:30pm</u>	Type of decorations:
Time event will end	<u>10pm</u>	Additional Considerations:
Facility close time	<u>11pm</u>	
Maximum 10 hour rental; \$150 plus tax per additional hour (preapproval required) but not after midnight		

1 <sup>st</sup> Floor - \$100 (w/2 <sup>nd</sup> floor) or \$250 (only)	2 <sup>nd</sup> Floor - \$2100
<input checked="" type="checkbox"/> Reserve 1 <sup>st</sup> floor/open restrooms (\$100 or \$250)	# of 6' round tables (maximum 12)
BBQ grill (\$100)	# of chairs (maximum 130)
1 <sup>st</sup> floor kitchen (\$100)	# of 6' rectangle tables (maximum 8)
# of 6' rectangle tables (maximum 8)	# of round bistro tables (maximum 8)
	# of card tables (maximum 6)
Additional set-up needs:	Additional set-up needs:

MINDY MASON

Service Provider Representative  
Printed Name

Mindy Mason

Service Provider Representative  
Signature

10/22/18  
Date  
NOV 05 2018

**TOWN OF PALM BEACH SHORES  
MONTHLY FINANCIAL REPORT**

**ITEM 5a  
Dec 17 2018**

	CASH & INVESTMENTS	REVENUE			
		BUDGET	CURRENT	YEAR TO DATE	% OF BUDGET
9/30/2018	\$ 2,514,047	\$ 5,213,755	\$ 173,022	\$ 5,109,963	98%
10/31/2018	\$ 2,281,567	\$ 5,149,810	\$ 93,173	\$ 93,173	2%
<b>11/30/2018</b>	<b>\$ 2,402,952</b>	<b>\$ 5,403,227</b>	<b>\$ 484,362</b>	<b>\$ 577,535</b>	<b>11%</b>
11/30/2017	\$ 2,153,456	\$ 4,970,746	\$ 538,559	\$ 578,638	12%
12/31/2018					
1/31/2019					
2/28/2019					
3/31/2019					
4/30/2019					
5/31/2019					
6/30/2019					
7/31/2019					
8/31/2019					
9/30/2019					

	EXPENDITURES					
	BUDGET	DISBURSEMENTS	ACCRUALS	CURRENT EXP	YEAR TO DATE	% OF BUDGET
9/30/2018	\$ 5,213,775	\$ 384,580	\$ 143,793	\$ 528,374	\$ 4,984,535	96%
10/31/2018	\$ 5,149,810	\$ 362,599	\$ 15,184	\$ 377,782	\$ 377,782	7%
<b>11/30/2018</b>	<b>\$ 5,403,227</b>	<b>\$ 291,715</b>	<b>\$ (9,254)</b>	<b>\$ 282,461</b>	<b>\$ 660,243</b>	<b>12%</b>
11/30/2017	\$ 4,452,288	\$ 419,702	\$ (111,357)	\$ 308,346	\$ 569,791	13%
12/31/2018						
1/31/2019						
2/28/2019						
3/31/2019						
4/30/2019						
5/31/2019						
6/30/2019						
7/31/2019						
8/31/2019						
9/30/2019						

*Budget Amendment #1 was adopted by the Town Commission on November 19, 2018.*



**Town of Palm Beach Shores**  
**Budget Summary Report**  
**November 2018**

				November Benchmark		16.7%	
BUDGET			YTD		Favorable(Unfav)		%
REVENUE							
Revenue (without appr'd F/B)	\$	5,037,066.00	\$	577,535.50	\$	(4,459,530.50)	11.5%
Appropriated Fund Balance		366,161.00		-		(366,161.00)	
TOTAL REVENUE	\$	5,403,227.00	\$	577,535.50	\$	(4,825,691.50)	10.7%
EXPENDITURES BY DEPARTMENT							
			% of total		% of total		
Administration	\$	417,049.00	8%	\$	63,446.94	10%	\$ 353,602.06 15.2%
Legal		93,000.00	2%		13,191.20	2%	79,808.80 14.2%
Public Works		306,890.00	6%		45,223.01	7%	261,666.99 14.7%
Police		1,465,454.00	27%		209,420.18	32%	1,256,033.82 14.3%
Fire		693,791.00	13%		79,816.04	12%	613,974.96 11.5%
Building		215,425.00	4%		(17,863.49)	-3%	233,288.49 -8.3%
Emergency Disaster		-	0%		-	0%	- 0.0%
Solid Waste		191,000.00	4%		28,701.97	4%	162,298.03 15.0%
911 Dispatch		431,072.00	8%		54,281.39	8%	376,790.61 12.6%
Legislative		21,160.00	0%		786.92	0%	20,373.08 3.7%
Streets/Storm Sewers		20,525.00	0%		2,059.17	0%	18,465.83 10.0%
Parks		115,650.00	2%		7,916.45	1%	107,733.55 6.8%
Beach		93,745.00	2%		12,952.52	2%	80,792.48 13.8%
Lift Stations/Sewer Service		17,975.00	0%		2,267.20	0%	15,707.80 12.6%
Contingencies		85,000.00	2%		-	0%	85,000.00 0.0%
Debt Service		201,989.00	4%		-	0%	201,989.00 0.0%
Emergency Medical Services		321,995.00	6%		52,484.68	8%	269,510.32 16.3%
Community Center		49,350.00	1%		9,342.62	1%	40,007.38 18.9%
Risk Management		140,000.00	3%		33,180.50	5%	106,819.50 23.7%
Capital		522,157.00	10%		63,035.87	10%	459,121.13 12.1%
TOTAL EXPENDITURES	\$	5,403,227.00		\$	660,243.17	\$	4,742,983.83 12.2%
CHANGE IN FUND BALANCE							
		-		(82,707.67)		(82,707.67)	

Explanations of variances:

*Building - Have not received invoices for Oct & Nov from SafeBuilt. Accrual was recorded in FY2018 and reversed in FY2019. Just received invoice for that accrual, will be paid this week.*

*Community Center - timing of transactions*

*Risk Management - Main policy is paid quarterly. First invoice has been paid.*

**Town of Palm Beach Shores**  
**Budget Summary Report**  
**October 2018**

				<i>October Benchmark</i>	<i>8.3%</i>
	<b>BUDGET</b>	<b>YTD</b>	<b>Favorable(Unfav)</b>	<b>%</b>	
<b>REVENUE</b>					
Revenue (without appr'd F/B)	\$ 5,037,066.00	\$ 93,173.18	\$ (4,943,892.82)	1.8%	
Appropriated Fund Balance	112,744.00	-	(112,744.00)		
<b>TOTAL REVENUE</b>	<b>\$ 5,149,810.00</b>	<b>\$ 93,173.18</b>	<b>\$ (5,056,636.82)</b>	<b>1.8%</b>	
<b>EXPENDITURES BY DEPARTMENT</b>					
		% of total		% of total	
Administration	\$ 417,049.00	8%	\$ 35,479.08	9%	\$ 381,569.92 8.5%
Legal	93,000.00	2%	-	0%	93,000.00 0.0%
Public Works	306,890.00	6%	27,450.94	7%	279,439.06 8.9%
Police	1,465,454.00	28%	118,170.70	31%	1,347,283.30 8.1%
Fire	693,791.00	13%	44,696.97	12%	649,094.03 6.4%
Building	215,425.00	4%	(20,590.60)	-5%	236,015.60 -9.6%
Emergency Disaster	-	0%	-	0%	- 0.0%
Solid Waste	191,000.00	4%	13,676.83	4%	177,323.17 7.2%
911 Dispatch	431,072.00	8%	26,242.42	7%	404,829.58 6.1%
Legislative	21,160.00	0%	651.47	0%	20,508.53 3.1%
Streets/Storm Sewers	20,525.00	0%	1,340.51	0%	19,184.49 6.5%
Parks	115,650.00	2%	3,038.24	1%	112,611.76 2.6%
Beach	93,745.00	2%	6,865.87	2%	86,879.13 7.3%
Lift Stations/Sewer Service	17,975.00	0%	337.14	0%	17,637.86 1.9%
Contingencies	85,000.00	2%	-	0%	85,000.00 0.0%
Debt Service	201,989.00	4%	-	0%	201,989.00 0.0%
Emergency Medical Services	321,995.00	6%	26,242.34	7%	295,752.66 8.1%
Community Center	49,350.00	1%	5,301.36	1%	44,048.64 10.7%
Risk Management	140,000.00	3%	33,180.50	9%	106,819.50 23.7%
Capital	268,740.00	5%	55,698.70	15%	213,041.30 20.7%
<b>TOTAL EXPENDITURES</b>	<b>\$ 5,149,810.00</b>		<b>\$ 377,782.47</b>		<b>\$ 4,772,027.53 7.3%</b>
<b>CHANGE IN FUND BALANCE</b>					
	-		(284,609.29)		(284,609.29)

*Includes Budget  
Amendment #5*

**Town of Palm Beach Shores**  
**Budget Summary Report**  
**September 2018**

*September Benchmark 100.0%*

	BUDGET	YTD	Favorable(Unfav)	%
<b>REVENUE</b>				
Revenue (without appr'd F/B)	\$ 4,899,286.00	\$ 5,109,963.04	\$ 210,677.04	104.3%
Appropriated Fund Balance	314,469.00	-	(314,469.00)	
<b>TOTAL REVENUE</b>	<b>\$ 5,213,755.00</b>	<b>\$ 5,109,963.04</b>	<b>\$ (103,791.96)</b>	<b>98.0%</b>

**EXPENDITURES BY DEPARTMENT**

	% of total			% of total		
Administration	\$ 410,567.00	8%	\$ 410,563.07	8%	\$ 3.93	100.0%
Legal	111,300.00	2%	111,270.55	2%	29.45	100.0%
Public Works	293,729.00	6%	293,688.51	6%	40.49	100.0%
Police	1,451,845.00	28%	1,451,762.79	30%	82.21	100.0%
Fire	541,591.00	11%	541,487.88	11%	103.12	100.0%
Building	265,048.00	5%	264,854.67	5%	193.33	99.9%
Emergency Disaster	139,179.00	3%	139,178.51	3%	0.49	0.0%
Solid Waste	185,160.00	4%	185,006.07	4%	153.93	99.9%
911 Dispatch	400,597.00	8%	400,528.53	8%	68.47	100.0%
Legislative	16,898.00	0%	16,799.41	0%	98.59	99.4%
Streets/Storm Sewers	18,565.00	0%	17,699.13	0%	865.87	95.3%
Parks	115,770.00	2%	115,761.16	2%	8.84	100.0%
Beach	92,941.00	2%	92,250.09	2%	690.91	99.3%
Lift Stations/Sewer Service	27,911.00	1%	27,907.01	1%	3.99	100.0%
Contingencies	-	0%	-	0%	-	
Emergency Medical Services	312,615.00	6%	312,615.06	6%	(0.06)	100.0%
Community Center	45,000.00	1%	44,755.72	1%	244.28	99.5%
Risk Management	107,000.00	2%	106,943.66	2%	56.34	99.9%
Capital	592,393.00	12%	365,816.80	7%	226,576.20	61.8%
<b>TOTAL EXPENDITURES</b>	<b>\$ 5,128,109.00</b>		<b>\$ 4,898,888.62</b>		<b>\$ 229,220.38</b>	<b>95.5%</b>

Transfer to UU Fund	\$ 85,646.00	\$ 85,646.00	\$ -	
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**REVENUE OVER (UNDER)**

<b>EXPENDITURES</b>	<b>\$ -</b>	<b>\$ 125,428.42</b>	<b>\$ 125,428.42</b>	
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**Town of Palm Beach Shores**  
**Discretionary Sales Tax PBC**

Accumulated (unspent) Discretionary Sales Tax as of 9/30/17	\$ 49,955.01
Accumulated (unspent) Discretionary Sales Tax as of 9/30/18	\$ 119,434.60

Current Year Receipts:

Date of Receipt	Period	
11/27/2018	October	\$ 5,907.91

Total current year receipts	\$ 5,907.91
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Current Year Expenditures:

Accumulated (unspent) Discretionary Sales Tax as of 10/31/19	\$ 125,342.51
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**Town of Palm Beach Shores**  
**Underground Utilities**  
as of 11/30/18

	Cost Estimate	FYE 9/30/2019	Remaining Budget
<b>Cash</b>		<b>\$ 5,723,106.00</b>	
<b>Expenditures:</b>			
Survey	\$ 38,000		\$ 38,000.00
Legal	\$ 4,000		\$ 4,000.00
Project Management/Administration	\$ 80,000	\$ 8.00	\$ 79,992.00
Construction - Town	\$ 4,336,460		\$ 4,336,460.00
Construction - Comcast	\$ 250,000		\$ 250,000.00
Construction - AT&T	\$ 450,000		\$ 450,000.00
Construction - FPL	\$ 254,386	\$ 254,386.00	\$ -
Landscape Restoration	\$ 16,300		\$ 16,300.00
Loan Acquisition	\$ 23,000	\$ 22,500.00	\$ 500.00
Contingency	\$ 547,854		\$ 547,854.00
Total expenditures	\$ 6,000,000	\$ 276,894.00	\$ 5,723,106.00
<b>Other Financing Sources:</b>			
Loan Proceeds	\$ 6,000,000	\$ 6,000,000.00	\$ -
<b>Net Change in Fund Balance</b>	\$ -	\$ 5,723,106.00	\$ 5,723,106.00

**Accounts Payable Check Register Report - PNC Bank-12-0164-0172***For The Date Range From 11/1/2018 To 11/30/2018**For All Vendors And For Outstanding Checks - Computer Generated, Hand Written, eCheck*

Check # / eCheck ID	Type	Date	Vendor	Name	Amount	Status
8232	C	11/1/2018	737	AT&T	\$1,709.04	O
8233	C	11/1/2018	225	C&T Auto Care	\$65.04	O
8235	C	11/1/2018	116	Cox Media Group	\$264.88	O
8236	C	11/1/2018	129	Debra Richardson	\$500.00	O
8237	C	11/1/2018	57	Dell Computers	\$6,470.68	O
8238	C	11/1/2018	83	Gator Gun & Archery Center	\$33.95	O
8239	C	11/1/2018	676	Guardian	\$1,283.55	O
8240	C	11/1/2018	659	Image Companies	\$185.00	O
8241	C	11/1/2018	767	Insight Public Sector, Inc.	\$2,172.50	O
8242	C	11/1/2018	129	Islander Grill & Tiki Bar	\$785.00	O
8243	C	11/1/2018	129	Lisa Tropepe	\$550.00	O
8244	C	11/1/2018	129	Michael C. Hayes	\$650.00	O
8245	C	11/1/2018	256	Michael Simmons	\$200.22	O
8246	C	11/1/2018	129	Nikolin Bujoj	\$500.00	O
8247	C	11/1/2018	16	Palmdale Oil Company, Inc.	\$2,109.30	O
8248	C	11/1/2018	27	PNC Bank	\$12.99	O
8249	C	11/1/2018	129	Scott McCranels	\$500.00	O
8250	C	11/1/2018	484	Shred-It	\$929.59	O
8251	C	11/1/2018	41	Solid Waste Authority	\$9,476.48	O
8252	C	11/1/2018	643	Suntrust Bank	\$6,559.83	O
8253	C	11/1/2018	586	The Standard Insurance Company	\$477.14	O
8254	C	11/1/2018	100	Toshiba Business Solutions	\$285.83	O
8255	C	11/1/2018	103	Comp Benefits	\$183.43	O
8256	C	11/1/2018	786	Zach's Dive Service	\$620.00	O
8257	C	11/1/2018	575	Dmitriy Dinovtser	\$360.00	O
8258	C	11/8/2018	324	AC Enforcement, Inc.	\$3,200.00	O
8259	C	11/8/2018	7	All Safe Safe & Lock	\$201.68	O
8260	C	11/8/2018	556	Armchem International	\$1,287.14	O
8261	C	11/8/2018	37	Bass Property Maintenance, Inc.	\$3,995.83	O
8262	C	11/8/2018	673	Bishop's Water Company	\$242.00	O
8263	C	11/8/2018	228	Channel Innovations Corp.	\$173.07	O
8264	C	11/8/2018	107	Davis and Ashton, P.A.	\$13,191.20	O
8265	C	11/8/2018	787	FBI-LEEDA	\$695.00	O
8266	C	11/8/2018	80	FL Public Utilities	\$163.47	O
8267	C	11/8/2018	87	Halsey & Griffith	\$426.68	O

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Check # / eCheck ID	Type	Date	Vendor	Name	Amount	Status
8268	C	11/8/2018	89	Home Depot Credit Svcs	\$768.72	O
8269	C	11/8/2018	90	Hulett Environmental Services	\$277.00	O
8270	C	11/8/2018	652	Life Safety management	\$487.00	O
8271	C	11/8/2018	457	Lightning Electric	\$2,532.00	O
8272	C	11/8/2018	130	Manno's Public Safety Supply	\$648.86	O
8273	C	11/8/2018	476	Napa Auto Parts	\$28.47	O
8274	C	11/8/2018	13	City Maintenance Supply	\$986.97	O
8275	C	11/8/2018	11	Nationwide Retirement Solutions	\$160.00	O
8276	C	11/8/2018	758	Partsmaster	\$842.36	O
8277	C	11/8/2018	771	Rocky's Pool Service, Inc.	\$5,409.93	O
8278	C	11/8/2018	100	Toshiba Business Solutions	\$529.95	O
8279	C	11/8/2018	104	Waste Management	\$10,824.79	O
8280	C	11/15/2018	29	Alphagraphics of the Palm Beaches	\$157.35	O
8281	C	11/15/2018	225	C&T Auto Care	\$86.08	O
8282	C	11/15/2018	538	CRS Max Consultants	\$500.00	O
8283	C	11/15/2018	83	Gator Gun & Archery Center	\$28.50	O
8284	C	11/15/2018	87	Halsey & Griffith	\$63.68	O
8285	C	11/15/2018	659	Image Companies	\$845.00	O
8286	C	11/15/2018	10	Municipal Code Corporation	\$225.00	O
8287	C	11/15/2018	16	Palmdale Oil Company, Inc.	\$1,651.58	O
8288	C	11/15/2018	375	Simmons & White, Inc.	\$800.00	O
8289	C	11/15/2018	666	Southeastern Emergency Equipment	\$425.44	O
8290	C	11/15/2018	101	Verizon Wireless	\$550.94	O
8291	C	11/15/2018	290	Westside Reprographics, Inc.	\$398.40	O
8292	C	11/15/2018	131	WEX BANK	\$351.12	O
8293	C	11/29/2018	737	AT&T	\$891.12	O
8294	C	11/29/2018	225	C&T Auto Care	\$475.84	O
8295	C	11/29/2018	788	Embroidery Plus Signs	\$453.00	O
8296	C	11/29/2018	746	Essential Net Solutions	\$2,729.85	O
8297	C	11/29/2018	71	FL Power & Light	\$2,934.21	O
8298	C	11/29/2018	87	Halsey & Griffith	\$118.10	O
8299	C	11/29/2018	659	Image Companies	\$185.00	O
8300	C	11/29/2018	767	Insight Public Sector, Inc.	\$27,405.00	O
8301	C	11/29/2018	648	John Meskiel	\$270.00	O
8302	C	11/29/2018	96	Mail Finance	\$211.68	O

**Accounts Payable Check Register Report - PNC Bank-12-0164-0172***For The Date Range From 11/1/2018 To 11/30/2018**For All Vendors And For Outstanding Checks - Computer Generated, Hand Written, eCheck*

Check # / eCheck ID	Type	Date	Vendor	Name	Amount	Status
8303	C	11/29/2018	601	Public Agency Training Council	\$325.00	O
8304	C	11/29/2018	33	Riviera Beach Water	\$2,652.72	O
8305	C	11/29/2018	674	Schumacher	\$113.42	O
8306	C	11/29/2018	666	Southeastern Emergency Equipment	\$113.86	O
8307	C	11/29/2018	789	Warren Kirschbaum	\$150.00	O
8308	C	11/29/2018	104	Waste Management	\$2,697.84	O
ADP, LLC	E	11/2/2018	697	ADP, LLC	\$141.40	O
ADP, LLC	E	11/16/2018	697	ADP, LLC	\$141.40	O
ADP, LLC	E	11/30/2018	697	ADP, LLC	\$141.40	O
Blue Cross Blue Shield of Florida, Inc.	E	11/30/2018	127	Blue Cross Blue Shield of Florida, Inc.	\$33,576.57	O
Comcast	E	11/2/2018	52	Comcast	\$463.60	O
FRS	E	11/2/2018	172	FRS	\$27,205.43	O
PBS Payroll	E	11/8/2018	146	PBS Payroll	\$56,479.48	O
PBS Payroll	E	11/20/2018	146	PBS Payroll	\$41,799.06	O
Cleared					\$0.00	
Outstanding					\$291,714.64	
Void					\$0.00	





# Palm Beach Shores Police Department

247 Edwards Lane  
Palm Beach Shores, Florida 33404

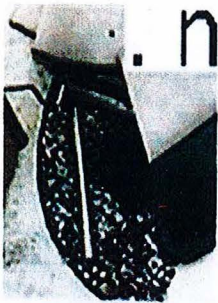
ITEM 5b1  
Dec 17 2018

Steven Langevin  
Chief of Police

Mayor/Commission  
December 2018 commission report

Attached please find the police reports for the Month of November. The department is also working on the end of the year reports that are due for other agencies and internal needs.

We have completed the painting in the Police Department and Dispatch areas. We tried to save the old dispatch desk, but as you can see in the picture below it did not like being moved and self-destructed!



The Mayor approved the three thousand dollars needed for a new desk and the items needed to be used as a State Public safety access point. We will put for reimbursement of the costs into the County. If memory serves me right, we put in for a potential of 10 Thousand dollars in dispatch needs that the County would consider reimbursables in the County 2018/2019 budget year.

Sergeant Pfefferkorn has completed the hands-on AR15 training with all officers; part time officer Drummond and PT Detective Sanchez have updated the policy to conform to present day laws and situations.

Sergeant Simmons attended a class hosted by the Palm Beach Gardens police in Public record retention and destruction. It can be a little tricky when it comes to Public records versus evidence. At the conclusion of a case, the State Attorney will send us a letter stating the case is closed and evidence can be destroyed. Evidence can be destroyed, but in some cases (for instance: witnesses' statements, photos, property receipts, etc. are also public records and have a state mandated retention date. This is why it is imperative that we have our employees attend these classes which ensures that we stay in compliance.

Merry Christmas and a Happy Hanukah from all of us here at your police department.

Steven Langevin  
Chief of Police



# Palm Beach Shores Police Department

247 Edwards Lane

Palm Beach Shores, Florida 33404

Phone:(561)844-3456Fax:(561)844-9189

Steven Langevin  
Chief of Police

Date: December 3, 2018

To: Mayor Myra Koutzen

From: Chief Steven Langevin

RE: Police Activities for November 2018

Criminal Arrests	1	Town Ordinance Violations	4- noise
Parking Citations	4	Segway Patrol Hours	33.6
Verbal Warnings	24	ATV Patrol Hours	2.6
Written Warnings	10	Bike Patrol Hours	4
Traffic Citations	2	Foot Patrol Hours	129.2
Radar and Traffic Control Hours	22.3	Vehicle Patrol Hours	357.9
Complaints/Calls for Assistance	49	House Check Hours	24.1
Patrol Mileage	3656	lifeguard Assist	1
Lifeguard Major First Aid	0	Lifeguard Rescues	0
Lifeguard Double Red Flags	0	Lifeguard Minor First Aid	29

Misc. Arrest Information:

Arrest Type	Number
247 Edwards lane/ Possession of marijuana under 20 grams	1800796



**MONTHLY ACTIVITIES REPORT TO THE TOWN COMMISSION**  
**TOWN OF PALM BEACH SHORES FIRE DEPARTMENT**  
**15 November 2018 – 07 December 2018**

**TO:** Mayor Myra Koutzen  
Town Commissioners  
**FROM:** Trevor L. Steedman, Fire Chief  
**DATE:** 07 December 2018

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**Current Action List Items for the Palm Beach Shores Fire Department**

**OPERATIONS**

- Staffing
  - Career Staff.
    - Firefighter / Paramedic Robert Villagomez completed orientation the week of 26 November and began his regular “B” shift rotation on 01 December 2018.
  - Volunteer Staff
    - Recruitment and Retention efforts remain a priority. The entry versus attrition rate (mainly due to full-time employment opportunities with other area departments) remains constant. There are 27 volunteer members certified to State Minimum Standards on the “Active” rolls at the time of this report.





## **MONTHLY ACTIVITIES REPORT TO THE TOWN COMMISSION TOWN OF PALM BEACH SHORES FIRE DEPARTMENT**

**15 November 2018 – 07 December 2018**

- General Operations
  - Apparatus Replacement Schedule for capital purchase planning
    - Projected apparatus replacement in FY 2020
    - Partial funding source: Fanning Public Safety Bequest
    - Donations, unless otherwise specified, are directed toward replacement fund
- Daily/Weekly/Monthly Duties for On-Duty Personnel
  - Operational, Administrative & Training initiatives are ongoing.
- Workforce & Officer Development
  - The PBSFD in partnership with the Palm Beach County F.O.O.L.S. Chapter is hosting a firefighter education and training seminar in Palm Beach Shores on December 13, 2018. The presenter is Battalion Chief Shannon Stone from Ft. Walton Beach Fire Rescue. Chief Stone will be discussing operational strategies and tactical decision-making from the perspective of initial arriving units to emergency incidents. This seminar is free of charge for members of the PBSFD.
  - PBSFD is conducting a two-part Pump Operator course that is a requirement for Florida State certification. The dates for the courses are January 8-11 and January 14-17. The courses, conducted in Palm Beach Shores, enable our personnel and apparatus to remain available for emergency and routine responses while receiving the benefit of this mandated training.
  - Operations orientation training program for new Volunteer members is ongoing.
  - Training and Education opportunities for Officers and Members of the Department:
    - Enhancement of members to assist them in achieving recommended Industry Standard levels.





## MONTHLY ACTIVITIES REPORT TO THE TOWN COMMISSION TOWN OF PALM BEACH SHORES FIRE DEPARTMENT

15 November 2018 – 07 December 2018

- Standards Compliance Initiative
  - Adopted *National Fire Service Professional Qualifications Board* standards or equivalent for Line, Staff and Command level Officers, Fire Apparatus Driver Operator (FADO) and Firefighters to include:
    - NFPA 1001 *Standard for Fire Fighter Professional Qualifications*
    - NFPA 1002 – P *Standard for Fire Apparatus Driver/Operator (FADO) Professional Qualifications.*
      - PBSFD FADO program was implemented in September 2017.  
Wendy Wells will review and forward to the Town's insurance carriers for consideration of lowering our premium costs. The FADO program incorporates *Safe Driving Practices, Roadway Incident Safety, Seatbelt compliance and Apparatus Backing / Collision Prevention* modules.
  - NFPA 1021: *Standard for Fire Officer Professional Qualifications*
  - Validate rank structure for integration into County NIMS/ICS model.
  - NFPA 1720 *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations and Special Operations to the Public by Volunteer Fire Departments*
    - This standard specifies requirements for effective and efficient organization and deployment of fire suppression operations, emergency medical operations, and special operations to the public by volunteer and combination fire departments to protect citizens and the occupational safety and health of fire department



## **MONTHLY ACTIVITIES REPORT TO THE TOWN COMMISSION TOWN OF PALM BEACH SHORES FIRE DEPARTMENT**

**15 November 2018 – 07 December 2018**

employees. The NFPA 1720 Standard has been in existence since 2001.

- Fleet Deployment & Maintenance
  - All suppression apparatus is in service at the time of this report
  - Ocean Rescue 80 (Old Police Department Can-Am)
    - ATV for deployment to Beach and water-related emergencies for direct and more expedient access to related calls-for service.
    - Initial Operator and Safety Training has been completed
    - Response policy, training and Standard Operating Guideline (SOG) are completed. “OR80” is in the County dispatch queue for Palm Beach Shores and will go live when the unit is placed in service.
    - Vehicle is currently at fabrication shop. The frame was replaced. Final maintenance/repairs are being completed.



## MONTHLY ACTIVITIES REPORT TO THE TOWN COMMISSION TOWN OF PALM BEACH SHORES FIRE DEPARTMENT

15 November 2018 – 07 December 2018

### COMMUNITY RISK REDUCTION (CRR) INITIATIVES

- *Special Secondary Certificate of Public Convenience & Necessity (COPCN)*
  - Provide immediate Advanced Life Support (ALS) service for Palm Beach Shores
    - This service is achievable and sustainable within the current budget and subsequent comparable budgetary allocations.
  - Currently reviewing proposal from *Safety Pad* (Vendor for Patient Care Reporting (PCR) System used extensively in Palm Beach County).
- *Community CPR & AED*
- *Courtesy Home Fire Safety Surveys* – (Implemented: November 2017)
  - Value-added initiative supports the quality of life and safety for our PBS Community.
  - Residents voluntarily request surveys. PBSFD is working with PBSPD (Chief Langevin) to offer a combined home safety and security survey in a cooperative effort of both public safety agencies.
  - Smoke alarms are available through the PBSFD (Grant Funded)
- Palm Beach Shores is a *Pulse Point* mobile application site – *Pulse Point* is a pre-arrival solution designed to support public safety agencies working to improve cardiac arrest survival rates through improved bystander performance.
- *Pre-Incident Planning* – This on-going initiative serves to familiarize first responders with high-risk occupancies, unique hazards and special properties in Palm Beach Shores and plan accordingly for potential emergencies.



**MONTHLY ACTIVITIES REPORT TO THE TOWN COMMISSION**  
**TOWN OF PALM BEACH SHORES FIRE DEPARTMENT**

**15 November 2018 – 07 December 2018**

- *File of Life* Program – (Program initiated on 15 March 2017). Program materials funded through budgeted line item – Prevention. Kits are available at the Commission Meeting and during business hours at the Town Hall front office.
- *Residential Fire Extinguisher Selection, Use and Maintenance* - Presented as a hands-on opportunity to community members at the Property Owner's Association meeting on October 16, 2018. PBSFD Firefighters worked side-by-side with members of the community to utilize fire extinguishers to put out incipient-stage fires in a controlled setting.
- Public Service Announcements (PSA's) and *Helpful Links* additions will be made to the Town's Fire Department webpage following the transition to the new website.

<b>TOTAL CALLS FOR SERVICE</b>	<b>11 – ( Fire: 3) (Medical: 08)</b>
<b>LAST REPORTING PERIOD</b>	<b>21 – ( Fire: 5) (Medical: 16)</b>
<b>PERCENTAGE OF INCREASE / DECREASE</b>	<b>- 47 % - (Fire: -40 %) (Medical: –50 %)</b>

DATE	TIME	LOCATION	TYPE			NATURE	STAFFING	NOTES
			FIRE	RESCUE	EMS			
27 Nov 2018	1800	90 Edwards	X	X	X	360 <i>Leadership</i>	14	Classroom
<p align="center"><b>Formal Training Drills – 01</b></p> <p align="center"><b>Shift-Based Training - 07</b></p> <p align="center"><b>Personnel Participation (Formal) –14</b></p> <p align="center"><b>Personnel Training Hours – 42</b></p>								





## ***Public Works Department***

**Item #: 5 b 3.**

### ***Monthly Status Report***

***December 2018***

#### **Community Center:**

1. Scheduling to paint the exterior of the Community Center. The prep work is in the beginning phases according to events and weather.
2. Receiving quotes to repair the Parking Lot Post Light located North West of the Beach Bathroom Building. The damaged was caused by a large truck. The Post Light will be relocated a little South of the original location to prevent future costly damage.
3. The projects listed is funded through the approved general budget.

#### **Grounds & Parks:**

1. The Parkway and Fountain Landscaping Beautification Project is in the planning stages with the assistance of the Environmental Committee. A landscaping plan will be presented to the Environmental Committee for review and approval.
2. Scheduling to pressure clean and paint the Gazebos located at the Town Hall and Inlet Park.
3. Scheduling to perform the necessary maintenance and staining of all the park benches located along the Parkway.
4. Scheduling to install a larger Bike Rack that will allow up to eight bicycles located at the Beach Picnic Area to replace the rusted existing Bike Rack that allowed up to four bicycles.
5. The projects listed is funded through the approved capital and general budget.

#### **Streets:**

1. Scheduling to replace the storm grates that no longer meet DOT requirements and repair the concrete Aprons surrounding the storm grates and basins on Lake Drive and Ocean Ave.
2. Scheduling to perform the cleaning of the 80 Storm Drain Basins and Concrete Aprons on the outer perimeter streets.
3. Receiving quotes to Reline the Storm Drain Pipe located at the intersection of Lake Drive and Bamboo Road along with the installation of the Outfall Tidal Valve.
4. The projects listed are funded through the approved capital and general budget.

#### **Lift Stations:**

1. Scheduling to reline the streets sewer manholes located on Atlantic Ave and Linda Lane due to ground water intrusion. Receiving new quotes to piggyback from.

2. Scheduling to perform the required pump and controller maintenance to Lake Drive and Ocean Ave Lift Stations.
3. In the process to present the required documentation for the Bid Process to purchase a new Emergency Backup Generator for the Lake Drive Lift Station. The existing Emergency Generator is 15 plus years in service and due to climate location and normal wear it has failed on several occasions to perform the required operational efficiency.
4. The projects listed are funded through the approved capital and general budget.

**Public Works Building, Police Building, Fire Department Annex Building, Beach Building:**

1. The Police Departments renovations for the new bathroom and Dispatch area is still in progress. The Commissioners approved the contractor, Crawford Construction who meet all the requirements and was awarded the contract. The work was scheduled to begin the last week of October 2018, unfortunately Crawford Construction has not responded to phone calls or emails therefore breaching the contract with the Town awarding the company the bid for the project. I have reached out to several contractors to provide a proposal for the Bathroom Renovations. If we are unsuccessful with this attempt the project will go through the bid process once again. The Public Works Department Staff will complete all of the remaining renovation projects except the Bathroom Renovations. The renovations have been a group effort between the Police Department Staff and the Public Works Department Staff.
2. Receiving quotes to repair the exterior stucco of the Beach Bathroom Building.
3. The project listed is funded through the approved capital and general budget.

**Foot Note:**

**Training / Certificates:**

1. The next training courses begin in January 2018 for all Public Works Staff. These courses will consist of waste water, pumps, and Storm Water Advanced Engineering looking to the future Level 1 & 2.
2. OSHA'S Model Training Program for multiple certifications & continuing education credits.
3. Additional training for heavy equipment operation and safety will be provided for all Public Works Staff. The training is provided through United Rentals under the instruction of "City of Orlando" Heavy Equipment Training Level 1. A certificate of completion for 18 hours of training will be provided. This is a continuing education program as needed.

**TOWN CLERK REPORT**  
**December 17, 2018 Commission Meeting**

<b>TASKS</b>	<b>STATUS</b>
<b>Upcoming Meetings</b>	<ul style="list-style-type: none"> <li>➤ P &amp; Z Regular meeting rescheduled to January 2, 2019 at 6:30 pm.</li> <li>➤ NO Special Magistrate Hearing in December.</li> </ul>
<b>Building Department Processed Permits Fiscal Year 2017/18</b>	<ul style="list-style-type: none"> <li>• Total Permits issued in November - 51</li> <li>• Total Permit Fees in November - \$8,145.30</li> <li>• Total Construction Value in November - \$298,864.14</li> <li>• Total Permits issues YTD – 540</li> <li>• Total Permit Fees YTD - \$246,595.13</li> <li>• Total Construction Value YTD - \$8,249,266.04</li> </ul>
<b>Code Compliance</b>	<p>New/ongoing open Code Violations October: 22</p> <ul style="list-style-type: none"> <li>• 11 Yard debris, bulk and trash/garbage collections times (Code Sec. 38-9)</li> <li>• 6 Property Maintenance (Code Sec. 14-329)</li> <li>• 1 Expired Tags/prohibited vehicles (Code Sec 70-75)</li> <li>• 2 Working without a permit (Code Sec 14-81)</li> <li>• 1 No Business Tax/Certificate of Use (Code Sec 18-16)</li> <li>• 1 Noise (Code Violation: Sec. 42-32)</li> </ul>
<b>New Hours to submit Permits in the Building Department</b>	<p>➤ <b>NEW HOURS FOR THE BUILDING DEPARTMENT!</b></p> <p>Due to the increase in building permits over the last several months, we have changed days and times to accept building permits to Monday, Wednesday, and Friday from 9:00 am to 1:00 pm. This gives the office staff and building official the needed time to process documents in a timely manner.</p> <p>Just as a note, in the last few months, we have had a 70% increase in permit submittals, which increases the amount of time our administrative staff and building official spends to process these. Therefore, we have partnered with our contractor for building services to secure an additional building official to assist with inspections and plan review. Note: This will reflect additional expenditures for this department in future financial reports.</p>
<b>Community Center</b>	<p>14 events October: 6 Town/Misc.; 3 Civic; 1 Resident; 0 Service Providers; 4 Church</p>

*The Holidays are upon us and our hope is that everyone experiences the love and joy of the season! If you are traveling, be safe! If you are staying in Town, please stop by and say hello!*

*From all of us... Laura, Gaudy, Wendy, and Evyonne... MERRY CHRISTMAS and a HAPPY NEW YEAR!*



To: Palm Beach Shores Town Commission  
From: Mayor Myra Koutzen  
Re: Change of Banking Services Provider  
Date: December 17, 2018

The purpose of this item is to gain agreement of the Town Commission to change our banking services provider from PNC to CenterState.

#### Background

Town staff have wanted to improve the level of our banking services. Specifically, there is a desire to move away from paper checks for practical and security reasons. Secondly, we wish to improve the returns while minimizing risk of the bank balances and fund balance investments.

The staff have had numerous discussions with PNC about these goals but the bank does not have a government services group nor the systems in place to meet our needs.

While in conversation with the different banks regarding our underground utility loan, the staff took the opportunity to also discuss their capabilities in these areas. We discovered that CenterState and TD Bank each met our requirements. Following the closing of the loan, we invited them to present a proposal for consideration.

#### Staff Recommendation

The staff recommends that we switch our banking and treasury services to CenterState Bank. Their proposal is attached.

#### Rationale

- CenterState pays higher returns on all balances held in their accounts.



- CenterState has a dedicated government services group and services package in place.
- CenterState is a Qualified Public Depository meaning that all Town investments are insured against loss.
- CenterState has a variety of investment options for our short-term and long-term funds. Their rates are very competitive.
- CenterState can improve on all of our banking services at a lower cost than either PNC or TD.
- We will eliminate most paper checks while maintaining our double-signature policy. These electronic payments will be less expensive than processing paper checks. In addition, the signatories can securely sign from anywhere in the world.
- Their secure on-line banking interface is user friendly and provides a wider variety of reporting and auditing options.
- CenterState has a branch on the corner of Military and PGA Blvd.

RESOLUTION NO. R-17-18

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AUTHORIZING THE MAYOR OF PALM BEACH SHORES TO WORK WITH TOWN STAFF TO OPEN A NEW BANKING ACCOUNT IN THE NAME OF THE TOWN OF PALM BEACH SHORES AT CENTERSTATE BANK; AUTHORIZING THE SIGNATORIES ON THE NEW ACCOUNT TO BE THE MAYOR AND ALL COMMISSIONERS, AS WELL AS THE TOWN MANAGER, IF ANY, AND THE TOWN TREASURER AND TOWN CLERK; FURTHER AUTHORIZING THE MAYOR OF PALM BEACH SHORES TO WORK WITH STAFF TO TRANSFER ALL TOWN FUNDS FROM ITS EXISTING BANK ACCOUNTS AT PNC BANK INTO THE NEW ACCOUNTS AT CENTERSTATE BANK AND TO CLOSE THE TOWN'S ACCOUNTS AT PNC BANK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town of Palm Beach Shores currently uses PNC Bank for its banking needs; and

WHEREAS, the Town Commission of the Town of Palm Beach Shores has determined that the Town is in need of new banking services to properly conduct Town financial business; and

WHEREAS, CenterState Bank offers banking services which the Town wishes to utilize; and

WHEREAS, the Town Commission believes that utilizing CenterState Bank for the purposes of town banking is in the best interest of the health, safety and welfare of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:

Section 1: The Town Commission of the Town of Palm Beach Shores, Florida, hereby authorizes the Mayor of Palm Beach Shores to work with Town staff and open a new banking account or accounts for the Town at CenterState Bank, and designates the Mayor, all Town Commissioners, the Town Manager, if any, the Town Treasurer and the Town Clerk to be signatories on the account.

Section 2: The Town Commission of the Town of Palm Beach Shores, Florida, hereby authorizes the Mayor of Palm Beach Shores to work with Town staff to transfer all Town funds from its existing accounts at PNC Bank into the new accounts at CenterState Bank and to close the PNC Bank accounts.

Section 3: This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this \_\_\_\_ day of December, 2018.

TOWN OF PALM BEACH SHORES

\_\_\_\_\_  
Myra Koutzen, Mayor

ATTEST:

(SEAL)

\_\_\_\_\_  
Evyonne Browning, Town Clerk



TOWN OF PALM BEACH SHORES

AVERAGE LEDGER BALANCE	\$245,131.88
LESS: FLOAT	
AVERAGE COLLECTED BALANCE	\$245,131.88
AVERAGE NEGATIVE COLLECTED BALANCE	\$0.00
AVERAGE POSITIVE COLLECTED BALANCE	\$245,131.88
LESS: RESERVES @ 10.00%	\$24,513.19
INVESTABLE BALANCE	\$220,618.69
EARNINGS CREDIT @	0.50% → Earnings Credit Rate
LESS: ACTIVITY CHARGE	\$90.87
	\$87.76
POSITIVE NET ANALYSIS POSITION	\$2.91
ADDITIONAL BALANCES AVAILABLE TO OFFSET FEES	(\$16,658.35)

Public Funds Analyzed Account

Account Description	Cost Per Unit	Number of Units			Total Cost	BALANCE EQUIVALENT
<b>FDIC INSURANCE</b>	0.00000	X	245	=	\$0.00	\$0.00
<b>Demand Deposit Services</b>						
ACCOUNT MAINTENANCE	\$15.00	X	1	=	\$15.00	\$40,555.56
ADDITIONAL ACCOUNT	\$5.00	X	1	=	\$5.00	\$13,518.52
DEPOSITS CREDITED	\$0.00	X	10	=	\$0.00	\$0.00
CURRENCY DEPOSITED (PER THOUSAND)	\$0.50	X	0	=	\$0.00	\$0.00
ITEMS DEPOSITED	\$0.12	X	22	=	\$2.64	\$7,137.78
RETURN ITEMS	\$10.00	X	0	=	\$0.00	\$0.00
CHECKS PAID	\$0.12	X	21	=	\$2.52	\$6,813.33
ELECTRONIC ACH CREDIT/DEBIT RECEIVED	\$0.12	X	19	=	\$2.28	\$6,164.44
STOP PAYMENTS	\$35.00	X	0	=	\$0.00	\$0.00
<b>OCM - TREASURY ONLINE PLATFORM</b>						
OCM BASE ONLINE SERVICES	\$0.00	X	0	=	\$0.00	\$0.00
WIRE TRANSFER MODULE	\$10.00	X	0	=	\$0.00	\$0.00
INCOMING WIRE- DOMESTIC / INTERNATIONAL	\$8.00	X	0	=	\$0.00	\$0.00
OUTGOING WIRE - DOMESTIC/INTERNATIONAL	\$8.00	X	0	=	\$0.00	\$0.00
PER WIRE NOTIFICATION/CONFIRMATION	\$0.00	X	0	=	\$0.00	\$0.00
OCM ACH MODULE	\$25.00	X	1	=	\$25.00	\$67,592.59
PER ACH FILE	\$0.00	X	1	=	\$0.00	\$0.00
PER ITEM (107 average # of checks - 80% converted to ACH)	\$0.12	X	86	=	\$10.32	\$27,902.22
ACH RETURN ITEM	\$2.00	X	0	=	\$0.00	\$0.00
ACH NOTIFICATION OF CHANGE	\$1.50	X	0	=	\$0.00	\$0.00
<b>REMOTE DEPOSIT CAPTURE</b>						
REMOTE DEPOSIT CAPTURE	\$25.00	X	1	=	\$25.00	\$67,592.59
PER ITEM DEPOSITED	\$0.00	X	22	=	\$0.00	\$0.00
<b>ADDITIONAL PROPOSED SERVICES</b>						
<b>POSITIVE PAY SERVICES</b>						
REVERSE POSITIVE PAY	\$35.00	X	0	=	\$0.00	\$0.00
ACH POSITIVE PAY	\$10.00	X	0	=	\$0.00	\$0.00
PER ITEM CHECK	\$0.01	X	0	=	\$0.00	\$0.00
PER ITEM ELECTRONIC	\$0.03	X	0	=	\$0.00	\$0.00
TOTAL ACTIVITY CHARGES AND COMPENSATING BALANCE NEEDED TO OFFSET CHARGES						
ECR Rate, Account Balances and Account Activity will change and affect the analysis position						
						\$87.76
						\$237,277.04



## TREASURY MANAGEMENT SERVICES

### Online Cash Management Services (OCM):

OCM is a Real Time Online Treasury Platform which will provide you with the access you need to view all of your accounts. It allows for unlimited intercompany transfers. You will also be able to place a stop payment on any check issued from any of your accounts. You will be able to view and retrieve your bank statements no later than the 2<sup>nd</sup> business day of each month. Our system will keep 12 full months of bank statements.

The administrator of the system will be able to add or disable users to the Online Cash Management System.

### This platform is modular based:

OCM ACH Module will provide you with an option to originate ACH Credits to pay your vendors and convert your paper checks into electronic payments. ACH Credit Origination will allow you to minimize the need of purchasing checks in the future. It is also a great treasury management solution and a best practice to combat check fraud.

Wire Transfer Module Ability to originate one-time or recurring wire transfers directly on-line. Create company wire limits and levels of authority within the system. Add an additional layer of security with a secondary authorization for every outgoing wire on a dual control basis. Save time, and create wire transfer templates for those wires you send often. Once saved, you will only need to add the date, dollar amount and the additional reference information before submitting the wire. The beneficiary information remains the same.

### Remote Deposit Capture Services: (RDS):

Multi-Feed Scanner provided, allowing you to scan your checks directly from your desktop computer into any of your accounts. You will receive **Same Day** availability of funds if the deposits are scanned by 6:00 P.M. M-F (except holidays). Deposit reports and images of checks available on PDF format. No need to drive to a branch or continuously having to order deposit tickets. Set unlimited users to a specific account or simply add them to all. A drop down menu allows you to choose the account you wish to deposit into.



Additional Services:

*Reserve Positive Pay Services – Check and ACH Filter*

Checks - Protect your company with the growing rate of check fraud. The system will send you an automatic email requesting you to log into the positive pay system to view checks that are being presented through in clearing for payment, you will then have the opportunity to either pay or return the item unpaid.

ACH Filter - Filter through your ACH's debits and make the same decisions as listed above. If you determine that the ACH being presented will be a recurring or a frequent occurrence, you can easily create a policy within the system to accept the ACH from that vendor/company going forward. As you create your ACH policies, eventually the only ACH's that you will receive to decision, are new ACH debits originated from a new vendor/company that is attempting to debit your account.

*Cutoff Times for service – Monday – Friday (except holidays):*

Wire Transfers: 4:30 P.M. (Domestic)

ACH Transactions: 3:30 P.M.

Remote Deposit: 6:00 P.M. – Same Day Availability of funds

## Bank Proposals

	QPD	QPD	QPD		
	PNC (Current)	CenterState	TD Bank	CDARs	SBA
Interest Rate	0.95%	1.85%	1.80%	1.50%	2.37%
<b>Services:</b>					
Account Maintenance		\$ 15.00	\$ 22.00		
Checks Paid (per ck)		\$ 0.12	\$ 0.23		
Deposits processed		\$ 0.50	\$ 1.20		
Checks deposited		\$ 0.12	\$ 0.18		
ACH received		\$ 0.12	\$ 0.20		
Remote/digital deposit					
monthly cost	\$ 50.00	\$ 25.00	\$ 125.00		
per item cost		\$ -	\$ 0.12		
<b>Treasury:</b>					
Package		\$ -	\$ 105.00		
ACH module		\$ 25.00	\$ 70.00		
ACH per ach initiated		\$ 0.12	\$ 0.21		

### NOTES:

All banks being considered are Qualified Public Depositories (QPD).

#### PNC:

When I started here, the Town banked with Fidelity Federal. They were bought out by National City, who was bought out by our current bank PNC. Over the past year, we have been trying to utilize more of the technology available to us. We did begin using a check scanner for deposits and added a machine to accept credit card payments. Although we met with PNC about handling some payments electronically, they were not very helpful in meeting our internal control requirements.

#### CenterState:

They also won the competitive bid for the Town's Undergrounding loan.

### CONCLUSION:

CenterState Bank has the lowest costs with the highest interest rate. They are also offering CDs for 2%. To date, we have had a good experience with their staff who are responsive and knowledgeable.

**RESOLUTION NO. R-18-18**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, PALM BEACH COUNTY, FLORIDA, AMENDING ITS OPERATING BUDGET FOR FISCAL YEAR 2017/18 IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF BUDGET RESOLUTION NO. R-20-17; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.**

WHEREAS, the necessity of amending the 2017/2018 Town budget has come to the attention of the Town Commission of the Town of Palm Beach Shores; and

WHEREAS, pursuant to Sec. 2, 3 and 4 of Budget Resolution No. **R-20-17** adopted September 25, 2017 in accordance with State Law, budget amendments relating to increases or decreases to the total sum allocated to each department for operating expenses and capital outlay expenses must be formally approved by the Town Commission in the form of a budget resolution for such transfers; and

WHEREAS, the Town Commission has previously approved "Budget Amendment 1, Budget Amendment 2, Budget Amendment 3, and Budget Amendment 4" by resolutions and now desires to approve "Budget Amendment 5" as set forth in Exhibit A to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, PALM BEACH COUNTY, FLORIDA, THAT:**

Section 1. The Town of Palm Beach Shores, hereby amends its 2017/2018 budget as provided in the schedules attached hereto as Exhibit "A" and made a part hereof, in accordance with the terms and provisions of the Budget Resolution No. **R-20-17**.

Section 2. The Town Clerk is hereby directed to attach a copy of this Resolution amending the 2017/2018 budget to the budget documents and this Resolution shall be made a part of said budget.

Section 3. That this Resolution shall take effect upon its passage.

**DULY PASSED AND ADOPTED** this 17<sup>th</sup> day of December 2018.

\_\_\_\_\_  
Myra Koutzen, Mayor

ATTEST:

\_\_\_\_\_  
Evyonne Browning, Town Clerk

(SEAL)

Town of Palm Beach Shores  
Proposed Budget Amendment #5  
FYE 9/30/18

EXHIBIT "A"

	Original Budget	Amendments					Final Budget
		#1	#2	#3	#4	#5	
REVENUE	\$ 4,718,030	252,716	77,179	117,601	27,031	21,198	\$ 5,213,755
EXPENDITURES:							
Administration	\$ 389,232			17,200	4,135		\$ 410,567
Legal	100,000		20,000		(8,700)		111,300
Public Works	269,454		10,575	8,800	4,900		293,729
Police	1,368,427	20,913	7,679		54,826		1,451,845
Fire	653,931	20,660		(102,000)	(31,000)		541,591
Building Department	171,050		74,780		(1,980)	21,198	265,048
Emergency Disaster	-			136,102	3,077		139,179
Solid Waste	198,000				(12,840)		185,160
911 Dispatch	377,597			12,000	11,000		400,597
Legislative	35,560			(5,957)	(12,705)		16,898
Streets/Storm Sewers	23,025				(4,460)		18,565
Parks	115,650				120		115,770
Beach	92,941						92,941
Lift Station Sewer Service	17,975			2,601	7,335		27,911
Contingencies	85,000		(35,855)	(49,145)			-
Emergency Medical Service	312,615						312,615
Community Center	60,600			(9,000)	(6,600)		45,000
Risk Management	115,000			(8,000)			107,000
Capital	246,327	211,143		115,000	19,923		592,393
Total Expenditures	\$ 4,632,384	\$ 252,716	\$ 77,179	\$ 117,601	\$ 27,031	\$ 21,198	\$ 5,128,109
Other Financing Use:							
Transfer to UU Fund	85,646						85,646
Total Expenditures & Transfers Out	\$ 4,718,030	\$ 252,716	\$ 77,179	\$ 117,601	\$ 27,031	\$ 21,198	\$ 5,213,755



Town of Palm Beach Shores  
BUDGET 2017/18  
Proposed budget amendment #4

**EXHIBIT "A"**

Account Name	Account Number	Revised Budget	Amendment #4	Final Budget
<b>REVENUE</b>				
Building Permits	001-00-000-32200	156,000	21,198	177,198
<b>TOTAL REVENUE</b>		<b>\$ 5,165,526</b>	<b>\$ 21,198</b>	<b>\$ 5,186,724</b>
<b>EXPENDITURES</b>				
<b>BUILDING</b>				
Contract - Building Official	001-07-524-03101	93,000	14,448	107,448
Contract - Code Enforcement	001-07-524-03102	73,020	6,750	79,770
<b>TOTAL EXPENDITURES</b>		<b>\$ 5,165,526</b>	<b>\$ 21,198</b>	<b>\$ 5,186,724</b>

**ORDINANCE NO. O-10-18**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX CHAPTER 18. BUSINESSES, OCCUPATIONS AND PROFESSIONS. AT ARTICLE II. BUSINESS TAXES. SECTIONS 18-18. APPLICATION. AND 18-29. RENTAL PROPERTY OWNERS' BUSINESS TAX RECEIPT; HOME OCCUPATIONAL BUSINESS TAX RECEIPT. TO REMOVE OBSOLETE REFERENCES TO DOCUMENTS NO LONGER UTILIZED BY THE TOWN; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 18. BUSINESSES, OCCUPATIONS AND PROFESSIONS. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, Town regulations provide the process to apply for and obtain a business tax receipt from the Town, including the required documentation to be submitted; and

**WHEREAS**, current regulations include references to documents which are now obsolete and no longer utilized by the Town; and

**WHEREAS**, the Town Commission of the Town of Palm Beach Shores desires to revise these regulations to remove these obsolete references; and

**WHEREAS**, the Town Commission has determined that such amendments to the Town's code are in the best interests of the citizens of the Town of Palm Beach Shores, and will serve to promote the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:**

**Section 1:** Chapter 18. BUSINESSES, OCCUPATIONS AND PROFESSIONS. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section 18-18. APPLICATION. to remove reference to a previously required document that is now obsolete and no longer utilized by the Town; providing that Section 18-18. Application. shall hereafter read as follows:

**Sec. 18-18. - Application.**

(a) Inspection of premises; fee. Before the town shall be required to issue an annual business tax receipt for engaging in or carrying on any of the businesses, professions, or occupations specified and set forth herein, it shall be the duty of the applicant to file an application with the town. Such application shall be in the form required by the town. The building department, fire department, and/or any other applicable town department shall conduct an annual inspection of the premises in order to ensure that the premises is in compliance with all town codes. The town shall charge an administrative fee for the inspection referenced above, as well as any required re-inspections; the amount of which shall be set by resolution of the town commission. A condition to maintaining a valid business tax receipt is achieving and maintaining compliance with all town codes.

~~(b) Information card to be filed. In addition to the above application and inspection requirements, rental property owners shall also have a duty to file an information card with the town clerk's office prior to the issuance of a business tax receipt by the town.~~

**Section 2:** Chapter 18. BUSINESSES, OCCUPATIONS AND PROFESSIONS. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section 18-29. RENTAL PROPERTY OWNERS' BUSINESS TAX RECEIPT; HOME OCCUPATIONAL BUSINESS TAX RECEIPT. to remove reference to documentation that is now obsolete and no longer utilized by the Town; providing that Section 18-29. Rental property owners' business tax receipt; home occupational business tax receipt. shall hereafter read as follows:

**Sec. 18-29. - Rental property owners' business tax receipt; home occupational business tax receipt.**

(a) Rental property owners' business tax receipt. Every rental unit utilized for residential living purposes in the town must have a current and valid business tax receipt. In addition to the multifamily dwelling units such as apartments, hotels, and motels, this also includes single-family houses when they are rented and not owner-occupied. In order to apply for a local business tax receipt to rent real property within the town, the following requirements must be observed:

(1) Rental property shall include, but is not limited to, dwelling units such as hotels, motels, single-family residences, multifamily units, etc.

- (2) All rental property owners shall file a completed application ~~rental information card~~ with the town clerk's office ~~after they have received and read the town's rental guidelines for landlords and tenants brochure~~; this application ~~information card~~ must be filed prior to the issuance of a business tax receipt for the rental of real property.
- (3) After the submission of an ~~information card~~ and application for a business tax receipt, an inspection of the premises shall be made by the town in order to ensure that the premises is in compliance with the town's Code (see also section 18-17 herein).
- (b) Home occupational business tax receipt.
- (1) Definitions. Home occupations are those practiced entirely within the home by members of the family living at the residence which do not generate any vehicular or client traffic. Such occupations are incidental and secondary to the principal use of the premises as a residence and must additionally meet all of the standards set forth below.
- (2) Design and performance standards.
- a. Limited use. The home occupations shall be conducted entirely within the residential premises and only by the person who is authorized to do so by virtue of having paid the required business tax and is a resident of the premises. The individual so authorized shall not engage any employee who is not also a resident to assist in the home occupation.
  - b. Maximum area of use. No home office or occupation shall occupy more space than 20 percent of the total living area of a residence. To determine the percentage of space allowed, the following shall be excluded: Open porches, attached or detached garages, or similar space not suited for or intended to be occupied as living quarters.
  - c. No signs. No signs shall be permitted that will indicate that the building is being utilized in part for any purpose other than a residence.
  - d. Limited equipment. Equipment shall not be used which creates noise, vibrations, glare, fumes, odors or electrical interference on property adjacent to such use.
  - e. Stock in trade. No goods shall be sold on site, and no stock in trade or inventory shall be stored on or delivered to the site.
  - f. Traffic. The home office shall not generate any vehicular or client traffic.
  - g. Residential character. There shall be no alteration in the residential character or appearance of the premises in connection with such home office.



h. Taxes. All home occupations shall be subject to all applicable town business taxes.

Each business, office or occupation shall be required to pay a separate business tax.

**Section 3:** Each and every other section and subsection of CHAPTER 18. BUSINESSES, OCCUPATIONS AND PROFESSIONS. of the Code of Ordinances of the Town of Palm Beach Shores, shall remain in full force and effect as previously enacted.

**Section 4:** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**Section 5:** Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

**Section 6:** Specific authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Palm Beach Shores.

FIRST READING this \_\_\_\_ day of November, 2018.

SECOND AND FINAL READING this \_\_\_\_ day of December 2018.

ATTEST:

\_\_\_\_\_  
Evyonne Browning, Town Clerk

\_\_\_\_\_  
Myra Koutzen, Mayor

Approved as to form and legal sufficiency

\_\_\_\_\_  
Keith Davis, Town Attorney

(Seal)

**ORDINANCE NO. O-11-18**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT APPENDIX A. ZONING, SECTIONS VI, VII AND VIII, FOR DISTRICTS B, C AND D, TO ALLOW THE REPLACEMENT OF EXISTING ASPHALT OR CONCRETE PAVEMENT MATERIAL WITH DRIVEWAY PAVERS IN THE TEN (10) FOOT TOWN STRIP OF TOWN PROPERTY AND REQUIRE, PRIOR TO BUILDING PERMIT ISSUANCE, EXECUTION OF A LIMITED AGREEMENT FOR CONSTRUCTION IN ROAD RIGHT-OF-WAY; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF APPENDIX A. ZONING. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, current regulations in Zoning Districts B, C and D prohibit the alteration of parking areas located in the ten (10) foot strip of Town property; and

**WHEREAS**, property owners in these zoning districts are permitted to install driveway pavers within the boundaries of their properties for off-street parking; and

**WHEREAS**, to create uniform improvements to these areas and avoid creating inconsistencies between the property and edge of pavement, the Town Commission desires to amend the Zoning Ordinance to permit the installation of driveway pavers in the ten foot strip of Town property adjacent to on-site parking areas and approaches, subject to execution of a limited agreement for construction in road right-of-way; and

**WHEREAS**, the Town Commission has determined that such amendments to the Town's Zoning Ordinance are in the best interests of the health, safety, and welfare of the citizens of the Town of Palm Beach Shores.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:**

**Section 1:** Appendix A. Zoning. of the Code of Ordinances of the Town of Palm Beach Shores, is hereby amended at Section VI. District B Regulations., Pf. 6.9. Town Property. to permit the installation of driveway pavers in the ten foot strip of Town property adjacent to on-site parking

areas and approaches, subject to execution of a limited agreement for construction in road right-of-way; providing that Pf. 6.9. Town property. shall hereafter read as follows:

**Pf. 6.9. - Town property.**

- (a) The ten (10) foot strip of Town property on both sides of the streets may be used by the owner of the abutting property with the same restrictions as to use for front yards in this district; provided, however, that no fences, walls, or other structures above or below ground may be placed in this ten (10) foot strip of Town property. Pavement for driveways and parking area approaches (including driveway pavers subject to the requirements of subsection (c) below) may be placed in this ten (10) foot strip, which may also be used for temporary parking but may not be counted as a part of the required minimum off-street parking area. If, in the future, this ten (10) foot strip shall be needed by the Town for any purpose, any improvement placed in this area may be removed by the Town without liability to the Town.
- (b) Except as hereinafter permitted, parking in this ten (10) foot strip is prohibited, unless within the permitted driveway and parking area approach located in this ten (10) foot strip as permitted in subsection (a), above.
- (c) Lots that have, as of the adoption of this ordinance, a parking area adjacent to the street within this ten (10) foot strip may continue to use said parking area, subject to the provisions of this section. However, no double parking shall be permitted thereon (see also section 70-32(4) of the Town Code of Ordinances), and no alteration of any such parking areas shall be permitted, except that such parking areas may be improved by replacing existing asphalt or concrete with driveway pavers, or otherwise as required by law or ordinance. To install pavers within the ten (10) foot town strip, a limited agreement for construction in road right-of-way must be executed by both the property owner and the town and recorded in the public records. Such agreement shall be executed and recorded prior to building permit issuance.
- (d) The parking areas to which subsection (c) above applies, shall terminate and such parking areas shall be removed and replaced with approved pavement for driveways and parking area approaches, and landscaping pursuant to Chapter 78, Vegetation, at the lot owner's expense, in accordance with the occurrences set forth at Pf. 5.98.d.1. through 4. for any property whose principal building is a single family structure; and upon the construction of a new principal (meaning non-accessory) building or upon a change in use for all other properties.

- (e) In order to provide all current lot owners, and any other parties who have or may acquire an interest in property in District "B" with proper notice of these regulations, the Town shall provide each current lot owner in District "B", as listed in the Tax Collector's Office for tax notices, with written notice of same, and shall record a copy of this ordinance in the Public Records of Palm Beach County, Florida.

**Section 2:** Appendix A. Zoning. of the Code of Ordinances of the Town of Palm Beach Shores, is hereby amended at Section VII. District C Regulations., Pf. 7.10. Town Property. to permit the installation of driveway pavers in the ten foot strip of Town property adjacent to on-site parking areas and approaches, subject to execution of a limited agreement for construction in road right-of-way; providing that Pf. 7.10. Town property. shall hereafter read as follows:

**Pf. 7.10. - Town property.**

- (a) The ten (10) foot strip of Town property on both sides of the streets may be used by the owner of the abutting property with the same restrictions as to use for front yards in this district; provided, however, that no fences, walls, or other structures above or below ground may be placed in this ten (10) foot strip of Town property. Pavement for driveways and parking area approaches (including driveway pavers subject to the requirements of subsection (c) below) may be placed in this ten (10) foot strip, which may also be used for temporary parking but may not be counted as a part of the required minimum off-street parking area. If, in the future, this ten (10) foot strip shall be needed by the Town for any purpose, any improvement placed in this area may be removed by the Town without liability to the Town.
- (b) Except as hereinafter permitted, parking in this ten (10) foot strip is prohibited, unless within the permitted driveway and parking area approach located in this ten (10) foot strip as permitted in subsection (a), above.
- (c) Lots that have, as of the adoption of this ordinance, a parking area adjacent to the street within this ten (10) foot strip may continue to use said parking area, subject to the provisions of this section. However, no double parking shall be permitted thereon (see also section 70-32(4) of the Town Code of Ordinances), and no alteration of any such parking areas shall be permitted, except that such parking areas may be improved by replacing existing asphalt or concrete with driveway pavers, or otherwise as required by law or ordinance. To install pavers within the ten (10) foot town strip, a limited agreement for construction in road right-of-way must be



executed by both the property owner and the town and recorded in the public records. Such agreement shall be executed and recorded prior to building permit issuance.

- (d) The parking areas to which subsection (c) above applies, shall terminate and such parking areas shall be removed and replaced with approved pavement for driveways and parking area approaches, and landscaping pursuant to Chapter 78. Vegetation., at the lot owner's expense, in accordance with the occurrences set forth at Pf. 5.98.d.1. through 4. for any property whose principal building is a single family structure; and upon the construction of a new principal (meaning non-accessory) building or upon a change in use for all other properties.
- (e) In order to provide all current lot owners, and any other parties who have or may acquire an interest in property in District "C" with proper notice of these regulations, the Town shall provide each current lot owner in District "C", as listed in the Tax Collector's Office for tax notices, with written notice of same, and shall record a copy of this ordinance in the Public Records of Palm Beach County, Florida.

**Section 3:** Appendix A. Zoning. of the Code of Ordinances of the Town of Palm Beach Shores, is hereby amended at Section VIII. District D Regulations., Pf. 8.11. Town Property. to permit the installation of driveway pavers in the ten foot strip of Town property adjacent to on-site parking areas and approaches, subject to execution of a limited agreement for construction in road right-of-way; providing that Pf. 8.11. Town property. shall hereafter read as follows:

**Pf. 8.11. - Town property.**

- (a) The ten (10) foot strip of Town property on both sides of the streets may be used by the owner of the abutting property with the same restrictions as to use for front yards in this district; provided, however, that no fences, walls, or other structures above or below ground may be placed in this ten (10) foot strip of Town property. Pavement for driveways and parking area approaches (including driveway pavers subject to the requirements of subsection (c) below) may be placed in this ten (10) foot strip, which may also be used for temporary parking but may not be counted as a part of the required minimum off-street parking area. If, in the future, this ten (10) foot strip shall be needed by the Town for any purpose, any improvement placed in this area may be removed by the Town without liability to the Town.

- (b) Except as hereinafter permitted, parking in this ten (10) foot strip is prohibited, unless within the permitted driveway and parking area approach located in this ten (10) foot strip as permitted in subsection (a), above.
- (c) Lots that have, as of the adoption of this ordinance, a parking area adjacent to the street within this ten (10) foot strip may continue to use said parking area, subject to the provisions of this section. However, no double parking shall be permitted thereon (see also section 70-32(4) of the Town Code of Ordinances), and no alteration of any such parking areas shall be permitted, except that such parking areas may be improved by replacing existing asphalt or concrete with driveway pavers, or otherwise as required by law or ordinance. To install pavers within the ten (10) foot town strip, a limited agreement for construction in road right-of-way must be executed by both the property owner and the town and recorded in the public records. Such agreement shall be executed and recorded prior to building permit issuance.
- (d) The parking areas to which subsection (c) above applies, shall terminate and such parking areas shall be removed and replaced with approved pavement for driveways and parking area approaches, and landscaping pursuant to Chapter 78, Vegetation, at the lot owner's expense, in accordance with the occurrences set forth at Pf. 5.98.d. 1. through 4. for any property whose principal building is a single family structure; and upon the construction of a new principal (meaning non-accessory) building or upon a change in use for all other properties.
- (e) In order to provide all current lot owners, and any other parties who have or may acquire an interest in property in District "D" with proper notice of these regulations, the Town shall provide each current lot owner in District "D", as listed in the Tax Collector's office for tax notices, with written notice of same, and shall record a copy of this ordinance in the Public Records of Palm Beach County, Florida.

**Section 4:** Each and every other article, section and subsection of Appendix A. Zoning. of the Code of Ordinances of the Town of Palm Beach Shores, shall remain in full force and effect as previously enacted.

**Section 5:** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**Section 6:** Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

**Section 7:** Specific authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Palm Beach Shores.

FIRST READING this 19<sup>th</sup> day of November, 2018.

SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_, 2018.

**TOWN OF PALM BEACH SHORES**

\_\_\_\_\_  
Myra Koutzen, Mayor

ATTEST:

\_\_\_\_\_  
Evyonne Browning, Town Clerk

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Keith Davis, Town Attorney

(Seal)

COVER MEMO  
ITEMS 10e & 10f  
Dec 17 2018

To: Palm Beach Shores Town Commission  
From: Mayor Myra Koutzen  
Re: Dock Code  
Date: December 17, 2018

The purpose of this item is to present the revised dock code to the Town Commission for consideration.

Background:

Town code requires that the P&Z review and approve applications for new docks. Current code applies only to private docks and is inadequate for commercial dock projects. This became an issue during the process of reviewing the replacement of the Sailfish Marina's south dock with a new floating design.

The Town Commission asked the P&Z to overhaul the dock code. A marine engineering firm, Taylor Engineering, was retained to provide initial comments and a draft code re-write. Following completion of the draft, several public meetings were held in order to receive input from residents, marine experts, local businesses, Town staff, the P&Z and the Town Commission. The resulting two attached ordinances - modifying Chapter 82 and the Zoning Appendix A - have been approved by the Local Planning Authority (LPA) for your consideration.

Staff Recommendation:

Staff recommends that the Town Commission approve the two ordinances (O-12-18 and O-13-18) with the few minor revisions as recommended by the LPA.

Rationale:

- The proposed changes to Chapter 82 and Appendix A have been fully vetted and have been subjected to rigorous review and comment by all affected parties.
- The proposed code uses existing federal, state and county marine regulations where appropriate to determine dock placement, number of slips, environmental impact, riparian and littoral rights, etc.
- The proposed code uses existing, published engineering guidelines for dock construction.
- The proposed code will create objective guidelines against which Town staff can manage the development of these structures for safety and quality of life of all Town residents. This includes having the ability to manage parking and traffic resulting from proposed docks.



- The proposed code sets different guidelines for private docks, commercial docks and marinas.
  - Private docks are just for the use of the property owner.
  - Commercial docks allow rentals with adequate parking. They may or may not be attached to a marina.
  - Marinas can provide additional services such as fuel sales, ship stores, etc. They also have additional requirements for parking, safety and other protections.
- It would allow a condominium (such as Captain's Walk) to have commercial docks, currently in place but not allowed under code.

**Keith W. Davis, Esq.**  
*Florida Bar Board Certified Attorney  
City, County and Local Government Law*  
Email: keith@davisashtonlaw.com

December 7, 2018

**AGENDA ITEM SUMMARY**

To: Mayor Koutzen, Vice Mayor DeReuil and Commissioners Gilgallon, Stanton and Tyler  
From: Attorney Davis

RE: Dock Code Revision Ordinances O-12-18 and O-13-18.

The following describes the above-referenced agenda items:

The Planning and Zoning Board sitting as the Local Planning Agency ("LPA") recommended approval of Ordinances O-12-18 and O-13-18 as drafted on November 27, 2018 but requested further consideration by the Commission, as follows:

**Ordinance O-12-18:** Requested the Commission verify the parking requirement language in section Pf. 7.13 related to charter boats is sufficient. As drafted, it states "Parking spaces shall be provided . . . plus one (1) parking space is required for every three (3) passengers allowed to be carried as a passenger on such vessel as designated in the vessel's certificate of inspection issued by the United States government, Department of Transportation, United States Coast Guard..." This is verbatim from the current code requirement for deep sea sportfishing boats operated for hire in § 82-52 of the Town Code and was merely relocated here. Because this is current language, further revision is not recommended at this time.

**Ordinance O-13-18:** Requested the Commission consider the need for modifying the language in §§ 82-56(b) and 82-57(b) to replace the word "or" below with "and":

82-56(b): All private docks . . . unless otherwise allowed by an exception provided in (1)-(7) below **or** a validly issued DEP or Corps permit...

82-57(b): All commercial docks . . . unless otherwise allowed by an exception provided in (1)-(6) below **or** a validly issued DEP or Corps permit.

It is recommended that "or" be replaced with "and" in both sections. This ensures that in order for the setback to be less than what is required by Code, 1) one of the exceptions applies and 2) a validly issued permit is obtained.

**ORDINANCE NO. 0-12-18**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX A. ZONING. OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH SHORES AT SECTION II. DEFINITIONS. TO PROVIDE FOR CROSS-REFERENCE TO DEFINITIONS IN CHAPTER 82. WATERWAYS., REVISE THE DEFINITION OF "ACCESSORY USE OR STRUCTURE," REMOVE THE DEFINITION OF "MARINA," AND TO ADD AN ENTIRELY NEW DEFINITION FOR THE TERM "PRIMARY USE;" AT SECTION V. DISTRICT A REGULATIONS., SECTION PF. 5.1. PERMITTED USES. TO ADD PRIVATE DOCKS AS A PERMITTED USE WITHIN ZONING DISTRICT A; AT SECTION VII. DISTRICT C REGULATIONS., SECTION PF. 7.2. PERMITTED AND SPECIAL EXCEPTION USES. TO ADD COMMERCIAL DOCKS AND MARINAS AS SPECIAL EXCEPTION USES WITHIN ZONING DISTRICT C AND PROVIDE FOR THE TYPES OF ANCILLARY AND SUPPORT USES AFFILIATED WITH EACH; AND AT SECTION VII. DISTRICT C REGULATIONS., SECTION PF. 7.13. OFF-STREET PARKING. TO ADD PARKING STANDARDS AND REGULATIONS FOR COMMERCIAL DOCKS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF APPENDIX A. ZONING. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the Town Commission of the Town of Palm Beach Shores hired Taylor Engineering, Inc. to review the Town's Code of Ordinances related to docks and provide recommendations and proposed revisions to the Town Commission; and

**WHEREAS**, such revisions are intended to incorporate existing conditions into the Town Code, as well as provide new standards and regulations for both private and commercial docks to guide future development within the Town; and

**WHEREAS**, as part of the scope of services provided by Taylor Engineering, Inc., two (2) public joint workshops were held with the Town Commission and the Planning and Zoning Board to obtain public input and to discuss existing conditions, regulations and recommended revisions; and

**WHEREAS**, Taylor Engineering, Inc. provided its draft report, Proposed Revisions to Code of Ordinances, Town of Palm Beach Shores Marine Dock Codes Review, dated August 15, 2018, which included recommended revisions to various sections of the Town Code to provide clearer regulation of both private and commercial docks in Town; and

**WHEREAS**, an additional Joint Workshop was held with the Town Commission and the Planning and Zoning Board to review the draft report and provide for additional public input into the revision process; and

**WHEREAS**, based on the recommendations and suggested revisions provided by Taylor Engineering, Inc., public comment from the various workshop meetings, and thorough discussion between and among the Town Commission and the Planning and Zoning Board, the Town Commission desires to amend the Town Code of Ordinances at Appendix A. Zoning. to revise select definitions and amend the permitted and special exception uses in Zoning Districts A and C to account for private and commercial docks; and

**WHEREAS**, the Town Commission has determined that such amendments to the Town's Code are in the best interests of the health, safety, and welfare of the citizens of the Town of Palm Beach Shores.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:**

**Section 1:** Appendix A. Zoning. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section II. Definitions. to provide for cross-reference to definitions in Chapter 82. Waterways., to revise the definition of "accessory use or structure," remove the definition of "marina," and to add an entirely new definition for the term "primary use"; providing that Pf. 2.1, Pf. 2.2, Pf. 2.34 and Pf. 2.35.1 shall hereafter read as follows:

**Pf. 2.1. - Generally.**

For the purpose of this Zoning Ordinance, certain terms or words used herein shall be interpreted as follows:

The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.



The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word land includes the word water unless the context clearly requires otherwise.

The word lot includes the words plot, parcel, or tract.

The word structure includes the word building as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground.

The words time share dwelling unit and plan shall be as now or hereafter defined in *Definitions* of Section 718.103(19) and (20) and Section 721.05(1), (7), (14) and (15), Florida Statutes.

For definitions related to docks, marinas and water-dependent facilities, refer to Chapter 82, Waterways., Section 82-50. Definitions.

#### **Pf. 2.2. - Accessory use or structure.**

A use, building or structure, or part of a building or structure which:

- (1) Is subordinate to and serves the primary building or structure or primary use;
- (2) Is subordinate in area, extent, or purpose to the primary building or structure or primary use served;
- (3) Contributes to the comfort, convenience, or necessity of occupants of the primary building or primary use; and
- (4) Is located on the same zoning lot/building site as the primary building or structure or primary use served, with the exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot as the building or use served.

~~An accessory use or structure is a use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise provided, on the same premises. On the same premises with respect to accessory uses and structures shall be construed as meaning on the same lot or on a contiguous lot in the same ownership. Where a building is attached to the principal building, it shall be considered a part thereof, and not an accessory building. Home occupations as defined as subsection 18-29(b) are considered accessory uses for single family and~~

~~multiple family residential units so long as all requirements set forth in subsection 18-29(b) are observed.~~

**Pf. 2.34. – ~~Marina. Reserved.~~**

~~A facility designed to provide a variety of services for boaters such as the sale of gasoline, oil for boating purposes only and accessories; renting or leasing of boat slips; sale of ice and/or bait. Marinas shall be allowed as accessory uses for motels and hotels in the "C" Zoning District; or as a Special Exception use in the "C" Zoning District. Sport fishing boats for hire (i.e. charter boats) shall be allowed by Special Exception in the "C" Zoning District only.~~

**Pf. 2.35.1 – Primary use.**

An activity or combination of activities of chief importance on the zoning lot/building site. The main purposes for which the land or structures are intended, designed or ordinarily used. A zoning lot may have more than one Primary use. See also Accessory use or structure.

**Section 2:** Appendix A. Zoning. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section V. District A Regulations., Pf. 5.1. Permitted uses. to add private docks as a permitted use within Zoning District A; providing that Pf. 5.1. Permitted uses. shall hereafter read as follows:

**Pf. 5.1. - Permitted uses.**

Permitted uses in District A shall be only the following:

- (a) One-family dwelling for occupancy by only one family. Boarding houses and/or rooming houses, as defined at Pf. 2.7 are prohibited as a use in this zoning district.
- (b) Private horticulture nurseries, greenhouses, and garden work centers, where such activity is carried on only for the personal enjoyment of the lot occupant and no sales of plant materials are made.
- (c) Accessory buildings for uses customarily incident to any of the above uses including private garages for motor vehicles when located on the same lot.

(d) Private docks. No private dock shall be used for any purpose other than the private use of the property owner or his guests and no commercial use or purpose shall be made of any docks whatsoever.

**Section 3:** Appendix A. Zoning. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section VII. District C Regulations. Pf. 7.2. Permitted and special exception uses. to add commercial docks and marinas as special exception uses within Zoning District C and to provide for the types of ancillary and support uses affiliated with each; providing that Pf. 7.2. Permitted and special exception uses. shall hereafter read as follows:

**Pf. 7.2. - Permitted and special exception uses.**

(a) Permitted uses.

- (1) Any uses permitted in Districts "A" & "B" except for group home facilities which are only allowed in Zoning District "B". All setbacks shall meet the minimums specified in this section below for District "C".
- (2) Hotels and motels.
- (3) Accessory uses may include uses of a nature customarily incidental and subordinate to the principal use. Such uses may include stores, shops, dining rooms, bars or taverns, and lawfully incorporated private clubs with or without bars, when such facilities are for the main and principal purpose of serving residents and guests of the establishment. Facilities of the types listed in the preceding sentence must be an integral part of the principal building and entrances to such facilities shall not open or front upon any public street. Additional accessory uses may also include recreational amenities, facilities or concessions when such facilities are for the main and principal purpose of serving residents and guests of the establishment. Marinas, as defined in section 82-50Pf. 2.34, hereinabove are allowed as accessory uses for motels and hotels in the "C" Zoning District only and shall be consistent with the standards, limitations and requirements associated with marinas provided in Chapter 82 – Waterways, Article III – Docks, Marinas and Water-Dependent Facilities of this Code of Ordinances. There shall be no rental of any watercraft allowed within the Town except at commercial docks and marinas in the C Zoning District

consistent with the requirements established in Chapter 82 of the Town Code of Ordinances.

(b) Special exception uses.

(1) Commercial docks ~~Marinas.~~ Ancillary and support services provided at commercial docks shall be limited to:

a. Renting or leasing of boat slips.

b. Charter boats.

(2) Marinas. Ancillary and support services provided at marinas shall be limited to:

a. Sale of gasoline, diesel and oil for boating purposes only.

b. Renting or leasing of boat slips.

c. Sale of ice or bait, and other fishing equipment or supplies.

d. Retail sale of marine supplies.

e. Accessory on-shore retail and eating facilities.

f. Servicing (marine).

g. Pump-out services.

h. Charter boats.

Commercial docks and marinas must comply with the standards, limitations and requirements associated with marinas provided in Chapter 82 – Waterways, Article III – Docks, Marinas and Water-Dependent Facilities of this Code of Ordinances.

~~(2) Boats for hire. (Charter boats).~~

(c) Boarding houses and/or rooming houses. Boarding houses and/or rooming houses, as defined at Pf. 2.7. are prohibited as a use in this zoning district.

**Section 4:** Appendix A. Zoning. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section VII. District C Regulations., Section Pf. 7.13. Off-street parking. to add parking standards and regulations for commercial docks; providing that Section Pf. 7.13. Off-street parking. shall hereafter read as follows:

**Pf. 7.13. - Off-street parking.**

(a) Multi-family residences. Multiple-family residences shall have a minimum of one and one-quarter (1¼) off-street parking spaces for each hotel and motel room, one-bedroom or



efficiency apartment. One and one-half (1½) parking spaces for two-bedroom apartments with one-half (½) space for each additional bedroom. Off-street parking spaces shall be paved and marked with a minimum size of nine by twenty (9 × 20) feet, except for establishments offering services (food, drink, supplies, etc.) whose minimum size shall be ten by twenty (10 × 20) feet, and so arranged that any vehicle may be parked and removed without moving any other vehicle. Parking area and arrangement of spaces shall be shown on the original building plans submitted to the Planning and Zoning Board for approval and for all modifications to the previously approved site plan.

(b) Accessory Uses. Where accessory uses under Pf. 7.2(e)(a)(3) above are included as a part of a building, additional off-street parking spaces shall be provided at the ratio of one off-street parking space for each three (3) seats in private clubs, dining rooms, bars, or taverns, and at the ratio of one off-street parking space for each two hundred (200) square feet of gross floor area in shops or stores. Such additional parking facilities need not be on the same building site as the principal establishment; provided that the proposed location is located within the same zoning district as the principal use it is designed to serve if located within the Town corporate limits. Additionally, the owner of the principal establishment shall submit to the Town a written agreement with the owner of the off-site parking area. Such agreement must be approved by the Town Commission prior to the use of the off-site parking area. All uses supported by off-site parking shall automatically cease should the agreement for off-site parking terminate for any reason, whatsoever, and such uses shall not be re-instituted unless and/or until another off-site parking agreement has been provided to the Town and approved by the Town Commission. All uses supported by off-site parking shall automatically cease should either jurisdiction cease permitting off-site parking within their jurisdiction. Valet parking is hereby prohibited unless specifically approved by the Town Commission as part of a site plan review or site plan modification.

(c) Commercial Docks and Marinas. For commercial docks and marinas approved as special exception uses under Pf. 7.2(b)(1) or (2), the upland site shall provide:

(1) Ancillary and support services include private clubs, dining rooms, bars or taverns. Parking shall be provided at the ratio of one (1) off-street parking space for each three (3) seats in the private club, dining room, bar or tavern;

(2) Ancillary and support services include shops or stores. Parking shall be provided at the ratio of one (1) off-street parking space for each two hundred (200) square feet of gross floor area in the shop or store;

(3) Boat Slips. Parking shall be provided at a ratio of 0.75 parking space for every boat slip available;

(4) Ancillary and support services which include charter boats. Parking shall be provided as follows:

a. Any or all charter boats shall first secure a town business tax receipt and certificate of use for that purpose. Prior to the issuance of the business tax receipt and certificate of use, the applicant must demonstrate that there is adequate parking for this use in addition to the parking required for other uses located on the same property.

b. Parking area and arrangements of spaces shall be shown on the application plans and must be submitted to the building official and approved by the planning and zoning board prior to issuance of an occupational license.

c. Parking spaces for charter boats shall be paved and marked, with a minimum size of 10 by 20 feet (10' x 20') each, and so arranged that any other vehicle may be parked and removed without moving any other vehicle. Parking spaces shall be provided at the ratio of 1½ parking spaces for each boat slip so used, plus one (1) parking space is required for every three (3) passengers allowed to be carried as a passenger on such vessel as designated in the vessel's certificate of inspection issued by the United States government, Department of Transportation, United States Coast Guard; and all such vessels shall be properly licensed as required by applicable state and federal laws and regulations and shall comply with all applicable equipment requirements of the United States Coast Guard before an occupational license may be issued by the town.

Such additional parking facilities need not be on the same building site as the commercial dock or marina; provided that the proposed location is located within the same zoning district as the principal use it is designed to serve, if located within the Town corporate limits. Additionally, the owner of the commercial dock or marina shall submit to the Town a written agreement with the owner of the off-site parking area. Such agreement must be approved by the Town Commission

prior to the use of the off-site parking area. All uses supported by off-site parking shall automatically cease should the agreement for off-site parking terminate for any reason, whatsoever, and such uses shall not be re-instituted unless and/or until another off-site parking agreement has been provided to the Town and approved by the Town Commission. All uses supported by off-site parking shall automatically cease should either the town or the offsite parking location jurisdiction cease permitting off-site parking within their jurisdictions. Valet parking is hereby prohibited unless specifically approved by the Town Commission as part of a site plan review or site plan modification.

No parking is permitted in any yard area within the Town corporate limits except in approved parking spaces, and except as allowed by the Town Code at chapter 70 Traffic and Vehicles.

**Section 5:** Each and every other article, section and subsection of Appendix A. Zoning. of the Code of Ordinances of the Town of Palm Beach Shores, shall remain in full force and effect as previously enacted.

**Section 6:** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**Section 7:** Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

**Section 8:** Specific authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Palm Beach Shores.

FIRST READING this \_\_\_\_ day of December, 2018.

SECOND AND FINAL READING this \_\_\_\_ day of January 2019.

**TOWN OF PALM BEACH SHORES**

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Myra Koutzen, Mayor

ATTEST:

Evyyonne Browning, Town Clerk

Approved as to form and legal sufficiency.

Keith Davis, Town Attorney

(Seal)





ITEM 10f  
Dec 17 2018

Keith W. Davis, Esq.  
Florida Bar Board Certified Attorney  
City, County and Local Government Law  
Email: keith@davisashtonlaw.com

December 7, 2018

#### AGENDA ITEM SUMMARY

To: Mayor Koutzen, Vice Mayor DeReuil and Commissioners Gilgallon, Stanton and Tyler  
From: Attorney Davis

RE: Dock Code Revision Ordinances O-12-18 and O-13-18.

The following describes the above-referenced agenda items:

The Planning and Zoning Board sitting as the Local Planning Agency ("LPA") recommended approval of Ordinances O-12-18 and O-13-18 as drafted on November 27, 2018 but requested further consideration by the Commission, as follows:

Ordinance O-12-18: Requested the Commission verify the parking requirement language in section Pf. 7.13 related to charter boats is sufficient. As drafted, it states "Parking spaces shall be provided . . . plus one (1) parking space is required for every three (3) passengers allowed to be carried as a passenger on such vessel as designated in the vessel's certificate of inspection issued by the United States government, Department of Transportation, United States Coast Guard..." This is verbatim from the current code requirement for deep sea sportfishing boats operated for hire in § 82-52 of the Town Code and was merely relocated here. Because this is current language, further revision is not recommended at this time.

Ordinance O-13-18: Requested the Commission consider the need for modifying the language in §§ 82-56(b) and 82-57(b) to replace the word "or" below with "and":

82-56(b): All private docks . . . unless otherwise allowed by an exception provided in (1)-(7) below or a validly issued DEP or Corps permit...

82-57(b): All commercial docks . . . unless otherwise allowed by an exception provided in (1)-(6) below or a validly issued DEP or Corps permit.

It is recommended that "or" be replaced with "and" in both sections. This ensures that in order for the setback to be less than what is required by Code, 1) one of the exceptions applies and 2) a validly issued permit is obtained.

**ORDINANCE NO. O-13-18**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 82. WATERWAYS. OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH SHORES AT ARTICLE III. DOCKS. TO AMEND THE ARTICLE TITLE; CREATE AN ENTIRELY NEW SECTION 82-50. DEFINITIONS. TO ADD SEVERAL DEFINITIONS; AMEND SECTION 82-51. CONSTRUCTION REGULATED. TO PROVIDE GENERAL DESIGN, APPLICATION, PERMITTING, MATERIALS, AND MAINTENANCE REQUIREMENTS FOR PIERS, DOCKS AND OTHER STRUCTURES; REMOVE SECTION 82-52. USE RESTRICTED.; ADD ENTIRELY NEW SECTION 82-56. PRIVATE DOCKS. TO PROVIDE STANDARDS AND REGULATIONS FOR PRIVATE DOCKS WITHIN THE TOWN; AND ADD ENTIRELY NEW SECTION 82-57. COMMERCIAL DOCKS. TO PROVIDE STANDARDS AND REGULATIONS FOR COMMERCIAL DOCKS WITHIN THE TOWN; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 82. WATERWAYS. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the Town Commission of the Town of Palm Beach Shores hired Taylor Engineering, Inc. to review the Town's Code of Ordinances related to docks and provide recommendations and proposed revisions to the Town Commission; and

**WHEREAS**, such revisions are intended to incorporate existing conditions into the Town Code, as well as provide new standards and regulations for both private and commercial docks to guide future development within the Town; and

**WHEREAS**, as part of the scope of services provided by Taylor Engineering, Inc., two (2) public joint workshops were held with the Town Commission and the Planning and Zoning Board to obtain public input and to discuss existing conditions, regulations and recommended revisions; and

**WHEREAS**, Taylor Engineering, Inc. provided its draft report, Proposed Revisions to Code of Ordinances, Town of Palm Beach Shores Marine Dock Codes Review, dated August 15, 2018, which included recommended revisions to various sections of the Town Code, as well as the creation of new sections to provide clearer regulation of both private and commercial docks in Town; and



**WHEREAS**, an additional Joint Workshop was held with the Town Commission and the Planning and Zoning Board to review the draft report and provide for additional public input into the revision process; and

**WHEREAS**, based on the recommendations and suggested revisions provided by Taylor Engineering, Inc., public comment from the various workshop meetings, and thorough discussion between and among the Town Commission and the Planning and Zoning Board, the Town Commission desires to amend the Town Code of Ordinances at Chapter 82. Waterways. to revise the existing regulations governing docks to provide additional definitions, provide better distinction between and specific standards and regulations for private and commercial docks, and incorporate manatee protection measures into these regulations; and

**WHEREAS**, the Town Commission has determined that such amendments to the Town's Code are in the best interests of the health, safety, and welfare of the citizens of the Town of Palm Beach Shores.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:**

**Section 1:** Chapter 82. WATERWAYS. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Article III. Docks. to amend the article title; create an entirely new Section 82-50. Definitions. to add several definitions; amend Section 82-51. Construction regulated. to provide general design, application, permitting, materials, and maintenance requirements for piers, docks and other structures; remove Section 82-52. Use restricted.; add entirely new Section 82-56. Private docks. to provide standards and regulations for private docks within the Town; and add entirely new Section 82-57. Commercial docks. to provide standards and regulations for commercial docks within the Town; providing that Article III shall hereafter read as follows:

### **ARTICLE III. - DOCKS, MARINAS AND WATER-DEPENDENT FACILITIES**

#### **Sec. 82-50. – Definitions.**

**Charter boat** means a watercraft, holding itself out to the public for rent or charter for a specified fee or charter price, with an authorized operator on board at all times, and ready to leave the dock

with the charter party. Such boat shall be available to the public in general upon payment of the specified fee, must so equip itself to be suitable for the purpose for which chartered, and must be primarily used for charter or rent.

**Commercial use or purpose** means any activity where there is an exchange of goods or services for monetary gain.

**Dock** means a fixed or floating structure, including access walkways, terminal platforms, finger piers, catwalks, mooring pilings, lifts, davits and other associated water-dependent structures, used for mooring and accessing vessels.

**Dock, commercial** means a dock intended for the mooring of vessels for commercial purposes and shall include any dock not herein defined as a private dock or marginal dock.

**Dock, marginal** means a dock placed immediately adjacent and parallel to the shoreline or seawall, bulkhead or revetment.

**Dock, private** means a dock that is intended for the mooring of boats not for commercial purposes.

**Marina** means a commercial dock/facility for the servicing, fueling, berthing and storage of boats that may include the sale of gasoline, diesel and oil for boating purposes only; pump-out services, renting or leasing of boat slips; charter boats; retail sales of marine supplies; sale of ice, bait and fishing equipment; and accessory on-shore retail and eating facilities.

**Servicing (marine)** means minor repair service to watercraft, including the installation of accessories, and minor boat rigging and motor repair. No dredge, barge or other work dockage or service is permitted and no boat construction or reconstruction is permitted.

**Transitory slip** means docks, slips, and other shoreline structures used for the temporary mooring of vessels (less than one day), facilities used for water-dependent public transportation (e.g., water taxis), and designated day-use slips at restaurants and hotels. Transitory slips cannot be used for the permanent storage of vessels. Slips used for boat rentals or slips rented to patrons are not considered transitory.

**Water-dependent facility** means a facility that involves or focuses on activities which can only be conducted on, in, over, or adjacent to water areas because the activity requires direct access to the water body or sovereign submerged lands for transportation, recreation, energy production or transmission, or source of water and where the use of the water or sovereign submerged lands is an integral part of the activity. Such facilities include marinas, docks, pilings, piers, boat ramps, boat lifts and other direct water access facilities.

## **Sec. 82-51. - Construction regulated.**

### **(a) General requirements.**

- (1) Design. The design of any pier, dock or other structure to be constructed under the provisions of this article shall be performed by a professional engineer licensed in the state. Detailed construction drawings shall be submitted bearing the signature and seal of such engineer. Any dock or other approved structure to be constructed waterward of the bulkhead shall comply with all building code provisions in force at the time of construction, including requirements for permits, inspections, and construction detail. The designer shall incorporate appropriate provisions as published in "Planning and Design Guidelines for Small Craft Harbors; ASCE Manual and Reports on Engineering Practice No. 50," or similar professionally recognized design references and guidelines for design of docks and marinas, as determined by the Town Engineer or his/her designee. The designer shall adhere to and incorporate the Palm Beach County Manatee Protection Plan into the design of any pier, dock or other structure within the Town.
- (2) No hazard or intrusion. The Town shall rely solely on the receipt of appropriate state and federal permits or permit exemption verifications and state authorizations for use of sovereign submerged lands. Town receipt of such permits shall signify to the Town that the permitted pier, dock or other structure location or design does not create a hazard to navigation; impede the flow of water; damage or endanger environmentally-sensitive areas; contribute to water quality degradation; or intrude upon the riparian rights of others, including rights vested to the public.

~~No dock shall be erected within the corporate limits of the town which shall extend more than 100 feet in length from the bulkhead line, to the outer end of the dock or pilings of the dock. Location and construction of all docks to be considered must provide that the dock does not interfere with the existing channels, nor violate federal or state laws or regulations, nor shall any dock have a "T" at the end exceeding 25 feet in length, said "T" to be constructed in the center of the dock. No "T" outer pilings or cross walks shall extend beyond the 100-foot limit set forth in this section, nor shall any dock be constructed, erected or permitted within 30 feet of the westerly projection of the north and south lot lines of a single lot fronting on Lake Worth, nor shall any dock be located so as to interfere with the present or future use of a dock on an adjacent lot. No dock shall be permitted in connection with a vacant lot unless there is a unity~~



~~of title conforming with the zoning ordinance of the town. Location of a dock on multiple lots joined by a unity of title covenant or by the construction of a building on more than one lot shall be on the centerline of the multiple lots, so joined.~~

(b) Applications. All applications, ~~drawings~~ plans and specifications for the construction of ~~water-dependent facilities-docks, pilings and/or boatlifts~~ shall be approved as follows:

(1) Submittal requirements: An applicant for a water-dependent facility shall submit ten (10) sets, three (3) of which are sealed, of each of the following documents with the application:

a. Proof that the applicant is the owner of the property and the holder of the riparian rights;

b. Construction drawings prepared by and under the seal of a Florida licensed professional engineer;

c. A site plan drawn to scale sufficient to represent all elements of the proposed dock and of the riparian property from which the dock will project, and of the adjacent properties on both sides thereof;

d. A cross section showing all elements of the proposed dock, the bottom of the waterway, as well as the mean high waterline and mean low waterline; and

e. Valid written authorization of the proposed dock from the Florida Department of Environmental Protection (DEP) or the South Florida Water Management District (SFWMD) and the U.S. Army Corps of Engineers (Corps) is required. Such written approval shall contain the date on which the proposed dock was approved.

~~The town planning and zoning board shall first consider the conceptual plans and may reject, approve or approve with modification any such dock, piling and/or boat lift conceptual plans. This review shall occur prior to the applicant obtaining documentation from all applicable federal and state agencies establishing approval, exemption or waiver.~~

(2) Review Process. Subject to the exception specified in subpart (3) below and the specific regulations provided herein, all applications for the construction of any water-dependent facility shall be subject to the site plan review processes set forth in sections 14-62, 14-63, Pf. 17.1 and Pf. 17.2 of the town code ~~The town planning and zoning board shall subsequently consider the final dock, piling and/or boat lift plans which must include documentation from all applicable federal and state agencies establishing approval,~~

~~exemption or waiver.~~ The town planning and zoning board may reject, approve or approve with conditions or modification any such applications ~~dock, piling and/or boat lift final plans.~~

- (3) The town building official shall review the documentation from all applicable federal and state agencies establishing approval, exemption or waiver, as well as the final approval of the town planning and zoning board before a town construction permit is issued. However, in case of an emergency where danger exists to public health or life or damage to property either public or private is imminent, an emergency permit may be authorized in writing by the building official without a formal town planning and zoning board approval.
- ~~(4) In the event an applicant obtains documentation from all applicable federal and state agencies establishing approval, exemption or waiver prior to the town planning and zoning board's conceptual review, the review process set forth in sub-parts (1) and (2) above may be combined into one single review at the discretion of the town planning and zoning board.~~
- (c) Permit required. It shall be unlawful for any person without a permit to build, construct, erect, repair, alter or maintain any such dock, wharf, ramp, water-dependent facility, or other structure of any kind or character whatsoever upon, across, adjoining or connected with the seawall along the lakefront of Lake Worth.
- ~~(d) However, in case of an emergency where danger exists to public health or life or damage to property either public or private is imminent, an emergency permit may be authorized in writing by the building official without a formal town planning and zoning board approval.~~
- ~~(d)~~ (e) Materials. Materials, engineering design and construction shall produce a structure with a minimum life expectancy of at least ten (10) years. The following materials are approved for the supporting structures within the waters of Lake Worth:
- (1) Minimum of fourteen ~~ten~~-inch square pre-stressed concrete pilings.
  - (2) Six-inch diameter standard weight steel pipe or larger.
  - (3) Structural steel members with a minimum thickness of three-eighths inch.
  - (4) Treated wood pilings approved by the American Wood Products Association and building official.
  - (5) Stainless steel hardware.

(6) Other materials or a combination of above materials which fulfill the requirements of a ten-year life expectancy for the supporting structures shall be subject to the approval of the building official.

(e)-(f) No untreated wood is allowed as part of the supporting structures nor may be used for fenders, moorings, pilings or superstructures. No dock constructed in Lake Worth shall have a roof or vertical sides.

(f)-(g) Maintenance. No floats or barges may be moored or maintained within the limits of the town other than where necessary for repair, construction or maintenance of existing facilities or authorized facilities and then only so long as may be necessary in the completion ~~prosecution~~ of such work.

**Sec. 82-52. - ~~Use restricted.~~ Reserved.**

~~(a) No dock shall be used for any purpose other than the private use of the property owner or his guests and no commercial use shall be made of any docks whatsoever, except those located at a marina which has been permitted as an accessory use to a hotel or motel; and then the services rendered shall be restricted to:~~

~~(1) Sale of gasoline, oil for boating purposes only and compatible accessories.~~

~~(2) Renting or leasing of boat slips.~~

~~(3) Sale of ice or bait.~~

~~(4) Permitting deep sea sportfishing boats to operate for hire from docks provided that any or all boats operated for hire shall first secure a town occupational license for that purpose. Prior to the issuance of the occupational license, the applicant must demonstrate that there is adequate parking for this use in addition to the parking required for other uses located on the property. Parking area and arrangements of spaces shall be shown on the application plans and must be submitted to the building official and approved by the planning and zoning board prior to issuance of an occupational license.~~

~~(b) Parking spaces for boats for hire shall be paved and marked, with a minimum size of ten by 20 feet each, and so arranged that any other vehicle may be parked and removed without moving any other vehicle. Parking spaces shall be provided at the ratio of 1½ parking spaces for each boat slip so used, and in addition, one parking space is required for every three~~

~~passengers allowed to be carried as a passenger on such vessel as designated in the vessel's certificate of inspection issued by the United States government, Department of Transportation, United States Coast Guard; and all such vessels shall be properly licensed as required by applicable state and federal laws and regulations and shall comply with all applicable equipment requirements of the United States Coast Guard before an occupational license may be issued by the town.~~

**Sec. 82-53. - Ambulance and fire lane.**

Each owner or operator of a dock where three or more boats are customarily moored, stored or fueled, shall provide an ambulance and fire lane of not less than 13½ feet in width, to be maintained at all times from the nearest public street of the town, with direct access to any such dock.

**Sec. 82-54. - Fire extinguishers.**

At any dock where three or more boats are customarily moored, stored or fueled, the owner or operator shall provide a fire extinguisher of a type approved by the National Board of Fire Underwriters, to be provided and maintained at:

- (1) A station near the dispensing nozzle of any fuel line; and
- (2) At a station near the booster pumps connected with fuel lines, if any; and
- (3) At proper intervals on dock or pier as specified in the fire prevention code, adopted in section 30-86, and the National Fire Codes, as published by the National Fire Protection Association adopted in section 30-86.

**Sec. 82-55. - Trash receptacles.**

Each owner or operator of a dock, where three or more boats are customarily moored, stored or fueled, shall provide an adequate number of trash and garbage receptacles of approved type, covered to accommodate the number of boats that may be berthed at such dock, which receptacles shall be placed for convenient access by the trash and garbage disposal crews of the town.

**Sec. 82-56. – Private docks.**

- (a) No private dock shall be erected within Zoning District A which shall extend more than 100 feet in length from the bulkhead line to the outer end of the dock or pilings of the dock.
- (b) All private docks, including mooring pilings, must be set back a minimum of 25 feet inside the property owner's riparian rights lines, unless otherwise allowed by an exception provided in (1)-(7) below or a validly issued DEP or Corps permit. Marginal docks must be set back a minimum of 10 feet. Exceptions to the setbacks are:
- (1) Private residential single-family docks or piers associated with a parcel that has a shoreline frontage of less than 65 feet, where portions of such structures are located between riparian lines less than 65 feet apart, or where such structure is shared by two adjacent single-family parcels.
  - (2) Utility lines.
  - (3) Bulkheads, seawalls riprap or similar shoreline protection structures located along the shoreline.
  - (4) Structures and activities previously authorized.
  - (5) Structures and activities built or occurring prior to any requirement for authorization.
  - (6) When a letter of concurrence is obtained from the affected adjacent upland riparian owner.
  - (7) When the DEP determines that locating any portion of the structure or activity within the setback area is necessary to avoid or minimize adverse impacts to natural resources.
- (c) Private docks shall be constructed and used consistent with the standards, limitations and requirements provided in Appendix A. Zoning. of the town's code of ordinances.

**Sec. 82-57. – Commercial docks.**

Commercial docks (which includes marinas) shall comply with the following standards:

- (a) No commercial dock shall be constructed where the dock and its vessel mooring areas extend beyond a line offset from the bulkhead and located along the extent of similar neighboring docks and vessel mooring areas which have been historically approved by the town. Terminal tee head platforms shall be no longer than twice the slip length plus the width of the access dock.



(b) All commercial docks, including mooring pilings, must be set back a minimum of 25 feet inside the property owner's riparian rights lines, unless otherwise allowed by an exception provided in (1)-(6) below or a validly issued DEP or Corps permit. Marginal docks must be set back a minimum of 10 feet. Exceptions to the setbacks are:

(1) Utility lines.

(2) Bulkheads, seawalls riprap or similar shoreline protection structures located along the shoreline.

(3) Structures and activities previously authorized.

(4) Structures and activities built or occurring prior to any requirement for authorization.

(5) When a letter of concurrence is obtained from the affected adjacent upland riparian owner.

(6) When the DEP determines that locating any portion of the structure or activity within the setback area is necessary to avoid or minimize adverse impacts to natural resources.

(c) Boat slips are allowed at an intensity of use as provided in the most current and updated Palm Beach County Manatee Protection Plan, as amended from time to time, and included in Appendix C. Slip intensity of use only pertains to newly proposed slips (for new facilities or expanding facilities). Any existing slips as of July 30, 2018 are not counted in calculating this slip density. These slip densities apply to a project at final build out, are a one-time allotment and represent the maximum density allowed at a particular location. Slip allowances are not transferable from one location to another. Transitory slips shall not be included in the calculation of wet slips.

(d) Commercial docks operating as marinas shall be required to apply for, obtain, and maintain a Clean Marina Designation with the Florida Department of Environmental Protection Clean Marina Program.

**Secs. 82-58-56—82-70. - Reserved.**

**Section 2:** Each and every other article, section and subsection of Chapter 82. WATERWAYS. of the Code of Ordinances of the Town of Palm Beach Shores, shall remain in full force and effect as previously enacted.

**Section 3:** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**Section 4:** Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

**Section 5:** Specific authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Palm Beach Shores.

FIRST READING this \_\_\_\_ day of December, 2018.

SECOND AND FINAL READING this \_\_\_\_ day of January 2019.

**TOWN OF PALM BEACH SHORES**

\_\_\_\_\_  
Myra Koutzen, Mayor

ATTEST:

\_\_\_\_\_  
Evyonne Browning, Town Clerk

Approved as to form and legal sufficiency.

\_\_\_\_\_  
Keith Davis, Town Attorney

(Seal)