# TOWN OF PALM BEACH

Office of The Town Clerk

## MINUTES OF THE SPECIAL TOWN COUNCIL MEETING REGARDING THE STRATEGIC PLAN HELD ON MARCH 13, 2006 at 2:00 P.M.

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting of March 13, 2006, was called to order by Town Council President Denis P. Coleman at 2:00 p.m., in the Town Council Chambers. On roll call, the following elected officials were found to be in attendance:

Mayor Jack McDonald
President Denis P. Coleman
President Pro Tem Richard M. Kleid
Council Member William J. Brooks
Council Member Susan Markin
Council Member Allen S. Wyett

Others in attendance for all or part of the meeting were:

Town Manager Peter B. Elwell
Deputy Town Manager Thomas G. Bradford
Assistant Town Manager Sarah E. Hannah
Town Attorney John C. Randolph
Jay Boodheshwar - Recreation Director
Paul Brazil - Public Works Director
Eric Brown - Public Works Assistant Director
Paul Castro - Zoning Administrator
Veronica Close - Director of Planning, Zoning & Building
William Crouse - Human Resources Director
Tim M. Frank - Planning Administrator
Edward J. Moran - Fire-Rescue Chief
Michael Reiter - Police Chief
Jane Struder - Finance Director
Rob Walton - Chief Code Compliance Officer
Susan Eichhorn - Town Clerk



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## II. PLEDGE OF ALLEGIANCE

President Coleman led the Pledge of Allegiance.

## III. APPROVAL OF AGENDA

Town Manager Elwell requested that the south end Dune project be added as the first item on the Agenda.

**Motion made by Council Member Brooks, seconded by President Pro Tem Kleid to approve the Agenda as amended. On roll call, the motion carried unanimously.**

## IV. DUNE RESTORATION PROJECT

Town Manager Elwell reported that staff negotiated terms of an agreement with four condominium associations to provide access for trucks to move the sand from the Reach 7 Restoration Project throughout the area south of it, in the Dune construction project. Mr. Elwell noted that there were several access impediments to the project, and recommended authorization of the reduction of play of nine holes on the Par 3 Golf Course. He added that the three private property locations and the use of the golf course would allow completion of the project by April 30, 2006.

Director of Public Works Brazil requested the following necessary items in order to complete the project:

- Authorization to expend funds of about $350,000 for restoration, which included paving replacement, irrigation, landscaping, and any other damages incurred by the dump trucks;
- Permission to use Par 3 Golf Course for truck access on the Dune project;
- Authorization that Staff oversee the hauling aspect of the project; and
- Authorization to enter into the access agreement discussions, including general and site-specific conditions;

Mr. Elwell noted that the dredge contractor agreed to increase coverages from $10 million to $25 million at the request of the condominiums, and that the contractor would focus on the beach project, while the Town staff managed the Dune project in order to complete the work by April 30, 2006.

Mr. Elwell summarized that $350,000 of additional cost to the project plus $200,000 of estimated lost revenue because of the reduction of nine holes of operation at the golf course, would result in a $550,000 cost to the Town.

Mr. Elwell responded to Council Member Markin's suggestion that to close only the quadrant portion of the Golf Course, allowing 14 holes for the golfers, would be more of a liability concern outweighing the revenue issue.

**Motion made by Council Member Wyett, seconded by President Pro Tem Kleid to approve the adjustment of fees at the Par 3 Golf Course for the period of time that play was reduced, returning to the adopted rates when the Golf Course was fully operational. On roll call, the motion carried unanimously.**

Mr. Elwell stated that an estimated cost of $350,000 was identified for the restoration work that was above and beyond the previously anticipated project costs. He requested authorization for staff to complete the work utilizing funds from the beach management portion of the capital improvement program, then replenish the funds, at the time of the budget amendment later this year as required to offset the costs of the hurricane.

**Motion made by President Pro Tem Kleid, seconded by Council Member Brooks to approve a sum of money to be determined in the future, estimated at $350,000 for restoration work. On roll call, the motion carried unanimously.**

**Motion made by Council Member Wyett, seconded by President Pro Tem Kleid to approve an authorization for staff to complete a deductive change order that would remove the hauling and south end Dune construction work from the dredging contract, if it is found to be financially beneficial for the Town. On roll call, the motion carried unanimously.**

**Motion made by Council Member Wyett, seconded by President Pro Tem Kleid to approve the authorization to enter into access agreements with the subject properties upon the**

**approval of the Town Attorney.**

President Coleman thanked President Pro Tem Kleid for his outstanding work on the project.

President Pro Tem Kleid recognized the condominium associations that supported the project, especially those north of Lake Worth Bridge, that received no benefit from the sand movement, and the following individuals for their participation and hard work: Sandy Tate, Paul Brazil, Jerry Frank, Peter Elwell, Attorney Skip Randolph, and Attorney Peter Mollengarden.

## V. REVIEW OF PROGRESS IN IMPLEMENTATION OF THE TOWN'S ADOPTED STRATEGIC PLAN

Assistant Town Manager Hannah provided the following Strategic Plan Review and Update:

<u>Proposed Changes</u>

**I2. Density Increases**: Take actions to limit increases in density through the subdivision of properties, including

- Adjustments to north-end zoning districts, including conversion of areas of R-B to R-A/R-AA zoning districts (along the Ocean and the Lake).
- Limit densities associated with the subdivision of large estates via maximizing percentage for preservation of open green space, or by other comparable means.

Timeframe: 2003-2004 Zoning Season

*Proposed Change: Replace 2003-2004 Zoning Season with 2006-2007 Zoning Season. Community meetings were held in December and January of 2005-2006 to solicit input regarding the R-B district. This information will be reviewed by staff and used in the formulation of recommendations regarding the possible re-districting of the R-B District, including the properties along the lake and the ocean. The initial report will be presented to the Planning & Zoning Commission and the Town Council at the end of the 2006 Zoning Season.*

<u>Report on Strategic Plan Actions in the Past Year</u>

**A1. Strategic Planning**: The creation of the Recreation department's first annual "Action Plan" will provide staff with a tool for measuring productivity and timeliness as it relates to various tasks identified for completion each year. This initiative will also be integrated into the annual budget development process to provide greater justification for appropriation requests.

**A4. Public Communications**: the Town continues to communicate with the residents via our website, cable channel 18, regular press releases, and an annual report mailed to every address in town. Our emergency communications have improved with the applied experience of three hurricane events during the past two hurricane seasons. We provide daily hurricane recovery updates to the residents via the website, the local media, and the pre-recorded message on the 800 number. For the 2006 hurricane season, we plan to implement a bulk emailing tool, which will provide all those who sign up to be on our email list regular updates on important hurricane information. The Town hosted four public forums this past year regarding planning and zoning issues.

**A6. Governance Flexibility and Responsiveness**: Recreation staff is in the process of expanding the department's existing evaluation tool to allow all residents an opportunity to further evaluate current services and facilities as well as provide input for addressing future program/facility needs.

**A7. Intergovernmental Relations**: Mayor McDonald appointed the three-member Governmental Impact Review Panel (GIRP) to review the impact of committees in the neighboring municipalities and the region on the Town and island in general. A final report from the Panel is expected in the spring of 2006.

**B3. Police Department Excellence**: The Police Department received re-accreditation by the Commission on Accreditation for Law Enforcement Agencies, Inc., and the Commission for Florida Police Accreditation in 2005. Calendar year statistics for 2005 indicated that serious crime was reduced by 8.45% from the previous year. The average response time for all priority police, fire and EMS calls for 2005 was 3 minutes and 41 seconds.

**B4. Police Department Monitoring and Evaluation**: The crime clearance rate for serious crimes in 2005 was 28.21%. The national clearance rate for serious crime in 2004 (latest year available) was 21.75%. The department has therefore met the goal of having higher crime clearance rates than the national average.

**B6. Police Department Community Relations**: In addition to two citizen police academies and one teen police academy in 2005, the Police Department instituted a Marine Crime Watch program as part of the overall Palm Beach Crime Watch community crime prevention effort.

**C1. Additional Medical Services**: Mayor McDonald appointed a six member Medical Care Commission to address the medical concerns of the community, including the issue of Good Samaritan Medical Center becoming an ER designated by the state for receiving patients with cardiac alerts and stroke alerts.

**C2. EMS**: To improve the Town's state-of-the-art facilities and training, staff wrote a grant and received approval from the Palm Beach County EMS Providers Council for approximately $50,000 for an EMS Grant to purchase an EMS Disaster Response Trailer. This trailer that will be towed by the department's new F250 pick up truck and the trailer will be stocked with state of the art equipment to provide firefighters with the tools needed to handle disasters such as hurricanes and Mass Casualty Incidents (MCI's) and other natural or man-made disasters.

**C3. Fire-Rescue Department Monitoring and Evaluation**: To measure performance against goals, a new EMS response data report is being produced on a monthly basis for review of EMS statistics. To improve response times, the department is coordinating the installation of a new fire pole at the North Fire Station in April 2006 to improve the ability of firefighters to respond faster to alarms. This new fire pole will provide the firefighters with the ability to slide down from the second floor right into the apparatus bay instead of having to run down the stairs and through the building to get to the engine and rescue. To work towards accreditation, the department has brought in guest speakers to lecture on the process for beginning the accreditation program.

**D1. Open Space and Beautification**: The preservation of existing open spaces and a comprehensive beautification program is being incorporated into the Town's evaluation and appraisal report, in preparation for inclusion in the Town's Comprehensive Plan.

**D5. Nuisance Factor – Noise**: An ordinance was passed in 2005, which addressed tighter leaf blower restrictions and prohibited seasonal construction work on Saturday.

**D6. Nuisance Factor – Feral Cats**: The Town gave Palm Beach Cats, Inc. an additional $30,000 in 2005 to fund their program, which has been very successful since its inception almost three years ago.

**E2. Emergency Management Coordination**: Upon a federal directive, all local, state and federal agencies are to be in compliance with the National Incident Management System (NIMS).

The NIMS is the nation's first-ever standardized approach to incident management and response. The NIMS unifies federal, state and local lines of government into one coordinated effort. This integrated system establishes a uniform set of processes, protocols, and procedures that all emergency responders, at every level of government, will use in response to critical incidents. The Town is meeting the compliance schedule consisting of NIMS training for most employees, and a resolution from the Town Council, which was completed last summer.

**E3. Emergency Public Education**: Outreach in a declared emergency has increased substantially. Please see item A4 above.

**E6 and L7. Disaster Financial Preparedness**: The Town has had an available line of credit with Wachovia Bank since 2003. After experiencing three hurricanes in the last two years, we have found that there has never been a need to use the line of credit as we have had ample reserves to cover the costs of response and recovery.

**G. Traffic and Parking Actions**: The Traffic and Parking Improvement Study is being conducted this year. The study will look at traffic impediments, visitation impacts, employee traffic, and parking at trouble spots in town including the north end and the docks. A plan will be presented to the Council later this year.

Mr. Elwell added that the revised scope was being readdressed to ensure it would adequately address the topic, if additional work needed to be done, it would be discussed at the April 11, 2006, Town Council Meeting.

**H2. Commercial Development Limits**: The definition of "town-serving" was reviewed and determined to be adequate in limiting large-scale development. It was felt that further modification of the zoning code might have adverse results. The Town Council modified the zoning ordinance allowing outdoor seating in certain circumstances to promote the viability of town-serving restaurants. Reviewing commercial uses is an ongoing activity of the PZB Department.

**I1. Neighborhood Scale**: The Council voted against regulating maximum lot size in February of 2005. Representative streets were analyzed in Zoning Season 2005 to determine a neighborhood index which could be used in determining sizes of new homes. In Zoning Season 2006, this concept was presented to the community, and participants in the meetings overwhelmingly indicated their lack of support for this concept. The Planning & Zoning Commission met in February and adopted the Staff's recommendation not to recommend this concept to the Town Council. The Town Council will be meeting this spring to consider this recommendation. Second, staff is preparing recommendations for consideration by the Planning and Zoning Commission this month regarding alternate development standards and practical difficulties means for promoting flexibility in maintaining and modernizing homes. Finally, The PZ&B department is reviewing its landscaping ordinance and procedures during the summer of 2006, and will be considering procedures to ensure compliance with landscape requirements and conditions placed on approved plans by ARCOM and LPC.

**J1. Beach Nourishment**:

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| Reach 1 (Jetty to Onondaga) | Estimated to be constructed in 2007-2008. |
| Reach 2 (Onondaga to El Mirasol) | Feasibility study completed in February 2005; design and permitting phase initiated |
| Reaches 3&4 (Mid-Town) | Post-hurricane reconstruction with FEMA money recently completed. |
| Reach 5 (Banyan - Widener's Curve) | Feasibility study completed in 2005 |
| Reach 7 (Sloan's to Ambass. Hotel) | Currently being constructed. |
| Reach 8 (Ambass. Hotel – s. town) | Dune restoration in 2006. Seeking permits for beach restoration. |

**J5. Inlet Related Actions**: A cooperative sand management plan is being developed by the Port Authority, USACE, the County and the Town with hierarchal specification, expansion and new disposal areas identified. Easement agreements are being sought from upland residents to allow sand placement above the Mean High Water Line.

**J6. Erosion Control Line Exemption**: Joe McCann of Smith and Ballard, PA, the Town's advocate on state government matters, is investigating the potential success of an effort to obtain the Legislature's approval of and ECL exemption for Palm Beach and other communities that are down drift from inlets. We are not actively pursuing this in the Legislature at this time, due to the full attention being devoted to the Town's proposed underground utilities bill this year.

**L2. Fund Balances**: The Town has adopted reserve policies for the General Fund, Risk Insurance Fund, and Enterprise Funds. Staff will be recommending a policy on the Health Insurance reserves once the GASB pronouncement regarding this matter has been finalized. The Town's healthy reserves are part of the reason that Moody's and Standard and Poor's issued the Town AAA ratings in their most recent report. For their purposes, they look at all the Town's reserves when they evaluate the Town's financial condition.

Council Member Brooks commented that in the report under A4 - Public Communications, the Emergency Operations Center (EOC) was in operation on the 3rd Floor of the new firehouse, which included the BIPS system that provided accurate communication. He thanked Beth Pouncey of PB Cats for assistance in reducing the amount of feral cats in the Town.

Mr. Brazil responded to Council Member Brooks that he had met with the Garden Club and others to develop a landscaping plan for the rehabilitation on Tangier Avenue, but did not have an opportunity to implement it.

Ms. Hannah responded to Council Member Markin that the purpose of reviewing the strategic plan was for the departments to update the Town Council, annually, of the status of the plan and any revisions that may be required.

Town Manager Elwell commented that this update offered the opportunity for the Town Council to address any aspect of the Strategic Plan, as well as throughout the year. The reason that only one change was being recommended his year was that a lot of action had been taken on the front end of the Strategic Plan in 2003-2004. Staff was now far enough into implementation of the Plan that it was more of a status report.

Council Member Markin stated that she would ask a few questions:

Were there any other action plans in place to maximize a percentage of green space in the Town?

Mr. Elwell responded that the purpose of that item was to seize opportunities as they arise in the redevelopment of large properties, so there was not a program for obtaining additional greenspace in Town. The idea was that every time redevelopment of one of the large estates took place, staff should look to see whether additional public greenspace could be obtained.

Ms. Markin commented that she was looking for something more specific as far as a plan to maximize a percentage of greenspace in the Town.

Mr. Elwell responded that a plan did not exist for obtaining more greenspace, because the wording in the Strategic Plan, and staff's approach to implementing it had been opportunistic –

looking for the ability to present any such opportunities to the Town Council. It had not been approached from the point of view of obtaining individual residential properties to provide a bit more neighborhood greenspace, and that was something that staff could look into if the Town Council so directed.

Ms. Markin replied that would be a recommendation that she would make, especially thinking of the dense neighborhoods in the northend, where the Town would have an opportunity to buy a piece of land, especially if it could be purchased at a reasonable price. She suggested that it be an action plan in the Strategic Plan to seize upon such opportunities when they presented themselves.

Mr. Elwell responded that Ms. Hannah could prepare a draft, together with the Planning, Zoning & Building Department, to present at the April 11, 2006, meeting, if the Town Council so directed. He explained that some funding mechanism would be needed at the point where the Town Council actually looked at acquiring property. A funding mechanism would not be required merely for the purposes of changing the Plan, and identifying that in addition to looking at the large estate opportunities, staff would also be keeping its eye out for smaller properties that may become available.

Ms. Markin replied that was her only point – to keep our eyes open for all opportunities of a variety in nature.

President Coleman commented that if that change was made, staff should consider setting up some kind of reserve, because it would be very hard to leap when your pocket was empty. He proposed that the whole issue be thought out.

Ms. Markin then requested an explanation of the Marine Crime Watch program.

Police Chief Reiter responded that the Marine Crime Watch program was based on observing and reporting suspicious activity, which was precursor for crime. Currently, the most visible part of that program include ride-alongs on the police boat to learn what was suspicious on the water, and what should be reported to law enforcement. Another part of that was the training for professional captains for large vessels – there had been a few programs to that effect. He explained that the police responsibility included all of the waters offshore in the Atlantic Ocean, as well as the Intracoastal.

Ms. Markin suggested that a mailing be sent to anyone living on the Intracoastal to inform them of this program, because many people would become very involved with the program. She explained that as West Palm Beach developed more and more and there as more activity on the waterfront, it could impact Palm Beach waterfront areas.

Chief Reiter replied that he would look into that.

Ms. Markin addressed the Feral Cat Program, and asked whether the $30,000 was in addition to the $50,000 that was originally budgeted?

Ms. Hannah responded that the $30,000 was in addition to the original $50,000 budgeted. That would not happen every year – the additional $30,000 was because of a shortfall before the year was over, and in order to continue their program, they needed additional funding. She explained that Beth Pouncey, the Executive Director of the program, kept her own budget. The Town Finance Department, however, did her bookkeeping for her with its own software. The success of her program was measured through a quarterly update of how many cats had been neutered, additional colonies she has developed, etc.

Mr. Elwell commented that there was also an intangible aspect of the program, and that was the public/private nature of the program. Through this creative partnership, the neighborhood conflicts had been reduced.

Mr. Brooks commented that until Beth Pouncey came, the Town had not been proactive. The problem had been multiplying to the degree that people would drop their cats off in Palm Beach to be taken care of. The contentious nature of the problem had been very upsetting, and it appeared that progress had now been made. Mr. Mason was a wonderful citizen volunteer with the program, and he had contributed considerable dollars to the program.

Ms. Markin addressed the noise factor, noting that she understood that leaf blowers had been specifically addressed, and asked if there had been any discussion regarding noise from motorcycles?

Major Gary Sallenbach commented that there were statutes in place that allowed citing motorcycles with altered exhausts that were unreasonably loud. He explained that a police officer determined at the time of the stop whether or not the mufflers were altered to a point that it was a nuisance; and that the determination of the noise was not by a decimal meter, but was subjective by the officer. He explained that he believed the police officers were very comfortable with citing noise and/or checking equipment on vehicles, if they observed offensive noise.

President Coleman suggested a subjective monitoring system.

Major Sallenbach replied that there was no State law at the current time for decible-type readings. It was all strictly a mechanical issue.

Mr. Elwell suggested that some research be done outside of this meeting to determine if there was something that could be done legally. If there was not something that could be done, a written report would be provided that would advise the Town Council; if there was some action that could be taken, those options would be presented to the Town Council.

Ms. Markin commented that if there was some way that motorcycle noise could be addressed in a noise ordinance, that would be her recommendation.

Director of Public Works Brazil responded to Council Member Markin, by explaining the system for replacing/repairing the Town-owned seawalls; and that there was not a program to replace the seawalls wholesale. He explained that the only time the Town-owned seawalls were improved, repaired, or raised in elevation was during redevelopment of a property. When an adjacent property owner was raising or repairing their seawall, the Town would do the adjacent Town-owned seawall at the same time; it had been found that it was very advantageous to obtain a price from the same contractor. He also noted that since the Public Works Department was involved in a plan review for all properties, the opportunities to repair seawalls was recognized as they came up.

Ms. Markin commented that she did not see a definitive goal or mission of the Town, for example, preserving the rights of residents – whether it was dealing with a parking plan, a traffic plan, or commercial development. She stated that she did not see a statement that referred to the preservation of the rights of residents in the Town.

Mr. Elwell explained that there was a mission statement; a vision statement was followed by the declaration of the intent of the Plan. It described the special character of the community and the necessity that it be conserved. There were not particular goals that spoke to preservation of the rights of residents, however, the theme of maintaining the character of the unique, wonderful character of the Town, and not letting that slip away ran through the entire Plan.

Ms. Hannah commented that the Governmental Impact Review Panel (GIRP) had been reviewing the development of West Palm Beach and how it affected Town residents. Those specific things were not in the Plan, and could be added at some point, if desired.

Ms. Markin replied that the GIRP discussions would be very much appropriate to be applied in the Strategic Plan. She stated that she would like to see a lot of that incorporated into the Plan, whenever it was appropriate; otherwise, the specifics of the day to day things would override the bigger picture of the whole purpose of the Strategic Plan.

Ms. Hannah responded that there was an appropriate place for that, and Section A of the Strategic Plan somewhat focused on that, however, staff could certainly add the details being discussed today.

President Coleman requested that motorcycle noise be reviewed to determine if subjective criteria could be introduced.

Mr. Elwell responded to President Pro Tem Kleid that the Planning and Zoning Commission would make a recommendation to the Town Council for action before the end of this zoning season, to not recommend the concept of regulating the maximum lot sizes.

Mr. Brazil responded to President Pro Tem Kleid that J1 of the Beach Nourishment, under "Reach 7 and 8", in parenthesis should be Ambassador I.

**Motion made by Council Member Brooks, seconded by Council Member Wyett to accept the report, authorize the recommended time frame change of the Zoning Season, that staff research the availability and funding of purchasing residential land, notification of the Marine Watch program, and incorporation of loud motorcycles in the noise ordinance, and bring back the findings to the Town Council. On roll call, the motion carried unanimously.**

## VI. DISCUSSION OF FY07 BUDGET CALENDAR AND PARAMETERS FOR BUDGET PREPARATION

Finance Director Jane Struder provided a brief update on the status of the 2006 Budget.

Town Manager Elwell reported on the FY 2007 Outlook as being conservative with the exception of the following two important items:

- Significant increase in pension funding was due to large payroll increases in FY05, that was caused by overtime related to the hurricane and the WMS compensation Study; and

- The new PZ&B facility's proposed lease incurred increased operating costs.

President Coleman suggested that presentations by Police Chief Reiter, Fire-Rescue Chief Moran, and Director of Public Works Brazil be provided at each of the next three meetings, to discuss staffing.

President Pro Tem Kleid commented that personnel matters should be included in the initial budget. He noted that PZ&B Department was considering expanding their personnel and the Council should review all the departments, for a realistic look at the budget.

President Coleman stated that he was in favor of holding special meetings on Mondays and Wednesdays to hear from every department regarding their staffing needs before reviewing the budget.

Council Members Wyett and Brooks indicated that there should be no additional personnel, and that expenses should be reduced to control the budget.

Town Manager Elwell presented the Budget Calendar for FY2007 and recommended the following change: to hold the Special Town Council Meeting regarding the budget, which would be the first consideration of the budget, on Wednesday, July 12, 2006, instead of Monday, July 10, 2006.

Council Member Brooks requested that on the calendar, Mr. Elwell note the time spent individually with the members of the Council and the Mayor, and the fact that Finance Director Struder prepared a budget to actual each month.

Mr. Elwell asked for approval on the budget calendar with the change that Mr. Brooks suggested.

**Motion made by Council Member Brooks, seconded by Council Member Wyett to approve the Budget Calendar with the recommended changes. On roll call, the motion carried unanimously.**

VII. ANY OTHER MATTERS

Mr. Elwell asked for approval on the budget calendar with the change that Mr. Brooks suggested.

**Motion made by Council Member Brooks, seconded by Council Member Wyett to approve the Budget Calendar with the recommended changes. On roll call, the motion carried unanimously.**

VII. ANY OTHER MATTERS

There were none.

VII. ADJOURNMENT

There being no further business, the Special Town Council Meeting of March 13, 2006, was adjourned at 3:47 p.m.

Denis P. Coleman, Town Council President

ATTEST:

Susan A. Eichhorn, Town Clerk