

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON JANUARY 20, 2005 REGARDING A FIREWORKS DISPLAY

I. CALL TO ORDER AND ROLL CALL

President Wyett called the meeting to order at 1:30 p.m. in the Town Council chambers. On roll call the following Elected Officials were found to be in attendance:

President Allen S. Wyett
President Pro-Tem Samuel C. McLendon
Councilman William J. Brooks
Councilman Norman P. Goldblum
Councilman Jack McDonald

Mayor Lesly S. Smith was absent

Also attending the meeting were: Town Manager Peter B. Elwell, Town Attorney John C. Randolph, Police Chief Michael S. Reiter, Acting Fire Rescue Chief Andrew Cox, Fire Marshal William Amador, and Town Clerk Mary A. Pollitt.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Pollitt gave the invocation. President Wyett led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Councilman Brooks made a motion to approve the agenda as presented. President Pro-Tem McLendon seconded the motion. The motion carried 5-0 on roll call.

IV. PROPOSED FIREWORKS DISPLAY FOR MAR-A-LAGO ON JANUARY 22, 2005 (ANDREW COX, ACTING FIRE-RESCUE CHIEF)

President Wyett stated the following:

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"I called this meeting – it is my obligation as the Town Council President. I no way endorse this last minute request for the fireworks on land. The Council and its predecessors have never approved land based displays of fireworks, to the best of anyone's memory."

Acting Fire-Rescue Chief Andrew Cox said his department received a request from the Mar-a-Lago Club representatives for a fireworks display regarding the Saturday, January 22nd, wedding celebration. He said the department's main concern was that the company handling the fireworks, Grucci Fireworks, was capable of handling the display and would comply with NFPA Codes, 1123.

He continued that Fire Marshal Bill Amador was satisfied that the company would comply with all of the requirements, and the Fire Marshal and the Fire Inspector will be on the scene at Mar-a-Lago for crowd control as planned; however, the main concern is the land based display which has not been dealt with previously by the Fire-Rescue Department. He said, due to that fact, a fire engine with a standard crew of three Fire-Rescue personnel, funded by the Mar-a-Lago Club, would be necessary to ensure the safety of the Town residents.

Chief Cox requested the Council provide direction regarding the approval or denial of the request.

Denis Coleman, newly elected Councilman who will assume office on February 15th, observed that the appellant should receive all the rights that everyone would receive, but no more. He questioned if another citizen would receive the same treatment, a Special meeting, to consider the request.

President Pro-Tem McLendon asked when the request was made, by whom, and if a permit is required if the fireworks would be off shore on a barge?

Fire Marshal Bill Amador responded a representative from Grucci Fireworks Company, Charles LaSalvo, contacted him on Tuesday evening, January 18th, requesting permission for the display. He said he told Grucci that Town Council approval was required and the Town Manager should be contacted.

Mr. Amador added that a permit would be required from the Coast Guard if the display was on a barge.

Councilman Brooks said the Grucci Fireworks Company is well respected and accustomed to following the rules and regulations of various municipalities; however, submitting an application late Tuesday, January 18th, was 'pushy'. He added that the Town has a somewhat flawed ordinance and suggested that the issue be referred to the Ordinance, Rules & Standards Committee after February 15th for consideration of a submission time.

Mr. Brooks said he agreed with Mr. Coleman that the Council would not have met in special

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session if the applicant were other than the Mar-a-Lago Club. He said the Council should operate in principle and not in defect of principle. He requested that Grucci explain why the petition was not submitted earlier.

Councilman Goldblum said the Town Council has approved only offshore fireworks or a barge on the Lake; however, many boats were damaged when fireworks were allowed on the Lake. He added he did not think the Town should set a precedent by allowing fireworks on land.

President Wyett recommended the issue of the amending the ordinance, as it pertains to fireworks, should be considered at the February 15, 2005, Town Council meeting.

Phillip Butler, Vice-President of Grucci Fireworks Company, noted that his company was responsible for the fireworks at the Inauguration in Washington, D. C. this year. He confirmed that the call was made to the Town on Tuesday of this week to request permission for the fireworks, and he was aware of the requirements for displays. He offered a diagram of Mar-a-Lago showing the sites where fireworks would be set off. He stated the company had proper insurance and would follow all constraints and safety needs as identified by the Town's Fire-Rescue Department.

Councilman Brooks reiterated that the Grucci Company enjoyed a good reputation, but questioned when the permit request was submitted to the Inaugural Committee in Washington, D. C.?

Mr. Butler responded the request went in January 5th.

Councilman Brooks said this request was coming in at the eleventh hour, and the Town had a flawed ordinance, in his judgement, as no special Town Council meeting would have been scheduled for anyone else.

Bruce McAllister, 240 Bahama Lane, said he hoped the Council voted 'no' on the request. He continued granting this request would be a very bad precedent to set.

Councilman McDonald stated his concern was primarily for the precedent of actually holding the meeting, because the Council had not scheduled a meeting like this in the past. He said the other issue was the Flagler Museum receiving permission for fireworks at the January 18th Special Town Council meeting to celebrate the 100th anniversary of the museum on February 3rd. He explained the request, although somewhat late, was attached to a meeting that had already been scheduled not establishing a precedent.

He continued that the issue before the Town Council was if the fireworks display could be conducted in a safe and appropriate manner as have other displays the Council has approved.

Councilman Brooks said the difference with this request is that the display would be

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launched from the land, not water, and that was a vast, vast difference.

President Wyett added the meeting was scheduled to avoid any implication of discrimination as the Town Council would hear from a private individual if an urgent matter needed to be heard, although the scheduling of the meeting is not the general policy of the Town Council, but in terms of democracy on which the Town operates, all citizens have the right to be heard.

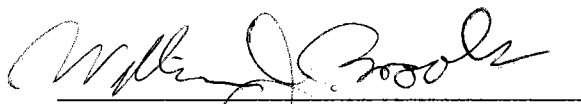
Councilman Goldblum made a motion to deny the fireworks because they are on land and the Town Council does not want to set a precedent as the Council has not approved any fireworks displays on land at least in the last twenty years. He added all approvals have been for displays on the water. The motion was seconded by President Pro-Tem McLendon and carried 5-0 on roll call.

V. ANY OTHER MATTERS

There were no other matters.

VI. ADJOURNMENT

The meeting was adjourned at 1:55 p.m.


Town Council President


Mary A. Pollitt, Town Clerk