



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

SPECIAL TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

WEDNESDAY, JANUARY 22, 2014

4:30 PM

I. CALL TO ORDER AND ROLL CALL

Gail L. Coniglio, Mayor
David A. Rosow, President
Robert N. Wildrick, President Pro Tem
William J. Diamond
Richard M. Kleid
Michael J. Pucillo

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

IV. RESOLUTION NO. 10-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Directing the Town Clerk of Said Town to Place the Ballot Question on the Official Ballot for the Special Election to be Held in Said Town on the Twenty-Fifth Day of March 2014; Adopting the Official Ballot to Be Used in Said Election; Authorizing the Town Clerk to Arrange for Voting Equipment to Be Used in Said Election; and Directing the Mayor of Said Town to Issue a Proclamation of Said Election, Naming Therein the Ballot Question; And, Designating the Town Clerk of the Town of Palm Beach and the Supervisor of Elections of Palm Beach County, or Their Designees, to Serve as the Canvassing Board. [John C. Randolph, Town Attorney]

(NOTE: Two alternative forms of Resolution No. 10-2014 will be presented for Town Council consideration. The Council may approve the language shown above, may approve one of the alternatives, may approve a resolution in some other form not yet "published," or may provide some other direction to Town staff and the Town Attorney.)

V. ANY OTHER MATTERS

VI. ADJOURNMENT

PLEASE TAKE NOTE:

The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions relative to this feature, please contact the Office of Information Systems (561) 227-6315.

Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

Memo

To: Mayor and Town Council
From: John C. Randolph
Date: January 21, 2014
Subject: Resolution No. 10-2014

Mayor and Town Council

I have met with Nancy Stroud and, between the two of us, we came up with the ballot language provided in alternative C, which language, I am advised, is totally acceptable to Ms. Stroud's clients. Alternative B is language I had proposed to Ms. Stroud at the outset of our meeting which was not totally acceptable to her and was, therefore, tweaked, resulting in alternative C. Alternative A contains the language initially proposed by me and which was presented for consideration at the special Town Council meeting on Friday, January 17, 2014.

The Mayor's proclamation has been presented in alternative forms so as to conform to whatever ballot language is ultimately approved by the Council in Resolution No. 10-2014.

RESOLUTION NO. 10-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, DIRECTING THE TOWN CLERK OF SAID TOWN TO PLACE THE BALLOT QUESTION ON THE OFFICIAL BALLOT FOR THE SPECIAL ELECTION TO BE HELD IN SAID TOWN ON THE TWENTY-FIFTH DAY OF MARCH 2014; ADOPTING THE OFFICIAL BALLOT TO BE USED IN SAID ELECTION; AUTHORIZING THE TOWN CLERK TO ARRANGE FOR VOTING EQUIPMENT TO BE USED IN SAID ELECTION; AND DIRECTING THE MAYOR OF SAID TOWN TO ISSUE A PROCLAMATION OF SAID ELECTION, NAMING THEREIN THE BALLOT QUESTION; AND, DESIGNATING THE TOWN CLERK OF THE TOWN OF PALM BEACH AND THE SUPERVISOR OF ELECTIONS OF PALM BEACH COUNTY, OR THEIR DESIGNEES, TO SERVE AS THE CANVASSING BOARD.

WHEREAS, on December 12, 2013, a referendum petition was filed with the Town Clerk requesting that Ordinance No. 6-2013 be either repealed or submitted to a vote of the electors;

WHEREAS, the Town Clerk has performed the necessary examination required by the Town Code of Ordinances and has certified the petition to be sufficient;

WHEREAS, on January 14, 2014, the Town Council failed to repeal Ordinance No. 6-2013 upon the following question: "Shall the ordinance amendment specified in the referendum petition be repealed?"; and

WHEREAS, pursuant to Sec. 134-293 of the Town Code, the referred amendment shall be submitted to the electors not less than 60 days or more than 90 days from the date the Town Council takes its final vote thereon.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

SECTION ONE: The Town Clerk is hereby directed to have official ballots prepared for said special election, and have printed thereon the ballot question. The official ballot to be used in said election is substantially as follows, to wit:

OFFICIAL BALLOT

SPECIAL ELECTION OF THE TOWN OF PALM BEACH, IN PALM BEACH COUNTY, FLORIDA, TO BE HELD ON THE 25TH DAY OF MARCH, 2014.

**TOWN OF PALM BEACH ZONING ORDINANCE AMENDMENT NO.
6-2013**

The Town Council adopted Ordinance 6-2013 amending the Town's zoning code to provide for an optional PUD-5, Historic Mixed Use Development, within the C-TS Zoning District between Royal Poinciana Way and Sunset Avenue and Bradley Place and North County Road. That amendment has been referred to the electorate for approval or rejection. A yes vote will indicate approval. A no vote will indicate rejection.

- ☐ **YES For approval of the zoning amendment**
- ☐ **NO For rejection of the zoning amendment**

SECTION TWO: There will be seven precincts with three polling locations in said election, as follows:

- Precinct 1390 - St. Edward's Parish Hall, 165 North County Road, Palm Beach, FL 33480
- Precinct 1392 - St. Edward's Parish Hall, 165 North County Road, Palm Beach, FL 33480
- Precinct 1394 - Central Fire-Rescue Station, 355 South County Road, Palm Beach, FL 33480
- Precinct 7154 - Central Fire-Rescue Station, 355 South County Road, Palm Beach, FL 33480
- Precinct 7156 - South Fire-Rescue Station, 2185 South Ocean Blvd, Palm Beach, FL 33480
- Precinct 7158 - South Fire-Rescue Station, 2185 South Ocean Blvd, Palm Beach, FL 33480
- Precinct 7166 - South Fire-Rescue Station, 2185 South Ocean Blvd, Palm Beach, FL 33480

SECTION THREE: The Town Council hereby authorizes the Town Clerk to appoint the necessary Poll Clerks, Deputies, and Inspectors as needed. Said Clerks, Deputies, and Inspectors are hereby directed to hold said election in accordance with law, and in such a manner as to prevent fraud, deceit, and abuse thereat, and to make their return of the result of said election to the Town Council in a manner prescribed by law.

SECTION FOUR: The Town Clerk is hereby directed to arrange for the use of optical scan voting machines at said election and for the Supervisor of Elections of Palm Beach County to provide absentee ballots in accordance with the provisions of Chapter 101, Florida Statutes.

SECTION FIVE: The Mayor of the Town of Palm Beach is hereby required to issue her Proclamation of said Election and the date thereof to wit: March 25, 2014, between the hours of 7:00 a.m. and 7:00 p.m. The ballot question for said election shall be included in such Proclamation, which shall be printed in the La Guia Gratuita on March 12, 2014, and in the Palm Beach Daily News on March 16, 2014. The Town Clerk shall also post a copy of said Proclamation on the bulletin board in Town Hall.

SECTION SIX: The Town of Palm Beach Town Clerk, Susan A. Owens, or her designee, and the Palm Beach County Supervisor of Elections, Susan Bucher, or her designee, are hereby designated as the Town of Palm Beach Canvassing Board to carry out the duties, as prescribed in the Florida Statutes, for absentee ballots, the testing of the tabulating equipment, and to supervise the canvassing of the returns of the election, as prescribed by law.

PASSED AND ADOPTED in a special, adjourned session of the Town Council of the Town of Palm Beach assembled this 22nd day of January, 2014.

Gail L. Coniglio, Mayor

David A. Rosow, Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Council Member

ATTEST:

Richard M. Kleid, Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Council Member

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**MAYOR'S PROCLAMATION TO THE QUALIFIED ELECTORS
OF THE TOWN OF PALM BEACH, FLORIDA**

WHEREAS, pursuant to the Charter of the Town of Palm Beach, Florida, and the General Laws pertaining thereto, there will be held in the Town of Palm Beach, Florida, on the 25th day of March, 2014, a Special Election for the purpose of referring to the electorate the approval or rejection of Town of Palm Beach Zoning Ordinance Amendment No. 6-2013, more commonly known as the "PUD-5 Historic Mixed Use Development"; and

WHEREAS, the Town Council of the Town of Palm Beach, Florida, on January 22, 2014, at a special, adjourned session, duly adopted a resolution calling said election on said date, providing for the use of optical scan voting machines therein, and directing the Mayor of the Town to issue her proclamation thereof.

NOW THEREFORE, I, Gail L. Coniglio, Mayor of the Town of Palm Beach, Florida, hereby give notice and make proclamation that there will be held in the Town of Palm Beach, Florida, on the 25th day of March 2014, between the hours of 7:00 a.m. and 7:00 p.m., a Special Election for the purpose of referring to the electorate the approval or rejection of Town of Palm Beach Zoning Ordinance Amendment No. 6-2013, more commonly known as the "PUD-5 Historic Mixed Use Development".

The official ballot to be used in said election is substantially as follows, to wit:

**OFFICIAL BALLOT
TOWN OF PALM BEACH - SPECIAL ELECTION
PALM BEACH COUNTY, FLORIDA
MARCH 25, 2014**

**TOWN OF PALM BEACH ZONING ORDINANCE AMENDMENT NO. 6-
2013**

The Town Council adopted Ordinance 6-2013 amending the Town's zoning code to provide for an optional PUD-5, Historic Mixed Use Development, within the C-TS Zoning District between Royal Poinciana Way and Sunset Avenue and Bradley Place and North County Road. That amendment has been referred to the electorate for approval or rejection. A yes vote will indicate approval. A no vote will indicate rejection.

YES For approval of the zoning amendment

NO For rejection of the zoning amendment

There will be three polling places, to include seven precincts, in said election as follows:

Registered electors in Precinct 1390 shall vote at St. Edward's Parish Hall, 165 North County Road, Palm Beach, FL 33480

Registered electors in Precinct 1392 shall vote at St. Edward's Parish Hall, 165 North County Road, Palm Beach, FL 33480

Registered electors in Precinct 1394 shall vote at the Central Fire-Rescue Station, 355 South County Road, Palm Beach, FL 33480

Registered electors in Precinct 7154 shall vote at the Central Fire-Rescue Station, 355 South County Road, Palm Beach, FL 33480

Registered electors in Precinct 7156 shall vote at the South Fire-Rescue Station, 2185 South Ocean Blvd, Palm Beach, FL 33480

Registered electors in Precinct 7158 shall vote at the South Fire-Rescue Station, 2185 South Ocean Blvd, Palm Beach, FL 33480

Registered electors in Precinct 7166 shall vote at the South Fire-Rescue Station, 2185 South Ocean Blvd, Palm Beach, FL 33480

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Town this 22nd day of January, 2014.

Mayor Gail L. Coniglio

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

PUBLISH: March 12, 2014 (La Guia Gratuita)
 March 16, 2014 (Palm Beach Daily News)

RESOLUTION NO. 10-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, DIRECTING THE TOWN CLERK OF SAID TOWN TO PLACE THE BALLOT QUESTION ON THE OFFICIAL BALLOT FOR THE SPECIAL ELECTION TO BE HELD IN SAID TOWN ON THE TWENTY-FIFTH DAY OF MARCH 2014; ADOPTING THE OFFICIAL BALLOT TO BE USED IN SAID ELECTION; AUTHORIZING THE TOWN CLERK TO ARRANGE FOR VOTING EQUIPMENT TO BE USED IN SAID ELECTION; AND DIRECTING THE MAYOR OF SAID TOWN TO ISSUE A PROCLAMATION OF SAID ELECTION, NAMING THEREIN THE BALLOT QUESTION; AND, DESIGNATING THE TOWN CLERK OF THE TOWN OF PALM BEACH AND THE SUPERVISOR OF ELECTIONS OF PALM BEACH COUNTY, OR THEIR DESIGNEES, TO SERVE AS THE CANVASSING BOARD.

WHEREAS, on December 12, 2013, a referendum petition was filed with the Town Clerk requesting that Ordinance No. 6-2013 be either repealed or submitted to a vote of the electors;

WHEREAS, the Town Clerk has performed the necessary examination required by the Town Code of Ordinances and has certified the petition to be sufficient;

WHEREAS, on January 14, 2014, the Town Council failed to repeal Ordinance No. 6-2013 upon the following question: "Shall the ordinance amendment specified in the referendum petition be repealed?"; and

WHEREAS, pursuant to Sec. 134-293 of the Town Code, the referred amendment shall be submitted to the electors not less than 60 days or more than 90 days from the date the Town Council takes its final vote thereon.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

SECTION ONE: The Town Clerk is hereby directed to have official ballots prepared for said special election, and have printed thereon the ballot question. The official ballot to be used in said election is substantially as follows, to wit:

OFFICIAL BALLOT

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**TOWN OF PALM BEACH ZONING ORDINANCE AMENDMENT NO.
6-2013**

Shall Ordinance 6-2013 amending the Town's zoning code providing for an optional PUD-5, Historic Mixed Use Development, within the C-TS Zoning District between Royal Poinciana Way and Sunset Avenue and Bradley Place and North County Road be approved? The PUD-5 shall meet specific requirements for approval; relaxes parking, height and density requirements provided certain conditions are met; and provides a requirement to "preserve and enhance the unique quality and 'Main Street' character of the area."

- ☐ **YES For approval of the zoning amendment**
- ☐ **NO For rejection of the zoning amendment**

SECTION TWO: There will be seven precincts with three polling locations in said election, as follows:

Precinct 1390 - St. Edward's Parish Hall, 165 North County Road, Palm Beach, FL 33480

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Precinct 1394 - Central Fire-Rescue Station, 355 South County Road, Palm Beach, FL 33480

Precinct 7154 - Central Fire-Rescue Station, 355 South County Road, Palm Beach, FL 33480

Precinct 7156 - South Fire-Rescue Station, 2185 South Ocean Blvd, Palm Beach, FL 33480

Precinct 7158 - South Fire-Rescue Station, 2185 South Ocean Blvd, Palm Beach, FL 33480

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SECTION THREE: The Town Council hereby authorizes the Town Clerk to appoint the necessary Poll Clerks, Deputies, and Inspectors as needed. Said Clerks, Deputies, and Inspectors are hereby directed to hold said election in accordance with law, and in such a manner as to prevent fraud, deceit, and abuse thereat, and to make their return of the result of said election to the Town Council in a manner prescribed by law.

SECTION FOUR: The Town Clerk is hereby directed to arrange for the use of optical scan voting machines at said election and for the Supervisor of Elections of Palm Beach County to provide absentee ballots in accordance with the provisions of Chapter 101, Florida Statutes.

SECTION FIVE: The Mayor of the Town of Palm Beach is hereby required to issue her Proclamation of said Election and the date thereof to wit: March 25, 2014, between the hours of 7:00 a.m. and 7:00 p.m. The ballot question for said election shall be included in such Proclamation, which shall be printed in the La Guia Gratuita on March 12, 2014, and in the Palm

Beach Daily News on March 16, 2014. The Town Clerk shall also post a copy of said Proclamation on the bulletin board in Town Hall.

SECTION SIX: The Town of Palm Beach Town Clerk, Susan A. Owens, or her designee, and the Palm Beach County Supervisor of Elections, Susan Bucher, or her designee, are hereby designated as the Town of Palm Beach Canvassing Board to carry out the duties, as prescribed in the Florida Statutes, for absentee ballots, the testing of the tabulating equipment, and to supervise the canvassing of the returns of the election, as prescribed by law.

PASSED AND ADOPTED in a special, adjourned session of the Town Council of the Town of Palm Beach assembled this 22nd day of January, 2014.

Gail L. Coniglio, Mayor

David A. Rosow, Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Council Member

ATTEST:

Richard M. Kleid, Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Council Member

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WHEREAS, the Town Council of the Town of Palm Beach, Florida, on January 22, 2014, at a special, adjourned session, duly adopted a resolution calling said election on said date, providing for the use of optical scan voting machines therein, and directing the Mayor of the Town to issue her proclamation thereof.

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The official ballot to be used in said election is substantially as follows, to wit:

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PALM BEACH COUNTY, FLORIDA
MARCH 25, 2014**

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Shall Ordinance 6-2013 amending the Town's zoning code providing for an optional PUD-5, Historic Mixed Use Development, within the C-TS Zoning District between Royal Poinciana Way and Sunset Avenue and Bradley Place and North County Road be approved? The PUD-5 shall meet specific requirements for approval; relaxes parking, height and density requirements provided certain conditions are met; and provides a requirement to "preserve and enhance the unique quality and 'Main Street' character of the area."

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Registered electors in Precinct 7166 shall vote at the South Fire-Rescue Station, 2185 South Ocean Blvd, Palm Beach, FL 33480

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Town this 22nd day of January, 2014.

Mayor Gail L. Coniglio

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

PUBLISH: March 12, 2014 (La Guia Gratuita)
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PASSED AND ADOPTED in a special, adjourned session of the Town Council of the Town of Palm Beach assembled this 22nd day of January, 2014.

Gail L. Coniglio, Mayor

David A. Rosow, Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Council Member

ATTEST:

Richard M. Kleid, Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Council Member

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**MAYOR'S PROCLAMATION TO THE QUALIFIED ELECTORS
OF THE TOWN OF PALM BEACH, FLORIDA**

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PALM BEACH COUNTY, FLORIDA
MARCH 25, 2014**

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2013**

Shall Ordinance 6-2013 amending the Town's zoning code by adopting optional PUD-5, Historic Mixed Use provisions within the C-TS Zoning District between Royal Poinciana Way and Sunset Avenue and Bradley Place and North County Road be approved? PUD-5 provisions include specific requirements for development approval; relax parking and increase height and density requirements provided certain conditions are met; and intend to "preserve and enhance the unique quality and 'Main Street' character of the area."

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Town this 22nd day of January, 2014.

Mayor Gail L. Coniglio

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

PUBLISH: March 12, 2014 (La Guia Gratuita)
 March 16, 2014 (Palm Beach Daily News)