TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE-
SUBJECT TO
REVISION

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

TUESDAY, OCTOBER 12, 2010

9:30 A.M.

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

The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Your Government" and then selecting "Live Meeting Audio". If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting under "Agendas , Minutes, and Audio."

No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

I. CALL TO ORDER AND ROLL CALL

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. PRESENTATIONS

A. Presentations by Applicants for Landmarks Preservation Commission.

B. Presentations by Applicants for Planning and Zoning Commission.

IV. COMMENTS OF MAYOR JACK McDONALD

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VI. COMMUNICATIONS FROM CITIZENS- 3 MINUTE LIMIT PLEASE
(Another opportunity for communications from citizens will be offered immediately after the lunch break.)

VII. APPROVAL OF AGENDA

VIII. CONSENT AGENDA

A. MINUTES: SEPTEMBER 13, 2010
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING (FIRST PUBLIC HEARING REGARDING THE FY 11 BUDGET) Page 10

B. MINUTES: SEPTEMBER 14, 2010 Page 18
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

C. MINUTES: SEPTEMBER 15, 2010 Page 37
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

D. MINUTES: SEPTEMBER 29, 2010 Page 52
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING (SECOND AND FINAL PUBLIC HEARING REGARDING THE FY 11 BUDGET)

E. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING ON SEPTEMBER 22, 2010. Page 58

F. RESOLUTIONS

1. RESOLUTION NO. 112-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of Annual Software Support and Maintenance for Cartegraph ($44,985), Sungard Public Sector ($87,251.67), and Page 70

Tyler Technologies ($89,867.72) and Authorizing the Town Manager to Execute the Purchases on Behalf of the Town.
[Thomas G. Bradford, Deputy Town Manager]

2. RESOLUTION NO. 113-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Enter into Contract Extensions with Storm Reconstruction Services, Inc. (SRS), Scott Lewis Gardening and Trimming, Inc., and TFR Enterprises, Inc., for Debris Management, Removal, Reduction, and Disposal.
[H. Paul Brazil, Director of Public Works] Page 84

3. RESOLUTION NO. 114-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Kimley-Horn and Associates, Inc., in the Amount of $166,800 for the S-2 Inline Booster Station, Establishing a Design and Construction Documents Phase Budget of $184,000 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete this Phase of Said Improvements.
[H. Paul Brazil, Director of Public Works] Page 88

4. RESOLUTION NO. 115-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order in the Amount of $138,839 to SGM Engineering, Inc., for the Accelerated Capital Improvement Program Street Lighting Design and Construction Inspection/Management Services for the Town of Palm Beach, Establishing a Design and Construction Inspection Phase Budget of $152,000 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Improvements.
[H. Paul Brazil, Director of Public Works] Page 93

5. RESOLUTION NO. 116-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement Between the Town of Palm Beach and Golfnow.com for the Provision of Internet Based Tee Time Advertising and Sales; Authorizing the Town Manager to Take Further Action Necessary to Effectuate the Agreement.
[Jay Boodheshwar, Director of Recreation] Page 98

6. RESOLUTION NO. 117-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement Between the Town of Palm Beach and Course Trends, Inc., for the Provision of Internet Based Advertising and Marketing Services; Authorizing the Town Manager to Take Further Action Necessary to Effectuate the Agreement. [Jay Boodheshwar, Director of Recreation] — Page 106

G. OTHER

1. Approval to Proceed with Holiday Decorations for 2010 and with a Design Competition for Holiday Decorations for 2011. [H. Paul Brazil, Director of Public Works] — Page 113

2. Authorization to Fill Office Assistant II Vacancy. [H. Paul Brazil, Director of Public Works] — Page 116

3. Approval of Selection Committee Recommendation for Contractual Construction Program Manager. [H. Paul Brazil, Director of Public Works] — Page 119

4. Re-Appointment of Alvin Parven to the General Employee Retirement Board of Trustees. [Danielle Olson, Director of Human Resources] — Page 121

5. Re-Appointment of Wilbur Ross to the Firefighter Retirement Board of Trustees. [William Hanes, Pension Administrator] — Page 126

6. Re-Appointment of Raymond Snow and James Wearn to the Police Officer Retirement Board of Trustees. [William Hanes, Pension Administrator] — Page 131

7. Re-Appointment of Peter Graves to Mini-PERC. [Danielle Olson, Director of Human Resources] — Page 149

IX. BOARD/COMMISSION ANNUAL REPORT

A. General Employee Retirement Board of Trustees. [Alvin Parven, Chair and Danielle Olson, Director of Human Resources] — Page 154

X. COMMITTEE REPORTS

A. Ordinances, Rules, and Standards Committee Meeting of September 28, 2010. [William J. Diamond, Town Council Member] — Page 165

B. Administrative and Personnel Committee Meeting of September 29, 2010. [Richard M. Kleid, Town Council Member] Page 173

C. Public Works Committee Meeting of October 5, 2010. [Gail Coniglio, Town Council President Pro Tem] Page 185

XI. REGULAR AGENDA

A. Old Business

None

B. New Business

1. Amendment 4 Discussion. [Lesley Blackner, Local Resident, Attorney, and Originator of the Proposed Amendment 4 and Aimee Carlson, Regional Director for Citizens for Lower Taxes and a Stronger Economy, Inc.]
TIME CERTAIN: 10 A.M.

2. Referendum Regarding County Ethics Charter Amendment. [Jack McDonald, Mayor]

3. Proposed Worth Avenue Association Event for November 30, 2010. [Sherry Frankel, President, Worth Avenue Association] Page 190

4. Proposed Historical Signage on Royal Poinciana Way and South County Road to Honor the Town's Centennial. [Patti Sans, President, Greater South County Road Association] Page 194

5. Request for Waiver of Town Code for Certain Regulations Regarding Construction Hours for 2010-2011 Dune Restoration Project. [H. Paul Brazil, Director of Public Works] Page 197

6. Health Insurance Premium Rates for Calendar Year 2011. [Danielle Olson, Director of Human Resource] Page 200

7. Town of Palm Beach vs James M. Brandon-Code Enforcement Lien Foreclosure-112 Caribbean Avenue. [John C. Randolph, Town Attorney] Page 210

8. FPL Matters Regarding Flagler Memorial Bridge, Including Underground Utility Easement in Bradley Park. [H. Paul Brazil, Director of Public Works] Page 226

9. Landmarks Preservation Commission Appointments. [John S. Page, Director of Planning, Zoning, and Building] Page 231

10. Planning and Zoning Commission Appointments. [John S. Page, Director of Planning, Zoning, and Building] Page 239

XII. ORDINANCES

A. Second Reading

None

B. First Reading

1. ORDINANCE NO. 30-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2009, Providing an Effective Date. [Jane Struder, Director of Finance] Page 250

XIII. ANY OTHER MATTERS

XIV. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Note 2: 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.

Note 3: Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.

Note 4: A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

PUBLIC HEARINGS: Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation.

OTHER AGENDA ITEMS: Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.

Town of Palm Beach
Meeting Schedule

10/6/10

Tue 10/12/2010 09:30 AM	Town Council Meeting	Council Chambers
Wed 10/13/2010 09:30 AM	Town Council Meeting (Development Review)	Council Chambers
Mon 10/18/2010 09:30 AM	County Budget Task Force Meeting	Council Chambers
Tue 10/19/2010 09:30 AM	Planning & Zoning Commission Meeting	Council Chambers
Wed 10/20/2010 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
Wed 10/27/2010 09:00 AM	Architectural Commission (ARCOM) Meeting	Council Chambers
Thu 10/28/2010 09:00 AM	Shore Protection Board Meeting	Council Chambers
Wed 11/03/2010 09:00 AM	Recreation Advisory Commission Meeting	Council Chambers
Tue 11/09/2010 09:30 AM	Town Council Meeting	Council Chambers
Wed 11/10/2010 09:30 AM	Town Council Meeting (Development Review)	Council Chambers
Thu 11/11/2010 04:00 AM	VETERANS' DAY	TOWN HALL CLOSED
Fri 11/12/2010 09:00 AM	General Employee Retirement Board	Council Chambers
Mon 11/15/2010 09:00 AM	Firefighters Retirement Board Meeting	Council Chambers

Tue 11/16/2010 09:30 AM	Planning & Zoning Commission Meeting	Council Chambers
Wed 11/17/2010 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
Thu 11/18/2010 09:00 AM	Police Officers' Retirement Board	Council Chambers
Fri 11/19/2010 09:00 AM	Architectural Review Commission Meeting	Council Chambers
Thu 11/25/2010 04:00 AM	THANKSGIVING DAY	TOWN HALL CLOSED
Fri 11/26/2010 04:00 AM	DAY AFTER THANKSGIVING HOLIDAY	TOWN HALL CLOSED
Mon 11/29/2010 06:00 PM	Holiday Tree Lighting	Bradley Park
Tue 11/30/2010 05:30 PM	Holiday Tree Lighting	South County Road
Tue 11/30/2010 06:29 PM	Holiday Tree Lighting	Worth Avenue
Mon 12/06/2010 09:00 AM	Shore Protection Board Meeting	Council Chambers
Tue 12/14/2010 09:30 AM	Town Council Meeting	Council Chambers
Wed 12/15/2010 09:30 AM	Town Council Meeting (Development Review)	Council Chambers

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: SEPTEMBER 13, 2010

Approval of the Minutes of the Special Town Council Meeting (First Public Hearing Regarding the FY11 Budget)

Presenter

Joanna Cunningham, Town Clerk

Supporting Documents

- Minutes of the Special Town Council Meeting held on September 13, 2010

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON MONDAY, SEPTEMBER 13, 2010

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order on Monday, September 13, 2009, at 5:01 p.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. PLEDGE OF ALLEGIANCE

Council President Rosow led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion made by Council Member Diamond, seconded by Council Member Kleid, to approve the Agenda as printed. On roll call, the motion carried unanimously.

IV. PUBLIC HEARING ON PROPOSED MILLAGE RATE,"TENTATIVE" FY2011 BUDGETS AND NON-AD VALOREM ASSESSMENTS

Town Manager Peter Elwell explained that there was certain language that needed to be read to comply with State Statutes and the process for adopting municipal budgets. He added that there would be opportunities for the public to speak during the meeting.

A. Notice of Proposed Property Taxes

Council President Rosow announced that, pursuant to the Notice of Proposed Property Taxes, which had been mailed by the Palm Beach County Property Appraiser to each property owner, the Public Hearing had been announced to commence at 5:01 p.m, to discuss the Fiscal Year 2011 proposed millage rate and tentative General Fund, Debt Service Fund, and other fund budgets, including the approvals of Resolution No. 90-10 and Resolution No. 91-10. A Public Hearing was to be conducted on non-ad valorem assessments for commercial solid waste collection and the Worth Avenue Improvement Project, including the approval of Resolution No. 95-10, and Resolution No. 98-10, and also to adopt Resolution No. 109-10 to ratify the Town Council's prior approval of certain parking meter fee increases.

B. Proposed Operating Millage

Council President Rosow announced that the fiscal year 2011 General Fund proposed operating millage rate of 3.2512 mills represented a 11.71 % decrease from the rolled back millage rate of 3.6826 mills. He requested the Town Manager identify the reasons why the ad valorem taxes were being decreased from the rolled-back rate.

C. Reasons for Proposed Operating Millage Rate Decrease from the Rolled-Back Millage Rate

Town Manager Elwell advised that in Exhibit A of the Town Council back-up, the tentative FY11 general operating fund budget of $63,734,848 had decreased by $3,118,452 or 4.7 % from the FY10 adopted operating budget of $ 66,853,300. They major reasons for the decreases were the elimination of 32.65 positions, reduction in the transfer to the Capital Improvement Program, reduction in lobbying services, reductions in computer hardware and software expenditures, reductions in contractual plan review and comprehensive plan expenditures, and reductions in funding for employee events. These decreases have been partially offset by increases in Town contributions to the pension funds and the transfer for coastal protection projects.

D. Comments and Questions from Public

Council President Rosow opened the floor for public comments.

Ned Barnes, Palm Beach Civic Association, complimented the Town Council and Town Manager Elwell for the work done on this year's budget. He expressed his disappointment in the County budget and urged the Town Council to attend the County Budget meeting on September 14, 2010.

Council President Rosow thanked Mr. Barnes for his comments and stated that this year was only an initial step. The following year would have significant financial challenges and to that point he wanted to request that the Finance & Taxation Committee begin to look at next year's budgets by reviewing all contracts, insurance coverage and items in the contingency funds. He would ask the Town Council to approve his recommendation at tomorrow's Town Council meeting.

E. Discussion and Adoption (with changes, if any) of Proposed Operating Millage Rate for FY11.

Council President Rosow announced that they would proceed to approve the proposed General (operating) Fund millage rate for FY 2011. He asked Town Manager Elwell to Read Resolution No. 90-10 by title.

1. RESOLUTION NO. 90-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting Proposed Millage Rate Necessary to Fund the Tentative General (Operating) Fund Budget for the 2010-2011 Fiscal Year.

Town Manager Elwell read Resolution No. 90-10 by title, as printed above.

Council Member Diamond inquired about the $3,090,000 for coastal monies added to the budget. Town Manager Elwell responded that the projects were reviewed item by item in June. They were the recommendations from the Shore Protection Board and conceptually approved by the Town Council. This year's budget included many of the projects that were already underway or would be underway for this fiscal year.

Council President Pro Tem Coniglio moved that Resolution No. 90-10, setting the proposed millage rate of 3.2512 mills for the General (Operating) Fund, be approved. The motion was seconded by Council Member Diamond. On roll call, the motion carried unanimously.

F. RESOLUTION NO. 109-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing Parking Meter Rates within the Corporate Limits of the Town; Providing an Effective Date.

Town Manager Elwell read Resolution No. 109-10 by title, as printed above.

Council President Rosow asked for a motion to adopt Resolution No. 109-10 of the Town of Palm Beach, which sets parking meter rates at $5 per hour on South Ocean Boulevard fronting on Mid Town Beach and at Phipps Ocean Park and at $2 for all other metered spaces in Town. This will complete a formality necessary to implement the decision Town Council made on August 12 when it unanimously adopted a motion directing staff to implement the $5 per hour rate on South Ocean Boulevard and at Phipps Ocean Park.

Council President Pro Tem Coniglio asked if the cross street parameters should be identified in the Resolution. Town Manager Elwell indicated that the change in parking was only at South Ocean Boulevard and Phipps Ocean Park. She also was concerned of the implications to people parking on the residential side streets, but was willing to give the new fees a try.

Council Member Kleid stated that when the cost of $5.00/hr was adopted, this was a conservative approach in the estimated revenue and the Town realizes that there may be initially a drop in revenue.

Motion to approve Resolution No. 109-10 made by Council President Pro Tem Coniglio and seconded by Council Member Diamond. On roll call, the motion carried unanimously.

G. Non-Ad Valorem Assessments

Council President Rosow announced that they would now discuss the assessments for commercial solid waste collection rates.

1. Commercial Solid Waste Fee Assessments [H. Paul Brazil, Director of Public Works]

Public Works Director Paul Brazil stated that the affected property owners had received notice of the commercial solid waste fee assessment via notice of the proposed property taxes and non ad valorem assessments. The published notice of today's Public Hearing occurred on August 23, 2010. It was recommended to the Town Council to call for any public comments on these rates from any affected property owners. Upon receiving public comment as recommended, that the Town Council reaffirm the assessment rates previously adopted in July. Using the rate analysis methodology approved previously, final non ad valorem rates for commercial rates were adopted as they were presented in the Resolution. He also noted that he had not received any public comments.

a. RESOLUTION NO. 95-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing the Non-Ad Valorem Assessment Rates for Commercial Solid Waste Collection; Providing an Effective Date.

Council President Rosow opened the floor for public comments.

There were none.

Council President Pro Tem Coniglio commented on the methodology and the assessment was very fair, but said this was a pass through which goes directly to the user. She asked why the number had decreased for apartments. Public Works Director Brazil responded that many things can affect the total rate such as the budget, as well as the number of units that are assessed.

Council Member Diamond asked if all of the empty units were accounted for, and Town Manager Elwell indicated that if it is vacant for a lengthy amount of time, it would change, but most of the time there was no relief.

Town Manager Elwell read Resolution No. 95-10 by title, as printed above.

Motion made by Council President Pro Tem Coniglio to approve Resolution No. 95-10, which was seconded by Council Member Diamond. On roll call, the motion carried unanimously.

2. Worth Avenue Commercial District Improvement Project [Thomas G. Bradford, Deputy Town Manager]

Council President Rosow announced that they would now be discussing the assessments for the Worth Avenue Project and introduced deputy Town Manager Tom Bradford.

a. RESOLUTION NO. 98-10 A Resolution o the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Provision of the Worth Avenue Improvement Project: Providing Authority and Definitions; Approving the Final Assessment Rolls;

Providing for the Imposition of the Assessments to Fund the Worth Avenue Improvement Project and Related Maintenance Services; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing for the Effect o this Resolution; Providing Severability and an Effective Date.

Deputy Town Manager Bradford presented the item and noted that this was the final resolution for the implementation of assessments for the debt service that has been incurred for Worth Avenue as well as the first time for the maintenance of those improvements that are currently underway.

Deputy Town Manager Bradford reminded the Town Council that back in July there was an initial resolution to impose the assessments and, subsequent to that meeting, a letter was sent to every property owner within the assessment district advising them of the methodology by which they proposed to assess, as well as the amount for the debt service and the maintenance.

To date, Deputy Town Manager Bradford indicated that they had received three letters from property owners requesting a review and a correction. They received a letter from the Everglades Club, Mimi Duncan of 9 Via Perigi, and a third letter from Mrs. Duncan objecting to the assessment in general. The other two letters objected to the square footage applied. Those were reviewed and corrected.

The reallocation of the revisions created a shortfall of $65,000 but there would be savings in the Worth Avenue Project of approximately $500,000. The Town could pay the shortfall from the surplus funds generated from the construction project and use it for the shortfall.

Council Member Diamond asked about the leftover money, and if it could go into the general fund. Deputy Town Manager Bradford responded that it could not go the maintenance and its uses were spelled out in the bond covenants.

Council Member Kleid asked if the $65,000 shortfall would occur every year or if it was only a one time shortfall.

Council President Rosow opened the floor for public comments.

There were none.

Town Manager Elwell read Resolution No. 98-10 by title, as printed above.

Motion to approve Resolution No. 98-10 was made by Council Member Diamond, seconded by Council Member Kleid. On roll call, the motion carried unanimously.

Motion to use the assessable portion of the value in the methodology was made by Council Member Kleid, seconded by Council Member Diamond. On roll call, the motion carried unanimously.

H. Discussion and Adoption (with changes, if any) of a Tentative Operating Budget, Debt Service Budget, and Budgets for Other Funds for FY2011.

Council President Rosow announced that they would now proceed to approve the tentative General Fund operating budget, debt service budget, and budgets for other funds for FY11.

1. RESOLUTION NO. 91-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting the Tentative General (Operating) Fund, Debt Service Fund and Budgets for Other Funds for the 2010-2011 Fiscal Year.

Town Manager Elwell read Resolution No. 91-10 by title, as printed above.

Council President Rosow opened the floor for public comments.

Gerry Goldsmith, 285 Colonial Lane, commented that if an assessment goes down, the taxes should not increase. He wanted to make sure that the people were aware of why that occurred.

Council President Rosow informed Mr. Goldsmith that this had been explained at previous meetings. Town Manager Elwell responded that property values went down and thus the town revenue decreased. The Town Council had adopted the same millage rate for the past three years. Individual property owners will see an increase in taxes, but not due to town taxes.

Mr. Goldsmith asked the Town Council to continue to educate the public.

Motion made by Council Member Diamond, seconded by Council Member Kleid, to approve Resolution No. 91-10. On roll call, the motion carried unanimously.

Council President Rosow announced that this concluded the process of approving the Town's proposed millage rates and tentative budgets for the year beginning October 1, 2010.

I. Second and Final Public Hearing to Adopt Final Millage Rate and Budgets will be on Wednesday, September 29, 2010, at 5:01 p.m. in the Town of Palm Beach Council Chambers.

Council President Rosow announced that that the Second and Final Public Hearing to Adopt Final Millage Rate and Budgets would be held on September 29, 2010 at 5:01 p.m. in the Town Council Chambers.

V. ANY OTHER MATTERS

There were none.

VI. ADJOURNMENT

There being no further business, the Special Town Council Meeting of Monday, September 13, 2010, was adjourned at 5:39 p.m.

APPROVED:

____
David A. Rosow
Town Council President

ATTEST:

____
Joanna Cunningham
Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: SEPTEMBER 14, 2010

Approval of the Minutes of the Town Council Meeting.

Presenter

Joanna Cunningham, Town Clerk

Supporting Documents

- Minutes of the Regular Town Council Meeting held on September 14, 2010

MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON TUESDAY, SEPTEMBER 14, 2010

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Tuesday, September 14, 2010, at 9:30 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Cunningham gave the invocation. President Rosow led the Pledge of Allegiance.

III. PRESENTATIONS

None.

IV. COMMENTS OF MAYOR JACK McDONALD

Mayor McDonald recently attended the Florida League of Cities Annual Conference in Hollywood, Fl. The conference primarily focused on pension reform and Amendment 4. Amendment 4, if passed in November, would have a dramatic and significant impact on the way Comprehensive Plan Amendments would be approved. Even grammatical errors, and every amendment, would require a referendum. He asked to have a discussion of Amendment 4 placed on the Agenda.

Mayor McDonald also updated the Town Council on the activities of the Town Budget Task Force. Members attended and spoke at two early county budget meetings. They were severely handcuffed by restrictive meeting requirements during the summer and were unable to hold many meetings. They will hold a meeting on October 22, 2010 at 9:30 a.m. Florida Tax Watch will be the speaker and comment on their past review of the Palm Beach County Budget and their reduction recommendations. They also hope to have a speaker from the newly formed Taxpayer Action Board (TAB), which had recommended thirty million dollars in additional tax cuts for the County to consider. Mayor McDonald also discussed the County Budget meeting and the 9.3% proposed tax increase while municipalities such as Palm Beach, and West Palm Beach are proposing no increases in taxes. The County needed to show the same restraint.

Mayor McDonald noted that he would attend the Palm Beach County Budget Meeting, and this would be his third appearance before the County Commission regarding the proposed budget and he urged others to attend as well. He noted regrettably, at his last appearance, he was the only elected municipal official that attended and urge budget reductions. He hoped more would attend the budget meeting that evening.

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Diamond stated that a recent front page headline in the "Shiny Sheet" *(Palm Beach Daily News)* proclaimed "Town Pleased With Referendum Ban". The article then went on to quote at least three council members and other town leaders who expressed their satisfaction in Judge David Crow's second-time decision, which found the proposed referendum to save the Royal Poinciana theater to be unconstitutional.

However, Council Member Diamond pointed out that he was not asked by the reporter to comment on the judge's decision, nor, he believed, were any of the nearly 800 Palm Beach residents who twice signed a petition calling for such a voter referendum. He stated that he was not pleased with Judge Crow's decision in this litigation and hope it would be overturned on appeal, which was currently under way.

Council Member Diamond was also concerned by the large amounts of money being spent by the Town in legal fees to thwart the right of Palm Beachers to vote on this important issue. As he had said before, there was no need for the Town to commence and pursue the litigation. The developer, the Sterling Group, had the means and the will to defend its own interests in court and it had already done so by filing amicus curiae briefs with the court to that end.

Council Member Diamond stated that he was making this statement to set the record straight as far as his position in this matter was concerned. He appreciated being given the opportunity to do so.

Council Member Kleid responded that he was questioned by the newspaper and stated that the Town had a fiduciary duty to ascertain the constitutionality of the proposed referendum. The judge had twice declared it unconstitutional. An appellate court also declared it unconstitutional. He continued that the two individuals who brought forth the referendums, and who do not even live here, caused tax payers' money to be expended.

Council President Pro Tem Coniglio agreed with Council Member Kleid. She stated that frankly she could look everyone in the eye, and said that no one would do something that may be illegal and spending their own money or Town dollars.

Council President Pro Tem Coniglio distributed copies of photographs of the north end inlet beach. While one of the cost cutting efforts was to no longer have a beach cleaning operation, she believed that safety and health dictate financial contributions from the Town Council. She asked that a discussion of the beach be placed on the agenda later today. It was added to New Business #6.

Council President Rosow echoed Council President Pro Tem Coniglio's and Council Member Kleid's comments. He suggested that Council Member Diamond contact the newspaper directly if upset by the coverage.

VI. COMMUNICATIONS FROM CITIZENS- 3 MINUTE LIMIT PLEASE

(Another opportunity for communications from citizens will be offered immediately after the lunch break.)

This item was heard after Item VIII Consent Agenda.

Larry Diegert, 1763 Breezy Lane, West Palm Beach, spoke regarding the Town's upkeep of the debris field near his home. He asked that the garbage be cleaned up and was concerned that if there were a brush fire, the nearby homes would be in danger. He submitted photographs and Public Works staff was instructed to work with him on an amicable solution.

Public Works Director Paul Brazil responded that the Okeechobee yard trash site did not contain any food garbage, just yard waste. Public Works staff had recently met with the Fire Department and would decrease the height of the piles and improve the fire breaks. The Town was in compliance with all of its environmental and health dept permits. He added that the soil and groundwater tables are monitored. Only 1/3 of island yard trash is taken there.

Town Manager Elwell indicated that the Town would do whatever they could within the law. He added that the operation, in conjunction with serious cost issues was why the Town handles its own yard waste rather than paying fees for extra handling at the SWA.

Jeff Cloninger, 411 Brazilean Ave, on behalf of the Royal Park HOA, publicly thanked Public Works Director Brazil in his efforts to solve Town issues. He recommended adopting Option "F" of the storm water pump station item on the agenda.

Regarding Mr. Diegert's comments, Council President Pro Tem Coniglio stated that she understood the Town was pursuing costs savings measures, but she was also of the opinion that the Town needs to be good neighbors.

VII. APPROVAL OF AGENDA

Motion to approve the Agenda as presented was made by Council Member Diamond, seconded by Council Member Kleid. On roll call, the motion carried unanimously.

VIII. CONSENT AGENDA

A. MINUTES: AUGUST 10, 2010 APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

B. MINUTES: AUGUST 10, 2010 APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING (BREXEL VS TOWN OF PALM BEACH)

C. MINUTES: AUGUST 11, 2010 APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

D. MINUTES: AUGUST 12, 2010 APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING (BUDGET)

E. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING ON AUGUST 25, 2010.

F. RESOLUTIONS

1. RESOLUTION NO. 97-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Renewal of the Consulting Services Agreement Between the Town of Palm Beach and Research Atlantica, Inc. as Historic Landmarks Preservation Consultant, in an Amount Not to Exceed $45,850, and Authorizing the Town Manager to Execute the Same on Behalf of the Town. [John S. Page, Director of Planning, Zoning, and Building]

2. RESOLUTION NO. 99-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for $68,590 to Tree Huggers Landscaping and Nursery, LLC, for Grounds Maintenance Services, Establishing a Total Not-to-Exceed Budget of $75,000 for Said Services, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services. [H. Paul Brazil, Director of Public Works]

3. RESOLUTION NO. 102-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting the 2009 Revised Unified Palm Beach County Local Mitigation Strategy Plan; Providing an Effective Date; and for Other Purposes. [Jay Boodheshwar, Director of Recreation]

4. RESOLUTION NO. 106-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase and Installation of a Harris Cell Site Antenna System Based upon a Quote from Citation Communications in the Amount of $41,167 to Provide Essential Police and Fire-Rescue Radio Coverage the Southern Area of the Town and Authorizing the Town Manager or the Town Managers's Designee to Execute Any Documents Necessary to Effectuate Said Purchase and Installation.[Kirk W. Blouin, Police Chief]

5. RESOLUTION NO. 108-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Designating Town Depositories for Fiscal Year 2011 Pursuant to Section 2-517 of the Town Code of Ordinances and Designating Parties to Sign Checks or Warrants on Behalf of the Town Pursuant to Section 2-36 of the Town Code of

Ordinances.[Jane Struder, Director of Finance]

G. OTHER

1. Authorization to Extend Air-Conditioning Contract for FY11 in an Amount Not-to-Exceed $40,000. [H. Paul Brazil, Director of Public Works]

2. Authorization to Extend Compacted Garbage Collection Contract for FY11 at a Cost of $236,714.55.[H. Paul Brazil, Director of Public Works]

3. Authorization to Extend Janitorial Contract for FY11 at a Cost of $118,200. [H. Paul Brazil, Director of Public Works]

4. Authorization to Extend Hedge Trimming Contract for FY11 at a Cost of $46,479.60. [H. Paul Brazil, Director of Public Works]

5. Authorization to Extend Lethal Yellowing Contract for FY11 at a Cost of $37,775.25. [H. Paul Brazil, Director of Public Works]

6. Authorization to Extend Street Sweeping Contract for FY11 at a Cost of $113,206.56. [H. Paul Brazil, Director of Public Works]

7. Authorization to Extend Turf Maintenance Contract for FY11 at a Cost of $60,349.92. [H. Paul Brazil, Director of Public Works]

8. Approval of Selection Committee for Environmental and Geotechnical Services. [H. Paul Brazil, Director of Public Works]

9. Appointment of "Blue Ribbon" Panel Per PERC Ordinance Appendix "A" Section 1.003. [Danielle Olson, Director of Human Resources]

10. Approval of Contingency Allocation for Legal Expenses and Compensated Absences. [Jane Struder, Director of Finance]

11. Authorization to Renew Par 3 Labor Contract for FY11 at a Cost Not-to-Exceed $161,500.[Jay Boodheshwar, Director of Recreation]

Motion to approve the Consent Agenda as presented was made by Council Member Diamond, seconded by Council Member Kleid. On roll call, the motion carried unanimously.

IX. BOARD/COMMISSION ANNUAL REPORT

A. Firefighters' Retirement Board of Trustees. [Wilbur Ross, Chair, and William Hanes, Pension Administrator]

Wilbur Ross, Chairman, presented the Firefighter Pension Board annual report.

Council Members Rosow, Wildrick, Kleid amd Diamond commended Mr. Ross for his work.

Mr. Ross was asked about an Investment Advisory Board Member's concern with Prime Buckholtz and he responded that they had no issues and unanimously voted to retain them.

Many questions were asked during the discussion regarding smoothing, retaining an 8% rate of return, and other market cycles. The Firefighter Pension Board did vote to oppose the GASB recommendation. Council Member Wildrick expressed a concern that people were generally living longer and asked if that would create a financial burden on the Town, since there would be more retirees than employees. Mr. Ross indicated that it was a serious consideration to review in the future.

B. Police Officers' Retirement Board of Trustees. [Raymond Snow, Chair, and William Hanes, Pension Administrator]

Ray Snow, Chairman, presented the Police Pension annual report.

Mr. Snow's response to the same Prime Buckholtz question was identical to Mr. Ross'. The Police Pension Board did not have any issues with Prime Buckholtz, and they have done an admiral job.

Mr. Snow thanked the Trustees and Mr. Bill Hanes, Pension Administrator, for their experience.

Mr. Snow and the Pension Board also opposed the GASB recommendation. The public comment period was ending in a few days, and a response from the Town would need to be sent immediately.

The Town Council asked many questions regarding the funding of the accounts, combining the boards, costs of managing the funds, and overall liquidity of the funds. Town Manager Elwell, at the request of Council President Rosow, explained the budget article and where the $4.4 million dollars came from to finance the Town budget.

Motion for the Mayor to send a letter immediately opposing the GASB recommendations was made by Council Member Kleid, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

Motion to accept the Police and Firefighter annual pension reports was made by Council Member Kleid, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

A member of the public asked to speak and was granted the opportunity.

William Cummings, Royal Poinciana Business District, wanted to discuss budget issues. He was informed that the budget meeting was the previous evening and he said he attended. He encouraged the Town Council to reinstates the tree lighting in Bradley Park and he hoped in subsequent years it would be placed back into the budget. The same could go for the Fourth of July Picnic. He noted that there was a petition circulating for the signatures now.

Council President Rosow responded that during the budget meeting, on numerous occasions he asked for public comment. That would have been the appropriate time to bring up his concerns.

Council Member Kleid thanked Mr. Cummings for coming and stated that with respect to the holiday lighting and July picnic, there would also be more activity in that area with the Centennial events.

Council Member Diamond thought they should find out what the real costs were to the Town and should charge an admission fee. Town Manager Elwell also indicated that with the bridge construction, it would be difficult to hold a July 4th celebration.

X. COMMITTEE REPORTS

A. Ordinances, Rules, and Standards Committee of August 26, 2010. [William J. Diamond, Town Council Member]

Council Member Diamond presented the ORS report.

Motion to accept the ORS report was made by Council Member Kleid, seconded by Council President Pro Tem Coniglio.

Council President Pro Tem Coniglio asked about a statement in the minutes and they were correct as presented, according to Deputy Town Manager Bradford.

Council President Rosow commended the Committee for their hard work.

On roll call, the motion carried unanimously.

XI. REGULAR AGENDA

A. Old Business

1. Accelerated Capital Improvement Program. [H. Paul Brazil, Director of Public Works]

a. Overview of Current Status and Plans for the Future.

Council President Pro Tem Coniglio indicated that she had spoken to Director Brazil regarding the breakdown of the total program. It was important to the Town Council and the residents to have a spreadsheet on the Town website showing the total budgeted amount, timeline and the draw-down. She wanted to make sure there was enough money to cover the various projects. Council President Rosow agreed and stated that there should be a capital program link on our webpage.

Staff was directed to place the Capital Improvement Program on the Town website.

b. RESOLUTION NO. 87-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for $593,000 to Mock, Roos & Associates, Inc., for the D-15 (D-6 & D-7) Pump Station Design and Bid Administration Services, Establishing a Total Design Phase Budget of $620,000 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Improvements. Deferred from the August 10, 2010, Town Council Meeting.

Public Works Director Paul Brazil presented the items through a power point presentation. He outlined each proposal, A-F, and the pros and cons of each.

There was lengthy discussion about each option, costs, technology, types of pumps to be installed, storage costs, electrical work, resident preference and other considerations.

Motion to accept Alternative "F" was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call:

Council President Rosow	**No**
Council President Pro Tem Coniglio	**Yes**
Council Member Wildrick	**Yes**
Council Member Kleid	**No**
Council Member Diamond	**Yes**

The motion passed 3-2.

Town Attorney Randolph read Resolution No. 87-10 by title, as printed above.

Motion to approve Resolution No. 87-10 was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

c. Worth Avenue Project Update.

1. Requested at the August 10, 2010, Town Council Meeting.

Mr. Brazil presented the item and announced that the project was very successful. Burkhart Construction staff were present and the project had very few complaints.

Dennis Hanes, Vice President of Burkhardt, said that the project was on budget, on schedule, and was 70% complete and may be two to three days ahead of schedule. They announced the re-opening of South County Road and the timeline for the remainder of the project.

Mark Kleidesly, Senior Project Manager, along with the 75-100 men working on the project, were recognized and commended by the Town Council for a tremendous job. He highlighted the milestones.

Council Member Diamond asked about the drainage lip and learned that would be resolved with the final lift of asphalt.

Council Member Wildrick hoped the Publix project would go as smoothly as Worth Avenue, as the workers were polite, considerate and hard-working. They also kept the job site extremely clean.

Council Member Kleid also thanked Burkhardt Construction and noted that he saw Architect Mark Marsh with his clipboard on the Avenue, and that merchants and residents were provided with contact phone numbers in case there were any concerns.

Council President Rosow indicated that many people were upset about the project, but when they return in the fall, they will be surprised at how well it turned out.

d. RESOLUTION NO. 100-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute an Interlocal Agreement with the City of West Palm Beach for a Subaqueous Force Main Project.

e. RESOLUTION NO. 101-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to AECOM USA, Inc., in the Amount of $74,468 for the A-42 and A-43 Sanitary Pump Stations Improvements, Establishing a Design and Construction Documents Phase Budget of $81,915 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete this Phase of Said Improvements.

f. RESOLUTION NO. 103-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to AECOM USA, Inc., in the

Amount of $58,063 for the A-42 to A-43 Force Main Improvements, Establishing a Design and Construction Documents Phase Budget of $63,869 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete this Phase of Said Improvements.

g. RESOLUTION NO. 105-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for $35,300 to Kimley-Horn and Associates, Inc., for the Sewage Force Main Intracoastal Waterway Crossing Construction and Bid Administration Services, Establishing a Total Construction Phase Budget for $40,600 for Said Services, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services.

The items above were heard after Item X, Committee Reports.

Motion to approve Resolution Nos. 100-10, 101-10, 103-10, and 105-10 was made by Council Member Kleid and seconded by Council President Pro Tem Coniglio. On roll call the motion carried unanimously.

B. New Business

1. Recreation Commission's Intended Process and Time Line for Consideration of Privatization Alternatives and Other Potential Modification of Recreation Programs and Facilities.[Jay Boodheshwar, Director of Recreation]

Jay Boodheshwar, Director of Recreation, provided a brief history of the directive to study department operations and consider privatization of many departments. He introduced Danielle Hickox-Moore, Chairman of the Recreation Commission.

Council President Pro Tem Coniglio stated that there was an outcry of public support for the facility. She realizes this has been a directive and admired the speed and full transparency. She appreciates the input from the community.

Council Member Diamond attended the meetings and the word privatization was a flash point. He felt the Dock revenue should go towards sand and not fund recreation. The long run should be efficiency and to be self supporting.

Council Member Kleid stated that this was a worthwhile project with a lot of hybrids. The end result may come away with educating the public and may privatize some of the functions, but not every aspect. There were many options. This does not necessarily mean privatizing everything.

Ms. Moore commented that this was a learning process and the Recreation Commission was taking the task seriously.

Council President Rosow said he brought the subject up because it costs the town a lot of money. If the docks were to stand alone, they would contribute over $3 million to the Town funds instead of funding the losses of golf, tennis and the recreation center. He noted many residents pay taxes for the recreation program yet do not use any of the services. He felt government should not be in the business of providing recreation.

Council Member Wildrick stated that using dock revenue to finance the recreation department was not right The docks were an asset of the town. The $3 million should go into Town coffers. The total cost of lifeguards to the Town was $78,000 per lifeguard, and they were saved last month, but noted more than one way to skin a cat. Council Member Wildrick agreed with Council President Rosow that recreation services should not cost as much as they do.
Mayor McDonald said there were different philosophies. The town is in business to serve residents and profit is not the goal. He disagreed with Council President Rosow. Mayor McDonald felt it still should be the Town's position to provide those services.

Ms. Moore stated that they were directed to do this study and they are volunteers. All of the members of the recreation commission bring different points of view to the entire process. As a town resident for over forty-five years, she only had the best interest of the Town as a whole. She takes issue with the fact that someone would have suggested that she thought otherwise. To say she was close-minded, and was not true.

Sharon Neri, 225 El Pueblo Way, and a member of the Garden Club, has raised her family here and uses the recreation center with her family. Her neighbors were outraged at the privatization. She asked all of them to make an effort to try to have responsible stewardship. She begged the Town Council to not take away the service and facility which she felt was the responsibility of the Town. In 1932 there was an organized recreation program in the Town. She also spoke on behalf of Betsy Mathews, Past President of the Garden Club,who supported the recreation center, and also mentioned that Cindy Hoyt, current President of the Garden Club, felt if the Town lessened the facilities, it would take away from the essence of Palm Beach.

The Commission will report back to the Town Council once the studies have been completed.

2. Internal Audit Reports. [Robert N. Wildrick, Town Council Member]

Council Member Wildrick presented the items.

a. Construction Project Bidding and Contract Administration.

b. Construction in Process Accounting

Council Member Wildrick explained the results of the reports and the procedure. In all cases, the staff had been non-defensive and cooperative. That was how it should be.

Bob Benson, from Crowe Horwath was available to answer any questions. Town Manager Elwell agreed with Council Member Wildrick's comments and said this was a way to improve operations. There will also be additional reports coming.

Mr. Benson echoed the receptiveness of the Town Manager and staff. There were some recommendations and they have been corrected.

Council Member Diamond asked about Chaz Equipment on page 7 of the audit report and asked why those contracts were highlighted. In many cases with change orders, there were many circumstances that could cause further questioning. Mr. Benson indicated that by placing each project on the website, the Town will be more transparent. Council Member Kleid added that he also was drawn to that page because of the extensive costly change orders.

Town Manager Elwell concurred with the remarks. Both the points of more complete documentation and overlap of functions of town will be implemented.

Council President Rosow commended Council Member Wildrick on these two audits and his hard work on the Finance and Taxation Committee.

Motion to accept the Internal Audit Reports was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

3. RESOLUTION NO. 96-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Proposed Liability, Property, Workers' Compensation, Automobile, Loss Fund Insurance Coverages and other Insurance Coverages incidental to the Town's operations for FY2011; Approving the Proposed Preferred Governmental Claims Solutions Claims Management Services Fee; Approving the Insurance Agent Services Agreement with Wells Fargo Insurance Services and Authorizing the Town Manager to Execute the Agreement on Behalf of the Town.[Thomas G. Bradford, Deputy Town Manager]

Town Attorney Randolph read Resolution No. 96-10 by title, as printed above,

Council President Pro Tem Coniglio asked about the number of town vehicles. Karen Temme, Risk Manage, responded that there were 191 vehicles insured, and a review takes place annually regarding the vehicles and the coverage.

Town Manager Elwell indicated that her concern was not an insurance aspect, but in conjunction with operations review, the reduction of the fleet and the size of vehicles would be addressed in future months. Council President Pro Tem Coniglio also asked if the cost of Wells Fargo was in line with other companies and it was. She found it abhorrent that the criminal crime rate increased 183%, based on one incident that that town has recently had, and finds fault with that agent.

Council Member Wildrick stated that he had been involved with the RFP's and the Purchasing Department and Deputy Town Manager Tom Bradford does a very thorough job. They have saved money through banking services etc. He mentioned that yesterday, Council President Rosow made a comment to review all insurance policies, including flood insurance and asked Ms. Temme if the policies were necessary. She responded that they do reviews frequently but would be happy to do reviews of all policies.

Council President Rosow requested that the Finance and Taxation Committee look at the insurance program to make sure the Town is insured for the correct amounts.

Motion to approve Resolution No. 96-10 was made by Council president Pro Tem Coniglio, seconded by Council Member Diamond. On roll call, the motion carried unanimously.

4. RESOLUTION NO. 107-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Pursue a Special Category Grant from the Florida Department of State, Division of Historical Resources for the Restoration of Addison Mizner's Memorial Fountain, Subject to Prior Approval by the Town Attorney of the Grant Agreement for Legal Form and Sufficiency.[John S. Page, Director of Planning, Zoning, and Building]

Town Attorney Randolph read Resolution No. 107-10 by title, as printed above.

Planning, Zoning and Building Director John Page, presented the item. He provided a brief history of the fountain's condition. The fountain was over eighty years old and had deteriorated. He stated that there was a $350,000 special category State Grant available with matching funds from the Town.

Motion to ratify the grant application was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

Alex Ives, Preservation Foundation, urged the Town Council to support this project. He noted that it had Landmarks, Garden Club and other community support.

Council President Rosow asked if the Preservation Foundation would pay for some of it. Mr. Ives said there would have to be a board meeting to discuss it. Town Manager Elwell said that because of the community interest, they are hoping to receive donations, but could have contingency appropriations to cover costs.

Council Member Kleid said that it should be pointed out that the Centennial Committee was interested in the adjacent property for a legacy project. This should be a joint project. Council President Pro Tem Coniglio encouraged both the Town Council and Landmarks to move forward with the grant request. She felt the community would rally around it and she supported it.

Council Member Diamond stated that he felt this should be considered a capital project. It was a long term, substantive project.

Motion to approve Resolution No. 107-10 was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

5. Possible Return to One-Day Town Council Meetings.[David A. Rosow, Town Council President]

Council President Rosow had placed this item on the agenda for discussion since the agendas in the past few months have been light. He proposed to have Development Review items begin at 2:00 p.m.

After brief discussion among the Town Council Members and the Mayor, it was decided to continue with the current two-day schedule.

6. Amendment 4

Mayor McDonald felt the Town Council should discuss the implications of Amendment 4 at length at the next Town Council meeting in October.

Town Attorney Randolph was asked if the Town Council could discuss it. He responded that Town funds cannot be used for supporting or opposing an amendment, but they could educate the public.

Council President Pro Tem Coniglio suggested having a presentation to educate the residents.

Council Member Diamond suggested having Ms. Leslie Blackner and Beth Kigel as the speakers for each side to present their positions.

Council Member Wildrick stated that he would be open-minded, but wanted the discussions to have a time limit.

Ned Barnes, Civic Association, stated that Amendment 4 could have has huge implications for the Royal Poinciana Plaza. The Civic Association is planning on having a debate on the issue.

Town Manager Elwell would work with Council President Rosow to determine which Town Council Meeting Day in October that this item would be placed on the Agenda.

7. Status of Debris on the Beaches

Council President Pro Tem Coniglio had distributed photos of the current condition of the beaches on the north end with a large amount of trash and debris. The beach cleanings had been eliminated from the budget. She noted that the pier attracts needles, tanks, etc. and asked for suggestions as to how it can be remedied. She stated it was a health and safety issue at this point.

Council Member Kleid reminded the Town Council that there were volunteer groups that perform beach clean-ups and perhaps they could help again. Town Manager Elwell confirmed that and said that different groups go to different beaches, and very often a group contacts the Town. The Town is happy to work with groups that volunteer.

After further discussion, Council President Pro Tem Coniglio and Council Member Kleid were tasked with organizing a beach day.

Council Member Wildrick stated that he agreed with the comments and the beach conditions were pretty bad.

Council Member Kleid said that the Citizens Association taxes the condos, and they contract to clean the southern end of the island.

Council President Rosow said the Town Council cut the budget and now wanted to add money back in. You could not have it both ways and at some point, taxes will have to be raised.

Council Member Diamond suggested having a user fee.

Council President Rosow suggested that Public Works provide a truck and supplies for the larger items, and perhaps clean the beaches instead of doing other duties.

Public Works Director Paul Brazil added that in addition to the cleaning, you have to be cognizant of sea turtle nesting season, and no equipment could be placed on the beach. New garbage receptacles were not acceptable to the neighbors in the past.

XII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 24-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances at Subdivision IV, Section 82-111, Term of Office, to Provide for Staggered Terms; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [William Hanes, Pension Administrator]

Town Attorney Randolph read Ordinance No. 24-10 by title, as printed above.

Motion to adopt Ordinance No. 24-10 was made by Council Member Diamond, seconded by Council Member Kleid. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 25-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances at Subdivision III, Firefighters, Section 82-91, Term of Office, to Provide for Staggered Terms; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [William Hanes, Pension Administrator]

Town Attorney Randolph read Ordinance No. 25-10 by title, as printed above.

Motion to adopt Ordinance No. 25-10 was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

B. First Reading

1. ORDINANCE NO. 27-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 18, Building and Building Regulations, Section 108.2(l) Permit Fees; Providing for State Required Building Permit Fee Surcharges; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.[Thomas G. Bradford, Deputy Town Manager]

Town Attorney Randolph read Ordinance No. 27-10 by title, as printed above.

Motion to approve Ordinance No. 27-10 was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 28-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 78 Peddlers and Solicitors, Article II Peddlers, Section 78-40; and at Article III Charitable

Solicitations, Sections 78-102 and 78-105, so as to Provide for an Administrative Processing Fee and Late Fees as Adopted by Resolution of the Town Council Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.[Thomas G. Bradford, Deputy Town Manager]

Town Attorney Randolph read Ordinance No. 28-10 by title, as printed above.

Motion to approve Ordinance No. 28-10 was made by Council Member Diamond, seconded by Council Member Kleid. On roll call, the motion carried unanimously.

3. ORDINANCE NO. 29-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 106, Streets, Sidewalks, and Other Public Places, at Article VI, Parades, Division 2, Permit, Section 106-216, So as to Exempt the Town of Palm Beach from the Requirements Relating to Parade Permits for Parades Officially Sponsored by the Town of Palm Beach with Approval of the Town Council; Providing an Amendment to Article VII, Special Events on Public Property, Division 2, Permit, Section 106-281, Exempting the Town from Requirements for Permitting and Regulations Relating to Special Events; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.[John C. Randolph, Town Attorney]

Town Attorney Randolph read Ordinance No. 29-10 by title, as printed above.

Motion to approve Ordinance No. 29-10 was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio.

Council Member Kleid announced that the Centennial Commission did research a parade idea, and did not embrace it.

On roll call, the motion carried unanimously.

XIII. ANY OTHER MATTERS

There were none.

XIV. ADJOURNMENT

There being no further business, the September 14, 2010, Town Council Meeting was adjourned at 1:10 p.m.

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Joanna Cunningham

Stormwater Pump Stations D-6 & D-7 PowerPoint

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda
Consent Agenda

Agenda Title
MINUTES: SEPTEMBER 15, 2010
Approval of the Minutes of the Town Council Meeting.

Presenter
Joanna Cunningham, Town Clerk

Supporting Documents

- Minutes of the Regular Town Council Meeting held on September 15, 2010

MINUTES OF THE REGULAR TOWN COUNCIL
HELD ON WEDNESDAY, SEPTEMBER 15, 2010

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Wednesday, September 15, 2010, at 9:35 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Cunningham gave the invocation. President Rosow led the Pledge of Allegiance.

III. COMMENTS OF MAYOR JACK McDONALD

There were none.

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Kleid indicated that the Board of County Commissioners (BCC) set a millage rate increasing the County taxes. There was a large group of speakers in opposition to any increases in the taxes. He noted that he and Mayor McDonald attended the 6:00 p.m. meeting the previous night, and were called upon to speak at 8:00 p.m. He noted that the Mayor had to leave before that time and he spoke on behalf of the Town. He said that he pointed out that the Town recently unanimously voted to hold the line on the millage rate, despite the fact that assessment values had been decreasing and investment portfolios had gone down. He also told them that in July the Town Manager came to the Town Council with a budget requiring a higher millage rate, and he was directed to return with a budget that did not change the millage rate for FY2011 over FY2010. The Town Manager did exactly that and in two meetings the Town Council passed a non increased budget. He commented to the BCC that if the Town of Palm Beach and other municipalities could do it then the BCC could also do it. He put it out as a challenge to them to do so. The County millage rate was raised and a final budget meeting is scheduled for September 28th; they promised to look for more cuts. Many of the accusations were directed to the Palm Beach County Sheriff's Office, as he did not cut his expenditures very much. Sheriff Ric Bradshaw was not in attendance at the meeting.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Harry Horwich, S. Ocean Blvd., commented on tennis parking rates and procedures.

Discussion occurred among the Town Council regarding the tennis parking spaces and fees. President Rosow noted that the Recreation Advisory Commission could be of assistance regarding this.

Phil Smith, 300 ½ Buckingham Road, West Palm Beach, commented regarding the $5.00 tennis parking rate.

Leslie Evans, 135 Seminole Ave., proposed that the Town Council set up a Committee of property owners and tenants regarding increasing businesses and rentals in town.

Jeff Rembaum, Palm Beach Hotel Condominium Association, commented regarding that the parking situation was not on today's agenda.

Responding to Mr. Rembaum, President Rosow assured him that it would be on the agenda as soon as staff has completed their background research.

President Dick Spilberg of the Palm Beach Hotel Condominium Association commented regarding an issue with the Fire Department relative to a valve going from the sewer into their building. He added that if the road is paved now, it will have to be done twice.

President Rosow directed Mr. Spilberg to speak with Public Works Director Paul Brazil regarding this issue, as he was present at the meeting today.

(Another opportunity for communications from citizens will be offered immediately after the lunch break.)

VI. APPROVAL OF AGENDA

The following changes were made to the Agenda:

WITHDRAWN: Item VIII.C.2.e., Variance #17-2010

Motion made by Council Member Diamond, seconded by Council Member Kleid, to approve the Agenda as amended. On roll call, the motion carried unanimously.

VII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 23-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, at Section 134-36 to Change the Use of the Term Building Official to Director of Planning, Zoning and Building and to Add a Provision Which Allows the Town Council to Waive Certain Zoning Provisions in Chapter 134 Regulating the Use of Public Rights-of-Way to Allow Town Sponsored Events Provided Certain Conditions are Met; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Town Attorney Randolph read Ordinance No. 23-10 by title, as printed above.

Motion made by Council Member Diamond, seconded by President Pro Tem Coniglio, to adopt Ordinance No. 23-10. On roll call, the motion carried unanimously.

B. First Reading

None

VIII. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 265, 255, 235 and 231 Sunset Avenue and 240 Sunrise Avenue (Publix Supermarket) (Per Letter Dated August 28, 2010, From Maura Ziska). (See VIII.D.1.b.)

Clerk's Note: This item was addressed as Item VIII.D.1.b.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business - Less than 15 Minutes

None

2. New Business - Less than 15 Minutes

Town Clerk Cunningham administered the oath to all those who would be providing testimony.

a. SITE PLAN REVIEW #5-2010 WITH SPECIAL EXCEPTION AND VARIANCE The application of HOJO Partners, LLC; relative to property commonly known as 2880 South Ocean Blvd.; described as 23/24-44-43, SLY 150 Ft of ELY 256.9 Ft of filled land Lyg W of SR A1A & N of Lake Ave being Pt of Gov Lot 1 SEC, of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant is requesting a Site Plan Review for Phase I of a two phase project. Phase I consists of the demolition of an existing 3,833 square foot restaurant building and the construction of a new 4,000 square foot office building. The request includes providing the required parking spaces, and trash receptacle area and associated sidewalks. The exact nature and details of Phase II of the project will be determined at a future date. The applicant requests Special Exception approval to allow a business to occupy 4,000 sq. ft. which is more than the 2,000 sq. ft allowed by the Town Code and a Variance is required to allow for an office use on the ground floor in the C-TS Zoning District. [Attorney: Robert Deziel]

Ex-parte communication was declared by:

- Council Member Diamond spoke with Attorney Robert Deziel.
- Council Member Kleid spoke with Attorney Deziel and he advocated the position of his client.
- President Rosow spoke with Attorney Deziel and he advocated the position of his client.
- President Pro Tem Coniglio spoke with the applicant briefly.
- Council Member Wildrick spoke with Attorney Deziel.

Attorney Robert Deziel, on behalf of HOJO Partners, LLC, presented the request.

Architect Eugene Lawrence presented the site plan review drawings.

Staff comments:

Zoning Administrator Paul Castro made several of the following comments:

- The applicant provided a traffic concurrency report for the Town's consultant to review.
- Staff was comfortable that the project could move forward at this time subject to meeting some of the concerns raised by the traffic consultant.
- Palm Beach County had traffic concerns regarding the median at the intersection, which could not be resolved by the Town.
- Staff has no other concerns and that the office use is an acceptable use in this area.

Discussion occurred among the Town Council, Town Attorney Randolph, regarding the following:

- Resolution of the median at the intersection, which was not a requirement for approval of the request.
- The Town needed this type of commercial development.
- There were concerns regarding the appearance at a major entranceway to the Town.
- The construction timeline.
- Suggestion to request the applicant to submit an economic plan that would reflect the benefits to the Town, although it would not be part of the criteria in granting the request.
- Town serving was addressed.

Zoning Administrator Castro noted that staff recommended that the parking lot be repaved and restriped, as a condition of approval.

Motion made by President Pro Tem Coniglio that the Special Exception of Site Plan Review #5-2010 With Special Exception And Variance shall be granted based upon the finding that such grant would not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code had been met; subject to staff's conditions of the submittal of traffic concurrency; the repaving and restriping of the parking lot; town-serving documentation be submitted after one full year of operation. Council Member Diamond seconded the motion. On roll call, the motion carried unanimously.

Council Member Kleid stated, for the record, that his wife is a real estate agent. Town Attorney Randolph noted that it would not be a conflict of interest.

Motion made by President Pro Tem Coniglio that the Variance Site Plan Review #5-2010 With Special Exception And Variance, be granted and found, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 had been met; with the condition that the conflict with the dumpster would be resolved. Council Member Diamond seconded the motion. On roll call, the motion carried unanimously.

Clerk's Note: Immediately following this item the Publix matters were addressed. Please see Item VIII.B.1. Request for Waiver.

b. SITE PLAN REVIEW #6-2010 WITH VARIANCES The application of Rita Schneider; relative to property commonly known as 130 Sunrise Avenue, PH 9; described as Sun & Surf One Hundred Thirty Condominium Unit PH-9, according to the Declaration as recorded in Official Records Book 2818, Page 1 of the Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant is requesting a Site Plan modification with variances to allow one (1) retractable awning totaling 142.38 square feet over the terrace on the seventh floor of a seven story condominium building. Variances are requested to allow the awning at a height of 61.5 feet in lieu of the 23.5 feet maximum height allowed; to allow the awning on the existing seventh floor penthouse of a seven story building in lieu of the two story building maximum allowed; to allow the awning with a rear yard setback of 38.58 feet in lieu of the 123 feet minimum required for multi-family use. [Attorney: Maura A. Ziska][ARCOM Recommendation: Approval of the variances will not cause negative impacts. Carried 7-0.]

Ex-parte communication was declared by:

- Council Member Diamond spoke with Attorney Ziska and she advocated her position.

- President Rosow spoke with Attorney Ziska and she advocated the position of her client.

Motion made by Council Member Diamond, that Variance #6-2010 of Site Plan Review #6-2010 With Variances, be granted and found, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 had been met. Council Member Kleid seconded the motion.

President Pro Tem Coniglio expressed concern that since the awnings have been approved each separately, that it would result in a carnival appearance.

Attorney Ziska responded that ARCOM has approved it.

Upon roll call, the motion carried unanimously.

Motion made by Council Member Diamond that Site Plan Review #6-2010 With Variances be approved based upon the finding that the approval of the site plan would not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use had been met and that satisfactory provision and arrangement have been made concerning section 134-329 Items 1-11. President Pro Tem Coniglio seconded the motion. On roll call, the motion carried unanimously.

c. SITE PLAN REVIEW #8-2010 WITH VARIANCES The application of Jeraldine Meltzer; relative to property commonly known as 130 Sunrise Avenue, PH3; described as Sun & Surf One Hundred Thirty Condominium Unit PH-3, according to the Declaration as recorded in Official Records Book 2818, Page 1 of the Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant is requesting Site Plan Modification with Variances to allow one (1) permanent awning totaling 460 square feet over the terrace on the seventh floor of a seven story condominium building. Variances are requested to allow the awning at a height of 61.5 feet in lieu of the 23.5 feet maximum height allowed; to allow the awning on the existing seventh floor penthouse of a seven story building in lieu of the two story building maximum allowed; to allow the awning with a front yard setback of 71.25 feet in lieu of the 123 feet minimum required for multi-family use; to allow the awning with a side yard setback of 49.5 feet in lieu if the 61.5 feet minimum required for multi-family use in the R-C Zoning District. [Attorney: Maura A. Ziska][ARCOM Recommendation: Approval of the variance will not cause negative architectural impacts. Carried 7-0.]

Ex-parte communication was declared by:

- Council Member Diamond spoke with Attorney Ziska and she advocated her position.
- President Rosow talked with Attorney Ziska on the phone, and she advocated for her client.

Motion made by Council Member Diamond that the Site Plan Review of the Site Plan Review #8-2010 With Variances be approved based upon the finding that the approval of the site plan would not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use had been met and that satisfactory provision and arrangement have been made concerning section 134-329 Items 1-11. Council Member Kleid seconded the motion. On roll call, the motion carried unanimously.

Motion made by Council Member Diamond that the Variance of Site Plan Review #8-2010 with Variances, be granted and found, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 had been met. Council Member Kleid seconded the motion. On roll call, the motion carried unanimously.

d. VARIANCE #16-2010 The application of Cathleen McFarlane Estate; relative to property commonly known as 456 Worth Avenue; described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a variance to allow the redesign of the existing entrance with a new forty two square foot second story addition. The overall cubic content ratio will remain the same at 4.11 in lieu of the 3.91 maximum allowed. A variance is also being requested for a side yard setback of 12.7 feet in lieu of the 15 foot minimum required. [Attorney: L. Frank Chopin][Landmarks Preservation Commission Recommendation: The implementation of the variances will not cause a negative architectural impact on the subject property. Carried 7-0.]

Ex-parte communication was not declared by any members of the Town Council.

Attorney L. Frank Chopin, on behalf of Cathleen McFarlane Estate, provided an overview of the request. He noted that Landmarks Preservation Commission approved the variances.

Staff comments:

Zoning Administrator Castro asked that the hardship be demonstrated.

Attorney Chopin stated that the hardship was that the property was split, the setbacks were what was required when built, and the cubic content ratio met the requirements when it was built; it was a landmarked building.

Motion made by Council Member Diamond that Variance #6-2010, be granted and found, in support thereof, that all of the criteria applicable to this application as set forth in

Section 134-201(a), items 1 through 7 had been met. President Pro Tem Coniglio seconded the motion. On roll call, the motion carried unanimously.

e. VARIANCE #17-2010 The application of Richard C. Bauer, DMD; relative to property commonly known as 241 Bradley Place; described as Lots 5, 6 and 7 of ORANGE GROVE PARK, an addition to the Town of Palm Beach, Florida, according to the Plat thereof, recorded in Plat Book 5, Page 97, Public Records of Palm Beach County, Florida, LESS that part of Lot 5 condemned for public street purposes; located in the C-TS Zoning District. The applicant is requesting a variance to allow an office use on the first floor which does not meet all of the conditions of subsection (18). The variance is to allow a first floor office use which does not meet the requirement that more than 50% of the existing first floor tenant spaces within 300 feet in the same zoning district are required to be office uses, although it does meet the requirement that at least 50% of the existing uses on all floors of the same building are offices. [Attorney: Maura A. Ziska]Request for Withdrawal Per Letter Dated September 8, 2010, from Maura A. Ziska.

This item, VIII.C.2.e., Variance #17-2010 was withdrawn.

3. Old Business - More than 15 Minutes

a. MODIFIED SITE PLAN REVIEW #4-2010 WITH SPECIAL EXCEPTION AND VARIANCE (See VIII.D.1.a.)

4. New Business - More than 15 Minutes

None

D. Other

1. Publix Matters:

TIME CERTAIN: 10:00 AM

a. MODIFIED SITE PLAN REVIEW #4-2010 WITH SPECIAL EXCEPTION AND VARIANCE The application of Publix Super Markets, Inc. and Sunset Avenue Corp.; relative to property commonly known as 265, 255, 235, 231 Sunset Avenue and 240 Sunrise Avenue; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting Site Plan Review and Special Exception to construct a 53,272 (44,018 gross leasable) square foot one story grocery store on 4.36 acres. The new store will provide 219 off-street parking spaces that will be at 90 degrees. There is proposed to be an outdoor ATM and the grocery cart storage will be within the building. All of the proposed mechanical equipment will be contained within portions of the building and will not be seen as equipment on the roof. Part of the proposed design is to have two generators located on the southeast corner of the proposed store that will contain a 100 KW standby generator and a 500 KW main generator. There is proposed to be two loading areas within the loading dock on the east side of the building that will be screened. The proposed store will have a pharmacy, deli, bakery and a larger selection of food items and other products. A variance is being requested to allow the individual ingress and egress drives on the south side of the property extending across the public sidewalks and curbs and connecting to the off-street parking spaces to the public street areas to be 43'7" and 51'3" in lieu of the 30 foot maximum allowed. [Attorney: Maura A. Ziska]

b. Request for Waiver of Section 42-199, Hours of Construction Work, at 265, 255, 235 and 231 Sunset Avenue and 240 Sunrise Avenue (Publix Supermarket) (Per Letter Dated August 28, 2010, From Maura Ziska).

Ex-parte communication was declared by:

- Council Member Diamond spoke with Attorney Maura Ziska, who advocated the position of her client.
- Council Member Kleid spoke with Attorney Ziska on numerous previous occasions, but not this month; she advocated ably the position of her client.
- President Rosow spoke with Attorney Ziska on the four requests and she advocated the position of her client.
- President Pro Tem Coniglio spoke with Publix manager Nick Abiusi and Hank Porcher, who also advocated the position of Publix.
- Council Member Wildrick spoke to Attorney Ziska and a couple of the Publix executives who advocated the position of Publix.

Attorney Ziska provided an overview of the request. The request for an extension of hours was from 5:00 a.m. to 9:00 p.m., starting the day after Easter of next year and running through December 29, 2010.

Staff comments:

Planning, Zoning and Building Director John Page expressed concern with the initial request starting at 5:00 a.m. to 9:00 p.m., as it was extreme. Staff recommended that the extended work hours would begin April 25, 2010, through December 19, 2010, and be restricted from 7:00 a.m. to 8:00 p.m. He said that staff concurred with working 24 hours a day, once the entire shell is completed and doing interior work.

Jeff Rembaum, representing the Palm Beach Hotel Condominium Association, commented that the Association would like that no noise be generated beyond code provision and no construction prior to 8:00 a.m. He indicated that the Association recommended 8:00 a.m., hard start, and 7:00 a.m., to meet at the site, but not generate any noise and work until 8:00 a.m.

Dick Spilberg, president of the Palm Beach Hotel Condominium Association, commented that there is commercial renting in the building, and requested that the Town Council keep in mind that starting construction at 7:00 a.m. would affect the renting of the apartments in the building.

Leslie Evans, 214 Brazilian Avenue, asked that the construction hours be the same as the hours allowed on the Worth Avenue construction project.

President Rosow related that regarding the Worth Avenue project, in the Worth Avenue 100 block residential area, construction was not allowed to start until June beginning at 5:00 a.m., for six days a week and no Sundays.

Discussion occurred among the Town Council, staff, and Attorney Ziska. Mr. Castro explained the specifics of the Construction Management Agreement, which protected the residents. Several of the following issues were addressed:

- During construction, neighbor objections would be taken into consideration.
- There were two religious institutions within 200 feet of the project, with services held on Saturday mornings from 9:00 a.m. to 12:00 p.m. If noise is so great that the services could not be conducted, accommodations would be made.
- Staff was requested to address the fines, if the construction management policies were not followed, that would be adhered to strictly.
- Noise could not be made before 8:00 a.m., but construction work could go until 9:00 p.m., there should be no work on Sundays and Saturday mornings for the synagogues.
- Meetings need to be held with residents to ameliorate future problems from occurring.
- In the summer months the construction hours could be more liberal.

At Council Member Wildrick's request, Mr. Castro provided the fines and details of the Construction Management Agreement, in order that the public would understand that their way of life would be protected during the construction.

Discussion continued regarding the type of work relative to the hours of operation.

Motion made by Council Member Wildrick, seconded by Council Member Diamond, to approve Request for Waiver of Section 42-199, Hours of Construction Work, at 265, 255, 235 and 231 Sunset Avenue and 240 Sunrise Avenue (Publix Supermarket) subject to the following conditions:
- **noise generating work will be allowed for six days a week from April 25, 2011 to June 1, 2011 between 7:30 a.m. to 8:30 p.m.;**
- **noise generating work will be allowed for six days a week from June 1st to the completion of the shell, between 7:00 a.m. and 9:00 p.m.;**
- **thereafter, all outside work will be done during normal construction hours of the Town;**

- **interior work upon completion of the shell will be 24 hours a day, seven days a week, as long as complaints of noise are resolved.**

On roll call, the motion carried unanimously.

c. Consideration of Proposed Declaration of Use Agreement for Publix Supermarket; 265, 255, 235 and 231 Sunset Avenue and 240 Sunrise Avenue. [John S. Page, Director of Planning, Zoning and Building]

Attorney Ziska commented that last month the Site Plan Review was discussed in detail, but there was one modification to the parking changing it from angled to 90 degree parking. The site plan review was not voted on at that time. Attorney Ziska provided an overview of the request.

Zoning Administrator Castro listed several of the following staff's concerns:

- The variance was necessary for the drive aisle entry widths, as the requirement to pull the larger trucks off the road on the south side of the project, and maneuver back into the loading zone.

- The amount of striping was necessary, as a median could not be placed on the southeast drive aisle next to the loading dock.

- He related several of staff's concerns regarding the Site Plan approval were with the operational aspects of Publix, which were outlined in the Declaration of Use agreement. He noted the delivery hours, the generators, trash compactors, certificate of compliance, and delivery location.

Leslie Evans expressed concern that the increased store size would reduce the level of service of traffic concurrency and that, as the economy improves, the decreased level of service would affect the redevelopment of Royal Poinciana Way's business district.

Alexander Ives, president of the Preservation Foundation of Palm Beach, commented that it had been a concern of the entire community that best efforts would be made for a temporary store.

Attorney Ziska noted that the temporary store was in the agreement.

Discussion of the Declaration of Use Agreement occurred among the Town Council, Attorney Ziska, staff, Publix representatives, Dick Spilberg, Hank Porcher, Nick Abiusi, and Woody Rayburn. The Publix representatives requested that the trucks be staggered in order to alleviate unloading two or three semi-trucks in a three hour window. President Rosow offered a compromise that the Town Council would allow proposed truck delivery schedule upon the store opening in December of 2011. At the April 2012 Town Council meeting, complaints or concerns regarding the delivery schedule could be heard, which could be amended, if necessary, subsequent to that meeting. Currently there is a three day-a-week delivery at 6:00 a.m., and there have been no complaints. The delivery schedule in the Declaration of Use Agreement is only valid until the April 2012 Town Council meeting, which could be amended at that meeting.

Publix also requested that the hours of operation, which were currently 6:30 a.m., to 10:00 p.m., would be from 6:30 a.m. to 10:30 p.m.;

Motion made by Council Member Diamond, seconded by Council Member Kleid, to approve with conditions the proposed delivery schedule, and have it return to the April 2012 Town Council Meeting in order to hear any concerns/complaints that may have occurred. On roll call, the motion carried 4-1, with President Pro Tem Coniglio dissenting.

Discussion occurred among the Town Council, Mr. Castro, and Attorney Ziska regarding the generator and the trash compactor. Attorney Ziska commented that whatever the Town wanted was acceptable to Publix. Mr. Castro indicated that mid-week and mid-morning was favorable. The Town Council determined that the generator would be tested on Wednesdays at 10:30 a.m. Mr. Castro noted that the trash compactor would be operated every day. The Town Council determined that the compactor would remain on the current schedule and at the April 2012 Town Council Meeting, any concerns/complaints could be addressed.

Motion made by President Pro Tem Coniglio, seconded by Council Member Diamond, to approve the Declaration of Use Agreement as amended, and Council Member Kleid's list of scriveners errors. On roll call, the motion carried unanimously.

Planning, Zoning and Building Director Page requested that, as there were several unresolved landscaping issues that had not been resolved by the Architectural Commission (ARCOM), the motion would be subject to completion of the landscaping as approved by ARCOM.

President Rosow called for a motion to approve the Site Plan Review.

Motion made by President Pro Tem Coniglio that the Special Exception of Modified Site Plan Review #4-2010 with Special Exception and Variance shall be granted based upon the finding that such grant would not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code had been met, subject to final approval by the Architectural Commission on the remaining conditions. Council Member Wildrick seconded the motion. On roll call, the motion carried unanimously.

d. Consideration of Construction Management Agreement for Publix Supermarket; 265, 255, 235 and 231 Sunset Avenue and 240 Sunrise Avenue. [John S. Page, Director of Planning, Zoning and Building]

In the Construction Management Agreement, Attorney Ziska addressed the wording in the Agreement of the removal of debris on an every other day basis. She requested that it be changed to every day if possible, by adding the words "at least every other day", which had been discussed with staff and could be found in paragraph 2a, of the Agreement.

Attorney Ziska requested that the workers park onsite, as their tools were in their trucks and it would speed up the construction process. She added that a paved parking lot would be available for the employees. Ms. Ziska also requested that the fines for violations on the last page of the Agreement in paragraph 2, be eliminated.

Council Member Wildrick indicated that the work site should be maintained in a neat and orderly manner.

Responding to President Pro Tem Coniglio, Zoning Administrator Castro noted that there were no requirements relative to employees parking on the job site, only the number of vehicles that were allowed on the construction site on the public right-of-way.

President Rosow suggested that the Agreement be amended that parking be allowed onsite but the lot must be paved (a finish coat was not required), with an 8' high fence.

Zoning Administrator Castro noted that the fines for violations were specifically added by the Town Council for large projects in order to ensure compliance of the conditions of the property owner.

Motion made by Council Member Diamond, seconded by President Pro Tem Coniglio, to accept the Construction Management Agreement subject to the following conditions: that any employee parking onsite must be contained to the hard surface area; parking must be orderly; an 8' privacy fence must screen the site, the fines will remain unchanged, and the removal of debris wording changed to "at least every other day". On roll call, the motion carried unanimously.

Motion made by President Pro Tem Coniglio that the Variance of the Modified Site Plan Review #4-2010 With Special Exception And Variance , be granted and found, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 had been met. Council Member Diamond seconded the motion. On roll call, the motion carried unanimously.

IX. ANY OTHER MATTERS

Public Works Director Brazil noted that staff was approached by the Federal Department of Transportation (FDOT) and their consultants concerning the Flagler Memorial Bridge. They requested a conceptual consideration of extended work hours by the Town Council for certain elements of bridge construction. It would be in keeping with what was done with Royal Park Bridge, Publix, the City of West Palm Beach and the Town subaqueous crossings during construction. He noted that a conceptual consideration by Town Council right now may help staff in negotiating certain scheduled items and aesthetic improvements, as well.

If the Town Council is conceptually comfortable with it, as they bid this, the contractors and FDOT would have an idea that there may be some flexibility when they put together their schedules and costs to the FDOT.

It was the consensus of the Town Council to conceptually consider extended work hours, with the condition that if it becomes intolerable the Town Council has the ability to go back and have a discussion to not be tied into anything that would be unacceptable.

Responding to Mr. Brazil, President Rosow indicated to relate to FDOT that subject to the specifics, the Town Council conceptually understands the problem.

X. ADJOURNMENT

There being no further business, the September 15, 2010, Town Council meeting was adjourned at 12:10 p.m.

APPROVED:

____
David A. Rosow
Town Council President

ATTEST:

____
Joanna Cunningham
Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: SEPTEMBER 29, 2010

Approval of the Minutes of the Special Town Council Meeting (Second and Final Public Hearing Regarding the FY11 Budget)

Presenter

Joanna Cunningham, Town Clerk

Supporting Documents

- Minutes of the Special Town Council Meeting held on September 29, 2010

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON WEDNESDAY, SEPTEMBER 29, 2010

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order on Wednesday, September 29, 2009, at 5:01 p.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. PLEDGE OF ALLEGIANCE

Council President Rosow led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion made by Council Member Diamond, seconded by Council President Pro Tem Coniglio, to approve the Agenda as printed. On roll call, the motion carried unanimously.

IV. PUBLIC HEARING ON FINAL FY2010 MILLAGE RATES AND BUDGETS

Council President Rosow announced that the Public Hearing had been publicly advertised and announced to commence at 5:01 p.m. The Town Council would discuss the proposed Fiscal Year 2011 millage rate and General Fund, Debt Service Fund, and Other Fund budgets including the approval of Resolutions No.110-10 and 111-10.

A. Proof of Publication

Council President Rosow asked Town Clerk Cunningham if there was proof of publication for notice of the meeting and there was. Town Clerk Cunningham answered affirmatively.

B. Announcement of Proposed Operating Millage Rate

Council President Rosow announced that at the September 13, 2010, Public Hearing at 5:01 p.m., which was held by the Mayor and Town Council, the following proposed millage rate was tentatively approved:

General Fund Operating Millage 3.2512 mills.

C. Reasons for Proposed Operating Millage Rate Decrease from the Rolled-Back Millage Rate

Council President Rosow asked Town Manager Elwell to explain the decrease in the rolled back millage rate.

Town Manager Elwell stated that in order to be in compliance with State Statute, the Town of Palm Beach FY2011 General Fund proposed operating millage rate of 3.2512 mills represented a 11.71% decrease from the rolled-back millage rate of 3.6826 mills and was the same millage rate adopted by the Town for the prior two years, FY09 and FY 10.

Town Manager Elwell added that the tentative FY2011 General Operating Fund Budget of $63,734,848 had decreased $3,118,452 or 4.7% from the FY2010 Adopted Operating Budget of $66,853,300. For the benefit of the public that was present, the Council and Town Manager must go through this recitation of statistics to comply with Florida State Law.

Town Manager Elwell continued that the major reasons for the decrease were the elimination of 32.65 positions, reduction in the transfer to the Capital Improvement Program, reduction in lobbying services, reductions in computer hardware and software expenditures, reductions in contractual plan review and comprehensive plan expenditures, and reductions in funding for employee events. Those decreases have been partially offset by increases in Town contributions to the pension funds and the transfer for coastal protection projects.

D. Comments and Questions from Public

Council President Rosow asked if there was anyone from the public that wished to speak.

Alexander Ives, Preservation Foundation commended the Town Council on this year's budget and stated he had hoped the County would follow the Town's lead. He looked forward to working with the Town in the coming year.

Pat Cooper, 261 Sanford Ave., also commended the Town Council for working so hard and diligently on the budget. He recognized that it was not easy and next year would be even more difficult. He stated that he felt the Town had made an impact on the County.

John Blair, 2275 S. Ocean Blvd., spoke about the County Budget Meeting held the previous night, and along with Council Member Kleid, commended the Town of Palm Beach for not cutting any services to the residents, like the County did.

Council Member Kleid commented that he did speak to the County Commissioners at the budget meeting. He stated that no other municipality spoke to take the same stance that the Town of Palm Beach did.

Council President Rosow stated that the Town Council would now proceed to approve the final General Operating Fund millage rate for FY2011.

E. RESOLUTION NO. 110-10 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Adopting The Final Millage Rate And Levying Ad Valorem Taxes For The Fiscal Year Beginning October 1, 2010, And Ending September 30, 2011; Setting Forth Certain Information Regarding The "Rolled-Back Millage Rate"; Directing The Town Manager Or The Finance Director To Adjust The Adopted Millage Rate In The Event Of Changes In The Assessment Roll And Taxable Value; Providing An Effective Date.

Town Manager Elwell read Resolution No. 110-10 by title, as printed above.

Motion to approve Resolution No. 110-10 was made by Council Member Diamond, seconded by Council Member Kleid. On roll call, the motion carried unanimously.

F. RESOLUTION NO. 111-10 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting A Final Budget And Appropriating Funds For The Fiscal Year Beginning October 1, 2010, And Ending September 30, 2011; Providing For An Effective Date.

Town Manager Elwell read Resolution No. 111-10 by title, as printed above.

Motion to approve Resolution No. 111-10 was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

V. ORDINANCES-SECOND READING

A. ORDINANCE NO. 27-10 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Building And Building Regulations, Section 108.2(1) Permit Fees; Providing For State Required Building Permit Fee Surcharges; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.[Thomas G. Bradford, Deputy Town Manager]

Town Manager Elwell read Ordinance No. 27-10 by title, as printed above.

Motion to adopt Ordinance 27-10 was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

B. ORDINANCE NO. 28-10 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 78 Peddlers And Solicitors, Article II Peddlers, Section 78-40; And At Article III Charitable Solicitations, Sections 78-40; And At Article III Charitable Solicitations, Sections 78-102 And 78-105, So As To Provide For An Administrative Processing Fee And Late Fees As Adopted By Resolution Of The Town Council; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective

Date. [Thomas G. Bradford, Deputy Town Manager]

Town Manager Elwell read Ordinance No. 28-10 by title, as printed above.

Motion to adopt Ordinance 28-10 was made by Council Member Diamond, seconded by Council Member Kleid. On roll call, the motion carried unanimously.

C. ORDINANCE NO. 29-10 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, The Town Code Of Ordinances At Chapter 106, Streets, Sidewalks, And Other Public Places, At Article Vi, Parades, Division 2, Permit, Section 106-216, So As To Exempt The Town Of Palm Beach From The Requirements Relating To Parade Permits For Parades Officially Sponsored By The Town Of Palm Beach With Approval Of The Town Council; Providing An Amendment To Article VII, Special Events On Public Property, Division 2, Permit, Section 106-281, Exempting The Town From Requirements For Permitting And Regulations Relating To Special Events, Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. [Peter B. Elwell, Town Manager]

Town Manager Elwell read Ordinance No. 29-10 by title, as printed above.

Motion to adopt Ordinance 29-10 was made by Council Member Diamond, seconded by Council Member Wildrick. On roll call, the motion carried unanimously.

VI. RESOLUTION ADOPTING CERTAIN FEES FOR FY11

A. RESOLUTION NO. 104-10 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting Surcharges On Plan Review Fees And Construction Permit Fees In Accordance With Chapter 18, Section 108.2 (I) Of The Town Code Of Ordinances; Adopting A Permit Application Fee In Accordance With Section 78-40(4) Of The Town Code Of Ordinances; Adopting A Schedule Of Late Permit Filing Fees In Accordance With Section 78-102(B) Of The Town Code Of Ordinances; Establishing An Administrative Processing Fee In Accordance With Section 78-105 Of The Town Code Of Ordinances; Providing An Effective Date.[Jane Struder, Director of Finance]

Town Manager Elwell read Resolution No. 104-10 by title, as printed above.

Motion to approve Resolution No. 104-10 was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

VII. ANY OTHER MATTERS

There were none.

VIII. ADJOURNMENT

There being no further business, the Special Town Council Meeting of Wednesday, September 29, 2010, was adjourned at 5: 16 p.m.

APPROVED:

____
David A. Rosow
Town Council President

ATTEST:

____
Joanna Cunningham
Town Clerk

Backup Docs - STC 9-29-10

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Consent Agenda

Agenda Title

Approval of Major Matters Considered by the Architectural Commission at its Meeting of September 22, 2010.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated September 28, 2010, from John S. Page, Director of Planning, Zoning and Building
- Minutes of the Architectural Commission Meeting of September 22, 2010

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: Approval of the Architectural Commission Meeting Minutes of September 22, 2010

Date: September 28, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of September 22, 2010.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items which were considered at the regularly scheduled meeting of September 22, 2010.

GENERAL INFORMATION

These minutes are submitted to the Town Council for approval pursuant to Chapter 18-177 of the Town of Palm Beach Code of Ordinances.

Attachment

JSP:cmd

MINUTES
ARCHITECTURAL COMMISSION
IN THE
TOWN COUNCIL CHAMBERS
360 SOUTH COUNTY ROAD, PALM BEACH

WEDNESDAY, SEPTEMBER 22, 2010, 9:00 a.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting Cindy Delp, Secretary to the Architectural Commission at (561) 227-6408. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. CALL TO ORDER: (9:00:22 a.m.)

Chairman Smith called the meeting to order at 9:02 a.m.

II. ROLL CALL: (9:00:34 a.m.)

The following members were present: Jeffery W. Smith, Chairman, Leslie C. Diver, Nikita Zukov, and Robert J. Vila; and alternate members: Ann L. Vanneck, Martin D. Gruss and Peter I. C. Knowles II. Members Samuel M. Boykin (excused), William J. Strawbridge, Jr. Vice Chairman, (unexcused), and Kenn Karakul (absence pending classification) were absent.

Staff members present were John Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, and Cynthia Delp, Secretary to the Architectural Commission. Town Attorney John Randolph was not present.

III. PLEDGE OF ALLEGIANCE: (9:00:58 a.m.)

IV. APPROVAL OF THE MINUTES FROM THE AUGUST 25, 2010 MEETING: (9:01:18 a.m.)

MOTION BY MR. ZUKOV FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.

V. <u>APPROVAL OF THE AGENDA :</u> (9:01:53 a.m.)
MOTION BY MS. DIVER FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

VI. <u>ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY</u>:
(9:01:55 a.m.) By Mrs. Delp

VII. <u>OTHER BUSINESS:</u>(9:02:31 a.m.)

<u>Informal Review: Design of Worth Avenue Holiday Tree Base (Paul Brazil, Director of Public Works)</u>
Paul Brazil, Director of Public Works, explained that in conjunction with the Worth Avenue Improvement Project, the merchants thought it would be appropriate to improve the base of the Worth Avenue Christmas Tree as well. Though the merchants have already been provided a few design options for the base, those options have been viewed as only "acceptable", rather than preferred or desired. As a result, the Project Architect, Mark Marsh has been asked to design a base which is more fitting for the avenue. Mr. Brazil apologized that no designs were available for review today, but would like to return to the commission next month. The goal is to have the design approved and have the new base constructed and available for this holiday season, though that may not be possible due to time constraints. Costs relative to the new base will come from donated funds. He also reported that the existing holiday trees will most likely need to be replaced, and suggested that this time next year, there may be a need for new trees and new decorations. Mr. Brazil asked for the assistance from ARCOM in selecting a firm to do this design work, and have that firm offer several design schemes for consideration by ARCOM.

VIII. <u>PROJECT REVIEW</u>(9:05:08 a.m.)

A. <u>MAJOR PROJECTS - OLD BUSINESS</u>
<u>B - 037 - 2010 New conservatory</u>
Address: 286 Jamaica Lane
Applicant: Elizabeth Raese
Architect: Harvey E. Koehnen
Project Description: Remove existing 6x8 dollhouse and replace with new 14x15 glass conservatory (white aluminum)

Please note that at the August meeting, there was a motion for deferral of the project so the applicant can show proper landscaping screening which protects the neighbor's view and the views from the road. Please be advised that the applicant has requested a deferral to the October meeting.

MOTION BY MRS. VANNECK FOR DEFERRAL TO OCTOBER.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

B - 038 - 2010 Demolition
Address: 255 Nightingale Trail
Applicant: Laurence Austin
Architect: SKA Architects/Patrick W. Segraves
Project Description: Demolition of existing two-story wood frame home

Please note that at the August meeting, there was a motion for deferral to the September meeting. The architect is to indicate, on the plans, which trees and landscaping are to remain.

Call for disclosure of ex parte communication: Several members made ex parte declarations.

Architect Patrick Segraves presented this request explaining that all perimeter landscaping will be retained; and, the property will be sodded and irrigated.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.

B. MAJOR PROJECTS - NEW BUSINESS

B - 035 - 2010 New commercial building
Address: 2880 South Ocean Boulevard
Applicant: HOJO Partners, LLC
Architect: The Lawrence Group Architects
Project Description: A one-story office building with a combination of flat and pitched roofs and the demolition of the existing one-story building.

Call for disclosure of ex parte communication: Mr. Zukov made an ex parte declaration.

Architect Eugene Lawrence requested demolition of the existing structure which is in poor condition. Four Ficus trees will be retained, but the rest of the landscaping is of no significance. Mr. Lawrence explained that a phased development is proposed for this site with the first phase being a 4,000 sq. ft. real estate office (one story). The second phase is planned as a one story structure as well. The building has a central clerical area ringed with private offices, a training room, a lunch room and toilet facilities. Parking is in the rear along with the generator, dumpster and loading zone. Mr. Lawrence reviewed the site, the plans and elevations. Landscape Architect Jeff Blakely presented the landscape/hardscape plan repeating that the four large Ficus will be retained for scale and shade. In the eventual location of Phase II, a temporary mini-park will be created.

Commission comments: Building is almost schematic in nature; columns and windows are questionable; bays are unequal in size; rustication of keys above with columns below is questionable; this is a very important building at a gateway to

Palm Beach; demolition request is fine, but not the design of the new building; this is just phase 1, and you are not revealing what phase 2 will look like, so I am very concerned about the detailing of this building and it should be considered as a very important building; problem with front entry height; problem with flat roof; problem with building styles in general; continue another bay across the front elevation; all bays should be the same; west elevation (last opening on west side) – use something other than glass because of different function; problem with landing of red roof; would recommend deferral for re-study to build more cohesive architecture which does justice for the site; we have not been shown Phase II or III, so it is very difficult to judge the project; we need more information on Phase II and III; strongly disagree with other members…this is a Post Modern interpretation of conventional Palm Beach style, and we need more of this, not less; this has architectural integrity; this is an example of form following function.

MOTION BY MR. ZUKOV FOR APPROVAL OF THE DEMOLITION WITH THE TYPICAL PROVISIONS FOR SODDING AND IRRIGATING.

MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MS. DIVER TO DEFER THE PROJECT TO OCTOBER FOR RE-STUDY. (It was clarified, for the applicant, that the commission would like to see a hint of Phase II and III.)

MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

B - 043 - 2010 Awning/roof deck lounge
ARCOM TO MAKE RECOMMENDATION REGARDING VARIANCE(S)
Address: 324 Royal Palm Way
Applicant: RP/SR RPW LLC (Matt Mitchell, GP)
Architect: GS&P Architects, Keith Spina
Project Description: Install new fabric awning structure for 20 covered parking spaces on south side of existing parking lot. Create new outdoor employee lounge on second floor roof deck with new fabric awning structure, planters and pavers.

In conjunction with: SITE PLAN REVIEW #9-2010 WITH SPECIAL EXCEPTION AND VARIANCE The application of RP/RS Royal Palm Way, LLC (Matt Mitchell, GP); relative to property commonly known as 324 Royal Palm Way; described as Lots 44 and 45, Block D, Revised Map of ROYAL PARK ADDITION to the Town of Palm Beach, Florida, according to the plat thereof as recorded in Plat Book 4, Page 1, Public Records of Palm Beach County, Florida; located in the C-OPI Zoning District. The applicant is requesting a Site Plan Review to: (i) construct 1,411 square foot roof terrace on the third floor of the existing building; and (ii) construct twenty (20) carports/awnings to provide covered parking on the south side of the existing parking lot. Special Exception request to allow a roof terrace which would create a third story addition onto an existing partial three story commercial building in the C-OPI Zoning District; a Variance to allow lot coverage for the carport/awnings to be 39% in lieu of the

29% existing and the 25% maximum allowed in the C-OPI Zoning District. [Attorney: Maura A. Ziska]

Call for disclosure of ex parte communication: Several members made ex parte declarations.

Architect Keith Spina presented this request, as described above. The awning to cover the parking will be striped in hunter green and white. A smaller awning is planned for the rooftop terrace, but the majority of that terrace will be uncovered. Mr. Spina also reported that a permit has already been submitted to the Building Department for exterior improvements to the back of the building. These improvements do not require ARCOM approval, but Mr. Spina showed the revised elevations in any case. There was some resistance to the covered parking plan as proposed which provided covered parking for seventeen (17) cars along the south property line and then for another three (3) spaces on the west property line. Members had a problem with only covering three spaces on the west side.

MOTION BY MS. DIVER FOR APPROVAL OF THE PROJECT AS PRESENTED, WITH THE REMOVAL OF THE AWNING COVERING FROM THE THREE (WEST) SPACES.

MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MS. DIVER THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT PROPERTY.

MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

B - 044 - 2010 New Single Family Home
Address: 225 Nightingale Trail
Applicant: Dr. and Mrs. Michael and Ellen Lospinuso
Architect: SKA Architects/Patrick W. Segraves
Project Description: New two-story (CBS) island style home to be approximately 4,000 square feet. Colors: Building-tan; roof-white; trim-white; shutters-white

Call for disclosure of ex parte communication: Several members made ex parte declarations.

Architect Pat Segraves and Landscape Architect Keith Williams from Mario Nievera Designs presented the request for the proposed one and two-story Island style home and the preliminary landscape/hardscape plan. Some project features: one story wings flanking two-story center; metal clad Pella white windows; white aluminum operable shutters; Toasted almond – exterior color; white concrete color through roof tiles; garage is side loading; double hung windows, six over six; salvaged brick driveway with grass border on axis with front door; 13'x 37' pool on axis with living room; and, salvaged brick and coral pool terrace. Mr.

Segraves noted, for the record, that the project does not max out the site; living area approximately 4,000 square feet.

Commission comments: Fits nicely into neighborhood; Front elevation is lovely; front elevation-front porch pushed up against east side; windows as shown on drawings are all different styles; landscape plans not legible; no articulation of front door; plans difficult to read; landscape plans do not match architectural plans at all; second story may be too high; generally successful, but needs uniformity; second floor is too heavy; second floor windows too tall; oval windows flanking front door are too powerful; front porch slammed into corner; house has no sense of balance; wood rafters heavy; transom from front door slams into porch ceiling; nice that the site is not maxed out. In general, the architectural plans did not match the landscape/hardscape plans and did not match the mini-sets given to the members.

MOTION BY MR. ZUKOV FOR DEFERRAL TO OCTOBER.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

B - 045 - 2010 Landscape
Address: 333 Peruvian Avenue
Applicant: Donna Lloyd George
Architect: KVLA Design LLC, Steve Kvarnberg and Alan Stopek, Efflorescence, Inc.
Project Description: Final landscape plan

Call for disclosure of ex parte communication: Several members made ex parte declarations

Attorney James Brindell, representing Ms. Lloyd George, stated that the neighbor to the west is Lawrence Moens who is represented by Attorney Maura Ziska. As Ms. Ziska could not attend due to the birth of her child, and her partner could not attend either, they have requested that any decision relative to the west landscaping be deferred to the October meeting. Mr. Brindell provided a copy of the e-mail exchanges between Attorney Ron Kochman and himself relative to the deferral requested.

Landscape Architect, Alan Stopek, presented the final landscape plan. Some project particulars: Plan meets code; cast stone sidewalks; grey brick paver driveway; Front elevation: two-tiered planting beds off the sidewalk with plantings in a diamond pattern; North perimeter: three-tiered plantings; 5 Royal Palms transplanted here, Cocoanut Palms, and Cat Palms; East side: Alexander Palms; West side: to be deferred. The applicant was asked to address lighting and railing design when he returns next month. Let the record show that the project architect was present and testified relative to the railing.

Mr. Lindgren read an e-mail, just received, into the record from Mary Randolph Ballinger, 354 Chilean Avenue.

Commission comments: Lighting and railing design to return; for one member, the diamond pattern is too formal and too commercial in comparison to the rest of the street; another member likes the diamond pattern as a point of interest; it is a commercial building; only concern is the east side…you'll be able to see through the Alexander Palms, so consider understory planting; please render the east and west elevations for the next meeting so definitive decisions can be made.

MOTION BY MR. ZUKOV FOR DEFERRAL TO THE OCTOBER MEETING.

MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED 4-3, WITH MESSRS. VILA, GRUSS, AND KNOWLES VOTING AGAINST.

B - 046 - 2010 New Single Family Home
Address: 207 Via Tortuga
Applicant: Addison Construction Corp.
Architect: Alfred A. Cilcius
Project Description: New two-story (CBS) residence. Colors: Building-Off White; Roof-Natural Clay (barrel tile); Trim-Natural Stone

Please be advised that staff recommends deferral of this project. Mr. Lindgren reported that after review of the project, staff discovered that a variance was needed. To avoid the need for the variance, the applicant will re-design the project.

MOTION BY MS. DIVER FOR DEFERRAL TO OCTOBER.
MOTION SECONDED BY MR. GRUSS.
MOTION CARRIED UNANIMOUSLY.

B - 047 - 2010 Antenna
Address: 2774 South Ocean Boulevard
Applicant: Town of Palm Beach/Ambassador South
Architect: None .
Project description: Mounting of a stealth antenna to an existing condominium building to provide critical and essential fire and police communication coverage/services

Call for disclosure of ex parte communication: None since last month.

There were no changes to the project since it was heard informally last month.

MOTION BY MRS. VANNECK FOR APPROVAL.
MOTION SECONDED BY MR. GRUSS.
MOTION CARRIED UNANIMOUSLY.

B - 048 - 2010 Landscape/Hardscape
Address: 208 Barton Avenue
Applicant: Barry Snyder
Architect: Parker-Yannette Design Group (Steve Parker)
Project Description: Final landscape/hardscape plan

Call for disclosure of ex parte communication: Mrs. Vanneck made an ex parte declaration.

Steve Parker, Landscape Architect, presented this request. Some project particulars: Front driveway on axis with front door; cast stone with brick inlays; front courtyard with two piers on either side; two piers out front as well; two pot fountains in courtyard; formal symmetrical pool with cast stone coping; Old Chicago brick driveway in rear to garage; low voltage site lighting well under established maximums; trench drains and French drains; removal of certain landscape material along west property line to allow for installation of 6 ft. courtyard wall; and, relocation of two (2) palms either to the property of neighbor to west, or elsewhere on the subject property. Let the record show that Jon Moore, Project Architect, testified to the gates.

Commission comments: Be sure to obtain neighbor's permission to relocate palms to her property; reservations about two sets of piers at front entry…it's excessive; come back with gate design; since landscaping is being removed along west property line, make sure the neighbors have privacy at their second story; front elevation is littered with palms…does not look like a Palm Beach entry; existing west perimeter landscaping is dense now and you are removing it to install a wall and an 8 ft. hedge…make it a 12 ft. hedge and let it grow; very simplistic landscape; there is no hierarchy in the landscape…it lacks imagination. Staff will look into the previous approval as it relates to the two piers and gates.

MOTION BY MS. DIVER FOR DEFERRAL TO OCTOBER.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

C. MINOR PROJECTS - OLD BUSINESS

A - 009 - 2010 Balustrade & site wall
Address: 300 Dunbar Road
Applicant: Dean O'Hare c/o M.Timothy Hanlon
Architect: T & L Architecture Inc.
Project Description: Addition of ornamental balustrade on top of existing parapet. Also, addition of new site wall at entry points of driveway, replace existing site wall at pool and related landscaping

Please note that at the July meeting, there was a motion for approval of the project, with the proviso that the two piers be added as recommended, that there is a solid wall by the swimming pool area, and, that the applicant returns with details of the design of the front door. Please note that at the August meeting, the architect requested deferral of the front door design to the September meeting, and a motion was made to that effect. Please be advised that the architect has requested a deferral to the October meeting.

MOTION BY MS. DIVER FOR DEFERRAL TO OCTOBER.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

D. MINOR PROJECTS - NEW BUSINESS

IX. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE)(11:01:42 a.m.) None

X. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT:(11:01:45 a.m.)

Mr. Zukov voiced a concern about the buildings which are approved by ARCOM and then are shuttered for six months at a time by aluminum or wood. He asked the members to think about this and how ARCOM could control this issue. Mr. Smith responded that most new buildings have impact windows and doors, but others noted that shutters are still quite often applied over the impact openings. There is a provision within Town Code relative to commercial buildings in this regard, but there is no code provision for residences. Mr. Page recalled that such provisions had once been considered for residences, but they were never approved. Mr. Page will do some research into this matter. It was suggested that a hurricane protection plan might be a requirement in the future for new homes.

Mr. Zukov asked about the correct procedure to allow members to visit a site. Mr. Page noted that there is a provision in the LPC ordinance which allows members access to properties, but there is no provision in the ARCOM ordinance. Mr. Page will discuss this with the Town Attorney, especially with regard to liability.

Ms. Diver mentioned that she sees too many television dishes on beautiful landmarked homes which can be seen from the street. Mrs. Vanneck noted that the Federal government regulates that dishes cannot be denied, but the Town might stipulate that they cannot be visible from the street.

Mr. Page promised that he will have the Building Official present at the October meeting to discuss the issues which have been mentioned.

Mr. Page reported that as the Town Council struggles with the budget, they will consider the possibility of reducing the number of meetings for all Town boards and commissions. Chairman Smith responded that this has come up before, and it was decided that construction should not be held up.

Mr. Page reported that all departments have been instructed to minimize the use of the Town Attorney's time. As such, staff will try to gauge the critical importance of agenda items so that Mr. Randolph only attends an ARCOM meeting when necessary.

Mr. Smith announced that he will be absent from the October meeting and will be on vacation.

XI. ADJOURNMENT:

MOTION BY MRS. VANNECK TO ADJOURN AT 11:15 A.M.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Architectural Commission will be held on Wednesday, October 27, 2010 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,

Jeffery W. Smith, Chairman
ARCHITECTURAL COMMISSION

cmd

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 112-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of Annual Software Support and Maintenance for Cartegraph ($44,985), Sungard Public Sector ($87,251.67), and Tyler Technologies ($89,867.72) and Authorizing the Town Manager to Execute the Purchases on Behalf of the Town.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- Memorandum dated October 1, 2010, from Spencer Wilson, Information Systems Manager
- Resolution No. 112-10
- Annual Maintenance Quotes

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

Via: Thomas G. Bradford, Deputy Town Manager

From: Spencer Wilson, Information Systems Manager

Re: Approval to Renew the Annual Software Support and Maintenance with Cartegraph, Sungard Public Sector and Tyler Technologies
Resolution No. 112-10

Date: October 1, 2010

STAFF RECOMMENDATION

The Office of Information Systems is recommending the renewal of the annual software support and maintenance for three of the Town's major software products. These renewals provide all of the Town's licensing, support and maintenance for Cartegraph Public Works Systems, Sungard Public Sector OSSI Systems and Tyler Technologies Eden Systems. Staff is recommending the adoption of Resolution No. 112-10 which authorizes the Town Manager to approve issuance of purchase orders for these renewals and expend the funds from the FY2011 budget.

GENERAL INFORMATION

On an annual basis, the Office of Information Systems has to renew the licensing, support and maintenance for all software that is used within the Town. These companies provide the three major software systems for the Town of Palm Beach. Tyler Technologies' Eden system provides all of the support for the Town's Financial Systems, Permits and Purchasing. Sungard's OSSI system provides all of the support for the Public Safety systems such as CAD, Police records, and mobile computing for emergency responders. Cartegraph's public works system provides all of the support for work management, labor and fleet tracking. All three companies products are proprietary and are considered sole source.

FUNDING/FISCAL IMPACT

This purchase will come from the Information Systems Software Maintenance account and is included in the FY2011 budget. The cost breakdown for each vendor is listed below:

Software	Function	Maintenance Amount
Cartegraph Systems	Public Works Systems	$44,985.00
Sungard Public Sector	OSSI Public Safety Systems	$87,251.67
Tyler Technologies	Eden Products	$89,867.72

PURCHASING REVIEW

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department and award is hereby recommended to Cartegraph, Sungard, and Tyler Technologies as sole source providers per the attached documentation.

TOWN ATTORNEY REVIEW

The resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

<u>RESOLUTION NO. 112-10</u>

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE PURCHASE OF ANNUAL SOFTWARE SUPPORT AND MAINTENANCE FOR CARTEGRAPH ($44,985), SUNGARD PUBLIC SECTOR ($87,251.67), AND TYLER TECHNOLOGIES ($89,867.72) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PURCHASES ON BEHALF OF THE TOWN.

WHEREAS, staff has recommended renewal of software support and maintenance for the Town's Cartegraph Public Works Software, Sungard Public Sector OSSI Software and Tyler Technologies Eden System with quotes attached hereto as Exhibit "A", Exhibit "B", Exhibit "C" respectively.

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

<u>Section 1</u>: The foregoing recitals are hereby ratified and confirmed.

<u>Section 2</u>: The quotes for the Cartegraph attached hereto as Exhibit "A" in the amount of $44.985.00, Sungard Public Sector attached hereto as Exhibit "B" in the amount of $87,251.67, Tyler Technologies attached hereto as Exhibit "C" in the amount of $89,867.72 and incorporated by reference as a part of this resolution is hereby approved and the Town Manager is authorized to execute these renewals on behalf of the Town.

PASSED AND ADOPTED IN REGULAR, ADJOURNED SESSION OF THE TOWN COUNCILOF THE TOWN OF PALM BEACH ASSEMBLED THIS 12th DAY OF OCTOBER 2010.

______________________ Jack McDonald, Mayor	______________________ David A. Rosow, Town Council President
	______________________ Gail Coniglio, Council President Pro Tem
	______________________ William J. Diamond, Town Council Member
ATTEST:	______________________ Richard M. Kleid, Town Council Member
______________________ Joanna Cunningham, Town Clerk	______________________ Robert N. Wildrick, Town Council Member

Exhibit A

CartêGraph

INVOICE

3600 DIGITAL DRIVE
DUBUQUE IA 52003
Phone (800)688-2656
FAX (563) 556-8149
KevinKline@cartegraph.com

Invoice #	R-06645
Invoice Date	7/27/2010
Support Exp Date	10/30/2010
Payment Terms	Net 30

Customer ID PALMBTOFL

Bill To:
Town of Palm Beach, FL
Cory Cordero-Kroll
360 South County Rd
Palm Beach FL 33480

Qty	Modules Covered	Unit Price	Extended Price
1.00	CarteFLEX 33-pack Subscription Maint Renew	$43,725.00	$43,725.00
1.00	CarteFLEX-GEODATAconnect Subscription Renew	$0.00	$0.00
1	Modification Support #1610	$1,260.00	$1,260.00

Subtotal	$44,985.00
Tax	$0.00
Total	$44,985.00

Your maintenance or subscription agreements on the above listed module(s) wilkoon expire.
To continue without interruption please return payment within 30 days.
However, if allowed to lapse, the renewal cost will be 40%
of the current list price of the software.

If you have any questions please contact Kevin Kline at 1-800-688-2656 ext. 6234 or by e-mail at KevinKline@cartegraph.com

Please make checks payable to CarteGraph Systems

Exhibit B

SUNGARD® PUBLIC SECTOR

1000 Business Center Drive
Lake Mary, FL 32746
800-727-8088
www.sungard.com/publicsector

Invoice

Company	Document No	Date	Page
LG	25039	31/Aug/2010	1 of 3

Bill To: Town of Palm Beach (OSSI)
360 S. County Rd.
PALM BEACH, FL 33480
United States
Attn: Jim Palmer 561-227-6311

Ship To: Town of Palm Beach (OSSI)
360 S. County Rd.
PALM BEACH, FL 33480
United States
Attn: Jim Palmer 561-227-6311

Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1 6092LG	Town of Palm Beach (OSSI)		USD	NET30	30/Sep/2010

No	SKU Code/Description/Comments	Units	Rate	Extended
	Contract No. 081162			
1	OSSI Base Computer Aided Dispatch System Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	8,658.00	8,658.00
2	OSSI Additional CAD Console License Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	2.00	702.00	1,404.00
3	OSSI First CAD Map Display and Map Maintenance Software License Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	810.00	810.00
4	OSSI Additional CAD Map Display Client License Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	4.00	270.00	1,080.00
5	OSSI - OPS CAD Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	2,800.00	2,800.00
6	OSSI E911 Interface Module Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	990.00	990.00
7	OSSI Telestaff Interface Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	990.00	990.00
8	OSSI Client Base Records Management System Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	12,992.00	12,992.00
9	OSSI Police to Police Annual Subscription Fee Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	0.00	0.00
10	OSSI Notification Module Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	2,272.00	2,272.00
11	OSSI Property and Evidence Module Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	880.00	880.00
12	OSSI Bar Coding Server License Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	1,200.00	1,200.00
13	OSSI Bar Coding Hand-Held Client License (Each) Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	255.00	255.00
14	OSSI RMS Map Display and Pin Mapping License Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	1,600.00	1,600.00

Page Total 35,931.00

SUNGARD PUBLIC SECTOR
1000 Business Center Drive
Lake Mary, FL 32746
800-727-8088
www.sungard.com/publicsector

Invoice

Company	Document No	Date	Page
LG	25039	31/Aug/2010	2 of 3

Bill To: Town of Palm Beach (OSSI)
360 S. County Rd.
PALM BEACH, FL 33480
United States
Attn: Jim Palmer 561-227-6311

Ship To: Town of Palm Beach (OSSI)
360 S. County Rd.
PALM BEACH, FL 33480
United States
Attn: Jim Palmer 561-227-6311

Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1 6092LG	Town of Palm Beach (OSSI)		USD	NET30	30/Sep/2010

No	SKU Code/Description/Comments	Units	Rate	Extended
15	OSSI Accident Wizard Base Server License Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	800.00	800.00
16	OSSI Accident Wizard Workstation License Client Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	25.00	24.00	600.00
17	OSSI Training Module Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	560.00	560.00
18	OSSI - QuarterMaster Module Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	880.00	880.00
19	OSSI's Integrated State/NCIC Messaging Software Switch Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	3,600.00	3,600.00
20	OSSI Base Mobile Server Software Client Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	2,250.00	2,250.00
21	OSSI Review Module for Field Reporting Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	2,000.00	2,000.00
22	OSSI - LAN Client License for Message Switch Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	10.00	54.00	540.00
23	OSSI MCT Client for Digital Dispatch Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	25.00	159.20	3,980.00
24	OSSI Mobile Client Maps Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	25.00	32.00	800.00
25	OSSI - MFR Client- Base Incident/Offense Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	25.00	159.20	3,980.00
26	OSSI - MFR Client - Accident Reporting Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	25.00	80.00	2,000.00
27	OSSI Mobile Arrest Module Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	25.00	48.00	1,200.00
28	OSSI MFR Client Arrest Affidavit Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	25.00	24.00	600.00
29	OSSI - MFR Client Citation	25.00	80.00	2,000.00

Page Total 25,790.00

SUNGARD® PUBLIC SECTOR
1000 Business Center Drive
Lake Mary, FL 32746
800-727-8088
www.sungard.com/publicsector

Invoice

Company	Document No	Date	Page
LG	25039	31/Aug/2010	3 of 3

Bill To: Town of Palm Beach (OSSI)
360 S. County Rd.
PALM BEACH, FL 33480
United States
Attn: Jim Palmer 561-227-6311

Ship To: Town of Palm Beach (OSSI)
360 S. County Rd.
PALM BEACH, FL 33480
United States
Attn: Jim Palmer 561-227-6311

Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1 6092LG	Town of Palm Beach (OSSI)		USD	NET30	30/Sep/2010

No	SKU Code/Description/Comments	Units	Rate	Extended
	Maintenance Start: 01/Oct/2010, End: 30/Sep/2011			
30	OSSI - MFR Client - MOBLAN Version Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	5.00	80.00	400.00
	Contract No. 081162-2			
31	OSSI Calls for Service Module - 50 workstation Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	720.00	720.00
32	OSSI Basic Accident Module - 25 Workstation Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	640.00	640.00
	Contract No. 091187			
33	OSSI - CAD Emergency Pro (EMS Pro by Documed) FIRE:RMS INTERFACE Interface Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	990.00	990.00
34	OSSI CAD Resource Monitor Display License with Maps Client Maintenance Start: 01/Oct/2010, End: 30/Sep/2011	1.00	180.00	180.00

Page Total 2,930.00

Remit Payment To: SunGard Public Sector Inc.
Bank of America
12709 Collection Center Drive
Chicago, IL 60693

PSA Reference Number:

Subtotal	64,651.00
Sales Tax	0.00
Invoice Total	64,651.00
Payment Received	0.00
Balance Due	64,651.00

SUNGARD® PUBLIC SECTOR
1000 Business Center Drive
Lake Mary, FL 32746
800-727-8088
www.sungard.com/publicsector

Invoice

Company	Document No	Date	Page
LG	26942	30/Sep/2010	1 of 1

Bill To: Town of Palm Beach (OSSI)
360 S. County Rd.
PALM BEACH, FL 33480
United States
Attn: Jim Palmer 561-227-6311

Ship To: Town of Palm Beach (OSSI)
360 S. County Rd.
PALM BEACH, FL 33480
United States
Attn: Jim Palmer 561-227-6311

Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1 6092LG	Town of Palm Beach (OSSI)		USD	NET30	30/Oct/2010

No	SKU Code/Description/Comments	Units	Rate	Extended
	Contract No. 091402			
1	OSSI AVL Server Host License Maintenance Start: 01/Nov/2010, End: 30/Sep/2011	1.00	5,775.00	5,775.00
2	OSSI CAD Client AVL License Maintenance Start: 01/Nov/2010, End: 30/Sep/2011	5.00	330.00	1,650.00
3	OSSI Client AVL Mobile License Maintenance Start: 01/Nov/2010, End: 30/Sep/2011	28.00	22.00	616.00
4	OSSI CAD Resource Monitor Display License with Maps Client Maintenance Start: 01/Nov/2010, End: 30/Sep/2011	4.00	165.00	660.00
5	OSSI Residential Security Watch Module Maintenance Start: 01/Nov/2010, End: 30/Sep/2011	1.00	513.33	513.33
6	OSSI - Link Analysis Module Maintenance Start: 01/Nov/2010, End: 30/Sep/2011	1.00	1,833.33	1,833.33

Page Total 11,047.66

Remit Payment To: SunGard Public Sector Inc.
Bank of America
12709 Collection Center Drive
Chicago, IL 60693

Subtotal	11,047.66
Sales Tax	0.00
Invoice Total	11,047.66
Payment Received	0.00
Balance Due	11,047.66

PSA Reference Number:

Code	Customer	Contract #	Application	Qty	10/1/09-9/30/10	10/1/10-9/30/11
6092LG	Town of Palm Beach (OSSI)	081162	OSSI Base Computer Aided Dispatch System	1	$ 8,658.00	$ 8,658.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI Additional CAD Console License	2	$ 1,404.00	$ 1,404.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI First CAD Map Display and Map Maintenance Software License	1	$ 810.00	$ 810.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI Additional CAD Map Display Client License	4	$ 1,080.00	$ 1,080.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI - OPS CAD	1	$ 2,800.00	$ 2,800.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI E911 Interface Module	1	$ 990.00	$ 990.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI Telestaff Interface	1	$ 990.00	$ 990.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI Client Base Records Management System	1	$ 12,992.00	$ 12,992.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI Police to Police Annual Subscription Fee	1	$ -	$ -
6092LG	Town of Palm Beach (OSSI)	081162	OSSI Notification Module	1	$ 2,272.00	$ 2,272.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI Property and Evidence Module	1	$ 880.00	$ 880.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI Bar Coding Server License	1	$ 1,200.00	$ 1,200.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI Bar Coding Hand-Held Client License (Each)	1	$ 255.00	$ 255.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI RMS Map Display and Pin Mapping License	1	$ 1,600.00	$ 1,600.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI Accident Wizard Base Server License	1	$ 800.00	$ 800.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI Accident Wizard Workstation License Client	25	$ 600.00	$ 600.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI Training Module	1	$ 560.00	$ 560.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI - QuarterMaster Module	1	$ 880.00	$ 880.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI's Integrated State/NCIC Messaging Software Switch	1	$ 3,600.00	$ 3,600.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI Base Mobile Server Software Client	1	$ 2,250.00	$ 2,250.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI Review Module for Field Reporting	1	$ 2,000.00	$ 2,000.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI - LAN Client License for Message Switch	10	$ 540.00	$ 540.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI MCT Client for Digital Dispatch	25	$ 3,980.00	$ 3,980.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI Mobile Client Maps	25	$ 800.00	$ 800.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI - MFR Client- Base Incident/Offense	25	$ 3,980.00	$ 3,980.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI - MFR Client - Accident Reporting	25	$ 2,000.00	$ 2,000.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI Mobile Arrest Module	25	$ 1,200.00	$ 1,200.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI MFR Client Arrest Affidavit	25	$ 600.00	$ 600.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI - MFR Client Citation	25	$ 2,000.00	$ 2,000.00
6092LG	Town of Palm Beach (OSSI)	081162	OSSI - MFR Client - MOBLAN Version	5	$ 400.00	$ 400.00
6092LG	Town of Palm Beach (OSSI)	081162-2	OSSI Calls for Service Module - 50 workstation	1	$ -	$ 720.00
6092LG	Town of Palm Beach (OSSI)	081162-2	OSSI Basic Accident Module - 25 Workstation	1	$ -	$ 640.00
6092LG	Town of Palm Beach (OSSI)	091187	OSSI - CAD Emergency Pro (EMS Pro by Documed) FIRE:RMS INTERFACE Interface	1	$ -	$ 990.00
6092LG	Town of Palm Beach (OSSI)	091187	OSSI CAD Resource Monitor Display License with Maps Client	1	$ -	$ 180.00
			TOTAL		**$ 62,121.00**	**$ 64,651.00**

Code	Customer	Contract #	Application	Qty	Annual Fee 11/1/10-10/31/11	Prorate 11 mos. 11/1/10-9/30/11
6092LG	Town of Palm Beach (OSSI)	091402	OSSI AVL Server Host License	1	$ 6,300.00	$ 5,775.00
6092LG	Town of Palm Beach (OSSI)	091402	OSSI CAD Client AVL License	5	$ 1,800.00	$ 1,650.00
6092LG	Town of Palm Beach (OSSI)	091402	OSSI Client AVL Mobile License	28	$ 672.00	$ 616.00
6092LG	Town of Palm Beach (OSSI)	091402	OSSI CAD Resource Monitor Display License with Maps Client	4	$ 720.00	$ 660.00
6092LG	Town of Palm Beach (OSSI)	091402	OSSI Residential Security Watch Module	1	$ 560.00	$ 513.33
6092LG	Town of Palm Beach (OSSI)	091402	OSSI - Link Analysis Module	1	$ 2,000.00	$ 1,833.33
			TOTAL		**$ 12,052.00**	**$ 11,047.67**
					PO #100238	

Code	Customer	Contract #	Application	Qty	Annual Fee 12/1/10-11/30/11	Prorate 10 mos. 12/1/10-9/30/11
6092LG	Town of Palm Beach (OSSI)	081162-1	OSSI - Link Analysis Module	1	$ 2,000.00	$ 1,666.67
			TOTAL		**$ 2,000.00**	**$ 1,666.67**

Code	Customer	Contract #	Application	Qty	Annual Fee 12/1/10-11/30/11	Prorate 10 mos. 12/1/10-9/30/11
6092LG	Town of Palm Beach (OSSI)	091499	OSSI Base Mobile Server Software Client	1	$ 3,600.00	$ 3,000.00
6092LG	Town of Palm Beach (OSSI)	091499	OSSI MCT Client for Digital Dispatch	13	$ 2,069.60	$ 1,724.67
6092LG	Town of Palm Beach (OSSI)	091499	OSSI Mobile Client Maps	13	$ 416.00	$ 346.67
6092LG	Town of Palm Beach (OSSI)	091499	OSSI CAD Resource Monitor Display License with Maps Client	4	$ 720.00	$ 600.00
6092LG	Town of Palm Beach (OSSI)	091499	OSSI Rip and Run Printing/Faxing Module	1	$ 990.00	$ 825.00
6092LG	Town of Palm Beach (OSSI)	091499	OSSI Alpha Numeric Paging Module	1	$ 990.00	$ 825.00
6092LG	Town of Palm Beach (OSSI)	091499	OSSI Interface to Pagegate	1	$ 180.00	$ 150.00
			TOTAL		**$ 8,965.60**	**$ 7,471.33**
					PO #100237	

Code	Customer	Contract #	Application	Qty	Annual Fee 12/1/10-11/30/11	Prorate 10 mos. 12/1/10-9/30/11
6092LG	Town of Palm Beach (OSSI)	091449	OSSI CAD Custom Mod - (Locution Interface for CADVoice System)	1	$ 2,700.00	$ 2,250.00
			TOTAL		**$ 2,700.00**	**$ 2,250.00**
					PO #100246	

Code	Customer	Contract #	Application	Qty	Annual Fee 9/1/11-8/31/12	Prorate 1 mo. 9/1/11-9/30/11
6092LG	Town of Palm Beach (OSSI)	100968	OSSI Medical PROQA Interface	1	$ 990.00	$ 82.50
6092LG	Town of Palm Beach (OSSI)	100968	OSSI Fire PROQA Interface		$ 990.00	$ 82.50
			TOTAL		**$ 1,980.00**	**$ 165.00**

NOTE: There will not be an increase applied to your existing suite of applications for 2010.

Grand Total: $ 87,251.67

NOTE: Prorated applications will be invoiced as noted.

4/16/10 Prepared by Mary Trujillo
4/16/10 Sent to Terri Bayard
Tbayard@TownofPalmBeach.com
9/28/10 revised,mjt.

Exhibit C

THIS IS NOT AN INVOICE

PROFORMA

Company	Order No.	Date	Page
045	18269	14/Sep/2010	1 of 4

To: Attn: Terri Bayard 5612276332
PALM BEACH, TOWN OF
TOWN OF PALM BEACH
ATTN: ACCOUNTS PAYABLE
360 S COUNTY RD
PALM BEACH, FL 33480
United States

Ship To: Attn: Terri Bayard 5612276332
PALM BEACH, TOWN OF
TOWN OF PALM BEACH
ATTN: ACCOUNTS PAYABLE
360 S COUNTY RD
PALM BEACH, FL 33480
United States

Customer Grp/No.		Customer PO#	Payment Terms	Currency Code	Ship Via	Salesperson Cd
1	5247		Net 30	USD	MISC	

No.	Item/ Description/ Comments	# Users	Quantity	U/M	Unit Price	Disc %	Total Cost
	Contract No.: PALM BEACH, TOWN OF						
1	Interface Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	1,143.84	.00	1,143.84
2	Citizen Services Support-Code Enforcement-Inspections Hierachy **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	4,150.00	.00	4,150.00
3	Crystal Reports Site License Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	1,143.84	.00	1,143.84
4	IVRS Support- (PI) **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	686.31	.00	686.31
5	Accounts Receivable Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	1,647.14	.00	1,647.14
6	Applicant Tracking Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	1,029.46	.00	1,029.46
7	Licensing Support Web **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	915.08	.00	915.08
8	Budget Preparation Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	1,029.46	.00	1,029.46
9	Disaster Recovery Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	14,476.49	.00	14,476.49
10	Forms Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	3,568.79	.00	3,568.79
11	Fixed Assets Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	1,647.14	.00	1,647.14

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PROFORMA

Company	Order No.	Date	Page
045	18269	14/Sep/2010	2 of 4

To: Attn: Terri Bayard 5612276332
PALM BEACH, TOWN OF
TOWN OF PALM BEACH
ATTN: ACCOUNTS PAYABLE
360 S COUNTY RD
PALM BEACH, FL 33480
United States

Ship To: Attn: Terri Bayard 5612276332
PALM BEACH, TOWN OF
TOWN OF PALM BEACH
ATTN: ACCOUNTS PAYABLE
360 S COUNTY RD
PALM BEACH, FL 33480
United States

Customer Grp/No.		Customer PO#	Payment Terms	Currency Code	Ship Via	Salesperson Cd
1	5247		Net 30	USD	MISC	

No.	Item/ Description/ Comments	# Users	Quantity	U/M	Unit Price	Disc %	Total Cost
12	GASB/CAFR Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	2,882.49	.00	2,882.49
13	GL/AP/PG Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	4,117.84	.00	4,117.84
14	Human Resources Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	2,058.92	.00	2,058.92
15	Human Resources Support Web **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	686.31	.00	686.31
16	Parcel Manager Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	1,372.61	.00	1,372.61
17	Payroll Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	5,490.45	.00	5,490.45
18	Permits & Inspections Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	4,804.14	.00	4,804.14
19	Position Budgeting Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	686.31	.00	686.31
20	Project Accounting Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	2,882.49	.00	2,882.49
21	Requisitions Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	411.78	.00	411.78
22	State Package Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	1,143.84	.00	1,143.84

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PROFORMA

Company	Order No.	Date	Page
045	18269	14/Sep/2010	3 of 4

To: Attn: Terri Bayard 5612276332
PALM BEACH, TOWN OF
TOWN OF PALM BEACH
ATTN: ACCOUNTS PAYABLE
360 S COUNTY RD
PALM BEACH, FL 33480
United States

Ship To: Attn: Terri Bayard 5612276332
PALM BEACH, TOWN OF
TOWN OF PALM BEACH
ATTN: ACCOUNTS PAYABLE
360 S COUNTY RD
PALM BEACH, FL 33480
United States

Customer Grp/No.		Customer PO#	Payment Terms	Currency Code	Ship Via	Salesperson Cd
1	5247		Net 30	USD	MISC	

No.	Item/ Description/ Comments	# Users	Quantity	U/M	Unit Price	Disc %	Total Cost
23	Tyler Output Processing Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	1,601.38	.00	1,601.38
24	CORE Cashiering Support - 3 Stations **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	7,549.37	.00	7,549.37
25	Report Views Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	1,143.84	.00	1,143.84
26	Accounts Payable Support Web **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	686.31	.00	686.31
27	Accounts Receivable Support Web **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	686.31	.00	686.31
28	Applicant Tracking Support Web **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	686.31	.00	686.31
29	Licensing Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	2,470.70	.00	2,470.70
30	Inventory Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	2,882.49	.00	2,882.49
31	CORE Cashiering Support - 1 Station (PO 800343) **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	1,715.61	.00	1,715.61
32	Permits & Inspections Support Web **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	1,372.61	.00	1,372.61
33	CORE Cashiering Support - 1 Station (PO 71108) **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	1,715.61	.00	1,715.61

THIS IS NOT AN INVOICE

PROFORMA

Company	Order No.	Date	Page
045	18269	14/Sep/2010	4 of 4

To: Attn: Terri Bayard 5612276332
PALM BEACH, TOWN OF
TOWN OF PALM BEACH
ATTN: ACCOUNTS PAYABLE
360 S COUNTY RD
PALM BEACH, FL 33480
United States

Ship To: Attn: Terri Bayard 5612276332
PALM BEACH, TOWN OF
TOWN OF PALM BEACH
ATTN: ACCOUNTS PAYABLE
360 S COUNTY RD
PALM BEACH, FL 33480
United States

Customer Grp/No.	Customer PO#	Payment Terms	Currency Code	Ship Via	Salesperson Cd
1 5247		Net 30	USD	MISC	

No.	Item/ Description/ Comments	# Users	Quantity	U/M	Unit Price	Disc %	Total Cost
34	CORE Cashiering Support - 4 (PO 801716)Stations **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	5,992.45	.00	5,992.45
35	LaserFiche interface Support **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	2,490.00	.00	2,490.00
36	Benefits Enrollment Support Web **Maintenance Plan: ; Start: 10/01/2010, End: 09/30/2011; Term: 12 months**	1	1	EA	900.00	.00	900.00

Does not include any applicable taxes **Order Total:** 89,867.72

We would like to continue on the current maintenance plan

☐ Our Purchase Order is enclosed

☐ Our Purchase Order is ______________.

☐ Purchase Order is not required to be invoiced

AN INVOICE WILL BE SENT <u>AFTER</u> CONFIRMATION OF ORDER

Comments:

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 113-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Enter into Contract Extensions with Storm Reconstruction Services, Inc. (SRS), Scott Lewis Gardening and Trimming, Inc., and TFR Enterprises, Inc., for Debris Management, Removal, Reduction and Disposal.

Presenter
H. Paul Brazil, Director of Public Works

Supporting Documents
- Memorandum dated October 1, 2010, from H. Paul Brazil, Director of Public Works.
- Resolution No. 113-10

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Renewal of Debris Management Contracts
Resolution No. 113-10

Date: October 1, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council authorize the Town Manager to extend the Hurricane/Disaster Site Management for Debris Removal, Reduction and Disposal contracts with Scott Lewis Gardening and Trimming, Inc., Storm Reconstruction Services, Inc., and T.F.R. Enterprises, Inc. for a period of six months.

GENERAL INFORMATION

Contracts were entered into with Scott Lewis Gardening and Trimming, Inc., and Storm Reconstruction Services, Inc., on October 21, 2005, that will expire on October 20, 2010. The contract with T.F.R. Enterprises, Inc., was signed on November 2, 2005, and will expire on November 1, 2010. Each of these contractors have been contacted and are willing to extend their contracts for an additional six months. This allows for any emergencies during the remaining hurricane season, and sufficient time to complete a competitive process for new contracts prior to the 2011 Hurricane Season.

FUNDING/FISCAL IMPACT

There is no cost to the Town for these contracts unless an emergency situation arises and the contract(s) are utilized.

PURCHASING REVIEW

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department and contract extensions are hereby recommended to Scott Lewis Gardening and Trimming, Inc., Storm Reconstruction Services, Inc., and T.F.R. Enterprises, Inc., as a Piggyback Contract No. 01-254 by Solid Waste Authority of Palm Beach County.

TOWN ATTORNEY REVIEW

This resolution was reviewed by the Town Attorney and approved for legal form and sufficiency.

Attachments
HPB:nb

cc. Eric Brown, Assistant Director of Public Works
Larry Iverson, Services Division Manager
Lynda Venne, Purchasing Agent

RESOLUTION NUMBER 113-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO ENTER INTO CONTRACT EXTENSIONS WITH STORM RECONSTRUCTION SERVICES, INC. (SRS), SCOTT LEWIS GARDENING AND TRIMMING, INC., AND TFR ENTERPRISES, INC., FOR DEBRIS MANAGEMENT, REMOVAL, REDUCTION AND DISPOSAL.

* * *

WHEREAS, the Town Council of the Town of Palm Beach wishes to be prepared and in a state of readiness should it become necessary due to environmental circumstances to engage in large scale debris management, removal, reduction and disposal; and

WHEREAS, in order to accomplish this state of readiness, the Town Council acknowledges that having a contract with a qualified contractor will enhance the Town's ability to respond to such circumstances.

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

Section 1. The foregoing contracts are hereby re-ratified and confirmed.

Section 2. The Town Manager is hereby authorized to execute contract extensions with Storm Reconstruction Services, Inc. (SRS), Scott Lewis Gardening and Trimming, Inc., and TFR Enterprises, Inc. for debris management, removal, reduction and disposal with the Town of Palm Beach, for six months.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 12th day of October 2010.

______________________	______________________
Jack McDonald, Mayor	David A. Rosow, Town Council President
	______________________
	Gail Coniglio, Town Council President Pro Tem
	______________________
	William J. Diamond, Town Council Member
	______________________
ATTEST:	Richard M. Kleid, Town Council Member
______________________	______________________
Joanna Cunningham, Town Clerk	Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 114-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Kimley-Horn and Associates, Inc. in the Amount of $166,800 for the S-2 Inline Booster Station, Establishing a Design and Construction Documents Phase Budget of $184,000 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete this Phase of Said Improvements.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 30, 2010, from H. Paul Brazil, Director of Public Works.
- Resolution No. 114-10

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Award of S-2 Inline Booster Station Contract
Resolution No. 114-10

Date: September 30, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 114-10 authorizing the award of the S-2 Inline Booster Pumping Station Project design and permitting services in the amount of $166,800 to Kimley-Horn and Associates, Inc., (Kimley-Horn), and establishing a professional services phase budget of $184,000.

GENERAL INFORMATION

Contained within the Accelerated Capital Improvement Program is a project to replace the existing S-2 sanitary sewer pump station with an inline variable speed station, both located within Bradley Park. This upgrade along with other force main and pump station improvements will allow the Town to pump 100% of its' sewage flows through our shared force main with West Palm Beach in lieu of a portion going through the City of Lake Worth. Changing the routing of sewage will allow the Town to realize a significant savings in sewage disposal charges.

The new inline station will be constructed adjacent to and immediately west of the existing A-5 sanitary sewage pumping station (A-5 is the smaller, southern most building in the southwest corner of the park). With this new construction, the existing S-2 pump station building will be demolished and removed from the park (S-2 is the larger building immediately north of A-5). This project will therefore increase the amount of green space in Bradley Park as well as opening up the vista from Bradley Park to the Lake Worth Lagoon.

In addition to the above benefits, the Town will also be able to avoid a renovation to an existing sanitary sewage pump station in West Palm Beach (Lift Station 22), which was estimated to cost in excess of $1,200,000. This project had been designed and awarded prior to completion of a force main study which verified that only one station was necessary to adequately pump the sewage flows to the Regional Sewage Treatment Facility.

FUNDING/FISCAL IMPACT

The design and permitting services to be provided by Kimley-Horn will be "hourly not to exceed", up to $166,800 for the scope of services identified in their proposal. Funding for this work authorization is contained within the Town's Accelerated Capital Improvement Program.

PURCHASING REVIEW

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department and award is hereby recommended to Kimley Horn and Associates in accordance with the existing professional services agreement.

TOWN ATTORNEY REVIEW

This is a standard resolution in a form previously approved by the Town Attorney as to form and legal sufficiency.

HPB:nb
cc. Jane Struder, Finance Director
Eric Brown, Assistant Director of Public Works
James Bowser, Town Engineer
Charles Langley, Senior Project Engineer
Doug Terry, Water Resources Division Manager
Lynda Venne, Purchasing Agent

RESOLUTION NO. 114-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO KIMLEY-HORN AND ASSOCIATES, INC. IN THE AMOUNT OF $166,800 FOR THE S-2 INLINE BOOSTER STATION, ESTABLISHING A DESIGN AND CONSTRUCTION DOCUMENTS PHASE BUDGET OF $184,000 FOR SAID IMPROVEMENTS, AND AUTHORIZING THE TOWN MANAGER TO TAKE ACTIONS NECESSARY TO COMPLETE THIS PHASE OF SAID IMPROVEMENTS.

*　　　　*　　　　*　　　　*　　　　*

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

Section 1. S-2 Inline Booster Station Design and Construction Document contract is hereby awarded to Kimley-Horn and Associates, Inc. for their proposal amount of $166,800, with a total design phase budget of $184,000.

Section 2. The Town Manager is hereby authorized and directed to execute a purchase order on behalf of the Town of Palm Beach for design and construction document services with Kimley-Horn and Associates, Inc.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the design and construction documents for the S-2 Inline Booster Station.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 12th day of October 2010.

Jack McDonald, Mayor	David A. Rosow, Town Council President
	Gail Coniglio, Town Council President Pro Tem
	William J. Diamond, Town Council Member
ATTEST:	Richard M. Kleid, Town Council Member
Joanna Cunningham, Town Clerk	Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 115-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order in the Amount of $138,839 to SGM Engineering, Inc., for the Accelerated Capital Improvement Program Street Lighting Design and Construction Inspection/Management Services for the Town of Palm Beach, Establishing a Design and Construction Inspection Phase Budget of $152,000 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Improvements.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 29, 2010, from H. Paul Brazil, Director of Public Works.
- Resolution No. 115-10

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Street Light Improvements
Resolution No. 115-10

Date: September 29, 2010

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 115-10 authorizing the award of the Accelerated Capital Improvement Program Street Lighting Design and Construction Inspection/Management Services in the amount of $138,839 to SGM Engineering, Inc., and establishing a design and construction inspection/management phase budget of $152,000.

GENERAL INFORMATION

Contained within the Accelerated Capital Improvement Program is the design and construction of improvements to the Town's street lighting system. We will be replacing aging, high maintenance street lighting with new poles and fixtures. Limited underground wiring and conduit will also be done.

On April 13, 2010, Council approved a portion of the street light design services in Resolution 41-10. This design consisted of street light replacement from Sunrise Avenue to Wells Road. A portion of the previous scope will be deleted and incorporated into this design and inspection/management services project. The deletion of scope will result in a decrease of approximately $19,000 in the initial purchase order, which was for $30,230.

We have negotiated a Design Phase and Construction Inspection/Management Services contract with SGM Engineering, Inc., in the amount of $138,839. Staff also recommends a project contingency of 10%, resulting in a total estimated design and construction phase services budget of $152,000.

FUNDING/FISCAL IMPACT

Funding for this Accelerated Capital Improvement Program project is fully contained within the Bond Proceeds Construction Fund.

PURCHASING REVIEW

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department and award is hereby recommended to SGM Engineering, Inc., in accordance with the existing professional services agreement.

TOWN ATTORNEY REVIEW

This is a standard resolution in a form previously approved by the Town Attorney for legal form and sufficiency.

Attachment
HPB:nb

cc. Jane Struder, Director of Finance
Eric Brown, Assistant Director of Public Works
Michael Roach, Project Engineer
Steve Kartrude, Electrical Supervisor

RESOLUTION NO. 115-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A PURCHASE ORDER IN THE AMOUNT OF $138,839 TO SGM ENGINEERING, INC., FOR THE ACCELERATED CAPITAL IMPROVEMENT PROGRAM STREET LIGHTING DESIGN AND CONSTRUCTION INSPECTION/MANAGEMENT SERVICES FOR THE TOWN OF PALM BEACH, ESTABLISHING A DESIGN AND CONSTRUCTION INSPECTION PHASE BUDGET of $152,000 FOR SAID IMPROVEMENTS, AND AUTHORIZING THE TOWN MANAGER TO TAKE ACTIONS NECESSARY TO COMPLETE SAID IMPROVEMENTS.

*   *   *   *   *

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

Section 1. The Accelerated Capital Improvement Program street lighting design and construction inspection/management services is hereby awarded to SGM Engineering, Inc., for their proposal amount of $138,839. After allowance for a 10% contingency, the total amount authorized for the lighting design and construction inspection/management services phase of this project is $152,000.

Section 2. The Town Manager is hereby authorized and directed to execute a purchase order on behalf of the Town of Palm Beach for lighting design and construction inspection/management services with SGM Engineering, Inc.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the design services for the Accelerated Capital Improvement street lighting.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 12th day of October 2010.

____________________________ Jack McDonald, Mayor	____________________________ David A. Rosow, Town Council President
	____________________________ Gail Coniglio, Town Council President Pro Tem
	____________________________ William J. Diamond, Town Council Member
ATTEST:	____________________________ Richard M. Kleid, Town Council Member
____________________________ Joanna Cunningham, Town Clerk	____________________________ Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 116-10. A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement Between the Town of Palm Beach and GolfNow.com for the Provision of Internet Based Tee Time Advertising and Sales; Authorizing the Town Manager to Take Further Action Necessary to Effectuate the Agreement.

Presenter

Jay Boodheshwar, Director of Recreation

Supporting Documents

- Memorandum Dated October 1, 2010, from Jay Boodheshwar, Director of Recreation and Special Projects
- Resolution No. 116-10
- Proposal Dated October 1, 2010, from GolfNow.com

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation and Special Projects

Re: Agreement with GolfNow.com for Internet Based Tee Time Advertising and Sales
Resolution No. 116-10

Date: October 1, 2010

STAFF RECOMMENDATION

Staff recommends that Town Council adopt Resolution No. 116-10 authorizing the Town Manager to enter into a one year agreement with GolfNow.com for internet based tee time advertising and sales for the Par 3 Golf Course, with the option to renew annually for two additional years.

GENERAL INFORMATION

Founded in 2001 and owned and operated by the Golf Channel, GolfNow.com offers a nationally recognized internet based tee time advertising/reservation system geared towards maximizing course utilization. GolfNow.com currently operates in 43 states and is partnered with more than 2,000 courses across the US and Canada. Some of its features include an on-line course description, a link to the Par 3 Golf Course's website, directions, and instant tee time reservations.

The system allows the ability to place as many or as few tee times on the web site as desired. Prices are determined by the client and can be adjusted based on demand. The system also collects emails for use in marketing and email promotions. GolfNow.com is capable of linking with our current tee time reservation system as well as our website so any online bookings will be reflected in real time on our existing tee time system. Golfers booking on-line will receive an email confirmation of their reservation, including tee time information, cancellation policy and any other information we may choose to provide. A significant database of golfers (owned by the Town) is expected to be built within the first year.

Along with the available features that are specific to our needs, GolfNow.com also offers a procurement option that is highly desirable. GolfNow.com has a no payment option that is referred to as an "inventory exchange" method. Through this option the Town provides GolfNow.com with one tee time daily in lieu of upfront, monthly, and annual payments. Golfers will be able to purchase these tee times directly through the GolfNow.com website, just as they would any other tee time we have posted but the entire fee would be paid directly to GolfNow.com. Golfers attracted through the GolfNow.com website, which may not have played our course otherwise, would hopefully establish a long-term loyalty as a result of that experience and become return players.

The Town has the flexibility to choose which tee times to exchange, so staff will provide times during non-peak hours that are of a lesser value and likely to become unsold tee times that generate little to no revenue for the Town. These times would include those just prior to the afternoon rate change, which are always very difficult to sell.

Assuming that the one tee time per day exchanged for services and equipment is actually sold for the posted rates over the course of a year, the opportunity cost to the Town would be approximately $51,100. Although the cost of the proposed inventory exchange program may appear high, staff strongly recommends this approach for three reasons. First, it is highly unlikely that the Town would ever be 100% booked on any single day, especially during the off seasons, so it is extremely unlikely that golfers would ever be turned away. Second, staff has implemented a system allowing for golfers to be “squeezed in” even during our busiest days of the year, with the goal of never turning away golfers. Third, because the less than desirable tee times that will be exchanged are likely to realize little, if any revenue to the Town, the risk is actually significantly smaller than the value and benefits of exposure on the nationally recognized and heavily utilized GolfNow.com website and the indirect advertising that will be achieved through the re-selling of the tee times.

GolfNow.com affiliated courses in South Florida sold over 100,000 rounds and generated $3.3 million dollars in revenue in 2009 and these numbers are projected to significantly increase in 2010. Many of the local courses in our area are using this vehicle to promote their courses. Some examples include the Presidents Country Club, Binks Forest Golf Club, Palm Beach National Golf Club, Ironhorse Country Club, Winston Trails Golf Club, West Palm Beach Golf Course, and many others.

FUNDING/FISCAL IMPACT

There is no direct budget impact with this agreement, as the services provided by GolfNow.com will be offset with a tee time inventory exchange once each day in lieu of a monetary payment. The Town also has the ability to cancel this agreement at anytime without notice or penalty.

PURCHASING REVIEW

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department and award is hereby recommended to GolfNow.com as the leading nationwide provider of comprehensive internet based tee time marketing and sales. As an advertising mechanism, this procurement is exempt from bidding as per Section 1-2.3.1. of the Purchasing Manual.

TOWN ATTORNEY REVIEW

This a standard resolution in a form previously approved by the Town Attorney for legal form and sufficiency. The agreement will be reviewed and approved by the Town Attorney prior to the Town Manager’s final approval.

cc: Jane Struder, Director of Finance
John C. Randolph, Town Attorney
Lynda Venne, Purchasing Agent
Alan Brown, Assistant Director of Recreation

RESOLUTION NO. 116-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE TOWN OF PALM BEACH AND GOLFNOW.COM FOR THE PROVISION OF INTERNET BASED TEE TIME ADVERTISING AND SALES; AUTHORIZING THE TOWN MANAGER TO TAKE FURTHER ACTION NECESSARY TO EFFECTUATE THE AGREEMENT.

* * * * *

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

Section 1: The Town of Palm Beach procurement of internet based tee time advertising and sales for the Par 3 Golf Course is hereby awarded to GolfNow.com based upon their proposal dated October 1, 2010, attached hereto as "Exhibit A."

Section 2. The Town Manager is hereby authorized to execute an agreement on behalf of the Town of Palm Beach with GolfNow.com for the provision of internet based tee time advertising and sales for the Par 3 Golf Course under the terms outlined for the inventory exchange payment option in the proposal labeled "Exhibit A."

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further legal actions as may be necessary to effectuate an agreement for the provision of internet based tee time advertising and sales for the Town of Palm Beach.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of October, 2010.

______________________	______________________
Jack McDonald, Mayor	David A. Rosow, Town Council President
	______________________
	Gail Coniglio, Town Council President Pro Tem
	______________________
	William J. Diamond, Town Council Member
	______________________
ATTEST:	Richard M. Kleid, Town Council Member
______________________	______________________
Joanna Cunningham, Town Clerk	Robert N. Wildrick, Town Council Member

GOLF CHANNEL
Golf's Home.

October 1, 2010

Town of Palm Beach
Attn: Alan E. Brown, CPRP
2345 South Ocean Blvd.
Palm Beach, FL 33480

RE: Palm Beach Par 3 Golf Course

Dear Alan:

Thanks for taking the time to evaluate Golf Channel/Golfnow.com as your online tee times distribution partner. Below are a few of the reasons why over 2,400 courses across the US and Canada have also chosen to utilize our services.

- GolfNow.com is the internet's largest and most comprehensive online tee times site. In 2010 Golfnow.com is on pace to book over 4.5 million rounds for our course partners, delivering over $150 million in revenues. In the Miami market alone, we've already delivered over 56,000 rounds YTD. (Over $2,400,000)

- With a viewership of 15 million per month and the #1 website in golf, Golf Channel leverages its various marketing assets to encourage our viewers/users to play more golf and book at Golfnow.com.

- Golfnow.com partner courses are in complete control of course inventory. Courses have 24/7/365 access to our comprehensive suite of services to price each individual tee time and grow rounds and revenues.

- The Golfnow.com platform is available to our partner courses with no out of pocket expense. By providing one mutually agreeable trade foursome per day, courses can receive all of our standard services.

Again, thank you for your support of ***Golf Channel/Golfnow.com***. We are excited about entering into this potential partnership with you. If you have any further questions, please feel free to contact me at (407) 355-4322.

Sincerely,

Greg Palmer
Director, Regional Sales
Golf Channel

cc: Charles Klaus

Attachments: Palm Beach Par 3 Proposal golfnow® Tee Times 24/7

October 1, 2010

Basic Platform Services:

- Sale and Promotion of Tee Times on GolfNow.com and GolfChannel.com
    - Tee Times are distributed to our entire affiliate network, including GolfGalaxy.com, GolfLink.com, WorldGolf.com and hundreds of others
    - You control all pricing in the network
    - Course profile including description, amenities, link to course website, directions and tee times are displayed
    - In January 2010 GolfNow had over 1.1 million visits, GolfNow Miami had nearly 50,000.
    - GolfNow/Miami sold over 100,000 rounds and $3.3 million in revenue in 2009 and is projected to increase those numbers significantly in 2010.

- Demand-Based Pricing
    - Ability to price tee times according to demand. Rainy days, cold weather, early mornings are all easy to promote using our software
    - Automatically adjust the price based on criteria that you set (e.g. day of play after 12pm automatically drops 5%).

- Email Blast Technology/Database Acquisition
    - Every reservation captures an email address to retain online customers and market back to them
    - Email blast tool is provided to communicate with these customers whenever you choose

- Booking Link Technology
    - Use the same technology that powers GolfNow.com on your own website
    - Our system is intuitive for customers and all information is at-a-glance. With less clicks to find a tee time, customers are more likely to book online.
    - Any changes made will be reflected on your course website, GolfNow.com and all affiliated sites if you choose. If you would like different pricing in different outlets, we can set that up too!
    - All information collected from course website booking links, including is property of the course and not GolfNow.

golfnow® Tee Times 24/7

- Marketing Support
  - We have many items that can be used in goody bags for various events, like the City Championships.
  - For large events, we can create a custom graphic, like those attached, and for other tournaments we'll add the event to our GolfNow Tournaments page

- Tee Times Support
  - Dedicated Tampa staff to answer questions, provide reporting, update tee times or send emails to your GolfNow database. This includes Course Operations Associate Alexia Davis and Market Manager Charlie Klaus.

GCS Fees:

One Trade Time per day (365 annual Trade Times). Trade Times to be provided by COURSE to GCS. Trade Time shall mean one 18-hole foursome, the tee time for which shall be from 30 minutes after COURSE opening until 4.5 hours prior to dusk. GCS shall have the ability to sell Trade Times as singles.

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 117-10. A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement Between the Town of Palm Beach and Course Trends, Inc. for the Provision of Internet Based Advertising and Marketing Services; Authorizing the Town Manager to Take Further Action Necessary to Effectuate the Agreement.

Presenter
Jay Boodheshwar, Director of Recreation

Supporting Documents

- Memorandum Dated October 1, 2010, from Jay Boodheshwar, Director of Recreation and Special Projects
- Resolution No. 117-10
- Proposal Dated September 23, 2010, from Course Trends, Inc.

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation

Re: Agreement with Course Trends, Inc. for Internet Based Advertising and Marketing
Resolution No. 117-09

Date: October 1, 2010

STAFF RECOMMENDATION

Staff recommends that Town Council adopt Resolution No. 117-10, authorizing the Town Manager to enter into a one year agreement with Course Trends, Inc. for internet based advertising and marketing services for the Par 3 Golf Course, with the option to renew annually for two additional years.

GENERAL INFORMATION

Course Trends, Inc. offers a variety of services including website design and maintenance, email marketing, marketing library of resources with support and training all designed toward maximizing advertising, marketing and sales at the golf course.

They will upgrade and manage an interactive website with unlimited editing that can be used for basic course information as well as marketing of online tee time reservations, promotion of teaching services, posting of specials and events and many other functions. Services also include a variety of email marketing tools. Course Trends services include unlimited training, 7 day a week phone support, and 24 hour turnaround time on requests. Course Trends systems are compatible with our existing POS system for easy integration of data.

Along with the available features that are specific to our needs, Course Trends also offers a procurement option that is unique and highly desirable as outlined on their attached proposal. Course Trends has a no payment option that is referred to as an "inventory exchange" method. Through this option the Town provides Course Trends with a pre-determined amount of tee time inventory in lieu of monthly payments, which is similar to other procurement methods the Town has successfully used in the past.

Assuming that the one tee time per day exchanged for services are actually sold for the posted rates over the course of a year, the opportunity cost to the Town would be approximately $51,100. Although the opportunity cost of the proposed inventory exchange program may appear high, staff strongly recommends this approach because it is very unlikely that the Town would ever be 100% booked on any single day, especially during the off seasons, so it is highly unlikely that golfers would ever be turned away. In addition, staff has implemented a system allowing for golfers to be "squeezed in" even during our busiest days of the year, with the goal of never turning away golfers. Thus, the risk appears to be much smaller than the value and benefits of the services the Town would receive from Course Trends, Inc.

FUNDING/FISCAL IMPACT

There is no direct budget impact with this agreement, as the services provided by Course Trends, Inc. will be offset with tee time inventory exchanges once each day in lieu of a monetary payment.

PURCHASING REVIEW

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department and award is hereby recommended to Course Trends, Inc. as the provider of internet based advertising and marketing services specific to golf course operations. As an advertising mechanism, this procurement is exempt from bidding as per Section 1-2.3.1. of the Purchasing Manual.

TOWN ATTORNEY REVIEW

This a standard resolution in a form previously approved by the Town Attorney for legal form and sufficiency. The sales contract will be reviewed and approved by the Town Attorney prior to the Town Manager's final approval.

cc: Jane Struder, Director of Finance
John C. Randolph, Town Attorney
Lynda Venne, Purchasing Agent
Alan Brown, Assistant Director of Recreation

RESOLUTION NO. 117-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE TOWN OF PALM BEACH AND COURSE TRENDS, INC. FOR THE PROVISION OF INTERNET BASED ADVERTISING AND MARKETING SERVICES; AUTHORIZING THE TOWN MANAGER TO TAKE FURTHER ACTION NECESSARY TO EFFECTUATE THE AGREEMENT.

*   *   *   *   *

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

Section 1: The Town of Palm Beach procurement of internet based advertising and marketing services for the Par 3 Golf Course is hereby awarded to Course Trends, Inc. based upon their proposal dated October 1, 2010, attached hereto as “Exhibit A.”

Section 2. The Town Manager is hereby authorized to execute an agreement on behalf of the Town of Palm Beach with Course Trends, Inc. for the provision of internet based advertising and marketing services for the Par 3 Golf Course under the terms outlined for the inventory exchange payment option in the proposal labeled “Exhibit A.”

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further legal actions as may be necessary to effectuate an agreement for the provision of internet based advertising and marketing services for the Town of Palm Beach.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of October, 2010.

Jack McDonald, Mayor	David A. Rosow, Town Council President
	Gail Coniglio, Town Council President Pro Tem
	William J. Diamond, Town Council Member
ATTEST:	Richard M. Kleid, Town Council Member
Joanna Cunningham, Town Clerk	Robert N. Wildrick, Town Council Member

EXHIBIT A

CourseTrends
#1 Provider of Online Golf Marketing Solutions

Quote Valid From 9-23-10	**Sales Rep** Ken Swanson
Quote Valid Thru 10-23-10	**Quote #** 1083

Purchaser:
Town of Palm Beach
Par 3 Golf Course
2345 South Ocean Blvd.
Palm Beach, Florida 33480
561.547.0598
http://golfontheocean.com
par3@townofpalmbeach.com

Services Terms:

- $1,500 Activation Fee (waived)
- 12 Month Contract (Option to renew for up to two additional years)

Service Plans	Monthly
Step 1: Service Plan ❑ The CourseTrends Express Golf Marketing Solution with Website	$295
Step 2: Optional Pricing ❑ Trade 1 Tee Times a Day @ 10:30 a.m. (tee time include green and cart fee and are marketed on website and email)	($295)
Due at Signing	**$0**

By signing this form I agree to the CourseTrends Terms and Conditions as stated on the website and agree paying the selected service plan fee:

Authorized Purchaser: ____ **Date:**____________

CourseTrends
#1 Provider of Online Golf Marketing Solutions

CourseTrends

Features Included

Website
- Website design & management.
- Unlimited website editing.
- Calendar with automated upcoming events module.
- POS integration with all major providers (Active, FORE, IBS, Pro-ShopKeeper, EZ-Links, Jonas).
- Birthday club with automated birthday certificates.
- Customized data collection forms with customer profiling.
- Automated sales leads & intelligent responders.
- 12+ data capture points throughout your entire website.
- eClub – special web access for your loyal customers to access online specials & promotions.

Support & Training
- Unlimited training on how to use the Express Marketing Solution.
- Unlimited phone support 7 days / week, 12-hours / day.
- Unlimited email support 24-hours / day.
- One-call resolution.
- Speak to live person within 10 seconds.
- 24-hour turnaround time on requests.

Email Marketing
- Unlimited email blasts.
- Email scheduler.
- Unlimited data segmentation & list building.
- Email deliverability – CourseTrends works with hundreds of ISPs in North America to ensure your emails are delivered.
- Data Integrity – the system ensures your data is clean with no duplicate or bad email addresses.
- Active bounce management – the system monitors email bounces & separates your bad email addresses automatically for you.

Marketing Library
- Marketing Library with over 200 email-based promotions to choose from.
- 52-week email marketing plan.
- Professionally written sales letters for memberships, golf outings & events.
- Hundreds of email templates to choose from.
- Image Library with hundreds of golf related & stock images.
- Customized email templates to match your facility's branding.

Online Store (eCommerce)
- Online Pro Shop (shopping cart system) pre-configured for success.
- Unlimited product categories & items.
- Automated pro shop promotions emailed monthly.
- Payment processing with ETS & thousands of merchant accounts.
- Private pages for exclusive customers or private label branding.
- Tournament & Event online registration & payments.

Additional Included Features
- 128-bit security – your data is protected and secure.
- Your data is your data – see our privacy policy: http://coursetrends.com/golf/privacy_policy.html.
- CRM Module – log calls, keep history on prospects & members.
- Reporting for all areas of your website & email blasts.
- Complete ROI reporting will show your exact ROI every month.
- Access to CourseTrends Goldmine marketing webinars.

CourseTrends.com
9111 Jollyville Rd., Ste.108 Austin, TX 78759
Phone 512.236.0060 – Fax 512.236.0602

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Consent - Other

Agenda Title

Approval to Proceed with Holiday Decorations for 2010 and with a Design Competition for Holiday Decorations for 2011.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated October 6, 2010, from H. Paul Brazil, Director of Public Works.

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Holiday Decorations

Date: October 6, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council reaffirm their direction to utilize Christmas Designers, Inc., for providing holiday decorations during the upcoming 2010 holiday season, and to authorize Town staff to pursue a design competition for consideration in 2011 for implementation during the next holiday season.

GENERAL INFORMATION

The Town has historically had three holiday trees installed and decorated for the season. Based on the approved FY2011 budget, two of those three holiday trees were to be continued (Worth Avenue and Memorial Fountain) and the third was to be discontinued (Bradley Park). A donation was received by the Town for the third tree, so it will be included in the plans for the upcoming installation and decoration next month. Town staff and the Worth Avenue Improvements project team had been approached about the possibility of leasing or purchasing a new holiday tree and/or base for the Worth Avenue location. Based upon the approved budget, the purchasing constraints, and the limited time available before the installation, such a new initiative is not practical for this year. It is requested that the prior approval for Christmas Designers Inc., be renewed for another year. The holiday tree, decorations, and bases at all three locations will be the same as in prior years.

The Town Council had previously also accepted a holiday decoration plan at the July 8, 2009, Town Council meeting. The areas to be decorated were Royal Poinciana Way, South County Road (between Seaview Avenue and Worth Avenue), Royal Palm Way, and Worth Avenue. The decorations included LED lights wrapped on the existing Palms and ornamental garlands attached to exiting light poles. The decorations are slightly different in each area but the theme is consistent. Christmas Designers Inc. can furnish and install those decorations as they did last year. Staff recommends that the Town Council authorize a contract for the 2010 holiday season (FY2011) to accomplish the holiday trees as noted above, and the rest of the holiday decorations as previously approved.

SPECIAL CONSIDERATIONS

After the holiday season is over, Town staff recommends that a solicitation be advertised for services to furnish and install some or all approved Town holiday decorations. Because this is an aesthetic design issue and any designs will be proprietary, a design competition is envisioned. The review process would include ARCOM, owners/merchants representatives, and Town staff, with ultimate approval by the Town Council.

FUNDING/FISCAL IMPACT

The Town's approved FY2011 budget includes sufficient funds to accommodate two of the holiday trees, and a donation was received to fund the third (Bradley Park) holiday tree. Funding for the other holiday decorations (tree lights and street light garlands) is provided from a separate donations account created especially for that purpose.

PURCHASING REVIEW

This procurement has been reviewed by the Purchasing Division of the Finance Department and award is hereby recommended to Christmas Designers Inc., as a renewal of their quote from last year.

HPB:nb

cc: Eric Brown, Assistant Director of Public Works
Lynda Venne, Purchasing Agent
Steve Kartrude, Electrical Bureau Supervisor
Worth Avenue Association

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda
Consent - Other

Agenda Title
Authorization to Fill Office Assistant II Vacancy.

Presenter
H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated October 1, 2010, from H. Paul Brazil, Director of Public Works.

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Request to Fill Vacancy in Public Works Administration - Office Assistant II

Date: October 1, 2010

STAFF RECOMMENDATION

Staff requests that Town Council authorize the filling of a recently vacated Office Assistant II position within the Administration Office in Public Works.

GENERAL INFORMATION

The positions within administration handle a very diverse range of skilled tasks. This staff handles work orders, Town Council items, Shore Board items, resident phone calls, department payroll, attendance records, the yearly budget process, day to day correspondence, financial documents (requisitions), and all other tasks assigned by management. They must work closely with Finance and Purchasing to insure project materials are procured and that invoices are processed correctly. They also will be adding more administrative duties within the coming year in regards to project tracking and engineering correspondence, project filing and research. This is a very small work group, supporting a very large work producing department. By giving up half of the position of the Records Maintenance Assistant I, we have already increased the workload of the remaining individuals and are currently utilizing a temporary employee.

The administrative office has for the past 5 years consisted of three Office Assistant II positions and one Records Maintenance Assistant I, all reporting to the Office Manager. All of these positions are full-time with the exception of Records Maintenance Assistant I which was reclassified to a part-time position to allow for cost savings within the FY2011 budget. Maintaining this staffing level is consistent with the staffing plan presented to and approved by the Town Council during the budget process.

One of the Office Assistant II positions became vacant within the past month. Not filling this position would have a detrimental effect on the quality of service provided to Town residents as well as other Town departments, and businesses working with Public Works on projects.

Staff would like to suggest reassigning the current Office Assistant II in Vehicle Maintenance to the administrative office. This work group would gain a highly trained employee, as this person previously worked in the administration group. This person has a strong accounting background, has systems knowledge, and would be a tremendous asset to the administrative office. We would then fill the Office Assistant II position for Vehicle Maintenance, which would allow us to search for a candidate with vehicle parts and service background, as well as computer skills necessary for our systems. It would also give us 2 employees that would be cross trained within that bureau, providing for backup coverage.

FUNDING/FISCAL IMPACT

There is no new fiscal impact associated with filling this position. The funding of this position was already approved within the FY2011 budget at the September Special Town Council Meeting.

HPB:nb

cc. Danielle Olson, Director of Human Resources
Eric B. Brown, Assistant Director of Public Works

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Consent - Other

Agenda Title

Approval of Selection Committee Recommendation for Contractual Construction Program Manager.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 30, 2010, from H. Paul Brazil, Director of Public Works.

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Ratification of Selection Committee Rankings - Construction Program Manager RFQ 2010-13

Date: September 30, 2010

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the ranking of the selection committee. Town staff further recommends that Town Council authorize the Town Manager to enter into negotiations for Construction Program Manager services for the Accelerated Capital Improvement Program with the top ranked firm or succeeding ranked firms should negotiations fail.

GENERAL INFORMATION

Town staff issued a request for qualifications and received responses from nineteen (19) consultants. Their qualifications were reviewed by a selection committee. The Selection Committee, as approved by the Town Council, was comprised of: Gail Coniglio, Town Council Member, Jay Boodheshwar, Director of Recreation and Special Projects, Jane Struder, Finance Director, H. Paul Brazil, Director of Public Works and Charles R. Langley, Senior Project Engineer.

The five top ranked consultants were invited to make a presentation and answer questions about their prior experience and their approach to this program. The top five ranked consultants were Camp, Dresser & McKee, Hazen and Sawyer, Jacobs Project Management, Parsons, and URS Corporation. The selection committee then scored the presentations with the unanimous final rankings as follows: (1) Jacobs Project Management Co., (2) Camp Dresser & McKee, Inc and (3) Parsons.

FUNDING/FISCAL IMPACT

There will be no fiscal impact until the Town Council approves a specific contract and the fiscal impact for that work will be known at the time of the Town Council's decision. The Accelerated Capital Improvement Program contains monies for project administration.

PURCHASING REVIEW

This recommendation has been reviewed by the Purchasing Division of the Finance Department and they acknowledge the selection committee recommendation.

cc. Selection Committee Members
Eric Brown, Assistant Director of Public Works
Doug Terry, Water Resources Division Manager
Lynda Venne, Purchasing Agent

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda
Consent - Other

Agenda Title
Re-Appointment of Alvin Parven to the General Employee Retirement Board of Trustees.

Presenter
Danielle Olson, Director of Human Resources

Supporting Documents

- Memorandum dated October 1, 2010, from Danielle Olson, Director of Human Resources
- Application of Alvin Parven

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Danielle Olson, Director of Human Resources

Re: Appointment to the General Employee Retirement Board

Date: October 1, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council re-appoint Mr. Alvin Parven to fill the Trustee position for the General Employee Retirement Board.

GENERAL INFORMATION

Mr. Parven's term as member of the General Employee Retirement Board of Trustees expired as of September 30, 2010, and he is eligible for continued service. He has submitted written verification of his interest in continuing to serve on the General Employee Retirement Board. No other applications were received for this position.

Attachment: Application for Service on General Retirement Board of Trustees for Mr. Alvin Parven

DO:jhj

cc: Joanna Cunningham, Town Clerk

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

GENERAL EMPLOYEES RETIREMENT BOARD OF TRUSTEES

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail clerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form. (Please be advised that members of the General Employees Retirement Board of Trustees must file an annual financial disclosure form per Florida State law).

Name: ALVIN PARVEN

Residence Address: 3120 S. OCEAN BLVD UNIT 2-403 PALM BEACH 33480

Mailing Address: 3120 S. OCEAN BLVD UNIT 2-403 PALM BEACH 33480

Home Telephone: ____________

E-mail Address: ACKACP@AOL.COM

Work Telephone: ____________

Length of Residency in Town of Palm Beach: ________

I am a registered voter of the Town of Palm Beach ✓ (please initial)

Year of registration ________

1. Why do you wish to be appointed as a member of the General Employees Retirement Board of Trustees? (Please use additional pages if necessary.)

I AM CURRENTLY CHAIRMAN OF THE BOARD AND IN LIGHT OF THE CURRENT PENSION SITUATION I BELIEVE WE NEED TO MAINTAIN A CONSISTANT STEWARDSHIP THROUGH THESE TURBULENT TIMES

2. Please identify how many meetings of the General Employees Retirement Board of Trustees you have attended in the past two (2) years.

☐ 0 ☐ 1 ☐ 2 ☐ 3 ☑ 4+

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

BOARD OF CIVIC ASSOCIATION
BOARD OF 3120 CONDO ASSOCIATION

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

AT TIMES NOT ABLE TO MAKE THE AUGUST MEETING

5. Please indicate if you are a member of any of the organizations listed below. (Check all that apply)

- ☐ Palm Beach Chamber of Commerce
- ☑ Citizens' Association of Palm Beach
- ☐ North End Property Owners Association
- ☑ Palm Beach Civic Association
- ☐ Preservation Foundation of Palm Beach
- ☐ Other ______________

6. Present occupation: RETIRED ______________ No. of years. ______

Employer: ______________

7. Past occupation(s): V.P AETNA ______________ No. of years 35 YRS

Employer(s): ______________

8. Please provide details regarding your educational background: B.A NORTHWESTERN UNIVERSITY

ATTENDED UCONN LAW SCHOOL

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

Family Member Name	Relationship	Address	Occupation	Employer
SANDRA	WIFE	320 S. OCEAN	RETIRED	

10. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? NO

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

☐ I will resign from the ______________ if I am appointed to the position I am seeking in this application.

board/commission/committee

The following information is required by Florida Statute 760.80. Please check one in each category.

RACE

- ☐ African American
- ☐ Native American
- ☐ Asian American
- ☑ Caucasian
- ☐ Hispanic American
- ☐ Other

GENDER

☑ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☑ No

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

SIGNATURE: [signature] DATE: 8-23-2010

** Please note that Board/Commission applications will expire on September 30 of each year.

GENERAL EMPLOYEES RETIREMENT BOARD OF TRUSTEES

The General Employees Retirement Board of Trustees consists of the following members, each serving two year terms:

Town Manager (or Acting Town Manager)

Two citizens of the Town appointed by the Town Council

A member elected Trustee of the General employee benefit group and/or Lifeguard benefit group (not employed in the Public Works Department.

A member elected Trustee of the General employee benefit group employed in the Public Works Department.

Members of the Board of Trustees shall possess knowledge of or interest in administration of the General Employees Retirement System. Each citizen member of the General Employees Retirement Board of Trustees is required to be a registered voter in the Town of Palm Beach. The Board of Trustees acts in an advisory capacity and shall make recommendations to the Town Council on matters relating to the administration of the General Employee Retirement System for benefit group General, benefit group Lifeguard, and retirees from such groups.

The General Employees Retirement Board of Trustees meets quarterly, on the second Fridays of the months of February, May, August, and November. Meetings begin at 9:00 a.m. and are held in the Town Council Chambers located on the second floor of Town Hall at 360 South County Road, Palm Beach, Florida. The public is welcome to attend meetings.

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda
Consent - Other

Agenda Title
Re-Appointment of Wilbur Ross to the Firefighter Board Retirement Board of Trustees.

Presenter
William P. Hanes, Pension Administrator

Supporting Documents

- Memorandum dated October 1, 2010, from William P. Hanes, Administrator, Firefighter Board of Trustees
- Application of Mr. Wilbur L. Ross, Jr.

TOWN OF PALM BEACH
Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: William P. Hanes, Administrator, Firefighter Board of Trustees

Re: Firefighter Board of Trustees Appointment

Date: October 1, 2010

STAFF RECOMMENDATION

Staff recommends the Town Council re-appoint Mr. Wilbur L. Ross, Jr. to the Firefighter Retirement Board of Trustees for a term expiring on September 30, 2012.

GENERAL INFORMATION

Mr. Wilbur L. Ross, Jr. has applied for re-appointment to serve on the Town of Palm Beach Firefighter Retirement Board of Trustees.

Wilbur L. Ross, Jr. was first appointed to serve on the Firefighter Board of Trustees for a term beginning October 1, 2008 and currently serves as Chairman.

No other applications for appointment to this board were received from any individual qualified to serve.

Attachment:

Application of Mr. Wilbur Ross

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

FIREFIGHTER RETIREMENT BOARD OF TRUSTEES

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail clerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form. (Please be advised that members of the Firefighter Retirement Board of Trustees must file an annual financial disclosure form per Florida State law).

Name: Wilbur L. Ross, Jr.

Residence Address: 328 El Vedado Road, Palm Beach, FL

Mailing Address: Same as residence

Home Telephone: 561-655-2615

E-mail Address: wlross@wlross.com

Work Telephone:

Length of Residency in Town of Palm Beach: 6 years

I am a registered voter of the Town of Palm Beach WLR (please initial)

Year of registration 2005

1. Why do you wish to be appointed as a member of the Firefighter Retirement Board of Trustees? (Please use additional pages if necessary.)

I am currently the Chairman of the PBFRS and believe I have played a constructive role in reorienting the portfolio strategy. Given my 50 year history as an investment professional and my two years of familiarity with this Fund and its advisor, I believe I am uniquely qualified to help steer the Fund through the present uncertain environment.

2. Please identify how many meetings of the Firefighter Retirement Board of Trustees you have attended in the past two (2) years.

☐ 0 ☐ 1 ☐ 2 ☐ 3 ☒ 4+

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

As noted above, two years on this Fund, one as Chair. I have never missed a meeting. I also am on the Board of Palm Beach Civic Association and of Palm Beach Preservation Foundation. I have been on the latter Board for 5 years.

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

NO

5. Please indicate if you are a member of any of the organizations listed below. (Check all that apply)

☐ Palm Beach Chamber of Commerce
☐ Citizens' Association of Palm Beach
☐ North End Property Owners Association
☒ Palm Beach Civic Association
☒ Preservation Foundation of Palm Beach
☐ Other

6. Present occupation: Chairman & CEO No. of years. 11

Employer: WL Ross & Co. LLC / Invesco

7. Past occupation(s): Senior Managing Director No. of years. 26

Employer(s): Rothschild Inc.

8. Please provide details regarding your educational background: MBA with Distinction, Harvard U. Graduate School of Business Administration, 1961. Yale U. A.B., 1959
Member Harvard U. Committee on University Resources; Board member Yale U. School of Management.

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

Family Member Name	Relationship	Address	Occupation	Employer
Hilary Geary Ross	Spouse	same as mine		

10. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? NO

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

☐ I will resign from the ______________________ if I am appointed to the position I am seeking in this application.
board/commission/committee

The following information is required by Florida Statute 760.80. Please check one in each category.

RACE

☐ African American ☐ Native American
☐ Asian American ☒ Caucasian
☐ Hispanic American ☐ Other

GENDER

☒ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: Wilbur L. Ross Jr. DATE: 8/24/10

**** Please note that Board/Commission applications will expire on September 30 of each year.**

FIREFIGHTER RETIREMENT BOARD OF TRUSTEES

The Firefighter Retirement Board of Trustees consists of the following members, each serving two year terms:

Two citizens of the Town appointed by the Town Council.

Two member elected Trustees of the Firefighter benefit group.

One member selected by the two citizen members and two Firefighter benefit group members.

Members of the Board of Trustees shall possess knowledge of or interest in administration of the Firefighter Retirement System. Each citizen member of the Firefighter Retirement Board of Trustees is required to be a registered voter in the Town of Palm Beach. The Board of Trustees is responsible as a fiduciary for the administration of the Firefighter Retirement System for benefit group Firefighter and retirees from that group.

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Consent - Other

Agenda Title

Re-Appointment of Raymond Snow and James Wearn to the Police Officer Retirement Board of Trustees.

Presenter

William P. Hanes, Pension Administrator

Supporting Documents

- Memorandum dated October 1, 2010, from William P. Hanes, Administrator, Police Officer Board of Trustees
- Application of Mr. James McCartney Wearn
- Application of Mr. Raymond W. Snow

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: William P. Hanes, Administrator, Police Officer Board of Trustees

Re: Police Officer Board of Trustees Appointments

Date: October 1, 2010

STAFF RECOMMENDATION

Staff recommends the Town Council reappoint James McCartney Wearn and Raymond W. Snow to serve on the Police Officer Board of Trustees with one trustee serving a term until September 30, 2011 and the other trustee to serve until September 30, 2012. Terms of office will begin once the oath of office has been administered by the Town Clerk after appointment by Town Council. Ordinance No. 10-25 provides for two year staggering terms of office. In order to transition to an appointment by Town Council every year, the ordinance requires that one appointed trustee shall be randomly selected by lot to serve an initial term of one year.

GENERAL INFORMATION

Mr. James McCartney Wearn and Mr. Raymond W. Snow have applied for reappointments. We have received no other applications.

James McCartney Wearn was first appointed to serve on the Town of Palm Beach Unified Board from 1990 to 2000, and as Vice Chairman from 1992 to 2000. He was appointed and served on the Town of Palm Beach General Employee Board from 2000 to 2005, and as Chairman during all years of that term of office. He has served since 2005 on the Town of Palm Beach Police Officer Board of Trustees, and as Secretary from 2005 to 2007.

Raymond W. Snow was first appointed in 2004 to serve as trustee to the Town of Palm Beach Police Officer Board of Trustees, and has served as Chairman of the Board of Trustees for the last four years.

Attachments:

Application of Mr. Raymond Snow
Application of Mr. James McCartney Wearn

TOWN OF PALM BEACH
SEP 2 8 2010
Town Manager's Office

JAMES McCARTNEY WEARN
260 Jamaica Lane
Palm Beach, Florida 33480
Telephone 561-842-4500
Office telephone 561-659-0655
Office facsimile 561-659-0685

September 28, 2010

Peter B. Elwell, Town Manager
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480-6735

Re: Police Officer Board of Trustees
Town of Palm Beach Retirement System

Dear Mr. Elwell:

Enclosed please find for appropriate filing my Application for continuation of my Town service as a Town Council appointed member of the Police Officer Board of Trustees. It appears that the challenges for the Board over the next two years are quite considerable.

My long-standing prior plans have me out of Florida when the Town Council is expected to have agendaed the positions currently held by Ray Snow and me. If there is anything further the Mayor or members of the Town Council wish of me, please let me know. I appreciate the opportunity to be of continuing service.

Thank you for your consideration.

Very truly yours,

James McC. Wearn

JMcCW:j (829.36.2: PE-TM@ToPB Ltr 2)
Enclosure

C: TMO + Hayes

TOWN OF PALM BEACH
SEP 2 8 2010
Town Manager's Office

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

POLICE OFFICER RETIREMENT BOARD OF TRUSTEES

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail clerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form. (Please be advised that members of the Police Officer Retirement Board of Trustees must file an annual financial disclosure form per Florida State law).

Name: James McCartney WEARN Residence Address: 260 Jamaica Lane Palm Beach, FL 33480

Mailing Address: c/o James McCartney Wearn, P.A. 410 Evernia St. WPB, FL 33401 Home Telephone: 561-842-4500

E-mail Address: (not public) Work Telephone: 561-659-0655

Length of Residency in Town of Palm Beach: 47 years

I am a registered voter of the Town of Palm Beach ___ (please initial)
Year of registration 1971

1. Why do you wish to be appointed as a member of the Police Officer Retirement Board of Trustees? (Please use additional pages if necessary.)

See attached continuation sheet

2. Please identify how many meetings of the Police Officer Retirement Board of Trustees you have attended in the past two (2) years.

☐ 0 ☐ 1 ☐ 2 ☐ 3 ☒ 4+

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

See attached Personal and Professional Biography with Curriculum Vitae (CV)

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

None

5. Please indicate if you are a member of any of the organizations listed below. (Check all that apply)

- ☐ Palm Beach Chamber of Commerce
- ☐ Citizens' Association of Palm Beach
- ☐ North End Property Owners Association
- ☐ Palm Beach Civic Association
- ☐ Preservation Foundation of Palm Beach
- ☒ Other ~~The Society of The Four Arts~~

My spouse is a member of the Civic Association and Preservation Foundation

6. Present occupation: Lawyer No. of years. 43

Employer: James McCartney Wearn, P.A.

7. Past occupation(s): ______ No. of years. ______

Employer(s): ______

8. Please provide details regarding your educational background: See attached CV

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

Family Member Name	Relationship	Address	Occupation	Employer
Patricia Watts	Spouse	260 Jamaica Lane, PB	Broker-Assoc	Corcoran

10. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? NO

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

☐ I will resign from the ~~not applicable~~ if I am appointed to the position I am seeking in this application.
board/commission/committee

Police Officer Board of Trustees, Town of Palm Beach Retirement System

The following information is required by Florida Statute 760.80. Please check one in each category.

RACE

- ☐ African American
- ☐ Native American
- ☐ Asian American
- ☒ Caucasian
- ☐ Hispanic American
- ☐ Other

GENDER

☒ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: ______________________ DATE: 28 September 2010

** Please note that Board/Commission applications will expire on September 30 of each year.

POLICE OFFICER RETIREMENT BOARD OF TRUSTEES

The Police Officer Retirement Board of Trustees consists of the following members, each serving two year terms:

Two citizens of the Town appointed by the Town Council.

Two member elected Trustees of the Police Officer benefit group.

One member selected by the two citizen members and two Police Officer benefit group members.

Members of the Board of Trustees shall possess knowledge of or interest in administration of the Police Officer Retirement System. Each citizen member of the Police Officer Retirement Board of Trustees is required to be a registered voter in the Town of Palm Beach. The Board of Trustees is responsible as a fiduciary for the administration of the Police Officer Retirement System for benefit group Police Officer and retirees from that group.

Continuation Sheet for Application for service on a Town Board or Commission

1. As a fiduciary: to maintain the full and balanced funding I helped establish; and to continue the policies and oversight of the financial consultant and money management personnel I helped establish to properly manage the Police Officer pension assets for the best interests of the Town, taxpayers and Town Police Officers (present and retired).

As a citizen representative: to continue conservative focus for taxpayers on staff retirement benefits and encourage the value of other and additional means to attract, retain and provide for the highest quality staff.

And as a Townsperson: to serve my community, where the service was recruited by a prior Town Council President and its continuation was requested and supported by prior Town Councils.

PERSONAL AND PROFESSIONAL BIOGRAPHY
WITH CURRICULUM VITAE

JAMES McCARTNEY WEARN September 28, 2010

Born July 15, 1942 in Manhattan, New York City, New York

Synopsis

James McCartney Wearn received his secondary education at Trinity School in New York City and graduated from preparatory boarding school at Deerfield Academy in Massachusetts. He attended the Business School in college at Washington & Lee University, graduating with a Bachelor of Arts (BA) degree in Political Science with emphasis on economics. He earned his Bachelor of Laws (LLB) degree converted to Juris Doctor (JD) at the National Law Center of George Washington University in Washington, D.C. He was an Infantry Officer and Special Agent in Counterintelligence and attained the rank of Captain in the U.S. Army, given a command and decorated for service in Vietnam. Wearn has served as a municipal judge in the Town of Manalapan, Palm Beach County, Florida. He was elected a Councilman in the Town of Palm Beach, Florida; in recognition of his service, he has had a number of significant Palm Beach government leadership appointments. He has been an active leader in the American Red Cross locally, statewide, southeast regionally, and nationally. By a prior marriage, Wearn has two adult children. Wearn remarried in 1981; he and his wife continue to reside in Palm Beach.

* * *

Wearn's Spouse

Wearn's wife, Patricia Watts-Wearn, is a Realtor®, Certified Residential Specialist, broker and President of Patricia Watts-Wearn Real Estate. She became successful at marketing and sales, was recruited to and opened Sotheby's Palm Beach market, where her success produced a number of highest price paid records for estate sales in the eastern half of the United States. She was twice recognized by her peers as "Realtor® of the Year," was elected President of The Palm Beach Board of Realtors, and was selected to serve as President of the 5,000 member Palm Beach Council of Realtors of Palm Beach County. Watts-Wearn is now a Broker-Associate with Corcoran, another prominent real estate firm in Palm Beach. And in the community, Watts-Wearn has served on the Board of Directors of the Southeastern Arthritis Foundation of Florida, in addition to the American Red Cross Board of Directors, chairing among them four major fundraisers. Watts-Wearn was the residential real estate member of the Palm Beach Rotary Club.

* * *

Wearn's Leisure Activities and Interests: [omitted as inapplicable]

* * *

Parentage, Heritage and Social Affiliations: [omitted as inapplicable]

* * *

Formal Education:

Garden Country Day School, Jackson Heights, New York City (1948-1954)
Corning Free Academy, Corning, New York (1954-1955)
Trinity School, Manhattan, New York City (1955-1957)
Deerfield Academy, Deerfield, Massachusetts (1957-1960), graduate
Washington & Lee University (1960-1964), Business School (political science), B.A.
National Law Center, George Washington University (1964-1967), LLB converted to J.D.

* * *

Military:

Reserve Officer Training Corps (ROTC) commissioned Second Lieutenant (1964)
Initially an Infantry Officer in the Infantry branch; later a Special Agent in Military Intelligence with a controlled military operational standing (1542 and 9666)
Attained promotion to grade of Captain (1969)
Had two commands, one in the United States and one in the Republic of Vietnam
Awards and Decorations:
- Bronze Star Medal for Meritorious Achievement May 1969 to May 1970
- Bronze Star Medal for Hostile Ground Operations April 6 - 9, 1970
- Army Commendation Medal for Meritorious Achievement December 15, 1969 to February 10, 1970

Honorable Discharge May 18, 1972
Recognition on November 11, 2008 by the Town of Palm Beach on its Wall of Honor for Town citizens having fought in foreign wars while Town residents

* * *

Profession: Lawyer, admitted to the Supreme Court of Florida and The Florida Bar in 1967.

Wearn started practice as a civil litigator of non-jury commercial trials. His success in zoning and land use litigation lead to a part of his practice being his representation of local governments, which he continued for over thirty years; during that time and now, he provides his clients advice or representation before other local governments. And his success in commercial litigation generally lead to the narrowing of his private practice to representing a few longstanding client families, providing them coordinated legal services, such as engaging, overseeing and managing other professionals on an as-needed basis (that way the client only deals with one lawyer, who they know and who knows them, not a whole firm or firms of lawyers). Wearn's litigation success taught him that people need to learn how to avoid the trauma, time and expense of being in court, and that lead to his strong practice of defensive law, guiding his clients to protect and enforce their interests without the threat or need of court, as the last resort, but being prepared for court when and if needed. Wearn's practice is therefore less focused on litigation, and now more balanced with focus on real estate, local government law, contracts, commercial transactions, wills and trusts, and probate. Wearn's legal practice is uniquely tuned to provide overall long-term offensive and defensive general civil legal service coordinating client interests.

Legal Affiliations:
The Florida Bar, admitted 1967 (in good standing 1967 to date)
Florida Bar Grievance Committee: Member, 1981-1984; Chairman, 1982-1984
Local Government Law Section: Member, 1996 to 2002
Florida Municipal Attorneys Association, 1982 to 2002

Palm Beach County Bar Association, 1967 to date
Forty Year service recognition at 2007 annual meeting
Investiture Committee Chairman, 1976-1977
Civil Practice Committee Vice Chairman, 1977-1978
Circuit Court Advisory Committee, 1978-1979
Government Attorney Liaison Committee, 1999 to 2002
Palm Beach County Trial Lawyers Association, 1997 to 2002
American Bar Association, 1967 to 2002
Academy of Florida Trial Lawyers (Presidents Club), 1972 to 2002
Association of Trial Lawyers of America, 1972 to 2002.

Recognition and Honors:
Selected for Grievance Committee Membership, and then Chairmanship
The Florida Bar Certificate for Meritorious Public Service

Public Representations:
District Attorney, South Lake Worth Inlet District, 1973 to 1996 when dissolved/merged into Palm Beach County
Town Attorney, Town of Manalapan, 1974 to 2002
Special case Attorney, Town of Palm Beach, 1999

Palm Beach Countywide Beaches and Shores Council:
Conceived of, originated documentation to establish, and founded the Palm Beach Countywide Beaches and Shores Council, on which he served continuously from its inception in 1984 as a delegate representative of the South Lake Worth Inlet District until District dissolution/merger into Palm Beach County in 1996.

Reported Cases:
In re: Estate of Howard, 393 So2nd 81 (Fla. 4th DCA 1981)
Florida Jurisprudence 2d: Decedents' Property §430.
-as sole appellate lawyer
Ryan vs. Town of Manalapan, 393 So2nd 633 (Fla. 4th DCA 1981)
Florida Jurisprudence 2d: Building and Zoning §38, Counties §232, and Deeds §175.
-as sole trial and sole appellate lawyer
Ryan vs. Town of Manalapan, 414 So2nd 193 (Fla. 1982)
Florida Jurisprudence 2d: Building and Zoning §38 and §48.

-as sole trial and sole appellate lawyer

Town of Ocean Ridge vs. South Lake Worth Inlet District, 633 So2nd 79 (Fla. 4th DCA 1994)

Florida Jurisprudence 2d: Administrative Law §164.

-as sole trial and appellate co-counsel

Gyongyosi vs. Town of Manalapan, 828 So2nd 1029 (Fla. 4th DCA 2002)

-as sole trial and 1st tier appellate lawyer; and 2nd tier appellate co-counsel

Wearn has since 1992 enjoyed the Martindale Hubbell highest attorney peer rating AV.

* * *

Volunteer Service in community, town, county, state and nation (other than Red Cross):

Town of Palm Beach:

Town Councilman, 1982-1984.

Crime Watch: Advisory Board member, 1984 to 2008; and Honorary Board member, 2008 to date.

Retirement Board of Trustees

Unified Board covering all Town staff (general, lifeguard, police, fire and emergency medical): member (one of two citizen members) 1990 to 2000

Vice Chairman 1992 to 2000, when Board responsibilities divided

Recognition awarded.

General Employee Board (including lifeguard): member 2000 to 2005

Chairman 2000 to 2005

Recognition awarded

Police Officer Board: member 2005 to date

Secretary 2005 to 2007

Charter Commission

Member and Vice Chairman, 1997 to conclusion of Commission action in 1999

Recognition awarded.

Police Department Citizen Police Academy Charter Class 2000 (by invitation).

Recognition on November 11, 2008 by the Town of Palm Beach on its Wall of Honor for Town citizens having fought in foreign wars while Town residents

Florida Governor's Hurricane Conference:

Board of Directors member (1 of 3), 1995 to 1999 when Conference grew from 1500 to 2000 attendees.

Recognition awarded.

Rotary International West Palm Beach Sunrise Club:

Charter member, 1986 to date

Board of Directors member, 1986 to 1998

Treasurer, 1986 to 1994

Secretary, 1994 to 1995

Vice President, 1995 to 1996

President 1996 to 1997

Paul Harris Fellowship

Recognition and Honors:
Outstanding and Dedicated Service Award as Treasurer
Palm Beach Lakes High School Student Council Involvement Award
Rotary International Presidential Citation for Outstanding Leadership

* * *

American Red Cross Volunteer Service in community, town, county, state and nation:

Palm Beach County Chapter:
Board of Directors member, 1978-1984, 1985-1991, 1992 to 1998, and 1999 to 2000 (departed for Southeast Regional Committee service)
Advisory Board member, 2000 to 2001
Honorary Board member, 2001 to date
Executive Committee, 1978 to 1998
Young Friends of Red Cross New Year's Eve Ball Committee, 1983 to 1988
Major fundraising event, the success for which generated the National Harriman Award for the Committee Chairman, H. Loy Anderson, Jr., subsequently elected to the national Board of Governors
Co-chairman (under the Chairmanship of his wife), 1989 Special Event Dinner Auction successfully raising for the Chapter net revenue of $143,000.00
Legal Counsel (volunteer) and Chairman of the Committee on Legal Affairs and Chapter Policy, 1978 to 1990 and 1995 to 1996; Associate Legal Counsel, 1990-1995 and 1996 to 2001
Achievements:
Maintained full Code compliance
No cost legal services and no liabilities imposed
Chapter Chairman, 1990-1993
Achievements:
- Implemented endowment through planned giving, creating significant chapter reserve
- focused Chapter service delivery on core Red Cross services
- diversified chapter revenue, which tripled while Chairman
- during Hurricane Andrew in 1992, led the Chapter raising nearly $5 million for disaster relief (over $2 million of it raised in a 5 TV station/29 radio station prime time 3-hour telethon), and developed and conducted a donations in-kind program which was nationally adopted, and initiated, recruited 30,000 volunteers and led the Fairgrounds Operation of disaster relief for the affected area (receiving, unloading, sorting, repackaging, palletizing, loading and dispatching up to 100 tractor trailers of specific essential supplies per day), resulting in gifts-in-kind becoming a feasible and meaningful-to-the-donor method for disaster relief contribution, bettering the way Red Cross fulfills mass care relief.

(If attached, see reduced copy of Remembrance plaque)

Chapter Delegate attending 10 National Conventions
Recognition:

1983 Certificate of Appreciation as Volunteer Chapter Counsel
1985 Board of Directors Award for Volunteer Professional Services
1988 Chapter's highest volunteer award, the Sue Whitmore Award
1979-1988 Certificate of Appreciation as Volunteer Chairman of Legal Counsel
1993 Town of Palm Beach Chamber of Commerce "One and Only" Award
1990-1993 Red Cross President Schubert's Certificate of Appreciation
1993 Florida SSC Chairman's Recognition for Hurricane Andrew Relief
1998 Chapter Certificate of Appreciation
1999 Codicil Club/Legacy Society recognition for substantial contribution
2000 Chapter Alliance Award for beyond the chapter Red Cross service
2003-2004 Service Area Restructuring Ad Hoc committee Chairman Certificate of Appreciation
2008 National designation and recognition as Legacy Fellow

Florida State Service Council (SSC):

Planning Committee Chairman, 1992 to 1994

(from formation and establishment of the SSC implementing SD21)

Recognition: Florida SSC Proclamation of Honor; and Plaque of Appreciation.

SSC Chairman, 1995 to 1999

(Following the 1992-1995 chairmanship of National Board Of Governors member Erik E. Joh)

Achievements:

- More closely aligned communication, cooperation and service delivery of the then 27 Florida chapters (far apart geographically, politically, socially and economically) to successfully respond to numerous major hurricane threats and strikes, floods, wildfires and tornados
- led Florida from raising less than 50% of its Disaster Relief expense to more than 100%
- led Florida Lead Chapters for Disaster Services, Financial Development, Armed Forces Emergency Services, Human Resources, Youth Resources, International Services, Health and Safety Marketing and Services, HIV/AIDS Education, Communications, and Government Relations
- led Florida chapters in significant capacity building for service delivery and fundraising
- in partnership with Senior VP Jennifer Dunlop, developed and implemented a highly successful planned giving pilot program establishing a working partnership of National planned giving officers with the State and Chapter leadership on a continuing basis; now a permanent Florida program and model for National planned giving
- led Florida's 1999 Resolution 8 successful initiative focused on funding of key SD21 state efforts
- with Sumner Hutchinson III as SSC VC, led the SSC and Florida chapters to agree to have a statewide Disaster Services Manager to better coordinate Red

Cross preparation for, prevention and relief from the myriad disasters in high-risk prone Florida

- conceived of Florida's five Districts each having separate field service
- analyzed each Florida chapter's United Way contracts, compiled them and their terms and provisions, and presented them to each chapter and at the 1999 State Conference to better enable each chapter to arrive at a more stable and equitable United Way relationship.

Recognition:

1995 Florida Human Resources Instructor Training Institute Certificate of Appreciation

1999 Florida SSC members' Certificate & Award of Appreciation

2000 Partnership Award from Southeast Region for Planned Giving Pilot Program, with Senior VP Jennifer Dunlop (See attached Southeast Regional Partnership Award write up).

Southeast Regional Management Committee
(one of five members covering the seven states of Florida, Georgia, South Carolina, North Carolina, Alabama, Mississippi, and Tennessee):
member, 1994-1995 (leave of absence granted to become Florida State Service Council Chairman), and 1999 to 2001

Achievements:

- exercised persuasion and mediation skills (from his regional, and then state positions) in applying state and regional resources for the survival (then in financial jeopardy and on the predecessor to Senior VP Don Jones' "red list"), and now significant success, of the Collier County Chapter (Florida's southwest coast demographic equivalent of the Palm Beach County Chapter)
- planned, orchestrated and led (from his regional, then state and then again regional positions) the combination and of three (3) relatively weak Florida panhandle chapters into one strong and growing chapter
- exercised his Regionally-assigned Mississippi liaison leadership to establish a major financial Development initiative
- conceived of and led the Mississippi SSC initiative for Disaster Services statewide mutual aid, thereby facilitating a Design for Excellence where numerous chapters were otherwise in jeopardy of not being re-chartered

Recognition:

2000 Mississippi Certificate of State Service Council Appreciation

2001 Southeast Region Certificate of Appreciation for exemplary service and leadership by Past Regional Chair Gray W. Harrison, Jr., Past Regional Chair Patti P. Hunter, and Regional Chair Roger D. Campbell and Regional Executive Michael L. Bennett

National Resolutions Committee:
Member, 1994-1995

CC: TMO
Bill Haynes

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

POLICE OFFICER RETIREMENT BOARD OF TRUSTEES

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail clerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form. (Please be advised that members of the Police Officer Retirement Board of Trustees must file an annual financial disclosure form per Florida State law).

Name: RAYMOND W. SNOW Residence Address: 255 MONTEREY ROAD

Mailing Address: - same - Home Telephone: 561-848-2023

E-mail Address: ray_snow@ml.com Work Telephone: 561-805-5322

Length of Residency in Town of Palm Beach: 16 years

I am a registered voter of the Town of Palm Beach RS (please initial)
Year of registration 1994

1. Why do you wish to be appointed as a member of the Police Officer Retirement Board of Trustees? (Please use additional pages if necessary.)

To provide continuing constructive participation on Board, having served 6 years (4 as chair); to bring financial industry experience to the portfolio management function of the Board; to bring extensive pension experience gained to the administration of the plan for the benefit of retirees, the sworn officers, and Town citizens.

2. Please identify how many meetings of the Police Officer Retirement Board of Trustees you have attended in the past two (2) years.

☐0 ☐1 ☐2 ☐3 ☑4+

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

—

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

—

RECEIVED
SEP 22 2010
TOWN CLERK

5. Please indicate if you are a member of any of the organizations listed below. (Check all that apply)

- [x] Palm Beach Chamber of Commerce
- [ ] Citizens' Association of Palm Beach
- [ ] North End Property Owners Association
- [x] Palm Beach Civic Association
- [ ] Preservation Foundation of Palm Beach
- [ ] Other ______

6. Present occupation: Wealth Management Advisor No. of years. 10

Employer: Merrill Lynch - Palm Beach office

7. Past occupation(s): ______ No. of years. ______

Employer(s): ______

8. Please provide details regarding your educational background: Johns Hopkins University - 1970 B.A., Business, graduate studies at JHU, Towson State and Securities Industry Institute - Wharton

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

Family Member Name	Relationship	Address	Occupation	Employer
Christine Snow	spouse	255 Monterey Road	—	—

10. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? No

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

- [ ] I will resign from the ______ (board/commission/committee) if I am appointed to the position I am seeking in this application.

The following information is required by Florida Statute 760.80. Please check one in each category.

RACE

- [ ] African American
- [ ] Native American
- [ ] Asian American
- [x] Caucasian
- [ ] Hispanic American
- [ ] Other

GENDER

- [x] Male
- [ ] Female

PHYSICALLY DISABLED

- [ ] Yes
- [x] No

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

SIGNATURE: [signature] DATE: Sept. 21, 2010

**** Please note that Board/Commission applications will expire on September 30 of each year.**

POLICE OFFICER RETIREMENT BOARD OF TRUSTEES

The Police Officer Retirement Board of Trustees consists of the following members, each serving two year terms:

Two citizens of the Town appointed by the Town Council.

Two member elected Trustees of the Police Officer benefit group.

One member selected by the two citizen members and two Police Officer benefit group members.

Members of the Board of Trustees shall possess knowledge of or interest in administration of the Police Officer Retirement System. Each citizen member of the Police Officer Retirement Board of Trustees is required to be a registered voter in the Town of Palm Beach. The Board of Trustees is responsible as a fiduciary for the administration of the Police Officer Retirement System for benefit group Police Officer and retirees from that group.

Town Council to Appoint Member(s) to the Police Officer Board of Trustees Pension Plan
Thursday, August 12, 2010

PALM BEACH, Florida – The Town announces board member openings on the Town of Palm Beach Police Officer Board of Trustees effective October 1, 2010.

The Board of Trustees acts in a fiduciary capacity and shall make recommendations to the Town Council on matters relating to the administration of the pension plan for the benefit group of Police Officers and Police Officer retirees of the Town.

Members of the Board of Trustees serve for a term of two (2) years. In order to comply with a recently enacted ordinance requiring appointments of two (2) year staggering terms, the Town Council will, by lot, choose one (1) of the appointees to serve a one (1) year term.

The Town is seeking applicants who possess knowledge of or interest in administration of the pension plan and would be available for meetings that are to be held at a minimum of four times per year, with an occasional need for special meetings. The Police Officer Board of Trustees meets quarterly on the second Tuesday of the months of February, May, August, and November, or as otherwise scheduled by the chairman.

Applicants must be residents of the Town of Palm Beach.

All residents interested in pursuing appointment to the Police Officer Board of Trustees must complete an application for service and submit it to the Town Clerk by Friday, October 1, 2010, by 5:00 p.m. This appointment will be on the agenda for consideration and potential action at the Town Council meeting on Tuesday, October 12, 2010.

An application can be downloaded from the Town's website (www.townofpalmbeach.com) or obtained by calling the Town Clerk at 561-838-5416.

-ends-

For Further Information:
William Hanes, Pension Administrator
Ph: 561-906-7318 Fax: 561-828-4699
E-Mail: whanes@townofpalmbeach.com

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Consent - Other

Agenda Title

Re-Appointment of Peter Graves to Muni-PERC.

Presenter

Danielle Olson, Director of Human Resources

Supporting Documents

- Memorandum dated September 28, 2010, from Danielle Olson, Director of Human Resources
- Blue Ribbon Panel Recommended Appointment
- Peter Graves, Biography
- List of Current PERC Members

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Danielle Olson, Director of Human Resources

Re: Appointment to the Public Employees Relations Commission Panel per PERC Ordinance Appendix "A" Section 1.003

Date: September 28, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council appoint Mr. Peter Graves to fill the position of "Employee Representative" to the Town of Palm Beach Public Employees Relations Commission (PERC).

GENERAL INFORMATION

On September 30, 2010, the current four year term of the Employee Representative, held by Peter Graves', of the Public Employees Relations Commission (PERC) expired. Mr. Graves declared his interest in seeking another term to the Blue Ribbon Panel that was appointed by Town Council on September 14, 2010.

In accordance with the Town's Code of Ordinances, Appendix A. Section 1.003, the position of Employee Representative shall be filled by a person who, on account of previous vocation, employment, or affiliation, is or has been, classified as a representative of employees or employee organizations. The Blue Ribbon Panel, comprised of Ned Barnes, president of the Palm Beach Civic Association and Jimmy Ryan, chairman of the Citizens Association of Palm Beach, recommends to Town Council the reappointment of Peter Graves to the PERC as Employee Representative.

Attachments

- Blue Ribbon Panel Recommended Appointment
- Peter Graves, Biography
- List of Current PERC Members

BLUE RIBBON PANEL FOR THE TOWN OF PALM BEACH

RECOMMENDED APPOINTMENT TO THE
PERSONNEL EMPLOYEE RELATIONS COMMISSION
SEPTEMBER 22, 2010

Panel Members:

Ned Barnes, President
Palm Beach Civic Association

Jimmy Ryan, Chairman
Citizens Association of Palm Beach

The above referenced panel members, appointed by Town Council on September 14, 2010, met on September 22, 2010 and recommend Peter Graves for appointment to the Town's Public Employees Relations Commission (PERC).

Signatures

Ned Barnes, President
Palm Beach Civic Association

9/22/2010
Date

Jimmy Ryan, Chairman
Citizens Association of Palm Beach

9/22/2010
Date

Peter Graves
1655 Lakeview Drive A-201
Sebring, Florida 33870

863.382.2320
954.295.6098 Cell
pgo@embarqmail.com

September 15, 2010

Biographical Timeline

1966	Joined American Federation of Musicians and Canada (AFM), Local 655, Miami, FL upon return from serving in a U. S. Navy band in Vietnam
1967-1969	Played on Jackie Gleason Show, under AFM contract with CBS
1968-2006	Arranged, conducted and performed on hundred's of recordings, all under AFM contracts, for artists such as Buddy Rich, Dr. John, Bee Gees, Jaco Pastorius, Blood Sweat & Tears, Andy Gibb, Barbra Streisand, Kenny Rogers & Dolly Parton amongst others
1970-1980	Peter Graves Orchestras provided musical services at Joe Namath's Bachelors III, Sunrise Musical Theatre, and numerous other entertainment venues, all under AFM contracts negotiated by Peter Graves
1977-1997	Peter Graves Orchestra toured the southeast U.S. with Frank Sinatra under AFM contracts negotiated by Peter Graves
1998-2003	President of American Federation of Musicians and Canada (AFM), Local 655; negotiating numerous contracts including those with the Palm Beach Opera and Clear Channel
2000-2001	Vice-President of the Southern Conference (13 states & District of Columbia) of the American Federation of Musicians and Canada (AFM)
2002-2003	President of the Southern Conference (13 states & District of Columbia) of the American Federation of Musicians and Canada (AFM)
2006-Present	Member of the Town of Palm Beach PERC
2009	Became Life Member of American Federation of Musicians and Canada (AFM), Local 655

MINI-PERC

(Four-Year Terms)

PUBLIC MEMBER	First Appointed (FA) Re-Appointed (RA)	Term Expires
Helen Hoffman (Chairperson)	FA - 08/88	09/91
	RA - 10/91	09/95
	RA - 10/95	09/99
	RA - 10/99	09/03
	RA - 10/03	09/07
	RA - 10/07	09/11
EMPLOYER MEMBER		
Alan Miller	FA - 10/08	09/12
EMPLOYEE MEMBER		
Peter Graves	FA - 02/06	09/06
	RA - 10/06	09/10
ATTORNEY		
Jeff Pheterson	1992 - Present	N/A
Ward Damon		

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Board/Commission Annual Report

Agenda Title

General Employee Retirement Board of Trusttes. [Alvin Parven, Chair and Danielle Olson, Director of Human Resources]

Presenter

Danielle Olson, Director of Human Resources

Supporting Documents

- Memorandum dated October 1, 2010, from Danielle Olson, Director of Human Resources
- Executive Summary, from Alvin Parven, Board Chair
- Table 1A
- Table 1B
- Table 1C
- Table 1D
- Graph 2A
- Graph 2B
- Graph 2C

TOWN OF PALM BEACH
Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Danielle Olson, Plan Administrator for the General Employees Retirement System

Re: Annual Report of the General Employees Retirement System

Date: October 1, 2010

GENERAL INFORMATION

The attached memorandum and status reports are being provided to the Mayor and Town Council from Mr. Alvin Parven, as chairperson of the Town's General Employee Retirement Board. The information relates to the pension fund's investment policies and performance.

Attachments :
Executive Summary from Mr. Alvin Parven, Chair including:

a. General Employees' Retirement Plan Forecasted Plan Costs
b. Investment Manager Returns for the Periods Ended June 30, 2010, provided by Callan Associates, Inc.
c. Derivation of Funding Value of Retirement System Assets from the Annual Actuarial Valuation Report for Year Ending September 30, 2009
d. Unfunded Actuarial Accrued Liability from the Annual Actuarial Valuation Report for Year Ending September 30, 2009
e. Comparison of Callan Associates Inc. Public Fund Total to Town of Palm Beach Retirement Plans

cc: General Employees Retirement Board
Alvin Parven, Chair
James Karmen, Citizen Representative
Peter B. Elwell, Town Manager
John Lucsomb, Employee Representative
Brett Madison, Employee Representative

TOWN OF PALM BEACH
GENERAL EMPLOYEES RETIREMENT SYSTEM

Annual Report to Mayor and Town Council
October 12, 2010

The following provides an overview of the status of the current plan, fund performance, and the approach the Board is following for the future.

Where We Are

- Forecasted Plan Costs for 2012 thru 2020, ***(Table 1A)***.
- Investment Manager Returns for the Periods Ended June 30, 2010, provided by Callan Associates, Inc. ***(Table 1B)***
- Derivation of Funding Value of Retirement System Assets from the Annual Actuarial Valuation Report for Year Ending September 30, 2009 ***(Table 1C)***
- Unfunded Actuarial Accrued Liability from the Annual Actuarial Valuation Report for Year Ending September 30, 2009 ***(Table 1D)***

How Are We Doing

The following three charts compare how the Town of Palm Beach General Employees Retirement System and the median of other public funds have performed over time. Please note that the total public fund median return in all of the graphs does not take into account the differences in the size of the plan assets or the differences in asset allocation among the funds in Callan's public fund universe.

- ***Graph 2A*** – The graph compares the performance of the median public fund in Callan's database for the periods ending December 31, 2009, as illustrated in an article from the Wall Street Journal on September 18, 2010. Given the challenging financial markets, the median public fund has only earned 4.0% over the last decade. The extended bear market is calling into question the assumed rate of return which is used as the discount rate in calculating the value of pension liabilities. According to the WSJ survey, the average expected return for public funds is 8.0% which is in-line with the current General Employees assumed rate of return.
- ***Graph 2B*** – The graph illustrates the performance of the Town of Palm Beach General Employees Retirement System compared to the median public fund return for the periods ending December 30, 2009 in addition to the first two quarters of 2010. After a significant market rally, the General Employees Retirement Fund earned a 21.7% in calendar year 2009 which far exceeded the median public fund return of 20.1%. However, poor

investment performance from the large cap equity portion of the portfolio had a negative impact on the Fund's 3-year returns. Investment results for the first six months of 2010 have been negative, reflecting the continued economic uncertainty in the U.S. and overseas. We experienced some recovery in the third quarter so total returns for FY10 should approximate or exceed the 8% discount rate.

- ***Graph 2C*** – The graph compares the performance of all three of the Town's pension funds relative to the median public fund in Callan's database. Since the General Employees Fund invests in a different asset allocation than the Police and Firefighters funds, the investment results will differ over time. In the most recent one-year period, the General Employees Fund has been the better performer by 4.9% relative to Firefighters and 4.1% relative to Police.

<u>Where Are We Going?</u>

The current market environment has made it difficult to predict investment results, but the area over which we have more control is the cost associated with the pension plan. The General Employees Board is acutely aware of the Town's budgetary constraints given the challenging economic environment. We have prudently lowered the near-term expense to the Town through two initiatives:

1. The General Employees Retirement System's asset allocation was modified in August 2009 in recognition that the current market volatility has the potential to increase the near-term pension expense to the Town. The asset allocation of the Fund was changed to a more diversified, conservative mix by reducing the exposure to international equities and domestic equity by 5% respectively, and increasing the exposure to domestic fixed income by 10%. The current target mix is 50% domestic equity, 10% international equity, 30% domestic fixed income and 10% alternatives.

2. To directly control the asset management cost, the large cap equity manager structure was consolidated into one passively managed S&P 500 fund.

The Board is also considering the possibility of further reducing the investment risk as the equity markets improve and the plan's funded status approaches 100%. The funded status as of September 30, 2009 was 81%, compared to 88% for September 30, 2008.

Alvin Parven

Alvin Parven, Board Chair

Table 1A

TOWN OF PALM BEACH
GENERAL EMPLOYEES' RETIREMENT PLAN
FORECASTED CURRENT AND RECOMMENDED PLAN COSTS

General (161/189)[1]			
Year	Current Plan Cost[2]	April Recommendation Plan Cost[2]	Difference
2012	$3,423,000	$1,360,000	($2,063,000)
2013	$3,846,000	$1,730,000	($2,116,000)
2014	$4,359,000	$2,183,000	($2,176,000)
2015	$4,515,000	$2,208,000	($2,307,000)
2016	$4,754,000	$2,344,000	($2,410,000)
2017	$5,058,000	$2,527,000	($2,531,000)
2018	$5,384,000	$2,720,000	($2,664,000)
2019	$5,936,000	$3,115,000	($2,821,000)
2020	$5,036,000	$2,095,000	($2,941,000)

[1] Number of Pension Participants/Number of Active Employee Contributors as of September 22, 2010

[2] General Current and New Plan Recommended Forecast from Cavanaugh McDonald "*Proposed Pension Cost-Option A*" (excludes Ocean Rescue) from Pension Recommendation of April 2010

Table 1B

Town of Palm Beach
General Employees Retirement System
Executive Summary as of December 31, 2009
Investment Manager Returns

	2 Quarters Ending 6/30/2010	Fiscal YTD	Last Year	Last 2 Years	Last 3 Years	Last 5 Years	Last 7 Years	Last 10 Years	Last 15 Years	Last 18-3/4 Years
Domestic Equity	**(4.81%)**	**6.37%**	23.92%	**(12.53%)**	**(6.74%)**	**0.53%**	**6.12%**	**0.54%**	**8.90%**	**9.08%**
Russell 3000 Index	(6.05%)	5.90%	28.34%	(10.30%)	(5.42%)	0.76%	6.20%	(0.20%)	8.13%	8.38%
SSgA S&P 500 Flagship	(6.60%)	6.06%	-	-	-	-	-	-	-	-
S&P 500 Index	(6.65%)	6.04%	26.47%	(10.74%)	(5.63%)	-	-	-	-	-
Roanoke Asset Mgmt.	(0.85%)	9.46%	49.50%	(8.35%)	(2.35%)	2.53%	9.05%	(1.52%)	9.69%	10.42%
Russell 2500 Growth Index	(1.82%)	5.57%	41.66%	(8.97%)	(3.13%)	2.00%	9.19%	(0.18%)	7.04%	7.54%
Thompson, Seigel & Walmsley	1.09%	5.03%	22.42%	(11.42%)	(4.52%)	-	-	-	-	-
Russell 2500 Value Index	(1.57%)	4.65%	27.68%	(6.81%)	(6.97%)	-	-	-	-	-
Domestic Fixed-Income	**6.10%**	**1.43%**	**15.15%**	**4.82%**	**5.60%**	**4.58%**	**4.57%**	**6.01%**	**6.42%**	**6.46%**
Goldman Sachs Asset Mgmt.	6.10%	1.43%	15.15%	4.82%	5.60%	-	-	-	-	-
BC Aggregate Index	5.33%	0.20%	5.93%	5.58%	6.04%	4.97%	4.75%	6.33%	6.79%	6.85%
International Equity	**(13.02%)**	**2.20%**	**32.17%**	**(13.15%)**	**(6.52%)**	-	-	-	-	-
SSgA Passive EAFE Index Fd.	(13.02%)	2.20%	32.17%	(13.15%)	(6.52%	-	-	-	-	-
MSCI EAFE Index	(13.23%)	2.18%	31.78%	(13.62%)	(6.04%)	-	-	-	-	-
Alternative Investment	**(0.07%)**	**2.67%**	**15.60%**	**(2.26%)**	**1.18%**	-	-	-	-	-
Mesirow Absolute Return	(0.07%)	2.67%	15.60%	(2.26%)	1.18%	-	-	-	-	-
T-Bills + 3.75%	1.92%	0.98%	3.96%	4.88%	6.15%	-	-	-	-	-
Total Fund	**(2.35%)**	**4.10%**	**21.65%**	**(7.80%)**	**(3.15%)**	**1.63%**	**5.18%**	**3.05%**	**7.30%**	**7.38%**
Target Benchmark	(2.45%)	3.32%	21.77%	(5.64%)	(1.66%)	1.99%	5.12%	2.63%	6.91%	7.07%

Derivation of Funding Value of Retirement System Assets

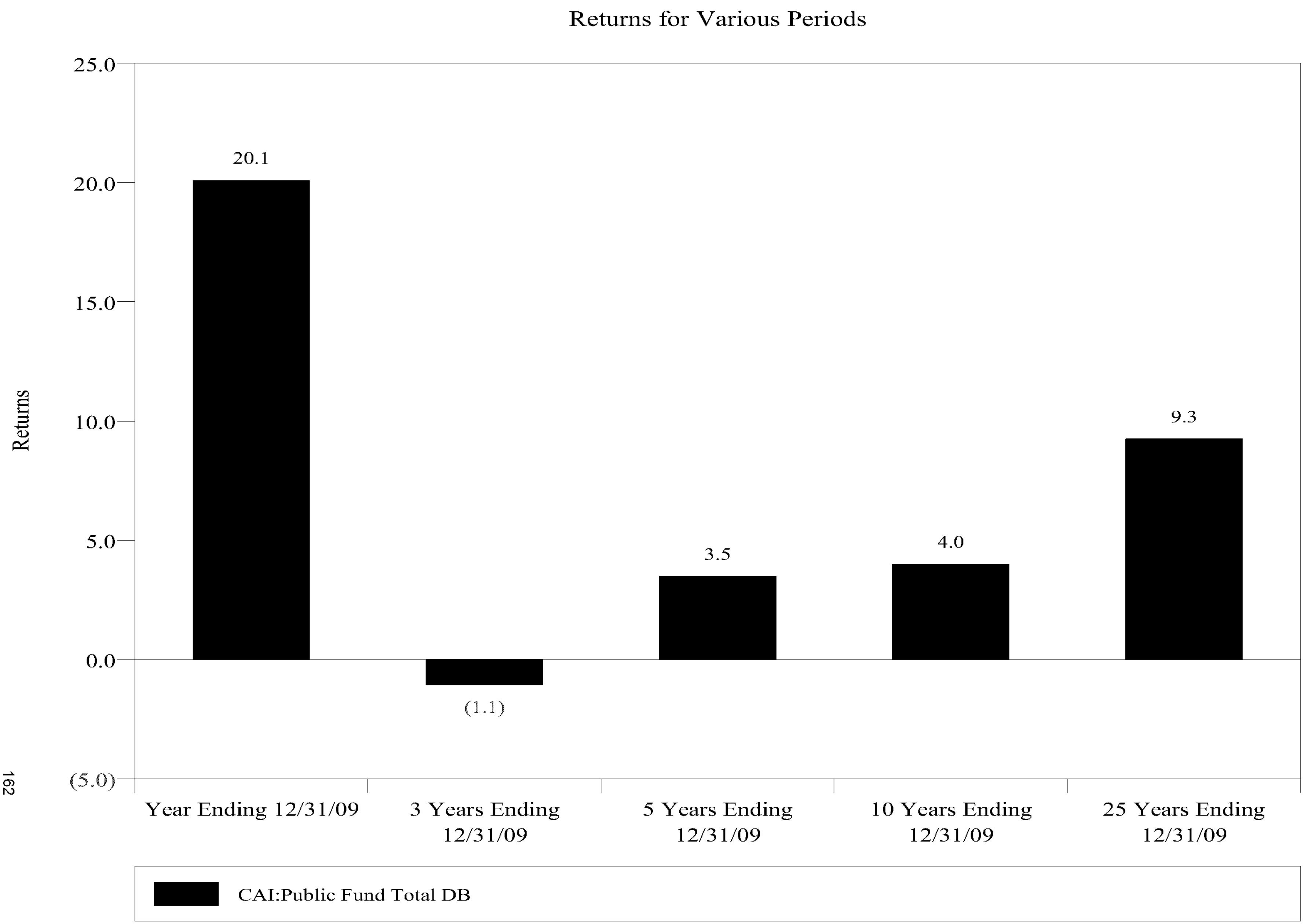
Year Ended September 30:	2008	2009	2010	2011	2012	2013
A. Funding Value Beginning of Year	$72,161,496	$73,732,429				
B. Market Value End of Year	61,443,691	60,308,613				
C. Market Value Beginning of Year	76,377,873	61,443,691				
D. Non-Investment Net Cash Flow:						
(EE+ER conts.) - (Refunds+Benefits+SPD+Adm.Exp.)	194,639	(456,149)				
E. Investment Income						
E1. Market Total: B - C - D	(15,128,821)	(678,929)				
E2. Amount for Immediate Recognition at 8%	5,780,705	5,880,348				
E3. Amount for Phased-In Recognition: E1-E2	(20,909,526)	(6,559,277)				
F. Phased-In Recognition of Investment Income						
F1. Current Year: 0.20x E3	(4,181,905)	(1,311,855)				
F2. First Prior Year	870,596	(3,771,110)	$ (589,290)			
F3. Second Prior Year	(132,420)	870,596	(3,771,110)	$ (589,290)		
F4. Third Prior Year	448,758	(132,420)	870,596	(3,771,110)	$ (589,290)	
F5. Fourth Prior Year	233,740	448,756	(132,419)	870,594	(3,771,111)	$ (589,293)
F6. Adjustment to Recognize 20% Corridor	(1,643,180)	(2,890,259)	0	0	0	0
F7. Total Recognized Investment Gain/(Loss)	(4,404,411)	(6,786,292)	(3,622,223)	(3,489,806)	(4,360,401)	(589,293)
G. Funding Value End of Year: A + D + E2 + F7	73,732,429	72,370,336				
H. Difference between Market & Funding Value	(12,288,738)	(12,061,723)				
I. Recognized Rate of Return	1.90%	(1.23%)				
J. Recognized Rate of Investment Expenses	0.72%	0.37%				
K. Ratio of Funding Value to Market Value	120.0%	120.0%				

The Funding Value of Assets recognizes assumed investment income (line E2) fully each year. Differences between actual and assumed investment income (line E3) are phased-in over a closed 5-year period. During periods when investment performance exceeds the assumed rate, the Funding Value of Assets will tend to be less than Market Value. During periods when investment performance is less than the assumed rate, the Funding Value of Assets will tend to be greater than Market Value. If assumed rates are exactly realized for 4 consecutive years, it will become equal to Market Value.

Unfunded Actuarial Accrued Liability
as of September 30, 2009

		General	Ocean Rescue
A.	Actuarial present value of future benefits	$112,145,389	$5,672,687
B.	Actuarial present value of future normal costs	27,097,994	1,061,651
C.	Actuarial accrued liability	85,047,395	4,611,036
D.	Actuarial value of assets	68,889,663	3,480,673
E.	Unfunded actuarial accrued liability	16,157,732	1,130,363
F.	Funded ratio	81.0%	75.5%

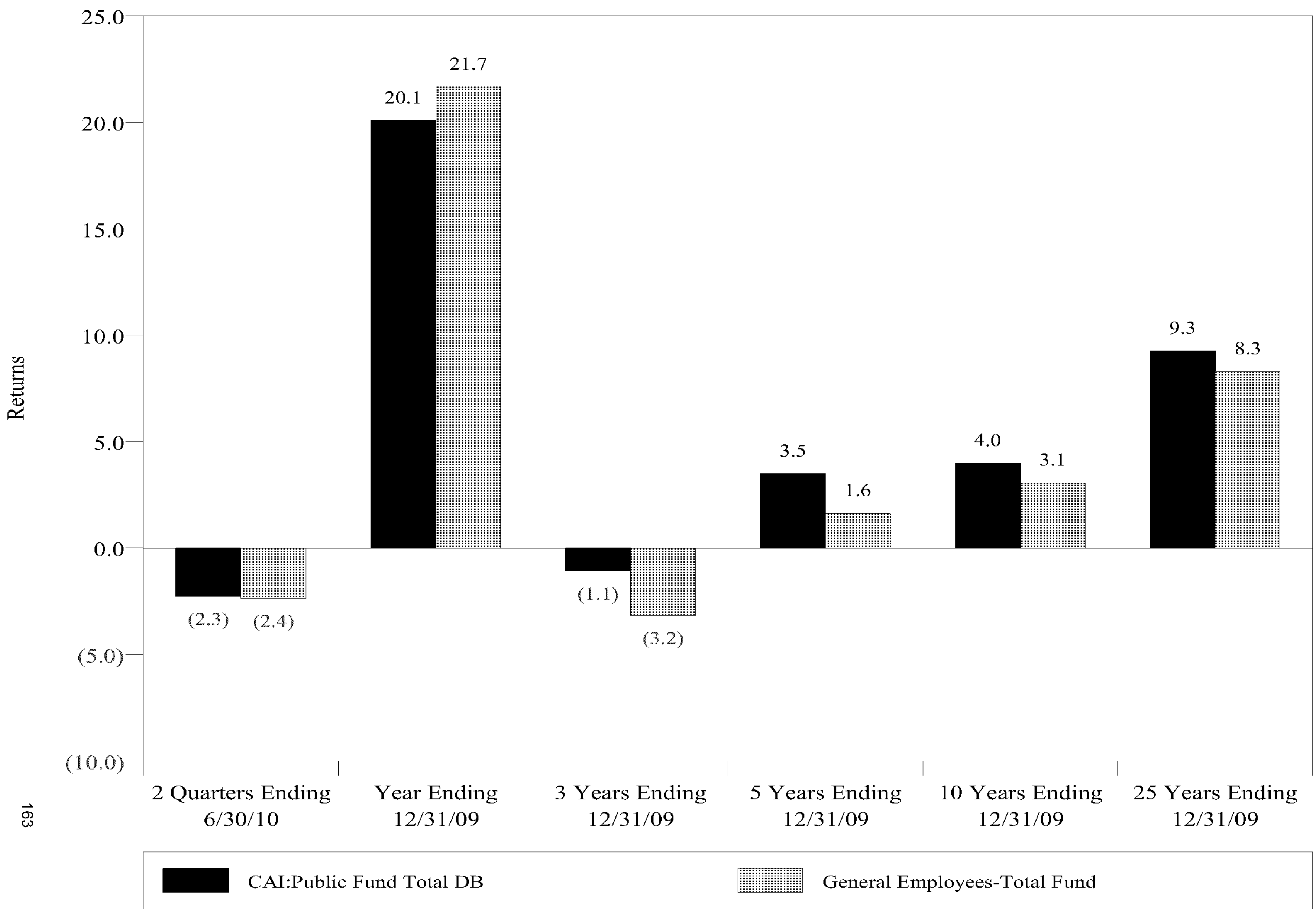
Graph 2A



Callan Associates Inc.

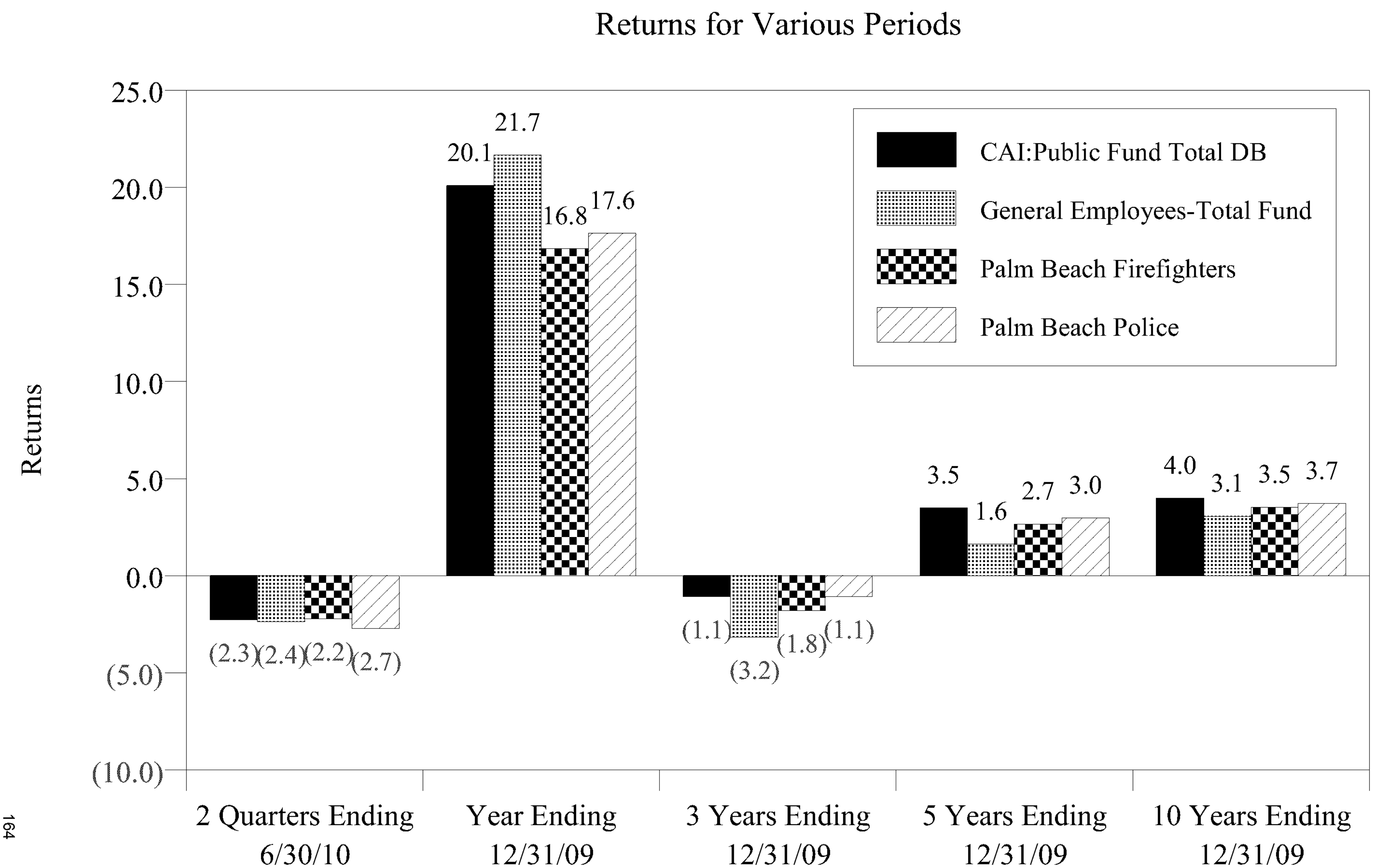
Graph 2B

Returns for Various Periods



Callan Associates Inc.

Graph 2C



Callan Associates Inc.

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda
Committee Reports

Agenda Title
Ordinances, Rules, and Standards Committee Meeting of September 28, 2010

Presenter
William Diamond, Town Council Member

Supporting Documents

- Report of the Ordinances, Rules, and Standards Committee Meeting held on September 28, 2010

REPORT OF THE ORDINANCES, RULES AND STANDARDS COMMITTEE HELD ON TUESDAY, SEPTEMBER 28, 2010

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules and Standards Committee meeting was called to order on Tuesday, September 28, 2010, at 2:00 p.m., in the Town Council Chambers, Palm Beach. On roll call, Chairman Diamond and Committee Member Coniglio were present.

II. APPROVAL OF AGENDA

The Agenda was approved as printed.

III. PUBLIC COMMENT

There were none.

IV. REGULAR AGENDA

A. Old Business

1. Review of Staff Proposed Amendments to Chapter 66, Natural Resource Protection

Coastal Coordinator Rob Weber provided the Public Works Department's proposed changes to Chapter 66 of the Town's Code of Ordinances. He indicated that in the suggestions, the removal of discussions about mangroves would eliminate the need for a shoreline management plan. He noted that the Town had to issue letters of compliance to the State of Florida for individual permit requests that homeowners and others request for state permits. Staff receives information and makes a determination, a letter is sent to the State indicating that the project was being reviewed and is within the criteria. Currently, there was not a checklist of information that is received in order to make the determination; rather than using the shoreline management plan as a tool to receive information for just mangrove trimming, the suggestion was to receive the information for other actions that the Town needs to make.

Committee Member Coniglio made several of the following responses:

- What plan of notification will the Town have with the property owner?

- Will this become onerous to the property owner?
- Referencing **Sec. 66-39(4)**, would staff be the conduit to move to the Florida Department of Environmental Protection (FDEP) as far as the State Statutes were concerned?

Sec. 66-39, Requirements and Sec. 66-40, shoreline management plan: Coastal Coordinator Weber noted that the items he put in the shoreline management plan were the same items that the State requests that the permittee submits to them. It is mimicking the thoughts that the State requires and the Town would make sure that staff would review the documents as well, in order to write the written evidence.

Committee Member Coniglio asked if the requirements are new, was he saying that those do not exist? Mr. Weber responded that they were not new to the State's guidelines. Ms. Coniglio asked how would for instance, a condominium in the south end that makes a change to their vegetation plan, would they know to notify the Town, or how would staff know that they were doing that to notify the State; **(5)** has a question mark about the fee. She asked if that would that also become a new requirement? She said that she did not want this to become an onerous procedure. Mr. Weber responded that currently, any work that is to be done, a permit application would be submitted to the State and one of the requirements in the application was to provide a local approval letter from the Town. In order to obtain the local approval letter, information would be provided to the Town staff. There is a not criterion in place right now. Ms. Coniglio stated that she wanted this to be a cooperative, collaborative effort to ensure that there was compliance from the property owners and maintain a happy medium. Mr. Weber indicated that the State's fee is based on what type of activity is being permitted, as there are different levels of review. Town Attorney Randolph commented that Mr. Weber was asking about an additional fee proposed to the Town or any administrative work the Town was doing. Mr. Bradford asked if Assistant Planning, Zoning and Building Director Veronica Close was charging a fee for a zoning letter that may be issued by the Planning, Zoning and Building Department. Ms. Close responded that the fee is $150.00. Mr. Bradford indicated that if a fee is charged it would have to be according to the Town's costs. Ms. Coniglio indicated that she was comfortable with leaving number **(5)** in, but the fee could be determined at later date. Mr. Bradford responded that Mr. Weber could go back to the office and come up with an average cost.

Sec. 66-39(3) and (4): Town Attorney Randolph advised adding, the language "to the entity" as follows: "Written evidence is to be provided by the Town of Palm Beach to the entity having jurisdiction…"

Committee Member Coniglio said, going back to **Sec. 66-40(5),** that she agreed to a fee commensurate with what was involved, but said that she did not want to make it so onerous that there was a lack of compliance. She indicated that as long as there was a sense of fairness, she was in agreement.

Sec. 66-43, Mangrove trimming: Town Attorney Randolph noted that the state law provided for mitigation and was very specific about what needed to be done regarding the trimming. He stated that it provided the penalties: up to $100 for each mangrove illegally trimmed and up to $250 for each mangrove illegally altered. In addition to the penalty provisions, the department or delegated local government, which would be the Town, may impose a second penalty upon the professional mangrove trimmer up to $250 for each mangrove illegally trimmed. Chairman Diamond said that the question was: does the Town add to the penalties. Committee Member Coniglio noted that she was 100% behind mitigation, but she was opposed to adding on penalties from the Town in addition to the State.

Responding to Chairman Diamond, Rob Walton, Code Enforcement, stated that three months ago there was some illegal trimming, but that it happened only two to three times a year, which was reported to the State. He agreed to follow up with the State as to the result of the findings of the report. He also indicated that a citation was not provided, as the Town did not have a mangrove trimming law, but he advised the landscaper to stop trimming the tree. Deputy Town Manager Bradford noted that the Town chose not to be a delegated authority on mangrove trimming, as the Town would have to have equal to or stricter than the State's rules. Town Attorney Randolph indicated that Code Enforcement would reserve the right to enforce the trimming.

Article III. Sand and Dune Removal or Alteration, Sec. 66-81., Definitions: Mr. Weber stated that the current definition was not consistent with the state's definition, which caused confusion for enforcement, especially for the setback line from the dune for activities that may not be allowed in certain areas. The proposed changes correct the Town's Code of Ordinances and provide consistency with the State.

Sec. 66-47, Maintenance: Code Enforcement Officer Walton explained that the Section referred to the shoreline management plans, which there were certain requirements to remove exotics. There is an opportunity to perform periodic inspections, as required by the shoreline management plan.

Town Attorney Randolph and Mr. Walton would look at Sec. 66-47 further in order to ensure maintenance of the management plan.

Sec. 66-177(c), Setback lines: Assistant Planning, Zoning and Building Director Close noted that in the zoning districts, the existing seawall height was for any development, which is reviewed by the Public Works Department during the Development Review Committee meeting.

Additional Considerations, Under Article I, In General, Sec. 18-1, Datum plane adopted, and Article V, Coastal Construction Code, Sec. 18-278, Definitions: Mr. Weber noted that the only difference was the addition of NAVD, North American Vertical Datum, which was increasingly being included in the plans over the years. Historically, projects reviewed for the permitting process were being reviewed with NGVD (National Geodetic Vertical Datum) elevations and currently, certain sections of the state are using NAVD. Some plans will have NGVD elevation and in parenthesis have NAVD. It provides consistency with the State.

Assistant Planning, Zoning and Building Director Close presented Planning, Zoning and Building Department's proposed changes to Chapter 66. Ms. Close discussed the introduction of a new landscape permit plan with the Committee. She added that Executive Director of Mounts Botanical Garden Allen Sistrunk would help explain concepts and answer any questions that the Committee may have.

Section 66.262 (b), Components of landscape plan: Deputy Town Manager Bradford pointed out that the language should be amended as: "Landscaping plans ~~should~~ shall identify:"

Division 4, Design Requirements: Sec. 66-285: Ms. Close said that the proposed minimum standards would capture sites that do not have adequate or no landscaping. She stated that there could be a caveat that requires that there would be no guarantee that just meeting the minimum would be allowed; more landscaping may be required. She expressed that the concern was for existing lots that did not have any landscaping. Committee Member Coniglio expressed concern for the owners by changing the rules without a grandfathering rule. Mr. Bradford asked if the owners were out of compliance with the plan that was approved by the Town Council, or never had any landscape requirements imposed at all? Ms. Close responded that she suspected some did not have an approved landscape plan and probably had not been required. Town Attorney Randolph said that unless there is a five or ten year compliance, it would not be acceptable to cite an owner for noncompliance, as there was never a previous definition relative to landscaping.

Discussion ensued regarding the landscaping requirement. Committee Member Coniglio stated that she believed it to be under the purview of Landmarks Preservation Commission, and the Architectural Commission (ARCOM). Mr. Bradford explained that he had experienced it in other communities and it is a burdensome process. Ms. Close commented that staff could leave the section out and/or find another mechanism. Chairman Diamond said that he had no problem with the table as long as a disclaimer was put in that it was not the maximum requirement.

Division 4, Design Requirements, Sec. 66-285(2), Minimum number of canopy trees: Mr. Bradford provided the following amended language in the table inset of the last three rows to add the language "of lot size":

- Commercial Zoning District, "one tree for each 2,000 sq. ft. of lot size or fraction thereof"
- R-D, PUD Zoning District, "one tree for each 1,500 sq. ft. of lot size or fraction thereof"
- All Other Uses Zoning District "one tree for each 1,200 sq. ft. of lot size or fraction thereof"

Ms. Close will come back to the Committee with revised language of Section 66-285.

Sec. 66-286, Water conserving landscape design: Ms. Close noted that the concept was very restrictive, and that **(c) Required vegetation,** should be reviewed to ensure alternative solutions are allowed. She requested more time in order to meet with landscape architects. Chairman Diamond requested that Ms. Close come back with a practical answer as to what would be required of the property owner regarding solutions for the lawn.

Sec. 66-286(3)(b)(1): Discussion occurred regarding Smart Irrigation Systems that required ET (Evaportranspiration-based) Controllers on automatic landscape irrigation systems subject to July 15, 2010. Committee Member Coniglio said that State legislation information would be coming and suggested moving slower. Town Attorney Randolph said this was a newly adopted ordinance and that it was adopted by the Town Council prior to the July 15, 2010 deadline by the State. Committee Member Coniglio commented that the July 15, 2010, deadline by the state should remain as a benchmark.

Committee Member Coniglio commended Ms.Close for working with the businesses and having their feedback.

Section 66-289, Tree Trimming Standards and Sec. 66-290, Hatracking/ Topping Prohibited: Ms. Close commented that Palm Beach and Broward County prohibits hatracking trees, as it is against the tree care industry association standards. She demonstrated and provided the definition of hatracking the trees. Committee Member Coniglio suggested education as a means of eliminating hatracking. Ms. Close indicated that landscapers were the largest group of unlicensed workers in the Town. Committee Member Coniglio asked if a period of citations would be burdensome to Code Enforcement. Mr. Walton responded that the best way was educating the landscaper; once the trees were hatracked, the violation existed. Ms. Close suggested a series of meetings to introduce the idea and encourage the landscapers to get the proper certifications and also to advise of the landscape permits.

Committee Member Coniglio asked if citing the landscaper would be the fastest way of education. Mr. Walton said his understanding was that it cites the property owner, not the landscaper, unless the landscaper was caught during the course of trimming the tree. Town Attorney Randolph said that if all that was seen was the results of the hatracking, the landscaper would not be cited. Chairman Diamond noted that education would necessary to the landscapers and property owners. Mr. Bradford said that there were places in Town where the Town approved, as part of a site plan, ornamental trees that were technically hatracked and that if the hatracking was halted, it would not be in compliance. Ms. Close noted that staff will come back with amended language and criteria.

Mr. Bradford asked for clarification regarding whether the trimming must be done according to American Arborists, and did it mean that the person doing the trimming had to be certified? Ms. Close said that the Town was not requiring it.

Committee Member Coniglio asked if use of organic mulches would be enforced. Ms. Close responded that it would be done at the time of the inspections of the landscaping permits.

Section 66-287, Vegetation Maintenance Requirements: Ms. Close noted that many people were not maintaining their landscaping and Code Enforcement did not have a standard to apply, and that this is the industry standard. Chairman Diamond noted that it covered everything. Mr. Bradford asked for clarification about “pervious areas” in the second paragraph; Mr. Diamond asked Ms. Close to make it more specific. Mr. Walton indicated that there were frequent violations of this issue; the property owner always receives a warning first, and sometimes two. If there is no sod, the citation is for fugitive dust (dirt) in the Code, where maintenance of mulch or grass in the yard is required. Town Attorney Randolph said that this is another grandfathering problem. The Town cannot force people to comply with a new code, without an amortization clause. Chairman Diamond asked Ms. Close for more comments from the industry and property owners who would be affected and to return to the Committee with the results.

Sec. 66-311, Prohibited plants: Mr. Diamond had no issue with this section.

Committee Member Coniglio asked about the table of the removal of the invasive non-native vegetation. Ms. Close responded that she would ascertain if the removal was complete and update the table.

Chairman Diamond asked if the Sample Legend for Landscape Plan had been approved by the landscapers. Ms. Close indicated that it was the industry standard and there were some additions that would be incorporated.

Responding to Chairman Diamond regarding the future of the Ordinances, Standards and Rules Committee, Mr. Bradford indicated that many ordinances would be produced for the Committee, and staff would review Chapter 66 on the issues brought up today; it is the only Chapter that is still open. Staff will proceed to systematically process and draft ordinances to be brought back for review by the Committee.

Committee Member Coniglio thanked Mr. Sistrunk for all of his work on the Town's behalf.

Allen Sistrunk, Mounts Botanical Garden, said that trees had be viewed as an extremely large piece of architecture and if hatracking was allowed, it creates a safety issue, especially during a storm. Hatracking removed all the leaves on a tree. He noted that he receives calls from residents about hurricane pruning of palm trees, which was a racket in the industry, as it was almost equal to the hatracking. Mr. Walton said the Town has gone to the 9:00 a.m. to 3:00 p.m., trim and is done twice a year. Chairman Diamond has noticed the difference and asked about the removal of coconuts before hurricane season. Mr. Sistrunk said that the coconuts need to be removed, as they become projectiles during a hurricane.

Committee Member Coniglio asked Mr. Sistrunk how often he comes to Town, in order to provide an education of how to maintain the trees that should be part of the Town's requirements. Ms. Close noted that the architects requested a list of healthy, beneficial trees to be used as a guide.

Edward Cooney, 495 N. Lake Way, asked how the hatracking provision applied to the ficus hedges. Mr. Sistrunk noted that it would not apply to hedges, but to a canopy tree. His opinion was that the responsibility should be on the contractor and not on the homeowner. He said that the fining would be a quick education. Chairman Diamond asked if Committee Member Coniglio agreed, Ms. Close could be instructed to do that. Mr. Sistrunk suggested diverting the attention from hurricane pruning palm trees to the canopy trees to thin them to better tolerate the wind; they could still keep the income, and the Town would have healthier palm trees.

Ms. Close added that although hatracking is prohibited, an exemption could be included for thinning canopy trees.

V. ANY OTHER MATTERS

There were none.

VI. ADJOURNMENT

There being no further business, the Ordinances, Rules and Standards Committee Meeting of Tuesday, September 28, 2010, was adjourned at 3:24 p.m.

APPROVED: ______________________________
William J. Diamond Chairman

Backup Documents

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda
Committee Reports

Agenda Title
Administrative and Personnel Committee Meeting of September 29, 2010 .

Presenter
Richard M. Kleid, Town Council Member

Supporting Documents

- Report of the Administrative and Personnel Committee Meeting held on September 29, 2010

REPORT OF THE ADMINISTRATIVE & PERSONNEL COMMITTEE HELD ON WEDNESDAY, SEPTEMBER 29, 2010

I. CALL TO ORDER AND ROLL CALL

The meeting of the Administrative and Personnel Committee was called to order at 9:30 a.m. on September 29, 2010, in the Town Council Chambers, 360 S. County Road, Palm Beach. On roll call, Chairman Richard M. Kleid and Committee Member David A. Rosow were present.

Mr. Charles Langley represented himself, Town Manager Elwell represented the Town of Palm Beach, and Attorney Peter Sampo represented the Administrative and Personnel Committee.

II. APPROVAL OF AGENDA

The Agenda was approved as presented.

III. PRESENTATION OF TOWN MANAGER'S CASE [PETER B. ELWELL, TOWN MANAGER]

Town Clerk Cunningham administered the oath to Town Manager Elwell.

Town Manager Elwell presented the reasons why he took the action that he did. There was some information that was directly relevant to the completion of the investigation and the findings he made, that will be background information.

He outlined that the documents that he had submitted included:

- The Administrative Investigative Report
- Exhibits A-H
- Mr. Langley's evaluation of Steve White's for 2006-2007
- Mr. Langley's evaluation of Steve White's for 2007-2008
- Mr. Langley's written appeal date stamped into Human Resources July 28, 2010

Town Manager Elwell explained that Mr. Langley's appeal alleged that he was a fall guy and suggested that his demotion was excessive punishment. He intended to demonstrate that his actions and decisions were appropriate and his decision to demote Mr. Langley to senior project engineer was directly linked to the findings of the investigation. The investigation included three separate elements:

- Police investigation

- Crowe Horwath independent forensic audit
- Town Manager Elwell's first hand review with the assistance of Human Resources Director Danielle Olson.

Town Manager Elwell assured the Committee that there was no rush to judgment and confirmed there was no pre-conceived outcome, not with regard to Mr. Langley or anyone else. It was a complicated matter and required an exhaustive investigation.

The bottom line as it related to Mr. Langley, terminating his employment would have been too harsh of a penalty, but lesser punishment than the demotion, would have been too lenient and not protective of the Town. Town Manager Elwell stated that the demotion reflected Mr. Langley's accountability that he individually had for matters that were within his control as Steve White's supervisor, during the period of time that Steve White was suspected of stealing from the Town.

Town Manager Elwell asked to clarify for the record to avoid having to say "suspected of and alleged" each time that is referred in the probable cause affidavits and the other documents related to Steve White and his conduct. He wanted to acknowledge that Mr. White was in the midst of seeking his due process with the court system, and was innocent until proven guilty. It was important to note, if they were being very careful they should be saying alleged or suspected, but if it is omitted, please imply an alleged crime.

The next part of Town Manager Elwell's presentation included five parts with brief background information and confirmation of what happened in April 2010. They were:

- The background to the issues
- Immediate actions and investigations
- Conclusions of the investigation
- The actions Town Manager Elwell took and why
- Addressing particular concerns from Mr. Langley's appeal document

Mr. Langley did not have any cross examination.

Town Manager Elwell did not present any witnesses.

Attorney Sampo asked Town Manger Elwell for clarification about the documents that the Committee received in advance, and who created the Administrative Investigation Report. Town Manager Elwell indicated that the Administrative Investigation was prepared by Human Resources Director Danielle Olson and Town Manager Elwell, but he was ultimately responsible for it, pursuant to his duties as Town Manager.

Attorney Sampo asked him to explain the attachments. Town Manager Elwell responded that there were Exhibits A-H that were labeled. The conclusions and findings that were in the Administrative Investigation and the attachments were all part of the fullness of the reports.

Attorney Sampo next asked Town Manager Elwell about the interview he had with Mr. Langley prior to placing him on administrative leave. Town Manager Elwell stated that he had met with

Mr. Langley personally when he was imposing the disciplinary action. Mr. Langley stated that he may not have done an adequate job in supervising the field work. Town Manager Elwell clarified that he (Elwell) did not say he was not a good supervisor. This was contradictory to what Mr. Langley was stating today.

Attorney Sampo, for purposes of this proceeding, asked whether there was any dispute of the underlying facts and issues with Mr. White.

Town Clerk Cunningham administered the oath to Mr. Langley. Mr. Langley agreed that there were no disputes. He thanked Town Manager Elwell for addressing the innocence of Mr. White in the beginning of his remarks, but did feel based upon the evidence, that kickbacks did occur.

Chairman Kleid asked about the creation of the Senior Project Engineer position, since it had not existed prior. Town Manager Elwell responded that Mr. Langley was a very capable engineer and had confidence in his abilities with the Town. He also did not want to terminate Mr. Langley, and instead, took away the supervisory duties and created the new classification. He eliminated the Assistant Public Works Director position that he formerly held, but had created a new title and position.

Committee Member Rosow had no questions.

IV. PRESENTATION OF CHARLES R. LANGLEY'S CASE [CHARLES R. LANGLEY, SENIOR PROJECT ENGINEER]

Mr. Langley began by stating that this was an awkward situation and he apologized for taking up the Committee's time. He had wanted to appear before the Grievance Committee, but Town Manager Elwell is the Chair of that Committee, and he was referred to appear before them.

The entire process had been devastating to him. Mr. Langley stated that on April 14, 2010, he was called into work early and met with the police and the State Attorney's office, and was crushed when he was told he would be placed on administrative leave and was shocked throughout the entire process. He did not know of anyone that would have known that Steve White allegedly been taking kickbacks. He could not state that strongly enough.

He expressed his disappointment in not being able to obtain specifics about what policies he had violated, and when, where and what and how did Steve White violate the purchasing procedures. He stated that he felt he was the fall guy. He read from a back up memo that was provided to the Town Council from Public Works dated April 8, 2008 regarding contract negations for hourly work based on acceptable proposal or lowest bidder. The town Council voted upon it, but it was never placed into the purchasing manual. He stated he had nothing concrete from the Town to react to. He expressed his frustration.

Mr. Langley discussed the process of approving Change Orders and how he reviewed them. He noted that a 5-10% difference in price would not have triggered him to be alarmed, considering the overall price of the project. He added that large change orders were ultimately approved by the Town Council.

He brought up the Holiday Decorations project that was broken up into several smaller projects to circumvent the bidding process. Committee Member Rosow corrected Mr. Langley and indicated that due to the short time frame, the Town Council voted to waive normal purchasing procedures for that particular project. Mr. Langley indicated he was unaware of that and had refused to work on the project.

Mr. Langley brought up the pre-approved contractor purchasing procedure, was because it had been eluded to that Mr. Langley contributed to the ability for Steve White to collude with the contractors. He maintained that it was the implementation of the town policy that allowed negotiation with single contractors, probably was the sole reason why Steve White was allowed to collude.

Mr. Langley also cited the large volumes of work and pressured time-lines to finish projects quickly. He denied having lack of supervision over Steve White. He stated that the Crowe Horwath stated several times in the internal audit report, and at a Town Council Meeting, that internal controls could not prevent collusion. He did not know how the Town expected Chuck Langley to catch collusion.

Next, Mr. Langley named Town Employees to call as witnesses.

Town Clerk Cunningham administered the oath to all those who would be providing testimony.

The following witnesses were called:

- Lynda Venne, Purchasing Agent
- Paul Brazil, Director of Public Works
- Cheryl Somers, Assistant Finance Director
- Doug Terry, Water Resources Manager
- Paul Brazil (recalled for second appearance)

The Committee Members and Town Manger Elwell were permitted to ask questions of the witnesses during their testimony.

Mr. Langley also highlighted many of the large projects he had successfully worked on: Worth Avenue, Par 3 Renovation, and others. At no time were there any complaints from any contractors, residents or employees regarding his supervisory abilities.

Mr. Langley stated that the Town used to do $3-5 million per year in public works projects and now were doing $14 million a year in projects. He noted that out of $5 million in total projects, $250,000 was a small number to be able to catch as an overage.

V. REBUTTAL BY TOWN MANAGER [PETER B. ELWELL, TOWN MANAGER]

Town Manager Elwell provided his closing statements and refuted some of the testimony that Mr. Langley provided. He noted that the Town had refused to meet privately with Mr. Langley after his appeal was filed. This was standard procedure. Secondly, Town Manager Elwell took issue with the assertion that Mr. Langley had not received a concrete response from the Town regarding the policies that had been violated, including the probable cause affidavits and the list of Chapter violations in the Employee and Personnel Manual. It was stressed that Mr. Langley was the supervisor for Mr. White. The reason there was not an item by item list of the violations was because Crowe Horwath did a sampling of the contracts that Steve White was involved with rather than a costly and time consuming audit. Thirdly, there was no institutional attempt by the Town to circumvent the purchasing rules and manual. The example provided by Mr. Langley, was a situation that was approved by the Town Council and was understood with the approval there would be a waiver of the normal procedures.

Town Manager Elwell stated there was nothing that Mr. Langley or the witnesses presented today that changed the appropriateness of the discipline. He said that with regard to the demotion and the testimony reaffirmed why he concluded that Mr. Langley was a capable engineer, and does have tremendous experience and performed well as an engineer. He completely agreed with that testimony. He can continue to offer a tremendous value to the Town.

Town Manager Elwell urged the Committee to uphold his decision to demote Mr. Langley with an 18% pay cut, as he was ultimately responsible for the supervision of Steve White. Mr. Langley was ultimately responsible as Steve White's supervisor and should have questioned the pricing of the contracts. He asked again to affirm his decision to demote Mr. Langley form Assistant Director of Public Works to Senior Project Engineer and the accompanying salary decrease.

VI. <u>REBUTTAL BY CHARLES R. LANGLEY [CHARLES R. LANGLEY, SENIOR PROJECT ENGINEER]</u>

Mr. Langley provided closing statements. He stated that his fate hung on a couple of areas. One was his inability to catch the inflated pricing that was approved for change orders. The pricing was within the parameters as noted by Public Works Director Brazil of 5-10%, which is the industry norm. $250,000 was moved from the contractors' hands, out of five million dollars in total project costs. It did not stand out as a serious number. Mr. Langley clarified that he was not stating that $250,000 was not money that the Town had lost, he was saying that the total value (5-10%) would not have triggered any alarm where he would have been expected to catch.

Mr. Langley stated that the Crowe Horwath audit indicated that internal controls cannot catch collusion. Mr. Langley stated that he did not catch it. Mr. Langley's boss (Mr. Brazil) did not catch it. No one did.

Regarding Mr. Steve White circumventing purchasing procedures, was not answered, according to Mr. Langley. He stated that he has not received any details and it was alluded to that they are in the report, but no one had pointed them out to Mr. Langley. He noted that he was not looking for a hundred, but no one has pointed out any purchasing violations to him. There was language in the report that people thought there were violations.

Mr. Langley stated that he was being demoted on people's word. There was nothing for him to react to. He was greatly bothered that he was not considered capable of supervising people. He supervised five people from the date he was hired. He had not had any problems with regard to the supervision of people. He stated that it was not fair to be demoted because Steve White colluded and stole money. It was wrong that he (Mr. White) did that, and it was wrong that Mr. Langley was being demoted for that.

Mr. Langley informed the Committee that they had seen and heard that he was a very capable, hard-working employee. He stated that is punishment was excessive to be demoted, and an eighteen percent pay cut was excessive. He had saved the Town hundreds of thousands of dollars by value engineering projects. He stated that he had slaved for the Town. Steve White stole money and Mr. Langley was paying the price. That was why he felt like he was the "fall guy". He noted that it looked really good in the newspaper, to have somebody that the Town could find at fault, for someone stealing money. He stood out, as he was the new guy.

Mr. Langley thanked the Committee for their time, respected Town Manager Elwell, and was more than kind throughout the process, and he will respect the Committee's decision. Whatever they decide, he would live with. He added that he was a team player, he had not cut back on the level of his work since he was demoted, not one bit. He has been asked questions, he has provided guidance to others if needed, and he has not cut back, even though he was professionally and financially cut back from the level of effort he has given to the Town. He planned on being with the Town for another five years. Whatever the Committee decided, he would love with. He again thanked the Committee for their time.

VII. CONSIDERATION BY THE ADMINISTRATIVE AND PERSONNEL COMMITTEE

Chairman Kleid announced that the Committee would go into executive session.

Attorney Sampo directed the Committee to make recommendations based on the question of whether there was just cause in accordance with the terms of the Town's Personnel Manual, for Mr. Langley's demotion. In looking at the issue, the burden of the Committee is to make findings, based on competent and substantial evidence, hearsay evidence could be considered, to support other findings which were based on competent and substantial evidence, but could not alone support a finding. Once those findings were made, it would be incumbent upon the Committee to make a recommendation to the Town Council as to whether or not the Committee believed there was just cause for the demotion. In the event the Committee determines there was not, then the Committee would be charged with making recommendations as to what should be done, other than a demotion, if that was the direction the committee desired. At the conclusion of the deliberations, a set of findings and recommendations would be prepared, and the Chairman would sign those findings.

Committee Member Rosow commented that he read all of the documentations, and he had been aware of what had been going on since he received the phone call about Steve White's arrest. He also had the opportunity on numerous occasions to speak with Town Manager Elwell many times about the situation, and asked him many times to make a decision and move on. He had asked him to move on and let the three people (on leave) return to work or not. Town Manager Elwell kept telling Committee Member Rosow, and this was an important element in today's discussion, that he was not ready, and that he wanted to have more facts, interview more people and make certain that what he was going to do was proper.

Committee Member Rosow did not believe that there was any rush to judgment by Town Manager Elwell. If anything, Town Manager Elwell provided more time than someone else would have done. Much of what was presented by Mr. Langley was either an attack on the system, and the system did not work, and that was the fault, or that he was a good employee and done wonderful things for the Town, but no where did they hear about his supervision of Steve White. That was the only issue that the Committee was here to discuss. Whether or not Steve White colluded and stole money, and whether it was one percent, five percent or ten percent was irrelevant. He stole money from the Town.

Committee Member Rosow stated that it was everyone's obligation to prevent that from happening. He had experienced, in his own professional career, collusion where employees had attempted to gain the system. In each instance, it was discovered by accident and in each time, the supervisor suffered a demotion or cut in pay, whereas the guilty person was terminated. The buck stops somewhere, and it does not stop with Public Works Director Paul Brazil, unless Mr. Langley was doing the colluding. If Mr. Langley was doing something illegal and Mr. Brazil did not catch it, he would be sitting in Mr. Langley's seat. If Mr. Brazil did it and he was not caught, then it would be the Town Manager sitting here.

In his opinion, the issue was not that Chuck Langley was the fall guy, but that Steve White was not properly supervised. Committee Member Rosow added that Mr. Langley had stated that there was not any evidence that he was not properly supervised. He disagreed. He had asked questions, and some of Mr. Langley's answers were, quite frankly, were troublesome. That is, it fell within the range and it was ok. But if there were continuing change orders and there were a select few people who were given these certain jobs, anyone with any common sense would look at it.

Committee Member Rosow looked very carefully at Mr. Langley's performance Evaluations and tried to track them through. He also reviewed Steve White's evaluation where he had a two and the went up to a three and no one ever explained why he went up to a three. He thought that at some point, a supervisor has to always question whether or not his or her employees were doing the right thing. It seemed to Committee Member Rosow that Mr. Langley only questioned significant change orders. In his opinion, ALL change orders were significant. In his mind, ALL contracts that are being led, are important to supervise and to make certain that the numbers that were being presented were fair and accurate.
Committee Member Rosow said he was not convinced that Mr. Langley had adequately supervised Steve White. He added that he was very, very concerned about Mr. Langley's comment about the percentage that Steve White stole, which was 5%. That margin fell within the range of error in contracts. He was very concerned about that.

Chairman Kleid stated that he found that after listening to all of the evidence and reading all of the documentation, that Mr. Langley allowed a pattern of conduct which did foster the criminal activity. He felt the evidence was sufficient to show a course of conduct from which could be drawn in conclusion of poor supervision and particularly insufficient supervision in the field.

Chairman Kleid commented that there was a thorough investigation. As Committee Member Rosow said, it may have been too slow for his likes as well. But Town Manager Elwell took due time, and brought in forensic accounting, outside counsel, and thoroughly interviewed members of the staff who had any relationship to the projects. He also felt that there was a failure to detect the excessive pricing and an experienced professional should have caught the inflated prices.

As far as the circumstances of the town policies were concerned, Chairman Kleid stated that Mr. Langley pointed out in the early appraisal of Steve White's evaluation that he was insufficient but subsequent appraisals later was "ok" and was not followed through. An environment was created that allowed Mr. White to pursue the illegal activities. Chairman Kleid found there was a lack of supervision.

Chairman Kleid noted that it was quite clear to him that Mr. Langley's credentials as a P.E. were superb. That went to the fact that the penalty of removing Mr. Langley from a supervisory position was supported by the facts, and was justified. As an aside, judging from what Mr. Langley has learned from this experience, albeit a very difficult and learning experience. Hopefully, after some more counseling, that once again a position may be created that would allow him to return to a supervisory capacity. He would hope that avenue was not forever blocked with respect to the Town.

Chairman Kleid stated that he was troubled by the monetary part of the demotion. The punishment should fit the crime. The demotion, to a non-supervisory job, although justified was a major price to pay. He was struck by the fact that the Town created a separate category to fit his requirements. There was a salary spread and was justified that when you move from one position to another, there was usually a 5% spread, and explained the reason for it.

After looking at the range, Mr. Langley was near the top range of the new range. Mr. Langley's current salary is $101, 602., which was an 18% reduction in pay he made as Assistant Director. The salary spread would allow him to go up to a maximum salary of $109, 666. Chairman Kleid suggested, without picking a price point, that Mr. Langley should be given more salary to bring him to a lesser financial penalty. He would like to recommend an adjustment to his salary within the parameters of a senior project engineer to the full Town Council.

Attorney Sampo summarized the Executive Session by stating that Committee Member Rosow felt there was just cause for the demotion, and supported the pay recommendation as made by the Town Manager Elwell. Chairman Kleid recommends a demotion as a supervisor but supported an adjustment in pay to be determined by the full Town Council.

<u>The Town of Palm Beach Administrative and Personnel Committee Findings and Recommendations.</u>

On September 29, 2010, the Town of Palm Beach's Administrative and Personnel Committee (Committee) met and conducted a hearing pursuant to Town of Palm Beach Code of Ordinances, Chapter 82, Article III for the purpose of resolving the grievance of Charles Langley regarding his demotion

1. On April 14 2010, former Town Construction Manager Steven White was arrested based on various criminal charges relating to allegations that he had received kickbacks of approximately $250,000 between January 2008 and March 2010 from contractors performing Town construction projects.

2. At the time of Mr. White's arrest and at all times between January 2008 and March 2010, Charles Langley, the Town's Assistant Director of Public Works was Mr. White's immediate supervisor. Following Mr. White's arrest, Mr. Langley was placed on administrative leave with pay. Mr. White's employment with the Town was terminated effective May 26, 2010.

3. The Town conducted an administrative investigation with regard to the matters forming the basis for Mr. White's arrest and contracted with Crowe Horwath LLP to undertake a forensic accounting investigation. In addition, the Town's police department investigated the criminal matter. Counsel was retained and witnesses were questioned. The Administrative investigation was supervised and conducted by Town Manager Peter Elwell.

4. Based upon information obtained in these investigations, Town Manager Elwell concluded that Mr. Langley had failed to adequately supervise Mr. White by failing to detect excessive pricing in the bids at issue and failing to correct Mr. White's circumvention of the Town's purchasing procedures. Accordingly, Town Manager Elwell demoted Mr. Langley to a Senior Project Engineer position, which was created for him in the engineering department. Mr. Langley's salary was correspondingly reduced by $22,572 per year to a salary of $101,602.

5. Pursuant to Town Personnel Manual Chapter 83, Mr. Langley grieved his demotion and the matter was referred to the Town's Administrative and Personnel Committee which convened a hearing on September 29, 2010 to investigate the grievance.

6. Based on the evidence presented at the hearing, the Committee finds that Mr. Langley was Mr. White's direct supervisor during the time he was alleged to have received kickbacks through collusive bid arrangements with certain contractors. The Committee further finds that as Mr. White's supervisor, Mr. Langley was responsible for adequately supervising Mr. White so that he would not be able to engage in this conduct. However, the Committee concludes that Mr. Langley failed to sufficiently supervise Mr. White and thereby failed to catch and correct the collusive bid arrangements and kickbacks with which Mr. White is charged.

7. The Committee has taken into account and rejects Mr. Langley's contention that the amount of money Mr. White is alleged to have received was small in comparison with the costs of the projects. The Committee finds that the amount of money involved was significant and that Mr. Langley's failure to adequately supervise Mr. White allowed Mr. White to engage in the pattern of conduct at issue.

8. Chapter 1, Sections 1-4 of the *Town of Palm Beach Employee Personnel Manual* provides that Department Directors are expected to supervise their employees effectively. Chapter 6, Section 6—1 provides that demotion may be made when an employee does not perform satisfactory service in the position held. Chapter 6, Section 6-6, provides that cause for demotion includes violations of the provisions of this manual and department policies and procedures.

9. The Committee finds that Town Manager Elwell performed a fair and thorough investigation of the matter involving Mr. Langley and properly determined that Mr. Langley should be demoted. Therefore, the Committee finds there was just cause for Mr. Langley's demotion and recommends as follows:

   (a) Mr. Langley's demotion to Senior Project Engineer was appropriate and should stand.

   (b) Committee Member Rosow recommends that the pay Mr. Langley was assigned in his new position should stand at $101,602 per year.

   (c) Chairman Kleid recommends that Mr. Langley's pay should be adjusted upward at the discretion of the Town Council within the salary parameters of the position ($71,562-109,666).

Attorney Sampo asked the Committee if they had any other findings or recommendations.

Committee Member Rosow had no further recommendations.

Chairman Kleid wanted to add that this decision would not preclude Mr. Langley from, at a later date, assuming he learned from this experience and has further counseling, from applying for a supervisory job in nature.

The Committee added the following finding:

   (d) Based on his learning from this experience and hopefully further counseling by staff, Mr. Langley should not be precluded in the future from holding a supervisory position with the Town of Palm Beach.

Both Committee Members indicated assent to the findings and recommendations

VIII. ANY OTHER MATTERS

There were none.

IX. ADJOURNMENT

There being no further business, the Administrative and Personnel Committee Meeting of September 29, 2010, concluded at 1:08 p.m.

APPROVED:

____
Richard M. Kleid
Chairman

Towns Documents
Langley Documents

TOWN OF PALM BEACH

Town Meeting on: October 12, 2010

Section of Agenda

Committee Reports

Agenda Title

Public Works Committee Meeting of October 5, 2010.

Presenter

Gail Coniglio, President Pro Tem

Supporting Documents

- Report of the Public Works Committee held on October 5, 2010

REPORT OF THE PUBLIC WORKS COMMITTEE MEETING
HELD ON TUESDAY, OCTOBER 5, 2010

I. CALL TO ORDER AND ROLL CALL

The meeting of the Public Works Committee was called to order at 2:04 p.m., on Wednesday, October 5, 2010, in the Town Council Chambers. On roll call, Chair Coniglio and Committee Member Kleid were present.

II. APPROVAL OF AGENDA

The Agenda was approved as presented.

III. PUBLIC COMMENT

There were none.

IV. REVIEW OF WORTH AVENUE IMPROVEMENT PROJECT MODIFICATIONS

Public Works Director Paul Brazil indicated that the Worth Avenue Project is slated to be completed by Mid-November. Mr. Brazil presented a PowerPoint to the Committee and a copy was submitted into the record.

There were five items that the merchants and owners of Worth Avenue wished to discuss:

1. Hibiscus Avenue Piazza landscaping plan
2. Hibiscus Avenue fountains
3. Newspaper Racks in Worth Avenue Commercial District
4. Allow hanging baskets on all street lights in the Worth Avenue Commercial District, which would require the addition of hanging basket brackets on the street lights before the construction project was complete
5. Revisit the approved sign pole design to preclude the use of brushed aluminum on secondary regulatory signs and instead provide black fluted poles on all street signage in the Worth Avenue Commercial District.

The following persons spoke regarding their concerns:

- Mr. Burt Handelsman, President of the Worth Avenue Restoration Association
- Mr. Bob Moore, on behalf of the Goodman Company

- Mr. Mark Marsh, Architect
- Mr. Jose Sanchez, Sanchez and Maddox
- Mr. Stephan Richter, Richters of Palm Beach
- Ms Sherry Frankel, Worth Avenue Association
- Mr. John Maus, merchant on Worth Avenue
- Ms. Sharon Neary, Garden Club

The Committee discussed costs, timing of the project, changing of the news rack ordinance, signage, light poles and the numerous public meetings that were held prior to all of the final approvals. Chair Coniglio expressed concern that many of the items had gone through the hybrid ARCOM/Landmarks commission for approval and now last minute proposals for approval were problematic.

Mr. Marsh indicated several times that the contractors and designers had met with Mr. Handelsman and had written emails from Mr. Richter confirming the acceptance of the fountain design. He also stated that the project began in April, 2009 and had held over twenty meetings. He was astounded and distressed that the items were being brought up today when there have been numerous opportunities to object or voice an opinion. It was difficult to execute the remainder of the project on schedule if items were to be changed now; the contractor has performed outstandingly, and assured the Committee that no comments had been ignored.

Chair Coniglio asked Public Works Director Brazil about other items that were in a packet submitted to the Committee just prior to the meeting by Mr. Handelsman. The Town Clerk nor Mr. Brazil were provided a copy until one was asked for. It was decided not to discuss those items since neither the Committee nor staff had time to review the concerns. Mr. Handelsman submitted additional photos into the record.

John Maus, 312 Worth Avenue, asked Mr. Brazil which merchants were on the Hybrid Committee. There were none and he noted that was part of the problem. The Committee Members both stated they felt like referees when many items had already been discussed at length in public prior to today's meeting.

There was a lengthy discussion on the signage and types of poles, and alternate fountain designs used around town and what was proposed for Worth Avenue.

Committee Member Kleid stated that the Town Council does not want to micro-manage this project. Once the project had been blessed, the Town Council could revisit it in a year to see if any changes needed to be made.

Mr. Richter commented that none of the items discussed today were "make or break" for the project. He stated that for, the most part, everyone he had spoken to has been very happy with the project. He congratulated the Town for getting it done successfully.

Mr. Moore, on behalf of Mr. Goodman and the Everglades Club, commended the Public Works Department and the design team. PW came to staff with the project. He noted that although not present today, Deputy Town Manager Bradford was the key person who made this a one year project and should be commended. Mr. Moore asked with the report to be given to the Town Council that they recommend encumbering the funds that would be necessary, and return to joint meetings of ARCOM and the Hybrid Committee for further consideration. He added that Mr. Goodman would be supplying a list of recommended changes within a week.

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The next item, Christmas Tree, was added to the agenda, heard under ANY OTHER MATTERS, and then the Committee returned to Item IV to finish the discussion and make recommendations.

***

The Committee revisited the list and made the following recommendations:

1. The Committee recommended encumbering bond funds for sign poles but a revised design request would need to be studied by the Hybrid Commission for final approval.
2. The Committee recommended encumbering funds for potential fountain design, placement and color but should go back to the Hybrid Commission for consideration.
3. Newspaper Racks -Would need to go to ORS, be publicly vetted by newspaper owners, and run through ARCOM. The time constraint and the use of bond funds could be an issue but the funds would be encumbered if necessary.
4. Hibiscus Avenue Landscaping plan – The Committee approved the larger pots and plant material along the sidewalks.
5. Hanging baskets – Encumber bond funds and the Hybrid Committee should re-consider this item.
6. Landscaping – Encumber bond funds for potential future additional landscaping.

Chair Coniglio stated that any additional costs or maintenance of modified improvements will remain the responsibility of the Worth Avenue Special Assessment District.

V. ANY OTHER MATTERS

***

This item was heard in the middle of Item IV, and then returned to Item IV for further discussion.

***

Chair Coniglio asked to have some public discussion about the Worth Avenue Christmas Tree. She added that the tree base was on the ARCOM agenda but would open the subject for debate. Town Clerk Cunningham advised that this was not announced or approved when the agenda was approved.

Chair Coniglio advised that the Committee could discuss it today followed by vetting of the full Town Council next Tuesday, and that no decisions would be made today.

Public Works Director Brazil presented the item and stated that because of the improvements on Worth Avenue, the Worth Avenue Merchants Association expressed a concern about re-using the existing base for the holiday tree. It was a green plywood base that has been used for many years and was not very attractive. There were no funds in the Public Works budget to purchase a new base. There was not enough time to go to ARCOM and then to Town Council prior to the season. The current decorations were old and obsolete. He suggested getting a new lease arrangement that would include set up and take down by the company.

Mr. Brazil stated that two holiday trees were in the Public Works budget, and the third tree was by a donation. Some of the decorations are leased.

Mr. Richter stated that he had spoken to the decoration company and this would be the last useful year for the tree. He had no ideas for funding. Chair Coniglio indicated that Council President Rosow had established a donation fund for holiday lighting and decorations. She suggested bringing the matter to Council President Rosow. Mr. Brazil noted that bond money could not be used for decorations but would verify this with Deputy Town Manager Bradford and the bond counsel. Mr. Moore commented, for historical purposes, that the tree originally was a donation from Mr. Giorgio.

Chair Coniglio asked that a representative from the Worth Avenue Merchants Association and the merchants come forward to address all of the issues at the next Town Council meeting.

VI. ADJOURNMENT

There being no further business, the Public Works Committee Meeting held on Tuesday, October 05, 2010, was adjourned at 03:49 p.m.

APPROVED:

____

Gail Coniglio
Chair

10-05-20 Public Works Comm BackUp Docs

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Regular Agenda - New Business

Agenda Title

Proposed Worth Avenue Association Event for November 30, 2010.

Presenter

Sherry Frankel, President, Worth Avenue Association

Supporting Documents

- Memorandum dated September 23, 2010, from Kirk W. Blouin, Police Chief
- Letter dated September 21, 2010, from Sherry Frankel, President, Worth Avenue Association

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

From: Kirk W. Blouin, Chief of Police

Re: Proposed Worth Avenue Association Promotional Event

Date: September 23, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council approve allowing the Worth Avenue Association to hold a special event on November 30, 2010 subject to the conditions set forth below.

GENERAL INFORMATION

Representatives of the Worth Avenue Association have requested permission proposing the above referenced event and seeking our assistance in ensuring that their plans would comply with Town ordinances and State statutes. Consistent with the Town Council's previous direction and approval of the "Worth the Drive" event held on May 9, 2009 staff has again approached this from the "what can reasonably be allowed" perspective. In this case, the event organizers have drafted a plan so that the event would not cause any significant violations of Town Code. However, because the Town Code is intentionally very restrictive when it comes to this type of commercial promotional event, even their limited plan would not be allowed if we strictly interpreted the Town's zoning code as it relates to outdoor displays.

The event is scheduled for 6 to 8 p.m. on Tuesday evening, November 30, 2010 in conjunction with the Worth Avenue Holiday Tree Lighting event. It will involve the display of one Aston-Martin automobile on private property in the Gucci courtyard. Worth Avenue stores will be open the evening of November 30 to participate in the Worth Avenue events. The organizers have communicated with staff members of the Police, Fire Rescue and Public Works and have addressed all public safety related concerns.

Therefore, given the extremely challenging economy and the Town Council's expressed desire for "more user friendly" regulations, staff believes the Town should allow this event to be held. The "Worth the Drive" event of 2009 proved successful and without incident in regards to public safety concerns and without damage to public or private property.

In April 2009 the Town Council established the following policies as prerequisites to considering approval of any similar events that may be proposed in the future:

1. The event must be sponsored by the Palm Beach Chamber of Commerce, the Royal Poinciana Way Business Association, the Greater South County Road Association, or the Worth Avenue Association.

2. The event must not involve the blocking of any public streets or sidewalks.

3. The event must be no longer than 4 hours in duration. (This is consistent with the Town's special event permit ordinance which allows very short-term private use of public property under certain circumstances.)

4. The event organizers must coordinate their plans with the Police and Fire-Rescue Departments and must adhere to any conditions established by those two departments for the protection of public safety.

5. The event organizers must coordinate their plans with the Public Works Department and must adhere to any conditions established by that department for the protection of public property and infrastructure.

6. Each proposed event will be considered on its own merits and will be allowed only if approved by a majority vote of the Town Council.

Staff will, of course, work with the business community as we have in the past to ensure that event organizers understand the State statutes and Town ordinances. Whenever we can help the organizers to achieve their goals and remain in full compliance with the Town Code we will do so. The above policies will apply only to those instances, like the current case, where the proposed event would result in a technical but minor violation of the Town Code and, therefore, where we believe Town Council approval of the event would not compromise public safety or otherwise be contrary to the community's best interests.

Attachment

KWB:rfh

cc: Peter B. Elwell, Town Manager
William Amador, Chief of Fire-Rescue
John S. Page, Director of Planning, Zoning, and Building
H. Paul Brazil, Director of Public Works
Sherry Frankel, President, Worth Avenue Association

Worth Avenue Association

PO Box 2126, Palm Beach, FL 33480
Phone (561) 659-6909 * Fax (561) 681-1316
WWW.WORTH-AVENUE.COM

Quality · Integrity · Service

Fax: 655-7191
Email: robinmiller@worth-avenue.com

September 21, 2010

Mr. Peter Elwell
Town Manager
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Via email: pelwell@townofpalmbeach.com

RE: Special Event Approval

Dear Peter:

On behalf of the Worth Avenue Association, I am requesting that the Town approve the placement of a luxury automobile within the confines of the Gucci Courtyard on the evening of November 30th, 2010 for a Worth Avenue Association sanctioned special event.

You may recall that the Association hosted a special event called *Worth The Drive* in May of 2009, at which time we were permitted to place an automobile in the courtyard for the final evening of that event. It was a highly successful event and there was no damage to town or private property as a result of that display, and was carried out in strict compliance with the police and fire-rescue requirements.

We respectfully request that the Town Council approve this under the same guidelines as were used during the *Worth The Drive* event.

Kind regards,

Sherry Frankel, President
Worth Avenue Association

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Regular Agenda - New Business

Agenda Title

Proposed Historical Signage on Royal Poinciana Way and South County Road to Honor the Town's Centennial.

Presenter

Patti Sans, President, Greater South County Road Association

Supporting Documents

- Memorandum Dated September 30, 2010, from Jay Boodheshwar, Director of Recreation and Special Projects
- Letter Dated September 17, 2010, from Patti Sans, GSCRA President

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation and Special Projects

Re: Request from the Greater South County Road Association

Date: September 30, 2010

STAFF RECOMMENDATION

Staff recommends that Town Council approve the request from the Greater South County Road Association, allowing for the temporary placement of circa 1911 street signs along Royal Poinciana Way and South County Road, below the existing street signs.

GENERAL INFORMATION

As outlined in the attached letter, the Greater South County Road Association has requested approval to place temporary street signs along Royal Poinciana Way and South County Road in honor of the Town's Centennial. It is proposed that Royal Poinciana Way be ceremonially renamed "*Flagler Avenue*" and South County Road as "*Palm Beach Avenue*", consistent with their circa 1911 names.

This request involves the placement of temporary signs just below the existing street signage along the two streets in question. They would be installed in time for their unveiling during the weekend of April 9, 2011, and remain in place until shortly after the Town's Centennial anniversary on April 17, 2011.

SPECIAL CONSIDERATIONS

This request has been reviewed and approved by the Centennial Commission as an appropriate and fitting activity to honor the Town's Centennial.

cc: Paul Brazil, Director of Public Works
Kirk Blouin, Chief of Police
William Amador, Fire-Rescue Chief
John Page, Director of Planning, Zoning, and Building
Patti Sans, GSCRA President
Centennial Commission File

GREATER SOUTH COUNTY ROAD ASSOCIATION

The Greater South County Road Association is an organization dedicated to serving the businesses, merchants, and professionals of the Greater South County Road area in the Town of Palm Beach.

September 17, 2010

Peter Elwell and Town Council:

Did you know South County Road was called Palm Beach Avenue back in 1911??
AND did you know Royal Poinciana Way was called Flagler Avenue???
2 very cool tid bits of info I learned from Mike Reiter.

In celebration of the Centennial next year, SCR and RPW would like to rename our streets to 1911. It would be temporary, as we could add signage that says under the name on the sign, something like "PALM BEACH AVENUE circa 1911". We would like to have an unveiling with period clothing and 1911 ice cream picnic the weekend before (April 9th). Then the entire week leading up to the actual Centennial, the businesses could have 1911 specific sales, merchandise, functions etc to inspire business.

We are not intending to involve the Post Office, Google maps or any other official issue, just to create an event that would be historically correct, help the business community and all PB residents to remember the past – when things were much simpler!

Please add our request to your agenda for Town Council's October meeting.

Thanks always for your help and input in your continued support of the business communities.

Patti Sans

GSCRA President

cc: Royal Poinciana Association

P.O. Box 2648, Palm Beach, Florida 33480 Phone: (561) 650-7357 Fax: (561) 655-7607

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Regular Agenda - New Business

Agenda Title

Request for Waiver of Town Code for Certain Regulations Regarding Construction Hours 2010-2011 Dune Restoration Project.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 30, 2010, from H. Paul Brazil, Director of Public Works.

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Request for Waiver of Town Code for Construction Hours, 2010-2011 Dune Restoration Project

Date: September 30, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council approve a waiver to allow the prospective contractor(s), and their subcontractor(s), to perform dune construction related services outside of the Town Code of Ordinances for construction dates, hours, and noise levels.

GENERAL INFORMATION

The proposed dune restoration project includes placement of approximately 135,000 cubic yards of sand to be truck-hauled from the Ortona sand mine in LaBelle, Florida and placed in various sections of the Mid-Town, Reach 7, and Reach 8 beaches.

Town staff has publicly advertised the project for bids and bid opening is scheduled for October 20, 2010. Town staff believes that the current restrictions of the Town Code pertaining to construction hours will significantly increase the cost of construction. If approved, a waiver notice of construction hour adjustments will be provided to the public as an addendum to the bid documents.

This request includes waivers of the following sections of the Town Code of Ordinances:

> Section 42-198 - prohibits operation of equipment or machinery during winter, Sundays and legal holidays (commencing on December 1 and ending May 1).
>
> Sections 42-199 - prohibits work between 5:00pm and 8:00am.
>
> Sections 42-226 through 229 - regulates noise, equipment operation, and work hours and the standard Town requirement to “stand down for the season”.

Upon Town Council awarding of the contract and the receipt of all state and federal regulatory permits, the construction is expected to begin sometime in late November or early December 2010. The state permit for Mid-Town has been issued, with the Phipps Ocean Park (including

Reach 8) state permit expected to be received in October 2010. Federal permits for both Mid-Town and Phipps Ocean Park (including Reach 8) are expected in late November and December, respectively. Due to the expected permit issuances, it is likely that work would commence in the Mid-Town area first. All beach/dune construction activities must be completed prior to March 1, 2010.

To summarize, Town staff requests that the prospective contractor(s), and related subcontractor(s), be allowed to perform construction services from 7:00am to 6:00pm, 7 days/week until the start of sea turtle nesting season on March 1, 2010.

FUNDING/FISCAL IMPACT

Estimated costs of construction for the 2010-2011 dune restoration have been appropriated by Town Council within the coastal management fund. As stated above, staff is confident the Town will receive more favorable pricing from bidders if they know that the successful bidder will be provided the recommended relief from the noted Town construction regulations.

RW

cc: Thomas Bradford, Deputy Town Manager
Kirk Blouin, Chief of Police
James Bowser, Town Engineer
Robert Weber, Coastal Coordinator

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Regular Agenda - New Business

Agenda Title

Health Insurance Premium Rates for Calendar Year 2011.

Presenter

Danielle Olson, Director of Human Resources

Supporting Documents

- Memorandum dated October 1, 2010, from Danielle Olson, Director of Human Resources
- Exhibit A
- Exhibit B
- Exhibit C
- Exhibit D

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Danielle Olson, Director of Human Resources

Re: Premium Rates for Calendar Year 2011

Date: October 1, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the health insurance premium rates for 2011, as set forth herein.

GENERAL INFORMATION

The medical and prescription insurance premiums for calendar year 2011 have been calculated by the Actuarial Services Division of Gallagher Benefit Services, Inc. Premium rates are established by analyzing past medical claims and fixed costs experience as well as medical trend assumptions regarding anticipated increases for 2011. Also, medical and prescription drug trend forecasting effect the rating process as they impact increases in healthcare costs. As a self-insured medical insurance provider, the Town is able to use the claims experience data to separately identify premium rates for active employees and retirees enabling the premiums assigned to each group to be representative of the claims incurred by members in those groups. The actuarial evaluation of the claims experience conducted by Gallagher Benefit Services, Inc. identifies the premium rates for each group and maximum allowable premium that may be charged to retirees based on state statute limitations.

Based on these facts and assumptions, the overall increase in Town's healthcare costs for the 2011 calendar year is approximately 8.2%. This is 2.3% lower than the current national trend of 10.5% and is attributable to the Town's better than average claims experience, amended renewal for claims administration from June 2010 thru September 2014, and medical plan changes implemented effective January 1, 2010.

The summary of benefits with employee premiums on a weekly and bi-weekly basis are shown in Exhibit A, and the premium rates including cost sharing between the Town and employees are shown in Exhibit B. As presented and accepted at the July 13, 2010 Town Council Meeting, there will be a change to dental insurance carriers from Ameritas to Humana, with only slight variations in plan benefits. There will be no change in dental premiums for 2011. Medical insurance plan benefits will remain predominantly the same, with only minor changes to maximum lifetime benefits, emergency room copay, and annual wellness benefit. The maximum lifetime benefit has been eliminated as required by the Federal Patient Protection and Affordable Care Act (PPACA). In an effort to reduce claim exposure to the Town the emergency room copay on the HMO plan was increased from $100 to $115, while highlighting the $35.00 copay for use of walk-in clinics. Finally, the annual wellness benefit was raised from $200 to $1,000 to encourage preventive care by employees; additionally, this change allows for routine procedures normally considered as part of wellness (such as colonoscopies) to be processed as part of the annual wellness benefit providing the Town a more cost effective claim experience versus being billed as independent services.

On June 16, 2009, the Town Council approved an adjustment to the 50/50 cost sharing of medical premiums for pre and post-Medicare retirees. This adjustment resulted in the Retiree Sliding Scale for insurance premiums which encompasses both years of service and monthly pension earnings to determine the cost sharing of premiums. The percentage of premium paid by a retiree for 2010, and continued for 2011, range from 50% (for retirees with over 25 years of service to the Town and pensions in the bottom quartile) to the maximum allowable by state statute for non-Medicare retirees (for retirees with less than 15 years of service to the Town or pensions in the top quartile).

Exhibit C represents the actuarial determination of the maximum allowable contribution percentage chargeable to retirees. The Retiree Sliding Scale and Insurance Premiums for 2011 are presented in Exhibit D.

Finally, effective October 1, 2010 for the plan year beginning on January 1, 2011, Blue Cross and Blue Shield will adjudicate medical and prescription drug claims as if the Medicare-eligible retiree (or eligible dependent) elected Medicare Part A and Part B. This is true whether or not the Medicare-eligible retiree actually elected Medicare Part A and B. Medicare Part A covers inpatient hospital stays and Part B covers physician and outpatient services. Therefore, if a retiree (or their eligible dependent) is Medicare-eligible and has not elected Medicare Part A and B, they may be responsible for paying some or all of the medical and prescription drug claims.

FUNDING/FISCAL IMPACT

Sufficient funds have been approved in the FY11 budget to provide for the Town's share of expenses for the healthcare plan.

cc: Department Directors

Exhibit A

Medical Plan Summary of Benefits
Effective October 1, 2011

	Blue Cross Blue Shield PPO Plan 702		Blue Cross Blue Shield PPO Plan 719		Blue Cross Blue Shield HMO	
Dependents	Weekly	Bi-weekly	Weekly	Bi-weekly	Weekly	Bi-weekly
Employee	$ 9.64	$ 19.28	$ 0	$ 0	$ 0	$ 0
Employee + 1 Dependent	$ 44.18	$ 88.35	$ 23.44	$ 46.88	$ 22.26	$ 44.53
Employee + 2 Dependent	$ 78.71	$ 157.43	$ 46.88	$ 93.76	$ 44.53	$ 89.06
Employee with 3+ Dependents	$ 113.25	$ 226.50	$ 70.32	$ 140.64	$ 66.79	$ 133.58
Benefit Level	In-Network	Out of Network	In-Network	Out of Network	In-Network	
Maximum Lifetime Benefit	Unlimited *		Unlimited *		Unlimited *	
Annual Deductible	$200		$500		N/A	
Family Deductible	$600		$1,500		N/A	
Maximum Annual Out of Pocket	$1,500		$1,500		$1,500	
Maximum Family Out of Pocket	$4,500		$4,500		$3,000	
Co-Insurance	90%	70%	80%	60%	N/A	
Hospital Per Admission Deductible (PAD)	$0	$300 per admission	$0	$300 per admission	N/A	
Inpatient Hospital	Ded then 90%	PAD($300), Ded, then 70%	Ded then 80%	PAD($300), Ded, then 60%	$500 copay per admission	
Physician Office Visit	$20 copay	Ded then 70%	$25 copay	Ded then 60%	$15 copay	
Walk-In Clinic	$35 copay	Ded then 70%	$35 copay	Ded then 60%	$35 copay	
All Lab and X-Ray	Ded. Waived, then 90%	Ded Waived, then 70%	Ded Waived, then 80%	Ded waived, then 60%	$0 copay	
Wellcare Visits — Adult Annual Exam	$20 copay, $1,000 calendar year max *	70%, Ded Waived, $250 calendar year max	$25 copay, $1,000 calendar year max *	60%, Ded Waived, $250 calendar year max	$15 copay	
Wellness Child Health	$20 copay	70% Ded waived	$25 copay	60% Ded waived	$15 copay	
OB/GYN	$30 copay	70% Ded waived	$35 copay	60% Ded waived	$30 copay	
Specialist Office Visit	$30 copay	Ded then 70%	$35 copay	Ded then 60%	$30 copay	
Office Surgery	$20 copay	Ded then 70%	$25 copay	Ded then 60%	$75 copay	
Outpatient Surgery (facility)	Ded then 90%	Ded then 70%	Ded then 80%	Ded then 60%	$100 copay	
Emergency Room/Hospital	Ded then 90% (Ded waived upon admission)	Ded then 70% (Ded waived upon admission)	Ded then 80% (Ded waived upon admission)	Ded then 60% (Ded waived upon admission)	$115 copay*	
Home Health Care	Ded then 90% $10,000 calendar year max	Ded then 70% $10,000 calendar year max	Ded then 80% $2,500 per calendar year	Ded then 60% $2,500 calendar year max	$0	
Hospice	Ded then 90% $7,500 lifetime max	Ded then 70% $7,500 lifetime max	Ded then 80% $7,500 lifetime max	Ded then 60% $7,500 lifetime max	$0	
Skilled Nursing Facility	Ded then 90% 60 days calendar year max	Ded then 70% 60 days calendar year max	Ded then 80% 60 days per calendar year max	Ded then 60% 60 days per calendar year max	$0 90 days per calendar year max	
Durable Medical Equipment	Ded then 90%	Ded then 70%	Ded the 80%	Ded then 60%	$0	
Maternity — Physician	$30 copay	Ded then 70%	$35 copay	Ded then 60%	$30 copay – initial OB visit	
Hospital	Ded then 90%	Ded + PAD($300), then 70%	Ded then 80%	Ded + PAD($300), then 60%	$500 per admission	

Medical Plan Summary of Benefits
Effective October 1, 2011

Benefit Level	In-Network	Out of Network	In-Network	Out of Network	In-Network
MRI	Ded then 90%	Ded then 70%	Ded then 80%	Ded then 60%	$100 Outpatient Facility/ Hospital Admission Fees Otherwise
Inpatient Mental/Nervous	Ded then 90% 30 days per calendar year	Ded + PAD($300), then 70% 30 days per calendar year	Ded then 80% 30 days per calendar year	Ded + PAD($300), then 60%, 30 days per calendar year	$500 per admission, 30 days per calendar year
Outpatient Mental/Nervous	$30 copay 20 visits per calendar year	Ded then 70% 20 visits per calendar year	$35 copay 20 visits per calendar year	Ded then 60% 20 visits per cal year	$30 copay 20 visits per calendar year
Inpatient Substance Abuse No Annual Maximum *	Ded then 90%	Ded + PAD ($300), then 70%	Ded then 80%	Ded + PAD($300), then 60%	$500 per admission
Outpatient Substance Abuse No Annual Maximum *	*$30 copay*	*Ded then 70%*	*$35 copay*	*Ded then 60%*	$30 copay, 20 visits per calendar year
Combined Therapies (Physical, Speech, Cardiac, Occupational, etc.)	60 Visits Per Calendar Year *		60 Visits Per Calendar Year *		$5 copay, Office/Outpatient Facility
Prescription Drugs (WHI) 30 Day Supply Generic	$10		$10		$10
Preferred	$20		$25		$20
Non-Preferred	$30 copay + 50% of cost		$40 copay + 50% of cost		$30 copay + 50% of cost
Mail Order Prescription Drugs (WHI) 90 Day Supply Generic	$20		$20		$20
Preferred	$40		$50		$40
Non-Preferred	$60 copay + 50% of cost		$80 copay + 50% of cost		$60 copay + 50% of cost

*Changes from 2010 Plan Benefits and where appropriate, in accordance with Patient Protection and Affordable Care Act. As additional guidance becomes available, benefits impacted by healthcare reform may change.

** This is a summary of benefits and not a contract. All benefits are subject to provisions, exclusions, and limitations set forth in the master contract.

*** Out of Network benefits are subject to allowance.

Services provided at participating Blue Cross & Blue Shield Hospitals do not guarantee emergency room physicians and/or other providers are also Blue Cross & Blue Shield providers. Treatment by an emergency room physician or other provider not contracted with Blue Cross & Blue Shield, will result in benefits being reimbursed at the out of network level.

TOWN OF PALM BEACH - MEDICAL PREMIUM RATES FOR 2011

		Monthly Premiums		2010 to 2011 Premium Difference		Town of Palm Beach					Employee				
						Paid Annually		Cost Sharing	2010-2011 Contribution Difference		Paid Annually		Cost Sharing	2010-2011 Contribution Difference	
Plan	Tier	2011	2010	%	$	2011	2010		%	$	2011	2010		%	$
PPO 702															
BUY UP	**Employee**	$405.63	$381.88	6.2%	$23.75	$4,366.24	$4,120.56	90%	6.0%	$245.68	$501.26	$462.00	10%	8.5%	$39.26
	1 Dependent	$454.38	$418.21	8.6%	$36.17	$3,656.60	$3,375.36	67%	8.3%	$281.24	$1,795.92	$1,643.16	33%	9.3%	$152.76
	2 Dependents	$908.75	$836.41	8.6%	$72.34	$7,313.20	$6,750.72	67%	8.3%	$562.48	$3,591.84	$3,286.20	33%	9.3%	$305.64
	3+ Dependents	$1,363.13	$1,254.62	8.6%	$108.51	$10,969.80	$10,126.08	67%	8.3%	$843.72	$5,387.77	$4,929.36	33%	9.3%	$458.41
PPO 719															
	Employee	$363.85	$343.38	6.0%	$20.47	$4,366.24	$4,120.56	100%	6.0%	$245.68	$0.00	$0.00	0%	0.0%	$0.00
	1 Dependent	$406.29	$375.04	8.3%	$31.25	$3,656.60	$3,375.36	75%	8.3%	$281.24	$1,218.87	$1,125.12	25%	8.3%	$93.75
	2 Dependents	$812.58	$750.08	8.3%	$62.50	$7,313.20	$6,750.72	75%	8.3%	$562.48	$2,437.73	$2,250.24	25%	8.3%	$187.49
	3+ Dependents	$1,218.87	$1,125.12	8.3%	$93.75	$10,969.80	$10,126.08	75%	8.3%	$843.72	$3,656.60	$3,375.36	25%	8.3%	$281.24
HMO															
	Employee	$343.29	$323.35	6.2%	$19.94	$4,119.47	$3,880.20	100%	6.2%	$239.27	$0.00	$0.00	0%	0.0%	$0.00
	1 Dependent	$385.91	$358.19	7.7%	$27.72	$3,473.21	$3,223.71	75%	7.7%	$249.50	$1,157.74	$1,074.57	25%	7.7%	$83.17
	2 Dependents	$771.82	$716.38	7.7%	$55.44	$6,946.41	$6,447.42	75%	7.7%	$498.99	$2,315.47	$2,149.14	25%	7.7%	$166.33
	3+ Dependents	$1,157.74	$1,074.57	7.7%	$83.17	$10,419.62	$9,671.13	75%	7.7%	$748.49	$3,473.21	$3,223.71	25%	7.7%	$249.50

TOWN OF PALM BEACH

MAXIMUM PREMIUMS CHARGEABLE - RETIREES

Pursuant to F.S. 112.0801, there is a limit as to how much of the Total Actuarial Premium may be passed on to retirees of governmental entities. The law requires that the employee portion of the premium rates for non-Medicare retirees does not exceed 100% of the rates based on the commingled experience of the actives and non-Medicare retirees. It allows for a separate rate calculation for Medicare eligible retirees in recognition of the fact that they are less costly to the health plan than non-Medicare retirees. If the Medicare retirees are experience rated separately, the rates they are charged cannot exceed the lesser of 100% of their experience rate and 100% of the cost of the active group. The Maximum Retiree Contribution % is the maximum % of the actuarial premium that retirees can be charged without violating F.S. 1120801. The Maximum Premium Chargeable is the corresponding maximum monthly premium rate that retirees can be charged.

	Total Actuarial Premium	Maximum Retiree Contribution %	Maximum Premium Chargeable
Buy-Up PPO			
Medicare Retiree Coverage	**$405.47**	**100.0%**	**$405.47**
Non-Medicare Retiree Coverage	**$747.73**	**62.9%**	**$470.42**
1 Medicare Dependent	**$481.64**	**94.3%**	**$454.38**
1 Non-Medicare Dependent	**$882.16**	**67.4%**	**$594.74**
2 Non-Medicare Dependents	**$1,336.53**	**68.6%**	**$917.31**
3 Non-Medicare Dependents	**$1,790.91**	**77.8%**	**$1,393.15**
Base PPO			
Medicare Retiree Coverage	**$355.36**	**100.0%**	**$355.36**
Non-Medicare Retiree Coverage	**$659.30**	**64.0%**	**$421.97**
1 Medicare Dependent	**$421.40**	**96.4%**	**$406.29**
1 Non-Medicare Dependent	**$775.84**	**68.5%**	**$531.80**
2 Non-Medicare Dependents	**$1,182.12**	**69.4%**	**$820.23**
3 Non-Medicare Dependents	**$1,588.41**	**78.4%**	**$1,245.71**
HMO			
Non-Medicare Retiree Coverage	**$643.53**	**62.1%**	**$399.54**
1 Non-Medicare Dependent	**$761.29**	**66.4%**	**$505.13**
2 Non-Medicare Dependents	**$1,147.20**	**67.9%**	**$779.09**
3 Non-Medicare Dependents	**$1,533.11**	**77.2%**	**$1,183.23**

PPO 702

Retiree Sliding Scale Insurance Premium Rates 2011

Years of Service		*Q1*		*Q2*		*Q3*		*Q4*	
25 + years		**50%**		**52%**		**56%**		**Maximum**	
		Non-Medicare	*Medicare*	*Non-Medicare*	*Medicare*	*Non-Medicare*	*Medicare*	*Non-Medicare*	*Medicare*
	Retiree	$ 373.87	$ 202.74	$ 388.82	$ 210.84	$ 418.73	$ 227.06	$ 470.42	$ 255.09
	1 Dependent	$ 441.08	$ 240.82	$ 458.72	$ 250.45	$ 494.01	$ 269.72	$ 594.74	$ 324.71
	2 Dependents	$ 668.27		$ 695.00		$ 748.46		$ 917.31	
	3 Dependents	$ 895.46		$ 931.27		$ 1,002.91		$ 1,393.15	
20 - 24 years		**52%**		**56%**		**58%**		**Maximum**	
		Non-Medicare	*Medicare*	*Non-Medicare*	*Medicare*	*Non-Medicare*	*Medicare*	*Non-Medicare*	*Medicare*
	Retiree	$ 388.82	$ 210.84	$ 418.73	$ 227.06	$ 433.68	$ 235.17	$ 470.42	$ 255.09
	1 Dependent	$ 458.72	$ 250.45	$ 494.01	$ 269.72	$ 511.65	$ 279.35	$ 594.74	$ 324.71
	2 Dependents	$ 695.00		$ 748.46		$ 775.19		$ 917.31	
	3 Dependents	$ 931.27		$ 1,002.91		$ 1,038.73		$ 1,393.15	
15 - 19 years		**56%**		**58%**		**60%**		**Maximum**	
		Non-Medicare	*Medicare*	*Non-Medicare*	*Medicare*	*Non-Medicare*	*Medicare*	*Non-Medicare*	*Medicare*
	Retiree	$ 418.73	$ 227.06	$ 433.68	$ 235.17	$ 448.64	$ 243.28	$ 470.42	$ 255.09
	1 Dependent	$ 494.01	$ 269.72	$ 511.65	$ 279.35	$ 529.30	$ 288.98	$ 594.74	$ 324.71
	2 Dependents	$ 748.46		$ 775.19		$ 801.92		$ 917.31	
	3 Dependents	$ 1,002.91		$ 1,038.73		$ 1,074.55		$ 1,393.15	
10 - 14 years		**Maximum**		**Maximum**		**Maximum**		**Maximum**	
		Non-Medicare	*Medicare*	*Non-Medicare*	*Medicare*	*Non-Medicare*	*Medicare*	*Non-Medicare*	*Medicare*
	Retiree	$ 470.42	$ 255.09	$ 470.42	$ 255.09	$ 470.42	$ 255.09	$ 470.42	$ 255.09
	1 Dependent	$ 594.74	$ 324.71	$ 594.74	$ 324.71	$ 594.74	$ 324.71	$ 594.74	$ 324.71
	2 Dependents	$ 917.31		$ 917.31		$ 917.31		$ 917.31	
	3 Dependents	$ 1,393.15		$ 1,393.15		$ 1,393.15		$ 1,393.15	

Monthly Pension Earnings		
Quartile	**Minimum**	**Maximum**
Q1	$ -	$ 1,322.93
Q2	$ 1,322.94	$ 2,390.61
Q3	$ 2,390.62	$ 3,777.79
Q4		$3,77.80 or greater

PPO 719

Retiree Sliding Scale Insurance Premium Rates 2011

Years of Service		Q1		Q2		Q3		Q4	
25 + years		50%		52%		56%		Maximum	
		Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
	Retiree	$ 329.65	$ 177.68	$ 342.84	$ 184.79	$ 369.21	$ 199.00	$ 421.97	$ 227.44
	1 Dependent	$ 387.92	$ 210.70	$ 403.44	$ 219.13	$ 434.47	$ 235.98	$ 531.80	$ 288.85
	2 Dependents	$ 591.06		$ 614.70		$ 661.99		$ 820.23	
	3 Dependents	$ 794.21		$ 825.97		$ 889.51		$ 1,245.71	
20 - 24 years		52%		56%		58%		Maximum	
		Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
	Retiree	$ 342.84	$ 184.79	$ 369.21	$ 199.00	$ 382.39	$ 206.11	$ 421.97	$ 227.44
	1 Dependent	$ 403.44	$ 219.13	$ 434.47	$ 235.98	$ 449.99	$ 244.41	$ 531.80	$ 288.85
	2 Dependents	$ 614.70		$ 661.99		$ 685.63		$ 820.23	
	3 Dependents	$ 825.97		$ 889.51		$ 921.28		$ 1,245.71	
15 - 19 years		56%		58%		60%		Maximum	
		Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
	Retiree	$ 369.21	$ 199.00	$ 382.39	$ 206.11	$ 395.58	$ 213.22	$ 421.97	$ 227.44
	1 Dependent	$ 434.47	$ 235.98	$ 449.99	$ 244.41	$ 465.50	$ 252.84	$ 531.80	$ 288.85
	2 Dependents	$ 661.99		$ 685.63		$ 709.27		$ 820.23	
	3 Dependents	$ 889.51		$ 921.28		$ 953.05		$ 1,245.71	
10 - 14 years		Maximum		Maximum		Maximum		Maximum	
		Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
	Retiree	$ 421.97	$ 227.44	$ 421.97	$ 227.44	$ 421.97	$ 227.44	$ 421.97	$ 227.44
	1 Dependent	$ 531.80	$ 288.85	$ 531.80	$ 288.85	$ 531.80	$ 288.85	$ 531.80	$ 288.85
	2 Dependents	$ 820.23		$ 820.23		$ 820.23		$ 820.23	
	3 Dependents	$ 1,245.71		$ 1,245.71		$ 1,245.71		$ 1,245.71	

Monthly Pension Earnings

Quartile	Minimum	Maximum
Q1	$ -	$ 1,322.93
Q2	$ 1,322.94	$ 2,390.61
Q3	$ 2,390.62	$ 3,777.79
Q4		$3,77.80 or greater

HMO

Retiree Sliding Scale Insurance Premium Rates 2011

Years of Service		Q1 Non-Medicare	Q1 Medicare	Q2 Non-Medicare	Q2 Medicare	Q3 Non-Medicare	Q3 Medicare	Q4 Non-Medicare	Q4 Medicare
25 + years		50%		52%		56%		Maximum	
	Retiree	$ 321.77		$ 334.64		$ 360.38		$ 399.54	
	1 Dependent	$ 380.65		$ 395.87		$ 426.32		$ 505.13	
	2 Dependents	$ 573.60		$ 596.54		$ 642.43		$ 779.09	
	3 Dependents	$ 766.56		$ 797.22		$ 858.54		$ 1,183.23	
20 - 24 years		52%		56%		58%		Maximum	
	Retiree	$ 334.64		$ 360.38		$ 373.25		$ 399.54	
	1 Dependent	$ 395.87		$ 426.32		$ 441.55		$ 505.13	
	2 Dependents	$ 596.54		$ 642.43		$ 665.38		$ 779.09	
	3 Dependents	$ 797.22		$ 858.54		$ 889.20		$ 1,183.23	
15 - 19 years		56%		58%		60%		Maximum	
	Retiree	$ 360.38		$ 373.25		$ 386.12		$ 399.54	
	1 Dependent	$ 426.32		$ 441.55		$ 456.77		$ 505.13	
	2 Dependents	$ 642.43		$ 665.38		$ 688.32		$ 779.09	
	3 Dependents	$ 858.54		$ 889.20		$ 919.87		$ 1,183.23	
10 - 14 years		Maximum		Maximum		Maximum		Maximum	
	Retiree	$ 399.54		$ 399.54		$ 399.54		$ 399.54	
	1 Dependent	$ 505.13		$ 505.13		$ 505.13		$ 505.13	
	2 Dependents	$ 779.09		$ 779.09		$ 779.09		$ 779.09	
	3 Dependents	$ 1,183.23		$ 1,183.23		$ 1,183.23		$ 1,183.23	

Monthly Pension Earnings

Quartile	Minimum	Maximum
Q1	$ -	$ 1,322.93
Q2	$ 1,322.94	$ 2,390.61
Q3	$ 2,390.62	$ 3,777.79
Q4		$3,77.80 or greater

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Regular Agenda - New Business

Agenda Title

Town of Palm Beach vs James M. Brandon-Code Enforcement Lien Foreclosure-112 Caribbean Avenue.

Presenter

John C. Randolph, Town Attorney

Supporting Documents

- Memo dated October 5, 2010, from John Randolph
- Final Judgement of Foreclosure
- Letter dated October 5, 2010, from Jonathan C. Chane

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John C. Randolph, Town Attorney

Re: Town of Palm Beach vs James M. Brandon
Case No. 50 2009 CA023279XXXXMB AI
Code Enforcement Lien Foreclosure – 112 Caribbean Avenue

Date: October 5, 2010

STAFF RECOMMENDATION

Staff and Town Attorney recommend that the Council authorize a reduction of lien in an amount satisfactory to the Town Council.

GENERAL INFORMATION

The Town was successful in obtaining a Final Judgment of Foreclosure in the amount of $193,886.97 against the property located at 112 Caribbean Avenue, owned by James. M. and Nicole J. Brandon. A copy of the Final Judgment of Foreclosure is attached. Additional fees owed to the Town, not included in the Final Judgment, include three abatement liens which resulted from the Town having to abate nuisances on the property. Those liens are:

$4,634.80 - Section 42-86 grass greater than 8 inches in height and landscaping
$3,764.86 - Section 42-87 unsanitary pool and disrepair of the house
$2,255.46 - Additional costs for cleaning up the property
$10,655.12.

JP Morgan Chase Bank NA has offered $85,655.12 to resolve all issues relating to this case. A copy of the letter requesting the reduction of lien is attached.

The issues in this case are as follows. The attorney for JP Morgan Chase has advised that his client will be forced to file a Motion to Set Aside the Final Judgment on the basis set forth in his letter that JP Morgan foreclosed on the Brandon property prior to the Town's Code Enforcement Action being taken against the Brandons. Although the Bank was named as a Defendant in the Town's foreclosure action, it will argue excusable neglect on their part in not answering the complaint. I do not know what they will allege as excusable neglect, but it is not unusual for a court to set aside a final judgment if good cause can be shown for the neglect, i.e., that it was by mistake and not by intention. It is relevant to note, in this regard, in the event the bank is successful in setting aside the Final Judgment, it still has a hurdle to overcome, i.e., the Town's lien still exists against the property and if the bank were to sell the property it would be required to pay off the Town's lien. Presumably the bank which holds the first mortgage on the property would file a declaratory relief action to attempt to get the court to declare that the bank's lien is superior to the Town's. Even though the Town's code indicates that code enforcement liens have the same effect as a tax lien and are therefore superior to any and all other liens, that is not a matter that has been decided by the courts and is a matter which would be argued in the declaratory relief action.

The issue for the Town Council, therefore, is the extent to which it wishes to maintain its position that its lien is superior to that of the bank. The Town Council may wish, therefore, to give consideration to some fair and reasonable reduction of this lien in order to resolve all matters relating to this case.

ATTACHMENTS

Final Judgment of Foreclosure
Letter dated October 5, 2010 from Jonathan C. Chane

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IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 502009CA023279XXXXMB AI

TOWN OF PALM BEACH, a municipal corporation of the State of Florida,

Plaintiff,

vs.

JAMES M. BRANDON, an individual, NICOLE J. BRANDON, an individual, JP MORGAN CHASE BANK NA, f/k/a Washington Mutual Bank, a Delaware corporation, RBC BANK (USA), f/k/a RBC Centura Bank, a North Carolina corporation, RONALD S. KOCHMAN, as Trustee of the Irrevocable Trust Agreement dated 03/15/02 for the Brandon Family Trust, JS SCOTT CORPORATION d/b/a STERLING INDUSTRIES, a Georgia corporation, and the CITY OF WEST PALM BEACH, FLORIDA, a Municipal corporation of the State of Florida,

Defendants.

_______________________________/

FILED
2010 AUG 19 PM 1:58
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CIVIL 5

FINAL JUDGMENT OF FORECLOSURE

THIS CASE was considered by the Court on August 19, 2010 on Plaintiff's Motion for Entry of Final Judgment of Foreclosure by Reason of Default or alternatively, for Summary Judgment, and the Court having reviewed the Affidavits filed by Plaintiff in support of the Motion, it is:

HEREBY ORDERED AND ADJUDGED that:

1. Plaintiff, TOWN OF PALM BEACH, c/o Jones, Foster, Johnston & Stubbs, P.A., P. O. Box 3475, West Palm Beach, Florida 33402-3475 is due:

Principal	$173,045.00

Interest to date of this judgment	$11,606.70
Attorney's fees:	$7,400.00
Court costs, now taxed	$1,835.27
TOTAL	**$193,886.97**

that shall bear interest at the rate of six percent (6%) per annum until paid ("Total Sum Due").

2. Plaintiff holds a code enforcement lien for the Total Sum Due superior to all claims or estates of Defendants herein on the following described property in Palm Beach County, Florida (hereinafter referred to as the "Subject Property"):

> Lot 18 and the West 40 feet of Lot 19, Boca Ratone Company's Inlet Subdivision, according to the Plat thereof as recorded in Plat Book 12, Page 15, of the Public Records of Palm Beach County, Florida.
>
> The Subject Property has a street address of 112 Caribbean Avenue, Palm Beach, Florida 33480.
>
> Parcel Control Number: 50-43-42-34-02-000-0180

3. If the Total Sum Due with interest at the rate described in paragraph 1, and all costs accrued subsequent to this Judgment are not paid, the Clerk of this court shall sell the Subject Property, at public sale on the 23rd day of SEPTEMBER, 2010, to the highest bidder for cash, in accordance with Section 45.031, Florida Statutes, by electronic sale beginning at 10:00 a.m. on the prescribed date at: www.mypalmbeachclerk.clerkauction.com. The foreclosure sale can be canceled by court order.

4. Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the Clerk if Plaintiff is not the purchaser of the Subject Property for sale, provided, however, that the purchaser of the property for sale shall be

responsible for the documentary stamps payable on the Certificate of Title. If Plaintiff is the purchaser, the Clerk shall credit Plaintiff's bid with the Total Sum Due with interest and costs accruing subsequent to this judgment, or such part of it as is necessary to pay the bid in full.

5. On filing the Certificate of Title, the Clerk shall distribute the proceeds of the sale, so far as they are sufficient by paying: *first*, all of Plaintiff's costs; *second*, documentary stamps affixed to the Certificate; *third*, Plaintiff's attorneys' fees; *fourth*, the Total Sum Due to Plaintiff less the items paid, plus interest at the rate prescribed in paragraph 1 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.

6. On filing the Certificate of Sale, Defendants and all other persons claiming under or against Defendants since the filing of the Notice of Lis Pendens, shall be foreclosed of all estate or claim in the Subject Property, except as to claims or rights under Chapter 718 or Chapter 720, Florida Statutes, if any. Upon the filing of the Certificate of Title, the person named on the Certificate of Title shall be let into possession of the Subject Property.

7. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, writs of possession and a deficiency judgment against Defendants, JAMES M. BRANDON and NICOLE J. BRANDON, jointly and severally, with regard to any portion of the Total Sum Due unpaid following the foreclosure sale ordered herein.

8. The last known address for Defendant, JAMES M. BRANDON, is 112 Caribbean Road, Palm Beach, FL 33480.

9. The last known address for Defendant, NICOLE J. BRANDON, is 112 Caribbean Road, Palm Beach, FL 33480.

10. The last known address for Defendant, RONALD S. KOCHMAN, as Trustee of the Irrevocable Trust Agreement dated 3/15/02 for the Brandon Family Trust, is 222 Lakeview Avenue, Ste 950, West Palm Beach, FL 33401.

11. The last known address for Defendant, JP MORGAN CHASE BANK, N.A., f/k/a Washington Mutual Bank, c/o CT Corporation System, is 1200 South Pine Island Road, Plantation, FL 33324.

12. The last known address for Defendant, JS SCOTT CORPORATION, d/b/a Sterling Industries, c/o RA John Scott, is 6448 Best Friend Road, Norcross, GA 30071.

13. The last known address for Defendant, RBC BANK (USA), f/k/a RBC Centura Bank, c/o RA John B. Fleming, Jr., is 301 Fayetteville Street, Ste 1400, Raleigh, NC 27601-1738.

14. Pursuant to Florida Statute § 45.031(1) (2007) Notice is provided by this Judgment that:

IF THE SUBJECT PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THIS FINAL JUDGMENT.

IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT, FIFTEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA, WITHIN TEN (10) DAYS AFTER THE SALE TO SEE IF

THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.

IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT LEGAL AID SOCIETY OF PALM BEACH COUNTY AT (561) 655-8944 TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT LEGAL AID SOCIETY OF PALM BEACH COUNTY FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

ORDERED and ADJUDGED in Palm Beach County, Florida this 19 day of August, 2010.

Circuit ~~Court~~ Judge

EDWARD A. GARRISON

Copies furnished to:

John C. Randolph, Esquire, Jones, Foster, Johnston & Stubbs, P.A., P.O. Box 3475, West Palm Beach, Florida 33402-3475
James M. Brandon, 112 Caribbean Road, Palm Beach, FL 33480
Nicole J. Brandon, 112 Caribbean Road, Palm Beach, FL 33480
Ronald S. Kochman, as Trustee of the Irrevocable Trust Agreement dated 3/15/02 for the Brandon Family Trust, 222 Lakeview Avenue, Ste 950, West Palm Beach, FL 33401
JP Morgan Chase Bank, N.A., f/k/a Washington Mutual Bank, c/o Registered Agent CT Corporation System, 1200 South Pine Island Road, Plantation, FL 33324
JS Scott Corporation, d/b/a Sterling Industries, c/o Registered Agent John Scott, 6448 Best Friend Road, Norcross, GA 30071
RBC Bank (USA) f/k/a RBC Centura Bank, c/o Registered Agent John B. Fleming, Jr., 301 Fayetteville Street, Ste 1400, Raleigh, NC 27601-1738
Claudia M. McKenna, Esq., City Attorney, City of West Palm Beach, PO Box 3366, West Palm Beach, FL 33402

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GT GreenbergTraurig

JONATHAN C. CHANE
WEST PALM BEACH OFFICE

DIRECT DIAL: (561) 650-7957
E-mail: ChaneJ@gtlaw.com

October 5, 2010

Hon. Jack MacDonald
Hon. David A. Rosow
Hon. Gail Coniglio
Hon. William J. Diamond
Hon. Richard M. Kleid
Hon. Robert N. Wildrick
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Town of Palm Beach v. James M. Brandon, et al.
Case No. 502009CA023279XXXXMB AI

Dear Mayor MacDonald and Members of the Town Council:

This firm represents JPMorgan Chase Bank, NA ("JPMorgan") in the above referenced matter. We are writing in an attempt to resolve ongoing litigation between the Town of Palm Beach (the "Town") and JPMorgan in the above referenced matter.

By way of background, on July 8, 2009, the Town filed suit against James and Nicole Brandon (the "Brandons"), the former owners of the property located at 112 Caribbean Avenue, Palm Beach, Florida 33480 (the "Property), to foreclose upon a code enforcement lien against the Property. Also named as defendants in the action were JPMorgan and several other defendants who may hold/have held an interest in the Property. According to the allegations of the Town's Complaint, the Brandons failed to maintain the Property and remedy certain code violations, resulting in a daily fine of $250 per day that had accrued to $84,000.00 as of June 18, 2009. To date, the total amount owed is approximately $193,886.97.

However, prior to the Town's Code Enforcement Action being instituted against the Brandons, on May 6, 2008, JPMorgan filed its own action against the Brandons to foreclose upon a note and mortgage in connection with the Property. On April 22, 2010 a Final Judgment of Foreclosure was entered by the Court. **Exhibit 1.** The Property went to foreclosure sale on May 20, 2010, with a Certificate of Title being issued to JPMorgan on July 28, 2010. **Exhibit 2.** This resulted in JPMorgan being the Owner of the property.

It is JPMorgan's position that the April 22, 2010 Final Judgment of Foreclosure wiped out any interest the Town may have had in the Property, thus precluding the Town's ability to foreclose upon its lien. However, due to excusable neglect, JPMorgan

GREENBERG TRAURIG, P.A. ▪ ATTORNEYS AT LAW ▪ WWW.GTLAW.COM
777 South Flagler Drive ▪ Suite 300 East ▪ West Palm Beach, FL 33401 ▪ Tel 561.650.7900 ▪ Fax 561.655.6222

did not timely file a response to the Town's Complaint to raise this defense. JPMorgan is moving to vacate the default the Town obtained against it in order to raise this and other defenses.

However, rather than continue to litigate this matter, JPMorgan would prefer to amicably resolve all outstanding issues with the Town relating to the Property. To that end, JPMorgan is offering $75,000 to satisfy the Final Judgment of Foreclosure held by the Town. While we realize that is less than the $193,886.97 that the Town contends has accrued pursuant to its Final Judgment of Foreclosure, the offer is a substantial payment considering JPMorgan is an innocent purchaser of the Property and was in no way responsible for the conditions on the Property that resulted in the code enforcement liens.

Moreover, after acquiring the property in the foreclosure sale, JPMorgan has spent an additional $33,346.25 bringing the property into full compliance with all outstanding code enforcement liens, which was confirmed in a letter from the Town's Parking/Code Enforcement Manager, Raychel Houston, on September 7, 2010. This included cleaning the property, landscaping and exterior repair.

As a further sign of good faith by JPMorgan, and further incentive for the Town to try and resolve this matter, my client will also agree to reimburse the Town $10,655.12 for its out of pocket expenses in abating the nuisances caused by the Brandons. This breaks down as follows: $4,634.80 - Section 42-86 grass greater than 8 inches in height and landscaping; $3,764.86 - Section 42-87 unsanitary pool and disrepair of the house; $2,255.46 - Additional costs for cleaning up the property.

As a result, in total, JPMorgan will agree to pay the Town $85,655.12 to resolve all outstanding code enforcement issues and liens against the Property, which we respectfully request the Town Council to accept.

I look forward to appearing before the Town Council on October 12, 2010. If you have any questions or need further information, please do not hesitate to contact me.

Thank you for your consideration.

Very truly yours,

Jonathan C. Chane

Enclosures
cc: John C. Randolph, Esq.

FTL 107,877,638v1 113796.025500

IN THE CIRCUIT COURT OF THE 15th JUDICIAL CIRCUIT IN & FOR Palm Beach COUNTY, FLORIDA Clerk Case Number: 2008 CA 013362 (AW) Division: Circuit Civil 502008CA013362XXXXMB AW JPMorgan Chase Bank, National Association, Plaintiff(s), vs. James M. Brandon a/k/a James Brandon and Nicole J. Brandon; Ronald S. Kochman, as Trustee of the Irrevocable Trust Agreement dated 3/15/2002 for The Brandon Family Trust; RBC Bank (USA) f/k/a RBC Centura Bank; Washington Mutual Bank; J.S. Scott Corporation d/b/a Sterling Industries; Unknown Parties in Possession #1; Unknown Parties in Possession #2; If living, and all Unknown Parties claiming by, through, under and against the above named Defendant(s) who are not known to be dead or alive, whether said Unknown Parties may claim an interest as Spouse, Heirs, Devisees, Grantees, or Other Claimants Defendant(s).	FOR CLERK'S USE ONLY FILED
FINAL JUDGMENT OF FORECLOSURE	

This action was tried before the court. On the evidence presented,

IT IS ORDERED AND ADJUDGED that:

1. Plaintiff, JPMorgan Chase Bank, National Association is due:

Principal Due on Note and Mortgage	$3,235,540.98
Interest to the date of this Judgment	$456,158.32
Title Search Expenses	$325.00
Taxes:	$40,030.41
Attorney's Fees	
Finding as to reasonable number of hours	10
Finding as to reasonable hourly rate	$150.00
ATTORNEY'S FEE TOTAL	$1,200.00

EXHIBIT
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Sharon R. Bock,CLERK & COMPTROLLER, Palm Beach County, NUM OF PAGES 4

Court Costs Now Taxed

Filing Fee	$275.00
Filing Fee for Lis Pendens	$0.00
Publication for Service	$150.00
Private Process Server	$1,457.20
Skip Trace	$0.00
OTHER COSTS:	
Pre-Acceleration Late Charges:	$3,300.44
Flood Insurance	$8,563.53
Other Insurance	$51,406.05
Clerk Cost	$10.00
JUDGMENT GRAND TOTAL	**$3,798,416.93**

That shall bear interest at the rate of 6% year.

2. Plaintiff holds a lien for the total sum superior to all claims or estates of Defendant(s) on the following described property in Palm Beach County, Florida:

Property Address: 112 Caribbean Road, Palm Beach, FL 33480

a. Legal Description: LOT 18 AND THE WEST 40 FEET OF LOT 19, OF BOCA RATONE COMPANY'S INLET SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 15, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Parcel ID No. 50-43-42-34-02-000-0180

3. If the total sum with interest at the rate described in Paragraph 1 and all costs accrued subsequent to this judgment are not paid, the Clerk of Court shall sell the property at public sale on MAY 20, 2010 to the highest bidder for cash, except as set forth in Paragraph 5, at www.mypalmbeachclerk.clerkauction.com, at 10:00 A.M. in accordance with § 45.031 Fla. Stat. (1995).

4. Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the clerk if plaintiff is not the purchaser of the property for sale, provided, however, that the purchaser of the property for sale shall be responsible for the documentary stamps payable on the certificate of title. If the plaintiff is the purchaser, the clerk shall credit plaintiff's bid with the total sum with interest and costs accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full.

5. On filing the certificate of title, the clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of plaintiff's costs; second, documentary stamps affixed to the certificate; third, plaintiff's attorneys' fees; fourth, the total sum due to plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 1 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.

6. On filing the certificate of sale, defendant(s) and all personal claiming under or against defendant(s) since the filing of the notice of lis pendens shall be foreclosed of all estate or claim in the property, except as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. Upon the filing of the certificate of title, the person named on the certificate of title shall be let into possession of the property. If any defendant remains in possession of the property, writ shall be issued with further order of the court.

7. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment.

8. IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THIS FINAL JUDGMENT.

IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN SIXTY (60) DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT, SHARON R. BOCK, PALM BEACH COUNTY COURTHOUSE, 205 North Dixie Highway, West Palm Beach, FL 33401, *, WITHIN TEN (10) DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.
IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT FLORIDA RURAL LEGAL SERVICES, 3111 DIXIE HIGHWAY, SUITE 140, WEST PALM

BEACH, FL 33401, 561-820-8902 TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT FLORIDA RURAL LEGAL SERVICES, 3111 DIXIE HIGHWAY, SUITE 140, WEST PALM BEACH, FL 33401, 561-820-8902 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE

DONE AND ORDERED in Chambers in Palm Beach County, Florida, this 21 day of April 2010.

Honorable Meenu Sasser
Circuit Judge

Copies furnished to:

SHAPIRO & FISHMAN, LLP, 2424 North Federal Highway, Suite 360, Boca Raton, Florida 33431

JAMES M. BRANDON A/K/A JAMES BRANDON

NICOLE J. BRANDON

RBC BANK (USA) F/K/A RBC CENTURA BANK, C/O CORPORATION SERVICE COMPANY, 1201 HAYS STREET, TALLAHASSE, FL 32301

WASHINGTON MUTUAL BANK, C/O PRESIDENT/VICE PRESIDENT/CHAIRMAN, 4724 W. SAHARA AVE., SUITE 2-949 FCNV, LAS VEGAS, NV 89102

J.S. SCOTT CORPORATION D/B/A STERLING INDUSTRIES, C/O JOHN SCOTT, R.A., 8270 JETT FERRY ROAD, ATLANTA, GA 30350

OCCUPANT(S), 112 CARIBBEAN ROAD, PALM BEACH, FL 33480

RONALD S. KOCHMAN, AS TRUSTEE OF THE IRREVOCABLE TRUST AGREEMENT DATED 3/15/2002 FOR THE BRANDON FAMILY TRUST, 222 LAKESIDE AVENUE, SUITE 950, WEST PALM BEACH, FL 33401

08-097394

4020

CFN 20100278538
OR BK 23977 PG 1664
RECORDED 07/29/2010 10:39:29

IN THE CIRCUIT COURT OF THE 15th JUDICIAL CIRCUIT
IN AND FOR Palm Beach COUNTY

JPMorgan Chase Bank, National Association
Plaintiff,
-vs-
James M. Brandon; et. al
Defendant(s).

CASE NO. 2008 CA 013362 (AW)

GENERAL JURISDICTION DIVISION

Palm Beach County, Florida
AMT 1,005,100.00
Doc Stamp 7,035.70
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 1664 - 1665; (2pgs)

$1,005,100.00
7,035.70

This is not a certified copy

CERTIFICATE OF TITLE

THE UNDERSIGNED, SHARON R. BOCK, PALM BEACH COUNTY COURTHOUSE, Clerk of the Court certifies that he executed and filed a Certificate of Sale in this action on MAY 20 2010, for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections. The following property in Palm Beach County, Florida,

LOT 18 AND THE WEST 40 FEET OF LOT 19, OF BOCA RATONE COMPANY'S INLET SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 15, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Property Address: 112 Caribbean Road, Palm Beach, FL 33480 was sold to JPMorgan Chase Bank, National Association, C/O 7255 Baymeadows Way Jacksonville, FL 32256.

WITNESS my hand and seal of this Court on JUL 28 2010, 2010.

CLERK & COMPTROLLER · JUDICIAL CIRCUIT COURT · COUNTY, FLORIDA

(seal) SHARON R. BOCK
Clerk of the Circuit Court Clerk & Comptroller

By: Lisa Spann
Deputy Clerk LISA SPANN

FILED
10 JUL 28 PM 4:26
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CIVIL 7

FOLIO/PARCEL NO.: 50-43-42-34-02-000-0180
THIS DOCUMENT WAS PREPARED BY:
SHAPIRO & FISHMAN - FILE NO.: 08-097394

EXHIBIT
tabbies
2

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Certificate of Title was mailed on the _______ day of JUL 28 2010, 2010, to:

SHAPIRO & FISHMAN, 2424 North Federal Highway, Suite 360, Boca Raton, Florida 33431

JAMES M. BRANDON A/K/A JAMES BRANDON

NICOLE J. BRANDON

RBC BANK (USA) F/K/A RBC CENTURA BANK, C/O CORPORATION SERVICE COMPANY, 1201 HAYS STREET, TALLAHASSE, FL 32301

WASHINGTON MUTUAL BANK, C/O PRESIDENT/VICE PRESIDENT/CHAIRMAN, 4724 W. SAHARA AVE., SUITE 2-949 FCNV, LAS VEGAS, NV 89102

J.S. SCOTT CORPORATION D/B/A STERLING INDUSTRIES, C/O JOHN SCOTT, R.A., 8270 JETT FERRY ROAD, ATLANTA, GA 30350

OCCUPANT(S), 112 CARIBBEAN ROAD, PALM BEACH, FL 33480

SHARON R. BOCK, PALM BEACH COUNTY COURTHOUSE,
Clerk of the Circuit Court

15th JUDICIAL CIRCUIT COURT · CLERK & COMPTROLLER · PALM BEACH COUNTY, FLORIDA · STATE OF FLORIDA

By: Lisa Spann
Deputy Clerk LISA SPANN

08-097394

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Regular Agenda - New Business

Agenda Title

FPL Matters Regarding Flagler Memorial Bridge, Including Underground Utility Easement in Bradley Park.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated October 7, 2010, from H. Paul Brazil, Director of Public Works.
- Email from FPL

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Conceptual Approval to Grant an Underground Utility Easement to Florida Power and Light (FPL) in Bradley Park

Date: October 7, 2010

STAFF RECOMMENDATION

Town staff recommends that Town Council conditionally grant to Florida Power and Light (FPL) an underground utility easement in Bradley Park, to provide new electric service to the Town owned sanitary sewer pump station.

GENERAL INFORMATION

With the upcoming replacement of the Flagler Memorial Bridge, all utility companies servicing the Town of Palm Beach have the need to relocate facilities away from the new construction. Florida Power and Light will be relocating some of their existing underground facilities, including the service feed to the Town's S-2 and A-5 sanitary sewage pumping stations in Bradley Park.

The existing underground service feed did not have an easement. The new/relocated service feed will require an easement dedicated to FPL.

Town staff is requesting Town Council to conditionally approve the granting of an underground easement to FPL with the condition that once the new line is installed, Town staff will return to Town Council with an easement description and survey to formally grant an underground utility easement to FPL to service Town owned facilities in Bradley Park. This is consistent with other recent easement requests in Bradley Park.

SPECIAL CONSIDERATIONS

The reconstruction of the bridge has also caused the need to relocate FPL's subaqueous line that feeds a large part of the island as well as the Town service described above.

FPL began the process of installing this subaqueous line without proper notification to the Town. The initial work within the Town consisted of daylight activities using relatively small equipment within the easement at the southeast corner of the bridge landing. This was well coordinated within the adjacent Royal Poinciana Plaza. The more obtrusive equipment needed to complete the directional bore beneath the intracoastal has been set up on the west side of the bridge and will remain there throughout the project.

On October 6, 2010, FPL requested that Public Works permit work to continue. Please see the attached email from FPL's engineering group. There are two different requests. First, that they be allowed to work from 8 am to 7 pm, 6 days per week. The second request is to work two consecutive Sundays, (October 10 and October 17, 2010). Because of the urgency of the work and the successful coordination with the only adjacent property (Royal Poinciana Plaza) staff has permitted the work to continue.

The work will be ongoing at the time of the October 12, 2010, Council meeting. The Town Council will have the opportunity to not allow further extended work hours or the second requested Sunday (October 17, 2010) if they choose. Staff will provide an update of the contractors progress and any concerns that may arise between the date that this memo and the Town Council meeting.

FUNDING/FISCAL IMPACT

There is no financial impact to the Town with the granting of this easement or the extended work hours. All construction will be at the sole cost of FPL.

TOWN ATTORNEY REVIEW

Town Attorney review is not necessary at this time. This is a conditional approval. Final approval with the easement and survey will be provided for formal approval once the new line is installed.

Attachment

HPB:nb
cc. Jay Boodheshwar, Director of Recreation
Eric Brown, Assistant Director of Public Works
James Bowser, Town Engineer
Doug Terry, Water Resources Division Manager

FPL Subaqueous Bore Landing on Town of Palm Beach
Perez, Eliud
to:
PBrazil@TownofPalmBeach.com
10/06/2010 01:52 PM
Cc:
"APowery@townofpalmbeach.com"
Show Details

Paul,

Thank you very much for your time. Per our meeting I would like to clarify the following. First, FPL would like to apologize for not performing its due diligence. Had we done so we would have wound up gladly putting the issue of the FPL subaqueous bore on the agenda for next Tuesday's town council meeting. Be that as it may I ask that the town consider the factors surrounding this bore.

The Flagler Memorial Bridge is being replaced and moved to the South by the Florida Department of Transportation. Before any work can begin FPL must relocate its facilities, which reside in an easement directly in the way of the new bridge's footers. FPL and AT&T must be among the first utilities to relocate in order for the FDOT to proceed according to schedule. When FPL applied for the permit I did not realize that accommodations for a 7-day work week could not be made through the standard process but would need to be subjected to a town council vote.

The bore has begun. The hole has been dug and is currently going through a re-reaming process to adjust the bore to its necessary size, and also to secure the integrity of the hole. It was initially reported that the FPL contractor, Hypower, was engaged in a 24-7 operation. It has since been determined that the contractors have been working from 8am to right before dusk. But is has also been determined that the work has been a 7-day work week operation, for which I apologize. The contractor has been working on the bore for 2 weeks and 3 Sundays. The nature of such a massive undertaking, 2000' plus feet of pipe, 100' beneath the mean water level at midpoint, requires that operations continue. Should the bore operation suffer a 24-hour stoppage, the hole will collapse and hundreds of thousands of dollars will have been sunk. The operation would have to start anew.

The repercussions are grave. Florida Power and Light would not be able to relocate in time, the FDOT would incur a substantial delay, as FPL would not pick up again until after Easter, and Federal dollars will likely be shifted away from this project increasing the FDOT's cost substantially. FPL does not want to put any person or entity in a precarious situation. Nor does FPL want to, in any way, down play the seriousness of its misstep in not going through the proper channels with respect to permissions for this bore. But I'm afraid the wheels cannot be halted without major, financially egregious results.

Florida Power and Light is asking the town to consider the following:

Allow FPL's contractor to work from 8AM to 7PM, 6 days a week. Allow FPL to work 2 consecutive Sundays, one this weekend, 10/10/10, and one the following weekend, 10/17/10, in order to complete its bore. Unfortunately FPL cannot consider any alternative which would entail a 24-hour work stoppage. Such a stoppage would put into affect a chain of cataclysmic events.

The bore machine is set up on the West Palm Beach side. It is extremely loud, large, and entirely obtrusive. On the Town of Palm Beach side, FPL's contractors have a back hoe set up to collect the sludge, laborers to receive the bore rods for transport back to the West Palm side, 2 dump trucks to carry the sludge away, and the pipe piled up and ready to pulled back through the hole. The noise on the town side will only ever get as loud as the noise a back hoe and 2 trucks could emit. The Royal Poinciana Plaza property management has been working harmoniously with FPL's contractor to mitigate any and all issues. The job will be done in its entirety in 5 weeks, with only 2 consecutive Sundays being requested for completion of the bore portion. The 8AM to 7PM work day is only being requested for the actual bore.

FPL implores the town to consider its request. Should you have any questions please feel free to contact me on my cell phone, day or night, at 561-371-2873. Thank you very much.

Eliud "Eli" Perez
Engineering Leader
Florida Power & Light
561-616-1657

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Regular Agenda - New Business

Agenda Title

Landmarks Preservation Commission Appointments.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated October 4, 2010, from John S. Page, Director of Planning, Zoning and Building
- Ballot for Appointment of Regular Members to the Landmarks Preservation Commission
- Roster of the Landmarks Preservation Commission
- Term Expiration List for Landmarks Preservation Commission
- 2010 Attendance Record
- 2010 Voting Conflict Record

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: Landmarks Preservation Commission Appointments

Date: October 4, 2010

STAFF RECOMMENDATION

- Staff recommends that the Town Council appoint a regular member to the Landmarks Preservation Commission to fill the seat which was vacated due to the resignation of Joanna Golino.
- Staff recommends that the Town Council make any appointments to the Landmarks Preservation Commission which may become necessary as a result of making the aforementioned appointment.

GENERAL INFORMATION

- **Mrs. Golino** submitted her resignation from the Landmarks Preservation Commission on July 22, 2010.
- The individual appointed to fill Mrs. Golino's vacant seat will serve 17 months, less than 50% of a term. As such, this appointment will be Term 0 for that member.
- Existing alternate member(s) who are interested in promotion to regular member status have filed an Application for Service on the Landmarks Preservation Commission.
- Pursuant to the news release notifying the public of the upcoming vacancies on the Landmarks Preservation Commission, several persons have submitted Applications for Service on the Landmarks Preservation Commission together with other appropriate qualifying information.
- All applicants listed on the ballot(s) are registered voters in the Town of Palm Beach, as required by Section 54-36 (a) of the Town of Palm Beach Code of Ordinances.

SPECIAL CONSIDERATIONS

- Mrs. Golino had filled one of the two required architect seats for regular members on the Landmarks Preservation Commission. As such, **the individual appointed to fill Mrs. Golino's seat must be an architect who is registered in the State of Florida.** Pursuant to Section 54-36, "at least two members, but not more than three members, of such commission shall be registered architects in the state."
- Please note that one (1) of the applicants for the vacant seat on the Landmarks Preservation Commission is William P. Feldkamp, an architect registered in the State of Florida, who currently serves as an alternate member on the Landmarks Preservation Commission.

Attachments

JSP:cmd

cc: Joanna Cunningham, Town Clerk
Veronica Close, Assistant Director of Planning, Zoning & Building
John Lindgren, Planning Administrator

BALLOT FOR APPOINTMENT OF REGULAR MEMBERS TO THE LANDMARKS PRESERVATION COMMISSION

Town Council Meeting on October 12, 2010

Position(s) to be filled:

1 Regular Member (1) Resident Member - Term to expire 3/2012
(Due to term resignation of Joanna Golino)

Please circle __**1**__ name(s) from the list of names appearing below

Alternate Member(s) Applying for Promotion to Regular Member*

William P. Feldkamp **(ARCHITECT-registered in State of Florida)** (Serving Term 1 as an Alternate Member)

Others Who Have Submitted Applications

Rachel Lorentzen
William J. Strawbridge **(ARCHITECT- NOT registered in State of Florida)**

Signature of Town Council Member: ____

**Any currently serving Alternate who is not elevated to the position of Regular Member will retain his/her current position, provided that the Alternate Member's term is active.*

Ballot Form Date 10/4/2010

ADDRESS LIST - LANDMARKS PRESERVATION COMMISSION

PALM BEACH RESIDENCE	BUSINESS	SUMMER RESIDENCE
CHAIRMAN		
Mr. Eugene Pandula		**ARCHITECT**
366 Colonial Road	201 Seaview Avenue	
West Palm Beach, FL 33405	Palm Beach, FL 33480	
818-0473	832-3614 655-9120 (Fax)	

Vice Chairman
William Lee Hanley Jr.
250 Jungle Road
Palm Beach, FL 33480
835-4996 (Fax) 835-8663

Secretary
William O. Cooley
8 Windsor Court
Palm Beach, FL 33480
844-0612

Charles S. Roberts
301 Australian Avenue #221
Palm Beach, FL 33480
(770) 856-5000

Former Joanna Golino Seat **(MRS. GOLINO RESIGNED 7/22/10)** **ARCHITECT**
245 Seminole Avenue
Palm Beach, FL 33480
832-5382

Dudley L. Moore, Jr.
220 El Bravo Way
Palm Beach, FL 33480
833-2413

Edward Austin Cooney
495 North Lake Way
Palm Beach, FL 33480
358-8853

Alternate Commission Members

D. Imogene Willis
229 Orange Grove Road
Palm Beach, FL 33480
842-1467

Wallace Rogers
235 Sunrise Avenue #2267
Palm Beach, FL 33480
659-7665 ext. 2267

William P. Feldkamp **ARCHITECT**
401 Peruvian Ave. #403
Palm Beach, FL 33480
248-5769

Revised 10/4/2010

LANDMARKS PRESERVATION COMMISSION
MEMBERS AND TERMS OF OFFICE

MEMBER	DATE OF T.C. MEETING WHEN APPOINTMENT OCCURRED	TERM EXPIRES	
EUGENE PANDULA (Chairman)	3/14/95	3/1998	Term 1
ARCHITECT	3/10/98	3/2001	Term 2
	3/13/01	3/2004	Term 3

(3/2002: Moved out of town, so resigned. Re-applied as NON-RESIDENT EXPERT and was appointed as such)

	3/12/02	**3/2003**	**Term 1* (unlimited)**
	3/11/03	**3/2004**	**Term 2* (unlimited)**
	3/9/04	**3/2005**	**Term 3* (unlimited)**
	3/8/05	**3/2006**	**Term 4* (unlimited)**
	3/14/06	**3/2007**	**Term 5* (unlimited)**
	3/13/07	**3/2008**	**Term 6* (unlimited)**
	3/11/08	**3/2009**	**Term 7* (unlimited)**
	3/10/09	**3/2010**	**Term 8* (unlimited)**
	3/9/2010	**3/2011**	**Term 9* (unlimited)**

***May be re-appointed annually without term number limitation**

WILLIAM LEE HANLEY JR. (Vice Chairman)			
Promoted to **regular member**	3/8/05	3/2008	Term 1
Re-appointed	3/11/08	3/2011	Term 2
WILLIAM O. COOLEY (Secretary)	3/10/09	3/2012	Term 1
CHARLES S. ROBERTS	3/13/07	3/2010	Term 1
	3/9/2010	3/2013	Term 2
JOANNA GOLINO-RESIGNED ARCHITECT	3/10/09	3/2012	Term 1
DUDLEY L. MOORE JR.	3/9/2010	3/2013	Term 1
EDWARD AUSTIN COONEY	3/9/2010	3/2013	Term 1

ALTERNATE MEMBERS (IN ORDER OF SENIORITY)

D. IMOGENE WILLIS	3/14/06	3/2009	Term 1
Re-appointed	3/10/09	3/2012	Term 2
WALLACE ROGERS	3/13/07	3/2009	Term 1*

*Completing the unexpired term of Hazel Rubin (Mr. Rogers will serve 2 yrs. which is more than 50% of a term)

Re-appointed	3/10/09	3/2012	Term 2
WILLIAM P. FELDKAMP	3/9/2010	3/2012	Term 1*

*Completing the unexpired term of Dudley Moore (Mr. Feldkamp will serve 2 yrs. which is more than 50% of a term)
ARCHITECT

Note:
* Per Town Ordinance 8-99, any Commissioner may serve a maximum of three three-year terms as a full member
* Per Town Ordinance 8-99, an alternate member may serve a maximum of three three-year terms as an alternate.
* Per Town Ord. #8-99, non-resident expert permitted, one year terms, may be re-appt. annually.
* Per Town Ord. #7-00, At least two, but not more than three members, shall be registered FL architects
*Per Town Ord. #6-01, terms limitation taken back to two three-year terms;non-resident expert still re-appt. annually

Revised 10/4/2010

TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION

ATTENDANCE RECORD 2010

MEMBERS	1/10	2/11/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10	10/10	11//10	12/10
Eugene Pandula	P	P	P	P	P	P	P	P	P	P			
William Lee Hanley Jr.	P	U	P	P	P	P	P	P	U	P			
Charles S. Roberts	P	P	P	P	P	P	P	P	P	P			
Joanna Golino	P	P	P	U	P	U	P	P	P	P			
William Cooley	P	P	P	P	P	P	P	U	P	P			
Dudley L. Moore Jr.				P	E	P	P	P	P	P			
Edward A. Cooney				P	P	P	P	P	P	P			
Robert Eigelberger	P	U	P										
Hazel Rubin	P	U	P										

ALTERNATE MEMBERS	1/10	2/11/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10	10/10	11//10	12/10
D. Imogene Willis	P	A	P	P	P	P	P	P	P	P			
Wallace Rogers	P	P	P	P	P	U	P	P	P	P			
William P. Feldkamp				P	P	P	P	P	P	P			
Dudley L. Moore Jr.	P	U	P										

LEGEND: P=Present. E=Excused, U=Unexcused,A=Absence Pending Classification as “excused” or “unexcused”

TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION

RECORD OF VOTING CONFLICTS <u>2010</u>

MEMBERS	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10	10/10	11//10	12/10
Eugene Pandula	____	____	____	____	____	____	____	____	____	____	____	____
William Lee Hanley Jr.	____	____	____	____	____	____	____	____	____	____	____	____
Charles S. Roberts	____	____	____	____	____	____	____	____	____	____	____	____
Joanna Golino	____	____	____	____	____	____	____	____	____	____	____	____
William Cooley	____	____	____	____	____	____	____	____	____	____	____	____
Dudley L. Moore Jr.			____	____	_ V_	____	____	____	____	____	____	____
Edward A. Cooney			____	____	____	____	____	____	____	____	____	____
Hazel Rubin	_V__	<u>VPD</u>										
Robert Eigelberger	____	_____										

ALTERNATE MEMBERS	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10	10/10	11//10	12/10
D. Imogene Willis	____	____	____	____	____	____	____	____	____	____	____	____
Wallace Rogers	____	____	____	____	____	____	____	____	____	____	____	____
William P. Feldkamp			____	____	____	____	____	____	____	____	____	____
Dudley L. Moore Jr.	____	____										

LEGEND:
V = One Voting Conflict during a meeting
V2 = Two Voting Conflicts during a meeting
V3 = Three Voting Conflicts during a meeting

VPD = Voting Conflict Previously Declared (This category to be used when a conflict has Been declared at a previous meeting, and the Changes being reviewed are part of an ongoing project. ONLY COUNT ORIGINALDECLARED CONFLICT PER JCR, TOWN ATTORNEY)

TOWN OF PALM BEACH
Town Council Meeting on: October 12, 2010

Section of Agenda
Regular Agenda - New Business

Agenda Title
Planning and Zoning Commission Appointments.

Presenter
John Page, Director of Planning, Zoning, and Building

Supporting Documents
- Memorandum from John Page dated October 5, 2010
- Ballot
- Member List
- Attendance Record
- Voting Conflict Records

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: Planning and Zoning Commission Appointments

Date: October 5, 2010

STAFF RECOMMENDATION

- Staff recommends that the Town Council appoint a regular member to the Planning and Zoning Commission to fill the seat being vacated as a result of the term expiration of Martin Klein.
- Staff recommends that the Town Council appoint a regular member to the Planning and Zoning Commission to fill the seat being vacated as a result of the term expiration of Leslie Shaw.
- Staff recommends that the Town Council make any appointments to the Planning and Zoning Commission which may become necessary as a result of making the aforementioned appointments.

GENERAL INFORMATION

- **Mr. Klein** is eligible for reappointment and has submitted an Application for Service on the Planning and Zoning Commission.
- **Mr. Shaw** is eligible for reappointment and has submitted an Application for Service on the Planning and Zoning Commission.
- Staff has confirmed that Alternate Member **Lewis Crampton** is interested in promotion to Regular Member status.
- Pursuant to the news release notifying the public of the vacancies on the Planning and Zoning Commission, several persons have submitted Applications for Service on the Planning and Zoning Commission together with other appropriate qualifying information.
- The applicants listed on the attached ballot are registered voters in the Town of Palm Beach, as required by Section 2-329 of the Town of Palm Beach Code of Ordinances.

Attachments
JP:dam/cmd
cc: Joanna Cunningham, Town Clerk
Veronica B. Close, Assistant Director of Planning, Zoning & Building
Paul Castro, Zoning Administrator

BALLOT FOR APPOINTMENT OF REGULAR MEMBERS
TO THE PLANNING & ZONING COMMISSION

Town Council Meeting on October 12, 2010

Position(s) to be filled: **2** Regular Members (Terms to expire 9/30/2013)
(due to term expiration of Martin Klein)
(due to term expiration of Leslie Shaw)

Please circle __**2**__ name(s) from the list of names appearing below

Regular Members Applying for Re-appointment
(Listed alphabetically)

Martin Klein	Completing Term 0
Leslie Shaw	Completing Term 1

Alternate Members Applying for Promotion to Regular Member

Lewis Crampton	(Serving Term 1)

Others Who Have Submitted Applications

Thomas Greenbaum
Rachel Lorentzen
Martin Phillips

Signature of Town Council Member: ____

**Any currently serving Alternate who is not elevated to the position of Regular Member will retain his/her current position.*

Ballot Form 10/5/2010

PLANNING & ZONING COMMISSION MEMBERS 2010

Alan S. Golboro (Chairman) 561-582-0299 (Home)
2500 S. Ocean Blvd. #1-D-2 (312) 925-4685 (Work)
Palm Beach, FL 33480

First Appointed:	2/15/05 (Alternate)	Term Expires:	2/2006 (Term 0)*

*Fulfilling the balance of Elizabeth Murphy's Alternate Term; serving only 1 yr; less than 50% of a term, so Term 0

Appointed:	2/14/06 (Regular member)	Term Expires:	~~2/2009~~ (Term 1) 9/30/2009
Re-appointed:	09/10/2009(Regular Member)	Term Expires:	9/30/2012 (Term 2)

Leslie A. Shaw (Secretary) 561-655-5858 (Home)
318 Seaspray Avenue 561-296-1111 (Office)
Palm Beach, FL 33480

First Appointed:	2/14/06 (Alternate)	Term Expires:	2/2009 (Term 1)
Appointed:	2/13/07 (Regular Member)	Term Expires:	~~2/2010~~ (Term 1) 9/30/2010

John Schuler 561-655-9000 (Home)
425 Worth Avenue, 2F 561-655-1947 (Office)
Palm Beach, FL 33480

First Appointed:	2/10/2004 (Alternate)	Term Expires:	2/2006 (Term 1)*

*Fulfilling the balance of Nancy Murray's Alternate Term, & serving more than 50% of a term; thus Term 1.

Appointed:	12/13/05 (Regular member)	Term Expires:	2/2006 (Term 0)*

*Fulfilling the balance of Joanna Golino's term & only serving 2 months, less than 50% of a term, thus Term 0.

Re-appointed:	2/14/06 (Regular member)	Term Expires:	~~2/2009~~ (Term 1) 9/30/2009
Re-appointed:	09/10/2009 (Regular member)	Term Expires:	9/30/2012 (Term 2)

Eugene Lawrence 561-659-5645 (Home)
205 Worth Avenue #301 561-655-0670 (Office)
Palm Beach, FL 33480

First Appointed:	2/13/07 (Alternate)	Term Expires:	~~2/2009~~* 9/30/2009 (Term 1)

(*fulfilling balance of Mr. Guttman's unexpired Alternate Member term, & serving more than 50% of a term)

Appointed:	2/12/2008 (Regular)	Term Expires:	9/30/2008 (Term 0)

(Mr. Lawrence will fulfill the balance of Ms. Murphy's term, 7 months, which is less than 50% of a term, and as such, will not count as a first term for him)

Re-Appointed:	9/8/2008 (Regular)	Term Expires:	9/30/2011 (Term 1)

Floyd L. Wideman, Jr. 561-841-8999 (Home)
260 El Dorado Lane
Palm Beach, FL 33480

First Appointed:	2/13/2007 (Alternate)	Term Expires:	~~2/2009~~* 9/30/2009 (Term 1)

(*fulfilling balance of Mr. Shaw's unexpired Alternate Member term, and serving more than 50% of a term)

Appointed:	9/8/2008 (Regular)	Term Expires:	9/30/2011 (Term 1)

Martin I. Klein 881-8000 (Home)
1060 North Ocean Blvd. 655-0005 (Office)
Palm Beach, FL 33480

First Appointed: 5/12/2009 (Regular) Term Expires: 9/30/2010 (Term 0)
(*fulfilling the balance of Mr. Guttman's unexpired member term, 16.5 months, which is less than 50% of a term, and as such, will not count as a first term for him)

C. Tanner Rose, Jr. 561-838-4962 (Home)
315 S Lake Dr., #2D
Palm Beach, FL 33480

First Appointed: 9/8/2008 (Alternate) Term Expires: 9/30/2009 (Term 0)
(fulfilling the balance of Mr. Wideman's unexpired alternate member term, 12 months, which is less than 50% of a term, and as such, will not count as a first term for him)
Appointed: 8/11/2009 (Regular Member) Term Expires: 09/30/2012 (Term 1)
(Fulfilling the balance of Mr. Dowell's unexpired regular term (1 month)which would have been counted as term 0. However, Town Council appointment this date was for full term to expire 2012).

ALTERNATE MEMBERS

Lewis Crampton (Alternate) 561-540-1520 (Home)
2335 South Ocean Blvd., #5B 262-374-0022 (Cell)
Palm Beach, FL 33480

First Appointed: 3/10/2009 (Alternate) Term Expires: 9/30/2009 (Term 0)
(*fulfilling the balance of Mr. Klein's unexpired alternate term, 6 months, which is less than 50% of a term, and as such will not count as a first term for him)
Appointed: 9/10/2009 (Alternate) Term Expires: 9/30/2012 (Term 1)

Jeffrey A. Cloninger (Alternate) 561-659-1387 (Home)
411 Brazilian Avenue 561-659-6640 (Work)
Palm Beach, FL 33480

First Appointed: 08/11/2009 (Alternate) Term Expires: 9/30/2012 (Term 1)
(*fulfilling the balance of Mr. Ryan's unexpired term, due to Mr. Ryan's resignation on June 4, 2009. Balance of term was less than 3 months and would have been counted as term 0. However, Town Council appointment this date was for full term to expire 2012).

Michael Vincent John Spaziani (Alternate) 561-655-8009 (Home)
322 Seaspray Avenue 561-758-3091 (Work)
Palm Beach, FL 33480

First Appointed: 08/11/2009 (Alternate) Term Expires: 9/30/2012 (Term 1)
(*fulfilling the balance of Mr. Rose's unexpired term when Mr. Rose was promoted to Regular Member. Balance of term was less than 3 months and would have been counted as term 0. However, Town Council appointment this date was for full term to expire 2012.

TOWN OF PALM BEACH
PLANNING & ZONING COMMISSION

ATTENDANCE RECORD 2010

MEMBERS	1/19/2010	2/16/2010	3/16/2010	4/20/2010	5/18/2010	6/15/2010	7/20/2010	8/17/2010	9/21/2010	10/19/2010	11/16/2010	12/21/2010
John Schuler	P	P	P	P	P	*	E	P	P			
Alan Golboro	P	P	P	P	P	*	P	P	P			
Leslie Shaw	P	P	P	U	P	*	P	U	P			
Eugene Lawrence	P	P	P	P	P	*	P	P	P			
Floyd Wideman	P	P	P	P	P	*	P	P	P			
Martin Klein	P	U	P	P	P	*	P	P	E			
C. Tanner Rose	P	P	P	P	P	*	U	P	P			
ALTERNATE MEMBERS												
Lewis Crampton	P	P	E	P	P	*	P	P	P			
Jeffrey A. Cloninger	P	P	P	P	P	*	U	P	P			
Michael Vincent John Spaziani	P	P	P	P	P	*	P	P	P			

LEGEND P=PRESENT
E=EXCUSED
U-UNEXCUSED
A=ABSENT PENDING CLASSIFICATION AS "EXCUSED" OR "UNEXCUSED"
*= Meeting cancelled

TOWN OF PALM BEACH
PLANNING & ZONING COMMISSION

ATTENDANCE RECORD 2008/2009

MEMBERS	10/7/2008	11/4/2008	12/2/2008	1/6/2009	2/3/2009	3/3/2009	3/4/2009	3/17/2009	4/7/2009	5/5/2009	6/2/2009	7/7/2009	8/4/2009	9/1/2009	10/6/2009	11/3/2009	12/1/2009
John Schuler	x	P	P	P	A	P	P	P	P	P	P	x	P	E	E	P	P
Alan Golboro	x	P	P	P	P	P	P	P	P	P	P	x	P	P	P	P	P
William Guttman	x	P	P	P	P	N2	\	\	\	\	\	\	\	\	\	\	\
Leslie Shaw	x	P	P	U	P	P	P	P	P	P	P	x	P	P	P	P	P
W. Anthony Dowell	x	P	P	P	P	P	P	P	P	P	P	N6	\	\	\	\	\
Eugene Lawrence	x	P	P	P	P	P	P	E	P	P	P	x	P	P	P	P	P
Floyd Wideman	x	P	P	P	P	P	P	P	P	P	P	x	P	E	P	P	P
Martin Klein	x	P	N1	\	\	\	\	\	\	N4	P	x	P	P	P	P	P
C. Tanner Rose	x	P	P	P	A	P	P	P	P	P	P	x	N7 P	E	P	P	P
ALTERNATE MEMBERS																	
E. James Ryan	x	P	P	P	P	P	P	P	P	P	U	N5	\	\	\	\	\
Lewis Crampton	\	\	\	\	\	\	\	N3	P	P	P	x	P	P	P	P	P
Jeffrey A. Cloninger	\	\	\	\	\	\	\	\	\	\	\	\	N8	P	P	P	P
Michael Vincent John Spaziani		\	\	\	\	\	\	\	\	\	\	\	N9	P	P	P	P

LEGEND P=PRESENT
E=EXCUSED
U-UNEXCUSED
A=ABSENT PENDING CLASSIFICATION AS "EXCUSED" OR "UNEXCUSED"

x Meeting Cancelled
N1 Resigned 11/2008 (Alternate)
N2 Resigned 2/27/2009
N3 Appt'd 3/10/2009 to complete Mr. Klein's unexpired term
N4 Appt'd 5/12/2009 to complete Mr. Guttman's unexpired term
N5 Resigned 6/9/2009
N6 Resigned 6/10/2009
N7 Appt'd 8/11/2009 to complete Mr. Dowell's unexpired term
N8 Appt'd 8/11/2009 to complete Mr. Ryan's unexpired term
N9 Appt'd 8/11/2009 to complete Mr. Rose's unexpired term

TOWN OF PALM BEACH
PLANNING & ZONING COMMISSION

RECORD OF 2007/2008 ATTENDANCE RECORD

MEMBERS	11/6	12/4	1/2	2/5	3/4	4/1	5/6	6/3	7/1	8/5	9/2
Harrison Robertson	_P_	(Resigned 11/07)									
Lowry Bell	_P_	_P_	_P_	-P-	-P-	-P-	-P-	-A-	-	-A-	-
Elizabeth Murphy	_P_	_P_	_P_	-U-	(Resigned 2/08)						
John Schuler	_P_	_P_	_P_	-P-	-P-	-A-	-P-	-P-	-	-P-	-
Alan Golboro	_P_	_P_	_P_	-P-	-P-	-P-	-P-	-A-	-	-P-	-
William Guttman	_P_	_P_	_P_	-P-	-P-	-P-	-P-	-P-	-	-A-	-
Leslie Shaw	_P_	_P_	_P_	-P-	-P-	-P-	-U-	-P-	-	-P-	-
Walter Anthony Dowell	(Alternate until 2/12/08)				-P-	-E-	-P-	-P-	-	-A-	-
Eugene Lawrence	(Alternate until 2/12/08)				-P-	-P-	-P-	-P-	-	-P-	-
ALTERNATE MEMBERS											
Walter Anthony Dowell	_E__	_P_	_P_	-P-	(Appointed to regular member 02/12/2008-see above)						
Eugene Lawrence	_P_	_P_	_A_	-P-	(Appointed to regular member 02/12/2008-see above)						
Floyd L. Wideman Jr.	_P_	_P_	_P_	-P-	-P-	-P	-P-	-E-	-	-P-	-
Martin I. Klein	(Appointed Alternate Member 2/12/08)				-P-	-P-	-P-	-P-	-	-P-	-
E. James Ryan	(Appointed Alternate Member 2/12/08)				-P-	-P-	-P-	-P-	-	-P-	-

LEGEND:
P = Present
E = Excused
U = Unexcused
A = Absence Pending Classification as "excused" or "unexcused"

Note: The Planning & Zoning Commission did not meet on July 1, 2008

TOWN OF PALM BEACH **VOTING CONFLICT RECORD 2010**

PLANNING & ZONING COMMISSION

MEMBERS	1/19/2010	2/16/2010	3/16/2010	4/20/2010	5/18/2010	6/15/2010	7/20/2010	8/17/2010	9/21/2010	10/19/2010	11/16/2010	12/21/2010
John Schuler	-	-	-	-	-	-	-	-	-			
Alan Golboro	-	-	-	-	-	-	-	-	-			
Leslie Shaw	-	-	-	-	-	-	-	-	-			
Eugene Lawrence	-	-	-	-	-	-	-	-	V			
Floyd Wideman	-	-	-	-	-	-	-	-	-			
Martin Klein	-	-	-	-	-	-	-	-	-			
C. Tanner Rose	-	-	-	-	-	-	-	-	-			
ALTERNATE MEMBERS												
Lewis Crampton	-	-	-	-	-	-	-	-	-			
Jeffrey A. Clininger	-	-	-	-	-	-	-	-	V			
Michael Vincent John Spaziani	-	-	-	-	-	-	-	-	-			

LEGEND:
V One Voting Conflict during a meeting
V2 Two Voting Conflicts during a meeting
V3 Three Voting Conflicts during a meeting
VPD Voting Conflict Previously declared (This category to be used when a conflict has been declared at a previous meeting, and the changes being reviewed are part of an ongoing project. Only count original declared voting conflict for ongoing projects per JCR.

TOWN OF PALM BEACH
PLANNING & ZONING COMMISSION

VOTING CONFLICT RECORD 2008/2009

MEMBERS	10/7/2008	11/4/2008	12/2/2008	1/6/2009	2/3/2009	3/3/2009	3/4/2009	3/17/2009	4/7/2009	5/5/2009	6/2/2009	7/7/2009	8/4/2009	9/1/2009	10/6/2009	11/3/2009	12/1/2009
John Schuler	x	-	-	-	-	-	-	-	-	-	-	x	-				
Alan Golboro	x	-	-	-	-	-	-	-	-	-	-	x	-				
William Guttman	x	-	-	-	-	N2	\	\	\	\	\	x	\	\	\	\	\
Leslie Shaw	x	-	-	-	-	-	-	-	-	-	-	x	-				
W. Anthony Dowell	x	-	-	-	-	-	-	-	-	-	-	N6	\	\	\	\	\
Eugene Lawrence	x	-	-	-	-	-	-	-	-	-	-	x	-				
Floyd Wideman	x	-	-	-	-	-	-	-	-	-	-	x	-				
Martin Klein	x	N1	\	\	\	\	\	\	\	N4	-	x	-				
C. Tanner Rose	x	-	-	-	-	-	-	-	-	-	-	x	N7				
ALTERNATE MEMBERS													-				
E. James Ryan	x	-	-	-	-	-	-	-	-	-	-	N5	\	\	\	\	\
Lewis Crampton	x	\	\	\	\	\	\	N3	-	-	-	x	-				
Jeffrey A. Clininger	\	\	\	\	\	\	\	\	\	\	\	\	N8				
Michael Vincent John Spaziani		\	\	\	\	\	\	\	\	\	\	\	N9				

LEGEND:

V	One Voting Conflict during a meeting
V2	Two Voting Conflicts during a meeting
V3	Three Voting Conflicts during a meeting
VPD	Voting Conflict Previously declared (This category to be used when a conflict has been declared at a previous meeting, and the changes being reviewed are part of an ongoing project. Only count original declared voting conflict for ongoing projects per JCR.
x	Meeting Cancelled
N1	Resigned 11/2008 (Alternate)
N2	Resigned 2/27/2009
N3	Appt'd 3/10/2009 to complete Mr. Klein's unexpired term
N4	Appt'd 5/12/2009 to complete Mr. Guttman's unexpired term
N5	Resigned 6/9/2009
N6	Resigned 6/10/2009
N7	Appt'd 8/11/2009 to complete Mr. Dowell's unexpired term
N8	Appt'd 8/11/2009 to complete Mr. Ryan's unexpired term
N9	Appt'd 8/11/2009 to complete Mr. Rose's unexpired term

TOWN OF PALM BEACH
PLANNING & ZONING COMMISSION

RECORD OF 2007/2008 VOTING CONFLICT RECORD

MEMBERS	11/6	12/4	1/2	2/5	3/4	4/1	5/6	6/3	7/1	8/5	9/2
Harrison Robertson	(Resigned 11/07)										
Lowry Bell	-	-	-	-	-	-	-	-	x	-	
Elizabeth Murphy	-	-	-	(Resigned 2/08)							
John Schuler	-	-	-	-	-	-	-	-	x	-	
Alan Golboro	-	-	-	-	-	-	-	-	x	-	
William Guttman	-	-	-	-	-	-	-	-	x	-	
Leslie Shaw	-	-	-	-	-	-	-	-	x	-	
Walter Anthony Dowell	(Alternate until 2/12/08)				-	-	-	-	x	-	
Eugene Lawrence	(Alternate until 2/12/08)				-	-	-	-	x	-	
ALTERNATE MEMBERS											
Walter Anthony Dowell	-	-	-	-	(Appointed to regular member 02/12/2008-see above)						
Eugene Lawrence	-	-	-	-	(Appointed to regular member 02/12/2008-see above)						
Floyd L. Wideman Jr.	-	-	-	-	-	-	-	-	x	-	
Martin I. Klein	(Appointed Alternate Member 2/12/08)				-	-	-	-	x	-	
E. James Ryan	(Appointed Alternate Member 2/12/08)				-	-	-	-	x	-	

LEGEND:
V = One Voting Conflict during a meeting
V2 = Two Voting Conflicts during a meeting
V3 = Three Voting Conflicts during a meeting

VPD = Voting Conflict Previously Declared
This category to be used when a conflict has been declared at a previous meeting, and the changes being reviewed are part of an ongoing renovation project. ONLY COUNT ORIGINAL DECLARED CONFLICT FOR ONGOING PROJECTS, PER JCR

NOTE: The Planning & Zoning Commission did not meet on July 1, 2008

TOWN OF PALM BEACH

Town Council Meeting on: October 12, 2010

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 30-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2009, Providing an Effective Date.

Presenter

Jane Struder, Director of Finance

Supporting Documents

- Memorandum Dated October 1, 2010, from Jane Struder, Finance Director
- Ordinance No. 30-10
- Exhibit A

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jane Struder, Finance Director

Re: Amendment to the Town General Employee's Retirement Fund Budget
Ordinance No. 30-10

Date: October 1, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance No. 30-10 on first reading, amending the Town's FY2010 General Employee's Retirement Fund Budget.

GENERAL INFORMATION

The General Employee's Retirement Fund budget is requiring an amendment due to an unanticipated higher amount of retirement payments ($440,000) and retirement refunds for terminated employees ($210,000) than originally estimated for FY10. The total amount of the proposed amendment is $650,000.

This is not the result of any actuarial error nor it does not have any other long term implications for the Fund. It is simply a necessary correction in the FY10 budget to reflect the greater than expected number of general employees who separated from Town employment in FY10. The budget amendment does not affect the General Fund or the Town's tax rate. The appropriation is from the reserves of the General Employee's Retirement Fund.

FUNDING/FISCAL IMPACT

The Ordinance will amend the General Employee's Retirement Fund budget (600) in the amount of $650,000 to appropriate funds for unanticipated retirement payments and refunds.

TOWN ATTORNEY REVIEW

Ordinance No. 30-10 has been reviewed and approved by the Town Attorney for legal form and sufficiency.

jls

cc: Thomas G. Bradford, Deputy Town Manager
Danielle Olson, Human Resource Director
John C. Randolph, Town Attorney

ORDINANCE NO. 30-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE TOWN'S BUDGETS ADOPTED FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2009, PROVIDING AN EFFECTIVE DATE.

WHEREAS, it was necessary for the Town of Palm Beach to adopt budgets for the fiscal year commencing October 1, 2009; and

WHEREAS, the Town Council of the Town of Palm Beach, Florida, deems it necessary and appropriate to amend said budgets to provide appropriations adequate for the authorization of expenditures necessary for conducting Town operations for the fiscal year ending September 30, 2010; and

WHEREAS, the budget amendment is necessary to fund unanticipated costs associated with the General Employee's Retirement Fund; and

WHEREAS, the Town Council must take action to put in place an ordinance to amend the budget.

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

Section 1. The foregoing recitals are herby ratified and confirmed.

Section 2. The Town of Palm Beach Capital Fund Budget for the fiscal year commencing October 1, 2009, is hereby amended and adopted pursuant to the attached Exhibits "A", attached hereto and made a part of this ordinance.

Section 3. Effective Date. This ordinance shall take effect immediately upon passage and approval as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 12th day of October, 2010, and for second and final reading on this 9th day of November, 2010.

Jack McDonald, Mayor	David A. Rosow, Town Council President
	Gail Coniglio, Town Council President Pro Tem
	William J. Diamond, Town Council Member
ATTEST:	Richard M. Kleid, Town Council Member
Joanna Cunningham, Town Clerk	Robert N. Wildrick, Town Council Member

Exhibit A

Town of Palm Beach, Florida
General Employee's Retirement Fund
Budget Amendment
October 1, 2009 - September 30, 2010

	Adopted Budget FY2010	Change	Amended Budget FY2010
Revenues			
Employer Contributions	2,616,600	0	2,616,600
Employee Contributions	887,000	0	887,000
Gain/Loss on Investments	400,000	0	400,000
Miscellaneous	1,000	0	1,000
Interest on Investments	275,000	0	275,000
Interfund Transfers	0	0	0
Total Revenues	4,179,600	0	4,179,600
Expenditures			
Contractual	4,115,500	650,000	4,765,500
Total Expenditures	4,115,500	650,000	4,765,500
Total Revenues Over/(Under) Expenses	64,100	(650,000)	(585,900)

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2010

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Local Government Coalition Request for Town of Palm Beach Intervention In Legal Proceedings Regarding Potential Changes in FCC Regulations

Date: October 8, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council take no action on this item, thereby declining to authorize additional funding for a local government coalition that is opposing certain changes in Federal Communications Commission (FCC) regulations related to cell tower citing and design.

If the Town Council believes further Town participation as a named intervenor and member of this coalition is in the Town's best interests, then staff requests Town Council appropriate $2,000 from the General Fund contingency account as the Town's contribution to this effort.

GENERAL INFORMATION

On September 8, 2008, Town Council approved Town participation in a coalition of local governments opposing an action filed with the FCC by CTIA, the national trade association for the cellular telephone industry. That petition proposed (1) a "shot clock" limiting the amount of time for local government review of cell tower applications, and (2) other changes in Federal regulations that would preempt local zoning authority over cell tower placement and design. Council authorized $4,000 as the Town's initial contribution to this coalition.

On November 10, 2009, Town Council authorized an additional $2,000 for the coalition's activities in opposition to the original petition and $8,000 for additional coalition work on other related matters that threatened to encroach on local authority over cell towers.

The CTIA prevailed on the "shot clock" matter and in some other respects with the initiatives it proposed to the FCC. Those matters are now on appeal. On Thursday, October 7, 2010, the Town received an email from Mr. Nicholas Miller of Miller & Van Eaton, the law firm that represents the Town on telecommunications matters and the organizers of the local government coalition that is pressing this appeal. Here is the pertinent excerpt from Mr. Miller's email:

This email is to ask that the Town of Palm Beach continue as a member of the coalition of cities challenging the FCC's "shot clock" preemption of local government cell tower zoning time lines. The case has now been scheduled for briefing by the US Court of Appeals for the Fifth Circuit.

Miller & Van Eaton, lead counsel for the appellant Arlington TX and the supporting local government coalition, would like to add the Town of Palm Beach as an intervenor in the Arlington TX case.

You will recall that Palm Beach has supported this coalition effort before. The issues remain just as important.

SUMMARY: The Federal Communications Commission voted in fall of 2008 to interpret language in 47 USC Sec 332(c)(7)(B)(ii) to impose a "shot clock" on local government zoning and siting decisions for wireless antenna structures and towers.

The FCC said "failure to act" on collocation applications within 90 days and tower siting applications within 150 days was presumptively not "within a reasonable period" and the applicant could sue the offending jurisdiction in federal court.

While the 90/150 days is problematic in many siting applications, particularly ones where the applicant fails or refuses to provide the appropriate supporting information in a timely manner, the most egregious problem with the FCC's decision is that they decided at all.

There is very clear language in 332(c)(7) which says any issues or disputes arising under the statute should be handled solely by the courts. The FCC ignored that language and chose instead to rely on its "broad jurisdiction to interpret the language of the Communications Act".

IMPORTANCE OF THE APPEAL: If the FCC succeeds in ignoring the will of Congress to exclude the FCC from the local zoning/siting process, then all matter of local government right-of-way management and police power regulations become subject to potential federal intrusion and preemption.

So this appeal is very significant to jurisdictions faced with difficult siting issues and to all local governments concerned with federal intrusion into local government authority and responsibilities.

TIMELINE: Motions for intervention on Arlington's side are currently due by October 19, with the opening brief due November 2.

San Antonio just filed an appeal of the FCC's denial of the reconsideration in the matter and will file a motion to consolidate the two appeals. If consolidation occurs, we are likely to see a delay of a few weeks in the briefing (and intervention) schedule.

CURRENT INTERVENORS: Arlington TX is the lead appellant. Intervenors on Arlington's side are:

Dallas
TCCFUI
City of Los Angeles
County of Los Angeles
County of San Diego
City of Glendale CA
City of Portland OR
Fairfax County VA

We expect the National League of Cities, US Conference of Mayors and National Association of Counties to join as intervenors, and possibly other national local government associations, although none of those will commit $ to the effort.

The above intervenors have each committed $10,000, which was largely used in 2009 and the first half of 2010 to deal with the FCC reconsideration, the search for the best Circuit for the appeal, filing the appeal and serving the decision of several thousand commenters in the docket. Also, we have gotten a start on the opening brief.

We are now seeking additional support for the effort, either as intervenors or as contributors to the effort. We estimate about $50,000 more is needed to complete the opening brief, draft the reply brief, and handle oral argument.

Mr. Miller indicated to Town Attorney Randolph and me on Friday, October 8, 2010, that the Town is not being asked to commit a full $10,000 of additional funding to this effort. Given our past support and our size vis-à-vis the other jurisdictions in the coalition, Mr. Miller stated that the Town would be added as an intervenor if we committed a $2,000 contribution to this next phase of litigation.

FUNDING/FISCAL IMPACT

If the Town Council authorizes that the Town again be an intervenor as one of the members of a local government coalition in this matter, then the Town's $2,000 contribution will need to be appropriated from the General Fund Contingency Account, which for FY2011 has $929,468.

PBE:pag
cc: John C. Randolph, Town Attorney
Thomas G. Bradford, Deputy Town Manager
Jane Struder, Director of Finance

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NEW YORK, NY 10022
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TOWN OF PALM BEACH
OCT 11 2010
Town Manager's Office

October 11, 2010

Palm Beach Town Council
360 South County Road
Palm Beach, FL 33480

RE: Screening of the windows

Gentlemen:

I would like to bring to your attention a situation which is becoming quite burdensome to owners of vacant commercial real estate.

When I acquired my first property in 1985, Palm Beach was a vibrant and prosperous community. With the development of malls and office complexes in West Palm Beach, many small businesses either failed or moved. My properties which were always fully rented are now almost totally vacant. I, currently, have three brokers actively involved in seeking tenants. Within the past two years, the income from my prime properties has been insufficient to cover the Real Estate Tax and maintenance.

In the midst of this crisis, the Town is requiring more extensive screening of vacant properties. Last year, I spent over $5,000 for Venetian blinds to be in compliance with the Code. Less than a year later, I now am forced to replace the blinds with pictures or graphics. I already have spent more than $10,000 to screen the vacancies directly on South County Road, and have been advised that additional windows on the adjacent side streets must be screened as well. The cost is an additional $5,000.

Clearly, screening does not conceal or address the larger problem in Palm Beach, the absence of business activity. I think it is relevant to point out that in Coral Gables the Town provides screening of vacant stores at its own expense.

In view of the above, I am requesting a waiver of the requirement to screen side street vacancies.

Very truly yours,

Thomas Campaniello

ADDITIONAL ITEM FOR TUESDAY'S TC MEETING

Peter B Elwell to: Joanna Cunningham, jrandolph, Thomas G. Bradford, Jane Struder, Patricia Gayle-Gordon, Cheryl Kleen, Anne Boyles, John Page, Paul Castro

Cc:

10/08/2010 04:03 PM

History: This message has been forwarded.

M&TC -

Late yesterday, we learned of a matter that might need to be added to Tuesday's agenda. After conferring with Skip Randolph and another attorney today, I believe it is necessary to add this item to the agenda. This is due to a timing consideration, not due to the substance of the matter. On the substance, as you will see when you read the memorandum attached below, I am recommending that Town Council take no action and thereby decline to spend Town funds for the requested purpose. I am simply asking that you add this to the agenda because if you do not consider it on Tuesday, consideration at a later date would be irrelevant due to a court proceeding which is pending later this month.

The subject matter is FCC regulations which would preempt local zoning regulations related to the siting and design of cellular telephone towers. Here is the back-up memo which will be posted to the Town's website today as supplemental back-up for Tuesday's meeting. Under "Approval of the Agenda" on Tuesday, I will request that you add this item to be considered as the last item under "New Business."

If you have any questions or require any additional information regarding this matter prior to Tuesday's meeting, please contact me at your convenience.

Thanks,
Peter

FCC Coalition.101210.TC.pdf