



TOWN OF PALM BEACH

Office of the Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON TUESDAY, JUNE 19, 2012

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 12:10 p.m. on Tuesday, June 19, 2012, in the Town Council Chambers. On roll call, all of the elected officials, with the exception of Mayor Coniglio, were found to be present.

II. APPROVAL OF AGENDA

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

III. TOWN OF PALM BEACH VS 332 SOUTH COUNTY ROAD, LLC IN THE DISTRICT COURT OF APPEAL, STATE OF FLORIDA, FOURTH DISTRICT CASE NO. 4D 12-1410.

F.S. 286.011(8) Allows the Mayor, Town Council, and the Town Manager to Meet in a Closed-Door Attorney/Client Session for the Purpose of Discussing Strategy Related to Litigation.

Town Council President Rosow announced the following:

- a.) The Attorney/Client Closed-Door Session
- b.) The estimated time is thirty minutes
- c.) The names of the persons attending:
 - David A. Rosow, Town Council President
 - Robert N. Wildrick, President Pro Tem
 - William J. Diamond, Town Council Member
 - Richard M. Kleid, Town Council Member
 - Michael J. Pucillo, Town Council Member
 - John C. Randolph, Town Attorney
 - Rebecca Mercier Vargas
 - Peter B. Elwell, Town Manager
 - Ley and Marsaa, Court Reporters

At 12:12 p.m., the persons attending the meeting (listed above) relocated from the Town Hall Council Chambers to the immediately adjacent conference room.

IV. RECONVENE SPECIAL TOWN COUNCIL MEETING IN THE TOWN HALL COUNCIL CHAMBERS

A.) Call to Order

The Special Town Council meeting was reconvened at 12:38 p.m., in the Town Council Chambers.

B.) Town Council President to Announce the Termination of the Attorney/Client Session

Town Council President Rosow announced the termination of the Attorney/Client Session. He stated that the Town Council met with its Attorney and received advice, with respect to this litigation, and provided him with direction. The Town Council is willing to accept the settlement agreement with stipulations. Council President Rosow asked Town Attorney Randolph to state for the record those stipulations.

Town Attorney Randolph stated that, in light of the Circuit Court's decision that the 19 residential units were not abandoned, the parties would enter into a settlement whereby 8 residential units would be allowed where the 19 units are currently allowed by the court. He stated that he had put that into the form of a stipulation, agreeing that the owner would file a declaration of use agreement stating that no more than 8 residential units would be allowed in perpetuity on the property. The owner shall also be required to apply for a building permit for the 8 units within 30 days. The stipulation also includes that the Code enforcement fines would stop accruing once the building permit is applied for, and that those Code enforcement fines that are currently due would be waived as he has already paid \$94,000 in Code enforcement fines. Mr. Randolph stated that he had spoken with 332 S. County Road, LLC's representative, George Ord, who stated to him that his client is in agreement with the stipulations.

George Ord, representing 332 S. County Road, LLC, affirmed his client's agreement to the aforementioned settlement agreement and stipulations.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve the settlement agreement with the stipulations included herein. On roll call, the motion carried unanimously.

V. ANY OTHER MATTERS – None

VI. ADJOURNMENT

1 There being no further business, the Special Town Council Meeting of Tuesday, June 19,
2 2012, was adjourned at 12:42 p.m.
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4 APPROVED:

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9 David A. Rosow
10 Town Council President

11 ATTEST:

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16 Susan A. Owens, MMC
17 Town Clerk

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20 Date