

TOWN OF PALM BEACH

Office of the Town Clerk

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON DECEMBER 10, 2013

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Tuesday, December 10, 2013, at 9:33 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

Council President Rosow recognized the passing of Harry Loy Anderson.

Mayor Coniglio introduced Stephanie Zachary. Ms. Zachary stated that she is the new Palm Beach Outreach Coordinator for US Representative Lois Frankel's Office. She requested that, if the Town ever needs any assistance from Representative Frankel's office, to feel free to contact her.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. PRESENTATIONS

A. Recognition of Elizabeth "Libby" Marshall, Landmarks Preservation Commission, From March 2012 Through September 2013

Mayor Coniglio recognized Elizabeth "Libby" Marshall for her service on the Landmarks Preservation Commission.

B. Recognition of Leslie A. Shaw for Service on Planning & Zoning Commission from February 2006 through September 2013

Mayor Coniglio recognized Leslie A. Shaw for his service on the Planning & Zoning Commission.

C. Recognition of Lifeguard Supervisor Craig Pollock as the 2013 Town Employee of the Year

Mayor Coniglio recognized Craig Pollock as the 2013 Town Employee of the Year and his service to the community.

D. Presentations by Applicants for the Code Enforcement Board

The following applicants made presentations to the Town Council:

- Robert G. Donnelly
- Matthew Natale
- Thomas Parker

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio expressed thanks for living in paradise, and thanked the community and Staff for their service to the Town. She asked that everyone be grateful, and have a safe and healthy New Year.

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Rosow reiterated the Mayor's wishes for a healthy and prosperous New Year.

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Dr. Jerome Klein, 225 Emerald Lane, expressed his concerns regarding the lengthy construction on his neighbors' properties, and how they have adversely affected his property.

Gregg Beletsky, Worth Avenue Association President, expressed the Board's and the Association's thanks to the Town for its support of their efforts, spoke regarding the beach cleanups and thanked the Town for their involvement in them, and wished everyone happy holidays and a happy New Year.

Eric Gilbertson, 151 Chilean Avenue, expressed his thanks to a Public Works employee for his assistance in removing tree branches from his property and suggested that he be named Employee of the Month, spoke regarding the Council's questions of Public Works Director Brazil at the November Town Council meeting and how he had great responses, stated that he was glad that the Town Council decided to not televise their meetings, and wished everyone a merry Christmas.

Laurel Baker, Palm Beach Chamber of Commerce, expressed her thanks to the Town Council for their good decisions, spoke regarding some memos written to the Town that she found from five years ago, expressed her concerns regarding traffic and parking in the Town, and stated that the business community appreciates the Town also.

VII. APPROVAL OF AGENDA

PULLED FROM CONSENT: Item No. VIII.B.1, Resolution No. 198-2013, was pulled from the Consent Agenda and placed under New Business, as Item No. XII.B.6.

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

VIII. CONSENT AGENDA

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

A. MINUTES

1. MINUTES: NOVEMBER 12, 2013

Approval of the Minutes of the Regular Town Council Meeting
Susan A. Owens, Town Clerk

2. MINUTES: NOVEMBER 13, 2013

Approval of the Minutes of the Regular Town Council Meeting
Susan A. Owens, Town Clerk

3. Approval of Major Matters Considered by the Architectural Commission at its Meeting of November 15, 2013.

John S. Page, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 198-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of One (1) Parking Enforcement Vehicle in the Amount of \$18,443 from Hub City Ford, as Previously Considered and Approved by the Town Council During the FY2014 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date.
Kirk Blouin, Director of Public Safety – Pulled from Consent and Heard Under New Business.

2. RESOLUTION NO. 199-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of Three (3) Patrol Vehicles in the Amount of \$97,497 from Stingray Chevrolet, as Previously Considered and Approved by the Town Council During the FY2014 Budget Process and Included in the Town's

Equipment Replacement Program; Providing an Effective Date.
Kirk Blouin, Director of Public Safety

3. RESOLUTION NO. 200-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach, Florida, Authorizing the Purchase of Two (2) Code Enforcement Vehicles in the Amount of \$35,180 (\$17,590 per Vehicle) From Alan Jay Nissan, Inc., as Previously Considered and Approved by the Town Council During the FY2014 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date.

Kirk Blouin, Director of Public Safety

4. RESOLUTION NO. 201-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of AutoVu License Reader System in the Amount of \$38,266.90 from Dana Safety Supply, Inc., as Previously Considered and Approved by the Town Council During the FY2014 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date.

Kirk Blouin, Director of Public Safety

5. RESOLUTION NO. 202-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2014-05 and a Contract to Advanced Disposal Services Solid Waste Southeast, Inc., for Compacted Garbage Collection, in the Amount of \$237,414 and Establishing a Project Budget of \$257,000.

H. Paul Brazil, P.E., Director of Public Works

6. RESOLUTION NO. 203-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing State Grant of FDEP Contract No. 13PB3, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach under the Bureau of Beaches and Coastal Systems Florida Beach Management Funding Assistance Program for the Lake Worth Inlet Management Plan Implementation, Specifically the Sand Transfer Plant Rehabilitation (Phase I), and Authorizing the Town Council President to Execute Same on Behalf of the Town.

H. Paul Brazil, P.E., Director of Public Works

7. RESOLUTION NO. 204-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Upgrade Purchase of the Town's IBM ISeries System, Tape Drives, Software and Maintenance from the FY14 Equipment Replacement Budget from Midrange Support and Service, 1122 East Atlantic Ave., Suite C, Delray Beach, FL 33483 in the Amount of \$90,809.10 and Authorizing the Town Manager to Execute the Purchase on Behalf of the Town.

Thomas G. Bradford, Deputy Town Manager

8. RESOLUTION NO. 209-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Hereinafter Described (Everglades Club, 347 Worth Avenue, Via Parigi Apartment Renovation) and Stating That the Subject Property Meets the Criteria Set Forth in Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions."
John S. Page, Director of Planning, Zoning, and Building

C. OTHER

1. Authorization of a Selection Committee for Construction Management Services for the North Ocean Boulevard Seawall Project.
H. Paul Brazil, P.E., Director of Public Works
2. Ratification of Selection Committee Rankings for Marine Resource Assessment and Monitoring Services - RFQ No. 2014-03.
H. Paul Brazil, P.E., Director of Public Works
3. Ratification of Selection Committee Rankings for Coastal Engineering Services - RFQ No. 2014-04.
H. Paul Brazil, P.E., Director of Public Works
4. Approval of Appointment to the Investment Advisory Committee.
Jane Struder, Director of Finance
5. Approval of Appointments to the Shore Protection Board.
Peter B. Elwell, Town Manager

IX. BOARD/COMMISSION ANNUAL REPORT

- A. Shore Protection Board Annual Report.
E. Llwyd Ecclestone, Shore Protection Board Chairperson

E. Llwyd Ecclestone, Shore Protection Board Chairperson, provided an overview of the Shore Protection Board's Annual Report.

By consensus of the Town Council, the Shore Protection Board Annual Report was accepted.

X. COMMITTEE REPORTS

- A. Ordinances, Rules, and Standards Committee Meeting of December 3, 2013.
William J. Diamond, Chair

Council Member Diamond gave a verbal report on the actions of the ORS

meeting of December 3, 2013.

Discussion ensued regarding the Direct Connect Alarm System, the proposed ordinance prohibiting vegetation or any other item from obstructing street signs, street lighting, or traffic signals, the extent of the obstructed signage problem, signs on private versus public property, code enforcement actions on these violations, and unnecessary regulation.

By consensus of the Town Council, Town Attorney Randolph was directed to draft an ordinance adopting a prohibition on obstruction of signage that addresses the concerns mentioned above.

XI. PUBLIC HEARINGS

A. RESOLUTION NO. 210-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Electing to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments Levied Within a Portion of the Incorporated Area of the Town Constituting the Peruvian Avenue 400 Block Streetscape Project Assessment Area; Stating the Need for Such Levy; Providing for the Mailing of this Resolution; and Providing an Effective Date.

Thomas G. Bradford, Deputy Town Manager

Deputy Town Manager Bradford stated that this resolution establishes the Town's intent to levy a special assessment for this project, not the actual assessment.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve Resolution No. 210-2013. On roll call, the motion carried unanimously.

XII. REGULAR AGENDA

A. Old Business

1. Flagler Memorial Bridge Project Update.

Geoffrey Parker, New Millennium Engineering

Geoffrey Parker, New Millennium Engineering, introduced himself as the new Senior Project Engineer, and provided an update on the project.

2. Discussion of the Florida Public Utilities Commission (FPUC) Lawsuit.

Michael J. Pucillo, Town Council Member

Discussion ensued regarding a last round of settlement meetings to avoid having to file a lawsuit.

1 **By consensus of the Town Council, Council Member Pucillo was authorized to**
2 **represent the Town in the settlement meetings with FPUC and the other affected**
3 **parties.**

4
5 B. New Business

- 6
7 1. Palm Beach Hotel Request for Use of Right-of-Way During Season.
8 *H. Paul Brazil, P.E., Director of Public Works*

9
10 Discussion ensued regarding the nature of the work and concerns
11 regarding the length of the construction.

12
13 **Motion was made by Council Member Diamond, and seconded by Council Member**
14 **Pucillo, to approve the request for use of public right-of-way during season, subject**
15 **to the condition of a \$2,000 per day fine for any work performed after February 1,**
16 **2014. On roll call, the motion carried unanimously.**

- 17
18 2. Potential Town of Palm Beach Participation in a Coalition of Local
19 Governments Working to Effect Federal Communications Commission
20 (FCC) Wireless Rulemaking.
21 *Thomas G. Bradford, Deputy Town Manager*

22
23 Deputy Town Manager Bradford provided an overview of the recent
24 notice by the FCC that they were considering telecommunications rule
25 changes to greatly increase the allowable locations for telecommunication
26 equipment.

27
28 Discussion ensued regarding the adverse effects of this change on the Town
29 and Home Rule Authority.

30
31 **Motion was made by Council Member Diamond, and seconded by Council Member**
32 **Kleid, to approve an increase to the telecommunications budget of \$3,800 and to**
33 **participate in a coalition of local governments working to effect Federal**
34 **Communications Commission (FCC) Wireless Rulemaking. On roll call, the motion**
35 **carried unanimously.**

- 36
37 3. Operational Enhancements within the Building Division of the Planning,
38 Zoning, and Building Department.
39 *John S. Page, Director of Planning, Zoning, and Building*

40
41 Planning, Zoning, and Building Director Page announced that Bill
42 Bucklew has been promoted to the position of Town Building Official and
43 that they have had a new opportunity to review operations and identify a
44 number of enhancements to existing services. Director Page and Building
45 Official Bucklew then provided an overview of those operational
46 enhancements.

Discussion ensued regarding the amount of time the Town allows for property owners to build homes, the lack of a requirement that complete plans be submitted before construction is approved, increasing the time to call in and request an inspection from midnight to 7:00 a.m., researching the operations of other municipalities, offering more online services, addressing the adverse effects of dirt that sits on construction sites for extended periods of time, construction noise and diesel truck fumes, code enforcement of construction violations, raising fines, and the amount of right-of-way parking spaces allotted for construction sites that are close together.

Alan Goldboro, 2500 S. Ocean Drive, spoke regarding using certified contractors for inspections rather than Staff, and requiring that an engineering report be submitted prior to construction approval.

Town Manager Elwell clarified that owners are allowed up to three construction right-of-way parking permits, provided a historical perspective on the allowance of these permits and the current issuance policy, and suggested that this matter be referred to ORS for further review.

By consensus of the Town Council, review of the number of right-of-way construction parking permits allowed was referred to the ORS Committee.

4. Appointment of Town Manager Pursuant to Section 4.02(b) of the Town Charter.
Peter B. Elwell, Town Manager

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve the appointment of Town Manager Elwell pursuant to Section 4.01(b) of the Town Charter. On roll call, the motion carried unanimously.

5. Appointment to the Code Enforcement Board.
Kirk W. Blouin, Director of Public Safety

Motion was made by Council Member Diamond, and seconded by Council President Pro Tem Wildrick, to ratify the appointments of Robert G. Donnelly as a regular member to the Code Enforcement Board, and Matthew Natale as an alternate member to the Code Enforcement Board.

The Item below was Pulled from the Consent Agenda:

6. RESOLUTION NO. 198-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of One (1) Parking Enforcement Vehicle in the Amount of \$18,443 from Hub City Ford, as Previously Considered and Approved by

the Town Council During the FY2014 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date.
Kirk Blouin, Director of Public Safety

Discussion ensued regarding the size of the new vehicles, the length of time they are parked when issuing a ticket, having the yellow lights flashing at all times, the reasons why these vehicles were selected, why use of the vehicles is more efficient and safer than walking, staffing changes in the parking control division, and parking ticket revenue.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve Resolution No. 198-2013. On roll call, the motion carried unanimously.

XIII. ORDINANCES

A. First Reading

1. ORDINANCE NO. 21-2013 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 118 Relating to Traffic and Vehicles at Article III, Parking, Stopping and Standing; Section 118-92, Penalty for Violating Parking Regulations Generally; by Amending Paragraph (a), Subparagraph (12) Relating to Parking in Loading Zone; and by Creating a New Subparagraph (22) Establishing a Parking Regulation for Illegal Parking in Residential Loading Zones; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Thomas G. Bradford, Deputy Town Manager

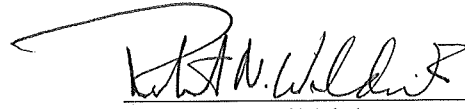
Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve Ordinance No. 21-2012, on first reading. On roll call, the motion carried unanimously.

XIV. ANY OTHER MATTERS – None

1 **XV. ADJOURNMENT**

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3 There being no further business, the December 10, 2013, regular Town Council meeting
4 was adjourned at 11:38 a.m.
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6

7 APPROVED:

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11 _____
12 Robert N. Wildrick
13 Town Council President Pro Tem
14

15 ATTEST:

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19 _____
20 Susan A. Owens, MMC
21 Town Clerk
22

23 1/15/14
24 _____
Date

