



TOWN OF PALM BEACH

Office of the Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 11, 2012

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order at 5:01 p.m. on Tuesday, September 11, 2012, in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. PLEDGE OF ALLEGIANCE

Town Council President Rosow led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

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

IV. PUBLIC HEARING ON PROPOSED MILLAGE RATE, TENTATIVE FY13 BUDGETS AND NON-AD VALOREM ASSESSMENTS

A. Notice of Proposed Property Taxes

B. Proposed Operating Millage

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

Town Manager Elwell provided an overview of the proposed operating millage rate increase. He stated that the major reasons for this increase are as follows:

1. Increased cost of pension benefits, (\$1,035,548) due primarily to the decisions to grandfather pension-eligible employees and to decrease the defined benefit plan contributions for some general employees;
2. Increased health insurance costs (\$280,272);
3. Increase in the transfer to the OPEB trust (\$276,000); and
4. Increased sewage treatment and disposal costs (\$303,634).

1 D. Comments and Questions from Public – None

2
3 E. Discussion and Adoption (with changes, if any) of Proposed Operating Millage
4 Rate for FY13.

- 5
6 1. RESOLUTION NO. 124-2012 A Resolution of the Town Council of the
7 Town of Palm Beach, Palm Beach County, Florida, Adopting the
8 Proposed Millage Rate Necessary to Fund the Tentative General
9 (Operating) Fund Budget for the 2012-2013 Fiscal Year.

10
11 **Motion was made by Council Member Diamond, seconded by Council Member Pucillo, to**
12 **approve Resolution No. 124-2012. On roll call, the motion carried unanimously.**
13

14 F. Non-Ad Valorem Assessments

- 15
16 1. Commercial Solid Waste Fee Assessments
17 [H. Paul Brazil, Director of Public Works]

18
19 Director of Public Works Brazil provided an overview of the Commercial
20 Solid Waste Fee Assessment.

- 21
22 a. RESOLUTION NO. 125-2012 A Resolution of the Town Council of
23 the Town of Palm Beach, Palm Beach County, Florida Relating to
24 the Provision of Commercial Solid Waste Collection Services;
25 Providing Authority and Definitions; Approving the Updated
26 Assessment Rolls; Providing for the Reimposition of the
27 Assessments to Fund the Commercial Solid Waste Collection
28 Services; Providing for Collection of the Assessment Pursuant to the
29 Uniform Assessment Collection Act; Providing for the Effect of this
30 Resolution; Providing Severability and an Effective Date.

31
32 Maura Ziska, on behalf of Thomas Campaniello, owner of 290 S.
33 County Road, asked if there could be any consideration or abatement
34 of this Assessment due to the fact that several of her client's
35 commercial properties in the area are vacant.

36
37 Town Council President Rosow stated that the Town Council could
38 not do anything about her client's Assessments. There are also
39 homes in Town that are vacant; but, they still have to pay this
40 Assessment.

41
42 Town Manager Elwell added that most of the Town's costs are fixed;
43 relatively little is actually related to the actual amount of material
44 removed from the premises. It is more about providing the service,
45 and divvying the costs up among the properties.
46

1 **Motion was made by Council Member Kleid, seconded by Council Member Diamond, to**
2 **approve Resolution No. 125-2012. On roll call, the motion carried unanimously.**
3

- 4 2. Worth Avenue Commercial District Improvement Project
5 [Thomas G. Bradford, Deputy Town Manager]
6

7 Deputy Town Manager Bradford provided an overview of the Worth
8 Avenue Commercial District Improvement Project and Assessment.
9

- 10 a. RESOLUTION NO. 126-2012 A Resolution of the Town Council of
11 the Town of Palm Beach, Palm Beach County, Florida, Relating to
12 the Provision of the Worth Avenue Improvement Project; Providing
13 Authority and Definitions; Approving the Final Assessment Rolls;
14 Providing for the Reimposition of the Assessments to Fund the
15 Worth Avenue Improvement Project and Related Maintenance
16 Services; Providing for Collection of the Assessments Pursuant to
17 the Uniform Assessment Collection Act; Providing for the Effect of
18 this Resolution; Providing Severability and an Effective Date.
19

20 **Motion was made by Council Member Pucillo, seconded by Council Member Diamond, to**
21 **approve Resolution No. 126-2012. On roll call, the motion carried unanimously.**
22

- 23 3. Via Fontana Underground Conversion Project
24 [Thomas G. Bradford, Deputy Town Manager]
25

26 Deputy Town Manager Bradford provided an overview of the Via Fontana
27 Underground Conversion Project and Assessment.
28

29 Joseph Vittoria, representing his wife who is the owner of 1616 S. Ocean
30 Blvd, expressed concern over the amount of his assessment. He stated that
31 he received an initial estimate from a private law firm of \$1,000 per year,
32 per land owner; and, his wife signed the petition for the project based upon
33 that estimate. Their assessment is now about \$5,000 per year. He added
34 that, when FP&L came out to do the work, they severed his electrical wire
35 and he was forced to use his generator for the better part of two days.
36 When they came to fix the wire, they spliced it instead of replacing it.
37

38 Deputy Town Manager Bradford responded that there were some
39 problems encountered during construction that did increase the project
40 cost substantially. The Town has made every effort to minimize the
41 additional costs, including offering 20-year financing. He stated that the
42 Town never represented that the estimate was \$1,000 per year, per land
43 owner. The same assessment methodology used for all undergrounding
44 projects was utilized in this assessment; and, these assessments vary from
45 property to property based upon this assessment methodology. Had the

1 residents chosen a binding cost estimate from FP&L, the estimate may
2 have been more accurate.

3
4 Responding to Council President Rosow, Deputy Town Manager Bradford
5 stated that the original project estimate was \$115,000; but, the actual cost
6 was just under \$230,000. The Town does not get any of that \$230,000; we
7 are just a pass through.
8

9 **Council President Rosow requested that Deputy Town Manager assist Mr. Vittoria in**
10 **dealing with FP&L's splicing of his electrical line.**
11

- 12 a. RESOLUTION NO. 127- 2012 A Resolution of the Town Council of
13 the Town of Palm Beach, Palm Beach County, Florida, Relating to
14 the Provision of the Underground Utility Improvements within the
15 Via Fontana Assessment Area; Providing Authority and Definitions;
16 Amending the Initial Assessment Resolution; Approving the Final
17 Assessment Rolls; Providing for the Imposition of the Assessments
18 to Fund the Underground Utility Improvements Within the Via
19 Fontana Assessment Area; Providing for Collection of the
20 Assessments Pursuant to the Uniform Assessment Collection Act;
21 Providing for the Effect of this Resolution; Providing Severability
22 and an Effective Date.
23

24 **Council Member Pucillo requested that Town Manager Elwell and Deputy Town Manager**
25 **take a look at this issue, and whether the Town wants to be in this business anymore.**
26

27 **Motion was made by Council Member Pucillo, seconded by Council Member Kleid, to**
28 **approve Resolution No. 127-2012. On roll call, the motion carried unanimously.**
29

30 **Council President Rosow requested that the Public Works Committee review this matter at**
31 **a future meeting.**
32

33 **Council Member Pucillo responded that the Committee will take up the issue at**
34 **tomorrow's Public Works Committee meeting.**
35

- 36 b. RESOLUTION NO. 128- 2012 A Resolution of the Town Council of
37 the Town of Palm Beach, Palm Beach County, Florida, Approving a
38 Funding Agreement to Memorialize the Terms and Conditions
39 Associated with an Internal Loan to be Provided to the Benefitting
40 Property Owners within the Via Fontana Underground Utilities
41 Assessment Area.
42

43 Deputy Town Manager Bradford provided an overview of the
44 funding agreement.
45

46 **Motion was made by Council Member Pucillo, seconded by Council Member Kleid, to**

1 approve Resolution No. 128-2012. On roll call, the motion carried unanimously.
2

3 G. Discussion and Adoption (with changes, if any) of a Tentative Operating Budget,
4 Debt Service Budget, and Budgets for Other Funds for FY13.
5

- 6 1. RESOLUTION NO. 129-2012 A Resolution of the Town Council of the
7 Town of Palm Beach, Palm Beach County, Florida, Adopting the
8 Tentative General (Operating) Fund, Debt Service Fund and Budgets for
9 Other Funds for the 2012-2013 Fiscal Year.
10

11 Motion was made by Council Member Kleid, seconded by Council President Pro Tem
12 Wildrick, to approve Resolution No. 129-2012. On roll call, the motion carried
13 unanimously.
14

15 H. Second and Final Public Hearing to Adopt the Final Millage Rate and Budgets
16 will be on Wednesday, September 19, 2012, at 5:01 p.m., in the Town of Palm
17 Beach Council Chambers.
18

19 Council President Rosow announced that the second and final public hearing to
20 adopt the final millage rate and budgets will be on Wednesday, September 19,
21 2012, at 5:01 p.m., in the Town of Palm Beach Council Chambers.
22

23 V. ANY OTHER MATTERS
24

25 VI. ADJOURNMENT
26

27 There being no further business, the September 11, 2012, Special Town Council meeting
28 was adjourned at 5:40 p.m.
29
30

31 APPROVED:
32

33
34 
35
36 David A. Rosow
37 Town Council President
38

39 ATTEST:
40

41 
42 Susan A. Owens, MMC
43 Town Clerk
44

45 10/9/12
46 Date