

**REPORT OF THE GOVERNMENTAL IMPACT REVIEW PANEL MEETING
HELD ON DECEMBER 9, 2005**

I. CALL TO ORDER AND ROLL CALL

The meeting of the Governmental Impact Review Panel was called to order by Chairman Diamond at 9:30 a.m. on Friday, December 9, 2005, in the Town Council Chambers. On roll call, the following appointed members were found to be present:

Chairman William J. Diamond
Panel Member Brian McIver
Panel Member Samuel McLendon

Also present:

Assistant Town Manager Sarah Hannah
Deputy Town Clerk Diane Kassover

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Diamond.

III. APPROVAL OF PANEL REPORT FOR NOVEMBER 17, 2005

The Panel report for the meeting held on November 17, 2005, was approved by a motion of Panel Member Brian McIver, seconded by Panel Member Samuel McLendon. Upon call of the Chair, the motion carried unanimously.

**IV. DISCUSSION AND DIRECTION REGARDING ANALYSIS OF PANEL EVIEW
OF BOARDS AND COMMITTEES**

Mr. McLendon referred to the Governmental Impact Review Panel (GIRP) Priority List for Boards and Committees, which was included in the back-up. He noted that the list contained both the Florida Inlet Navigation District (FIND) and the Port of Palm Beach Board of Commissioners.

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He advised that the Port Authority was the governing board for FIND making them one and the same. He suggested that the Panel, in their discussion of the two organizations, consider them as one.

Town Engineer James Bowser advised that the Florida Inlet Navigation District (FIND) was an independent taxing body that was totally separate from the Port Authority. He explained that each of the thirteen counties along the intra-coastal waterway had a representative on the board of FIND. He noted that Palm Beach County's representative presently was John Booth, Executive Director of the Solid Waste Authority.

Chairman Diamond thanked the Panel members for their hard work and for working closely with Assistant Town Manager Sarah Hannah. He advised that the three Panel members had reviewed a total of 56 boards and committees out of 162. The 56 reviewed were boards and committees the Town did not presently have any representation on. He noted that after concentrating on those 56 boards and committees, ten remained that were rated "very high" or "high" by two or more Panel members.

Chairman Diamond explained that the subject of today's discussion would be how the Panel planned to approach those ten boards and committees.

Assistant Town Manager Sarah Hannah reviewed the ten boards and committees on the Governmental Impact Review Panel (GIRP) Priority List for Boards and Committees.

Chairman Diamond advised that there had been tremendous interest within the Town relative to the City of West Palm Beach's redevelopment plan. He explained that Mayor Frankel had been scheduled to be present on the waterfront project today; but she notified the Town that the City's plans were premature, and it was too early to discuss them with the Town. He informed the Panel that Mayor Frankel agreed to address them at a later date.

Chairman Diamond stated that the Panel looked forward to having some input into this plan before a final decision was made. He added that it was very important to the Town's future, to see how the relationship with the City of West Palm Beach develops, at an operational level, and to see how that would impact the Town.

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Chairman Diamond suggested the Panel send a letter to the ten priority boards and committees advising them of the Panel's intention to monitor their operations or meetings; and to request that they appear before the Panel. He stated that the draft letter that had been prepared and discussed at the previous GIRP last meeting would be used.

Mr. McLendon suggested that the Panel follow- up, in writing, with Mayor Frankel to thank her for West Palm Beach's consideration, to date.

Mr. McIver stated that he did not believe there was a need for the ten priority boards and committees to come before the Panel. He noted that it should be on a select basis from which ones the Panel required more information.

Chairman Diamond stated that the draft letter would explain to those boards and committees that the Panel had identified their organization as being of particular interest to GIRP; and the Panel would like a representative from their organization to provide additional information or to speak at one of the Panel meetings. The Panel would, in turn, provide them information and agree to appear before their organization.

Discussion ensued regarding the draft letter, Chairman Diamond advised that only if it affected the Town of Palm Beach would the Panel expect the organization to come forward or, at the least, the organization should inform the Town what their agenda consisted of.

Assistant Town Manager Hannah stated that the letter left open the option to have the organization appear before the Panel.

In response to Chairman Diamond, Town Engineer James Bowser stated that when he had an interest in a committee, he had his name added to the organization's mailing list in order to receive an agenda. He explained that if there was an item on the agenda that he believed was pertinent to the Town, he would then be able to attend the meeting. He suggested that the Town could request an agenda from the various boards and committees. Staff could then review the agenda to determine if it was appropriate for a Town representative to attend that meeting. He stated that often the issues did not impact the Town, but the Town would be able to monitor many organizations.

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Chairman Diamond advised that as an important function of the Panel, they could act as a resource in interacting with the various entities that staff deals with, as well as assisting in solving problems that staff could not resolve.

In response to Mr. McIver, who asked if there were any boards or committees of the ten, which staff believed the Panel required more information on, before sending the letter out, Ms. Hannah stated that would be a subject the Panel needed to discuss. The Panel needed to determine what type of interaction they wanted to have with the top ten committees. She advised that the preliminary letter could be sent out, which basically stated who the panel was; and the possibility that the panel may contact the organization, in the future, for more information. She added that beyond that, the Panel needed to further determine whether they just wanted to request an agenda, or monitor the organization using that method; or if the Panel wanted to attend meetings, or if the Town, could actually serve on that board or committee.

Ms. Hannah advised that the West Palm Beach committees that Mr. McIver mentioned appeared to be a priority in her opinion because of all the development going on in downtown West Palm Beach. She noted that staff does receive the West Palm Beach agenda, which eventually contains the actions from all organizations that go before the commission.

In response to Mr. McIver, Ms. Hannah advised that she believed the descriptions in the worksheets were sufficient, and the Panel could now focus on what the issues were.

Mr. McIver advised that he had been made aware of a Comprehensive Plan for West Palm Beach, through the news media, and wondered if that plan was currently active, and relevant? He noted that if it was active, then it was guiding the development of West Palm Beach. He asked if the Town was aware of that plan and if they had access to it?

Ms. Hannah advised that the Comprehensive Plan was a dynamic plan that was very valid. She noted that West Palm Beach was in the midst of revising the plan.

Mr. McIver suggested that the Panel review the Comprehensive Plan.

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In response to Chairman Diamond, Zoning Administrator Paul Castro advised that the Comprehensive Plan was typically overseen by staff, which ensured that when there was a development application, it was consistent with the comprehensive plan; and it met traffic concurrency regulations, which would be part of the comprehensive planning process. He explained that planning and zoning boards for West Palm Beach and Lake Worth recommend bodies to the Town Council for site specific development applications as well as code amendments. They typically review the applications to ensure that not only were they consistent with the comprehensive plan, but not negatively impacting surrounding areas.

Discussion ensued regarding the Comprehensive Plan and its impact on the Town of Palm Beach. Chairman Diamond suggested that the Panel write a letter to the Mayor of West Palm Beach thanking her for being available, in the future, to discuss their redevelopment plan, but to also ask her for a briefing on the City of West Palm Beach's Comprehensive Plan. He advised that, in the future, the Panel could contact Lake Worth.

In response to Ms. Hannah, Chairman Diamond suggested trying to get a representative at the next meeting for at least the Comprehensive Plan. He stated that the Panel could ask for staff support in attending that meeting, because he believed it would educate everyone.

Chairman Diamond made a motion to request Mayor Frankel of the City of West Palm Beach to brief the Governmental Impact Review Panel, at its next meeting, on the West Palm Beach Comprehensive Plan. The motion was seconded by Mr. McLendon. Upon call of the Chair, the motion carried unanimously.

V. PUBLIC COMMENT

Mayor McDonald discussed the Metropolitan Planning Organization (MPO), which presently was not included in the Panel's top ten list. He advised that the MPO has the responsibility for the bridges and that there were plans to replace the north bridge within the next five years, and the Southern Boulevard Bridge within ten years. He advised that the MPO was in the position of implementing huge projects that could impact the Town, and suggested the Panel request the MPO come before them to speak about issues that they see affecting the Town, such as the bridges and the I-95 interconnect exchange.

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Mayor McDonald explained that the Comprehensive Plan, as a requirement of the State, was updated annually. He added that it was a good idea for the Panel to review the Comprehensive Plan in order to see what impacts it might have on the Town.

Chairman Diamond suggested adding the Metropolitan Planning Organization to their list making it a top eleven priority list.

Town Engineer Bowser stated that he used to sit on the Technical Advisory Committee of the Metropolitan Planning Organization (MPO) when he had more time available to him. He noted that he found it interesting to be able to comment on other projects throughout the County, but there were very few projects that occurred within the Town of Palm Beach.

Mr. Bowser explained that the MPO was a group of elected officials, and he did not know if a Town elected official could be a member of the MPO Board. He stated that the entire County Commission and the entire City Commission as well as a number of other elected officials throughout the County sat on the board. He noted that the Town could return to the Board of the Technical Advisory Committee, which was the group that makes recommendations to the MPO Board.

Assistant Town Manager Sarah Hannah advised that there were thirteen elected municipal officials that served on the MPO.

Mayor McDonald advised that the Town could serve on that board. He explained that either the Town had never asked to serve, or the MPO had never elected to have the Town serve. He stated that would be an issue for the Panel to address.

Mayor McDonald suggested inviting the Airport Advisory Committee to a Governmental Impact Review Panel meeting. He noted that when the airport previously appeared before the Town Council, the discussion pertained mainly to noise issues. The Panel may be interested in their plans for the next five to ten years.

Mr. McIver suggested asking the MPO what projects were planned for the next one to two years; and if there were issues that were relevant to the Town, they could then be requested to

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attend a GIRP meeting.

Mayor McDonald stated that the bridge issues were relevant to the Town reiterating that there were plans to replace the north bridge. He added that when the Southern Boulevard Bridge was to be replaced, the traffic circle, which has been a topic of discussion at Town Council Meetings, could be incorporated into the bridge replacement and paid for by the State.

Chairman Diamond suggested that the Panel write a letter to the Metropolitan Planning Organization requesting either the Panel appear before them or they appear before the Panel to re-establish the relationship between them and the Town. He believed it was very important to be part of that organization, and it would be a great opportunity for the Town to have the ability to discuss important issues.

Discussion ensued as to how to re-establish a relationship with the Technical Advisory Commission, and Mr. Bowser suggested that any involvement the Panel requested of staff to undertake, should be presented to the Town Manager, which then could direct staff.

Chairman Diamond made a motion to request that staff, at the direction of the Town Manager, re-establish a relationship with the Technical Advisory Committee, which makes recommendations to the Metropolitan Planning Organization, at the discretion of the Town Manager. The motion was seconded by Mr. McIver. Upon call of the Chair, the motion carried unanimously.

Mr. Royall Victor, III, 208 Via Tortuga, stated he was pleased with the creation of the Governmental Impact Review Panel by Mayor McDonald. He noted that the Town now had its own early warning system.

Mr. Victor stated that West Palm Beach and the Town were very different and suggested that the dialogue between the Town and West Palm Beach be continued, as well as, expanded. He advised that, at the same time, the Town should examine any remedies that might be available to them, in the event there were different fundamental points of view to the Town's objectives. He suggested that the Town find out and understand what current rules and regulations - federal, state and county - could be pursued to protect the Town.

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Mr. David Barton, 216 Jamaica Lane, echoed Mr. Victor's comments on the Mayor's initiative. He advised that an issue needing to be addressed immediately was that the Town had one commissary, Publix, which was sub-sized at 30,000 square feet. A super-sized Publix would be about 50,000 square feet. He stated that West Palm Beach residents did not have a place to buy groceries other than the City Place Publix, which has been described, by the manager of the Palm Beach Publix, as a convenience store. He advised that space in Town was disappearing, and if it was decided to enlarge Publix, the options available would be limited. He stated that he has brought this subject up for at least the past five years.

Mr. Barton suggested including, in the Panel's consideration, public/private partnerships to deal with matters of this nature. He stated that the Town had never entered into such a partnership, but it has been done in other cities. He noted that this was an issue that could be embraced by the Panel.

In response to Chairman Diamond, Mr. Barton stated that the manager of the Palm Beach Publix expressed dissatisfaction, because he was limited in the number of products the store could carry. He advised that there had not been any dialogue between the Town and Publix. The Planning and Zoning Commission has never placed this issue on their agenda.

In response to Chairman Diamond, Mr. Barton stated that the Town needs a larger store, and there were a number of formats to achieve this. He noted co-op stores have been successful in other areas.

Chairman Diamond stated he had two thoughts on this issue: the initiative should be with the entity itself; and it was an issue for the Town Council.

Mr. Barton disagreed with Chairman Diamond, stating that he believed that it should be initiated by the Town, because the residents were impacted by traffic and bad service.

Mr. Goldblum discussed an issue that had been before the Town Council several months ago relative to placing the original Orthodox Synagogue on a Town owned lot in West Palm Beach. He suggested placing the building in Currie Park, but the City of West Palm Beach was opposed to that, because it would interfere with condos that were to be built on Flagler. He explained that

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he received a call yesterday requesting the placement of the synagogue on the lots east of Publix, and noted that he made some suggestions to locate it elsewhere. He stated that he did not know if it was in the Panel's purview or not, but it does get to the heart of redevelopment, and how things happen, and why they happen.

Mr. Goldblum stated that he did agree that the Publix was too small, with too little parking. He mentioned two parking lots west of Publix, which were privately owned, and suggested that the Town might consider buying them to make into public parking lots. He noted that he did not know if that was under the jurisdiction of this Panel or not to consider it.

Chairman Diamond did not believe it was an issue for the Panel, but requested input from Mayor McDonald.

Mayor McDonald addressed the traffic concurrency standards for West Palm Beach, as discussed by Zoning Administrator Paul Castro. He noted that it was the Panel who should decide whether they could impact or influence concurrency standards, and if they should even try.

Mayor McDonald stated that because there was no large Publix in West Palm Beach, many people from outside of Town used the Town's Publix, which created congestion, parking, and traffic problems. He explained that a solution to the problem would be the building of a large Publix in West Palm Beach. The Palm Beach Publix would then be sufficient, stocking it with merchandise for Town residents and not the entire tri-city area.

Mayor McDonald advised the Panel that, in terms of their authority, they should entertain the discussion of everything.

Chairman Diamond stated that the City of West Palm Beach may not be aware of the need for a large grocery store, and that the construction of condominiums, without adding the ancillary services, could not continue. He suggested asking the City of West Palm Beach what they were planning to do in regard to ancillary services.

Chairman Diamond discussed how the expansion impacted traffic, and suggested the Town request the enforcement of the rules on transportation development in West Palm Beach.

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Chairman Diamond suggested that a partnership between Publix and the Town could be considered relative to the issue of the expansion of Publix.

Mr. McIver stated that he did not believe the Town should become the grocery center for the residents of West Palm Beach. He noted that the parking problems serve as a practical limitation on the role of the store. Publix, as a public company, and as a growth oriented company, should be tracking the location of their consumers, noting where they were being under-served. He explained that Publix should be aware of that, and that there was an opportunity in West Palm Beach to offer a wide range of services as opposed to using the Town of Palm Beach as a satellite system.

Mr. McLendon agreed that there was a big problem. He noted that the only other Publix was the small one in City Place and the new Winn Dixie at the north end, in Riviera Beach, with accessibility problems.

Chairman Diamond suggested Mr. Barton contact the manager to inform him that he believed the Town would entertain any plans they might have to expand. He added that he did not believe the Town could restrict use of the Palm Beach Publix to Town residents only.

Mr. McIver pointed out that it would be problematic, to the infrastructure of the Town, to have to serve the residents of the 10,000 to 15,000 new apartment units that were going up in West Palm Beach.

Chairman Diamond stated that would be where the City of West Palm Beach's Comprehensive Plan would enter into the picture; and if they did not take that issue into consideration, the Panel would then ask them how they planned to service all the people being brought into the city. He added that was a point the Panel needed to highlight.

Mr. Barton stated that he was suggesting a cooperative, which charges a premium for off Island people that would use it.

Mr. Barton stated that the manager had told him, he wanted to open a large 50,000 square foot Publix on the other side of the bridge. He suggested that the Town needs to take the initiative, and should view this as a high priority.

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Mr. McIver suggested that a letter should be sent to Publix explaining the Panel's role, and expressing the Panel's concerns about the development of grocery services needed to meet the emerging needs in the Palm Beach area. He added that the Town could request Publix to either respond through a letter or in person to the Town. Publix was a private enterprise and the Panel should be made aware of what they were doing and then see what issues that might present.

Mr. McLendon stated that he believed it would be difficult to convince Publix to do anything over in West Palm Beach, because it would conflict with the City Place Publix.

Chairman Diamond stated that Mr. McIver's suggestion of sending a letter to Publix would open up dialogue, and the Panel could request Publix to look at both the Town and the City of West Palm Beach.

In response to Mr. McLendon, Mr. Bowser discussed the property owned by the Town in West Palm Beach. He stated that he did not like to liquidate property belonging to the Town for private enterprise. He advised that having Town owned property close by was critical for the function of the Public Works Department. He noted that selling the property would be a Town Council issue.

Assistant Town Manager Hannah advised that the letter would be sent to an officer of Publix requesting information on what they have done or considered doing to address the increasing demand for grocery services in downtown West Palm Beach. She mentioned that Publix was not the only grocery in the area.

Ms. Rebecca Williams, 232 Seabreeze Avenue, thanked the Mayor for forming the Panel because it was so vital to the community. She commented that she believed the Town should be able to anticipate the plans of the City of West Palm Beach, how those plans would impact the Town, and what options the Town would have for dealing with them.

Ms. Williams stated that relative to the discussion on Publix, she had concerns regarding the impact West Palm Beach would have on the Town.

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Ms. Williams requested that the Panel consider forming subcommittees to address certain issues of vital important to the Town because they had so many issues to consider.

Chairman Diamond advised Ms. Williams that her suggestion for subcommittees was an excellent one. He stated that he met with Mayor Frankel yesterday and requested that she appear before the Panel when the City of West Palm Beach was further along with their plans to develop the waterfront area. He told her that the Panel wanted the opportunity to be heard before the plans were finalized, which the Mayor agreed to do. He noted that now that they were requesting a review of the City of West Palm Beach's Comprehensive Plan, the Mayor would see that the Town was serious. He advised that they were not just neighbors, but there was also a financial relationship between the two political entities.

Ms. Williams stated that the weight of progress was in the pocket of West Palm Beach and that she believed that the Town stood to lose, because there were many issues at stake. She mentioned several issues that impact the Town, but noted that noise was a serious issue. She believed that, in order to address these issues, there needed to be dialogue. The Town needed to be aware of the City of West Palm Beach's plans.

Mr. Goldblum questioned whether the development along Flagler Drive was in the City of West Palm Beach's Comprehensive Plan. He noted that whether it was in their Comprehensive Plan or not, the progress was there.

Chairman Diamond stated that the development was happening piecemeal, and the Town needed the overall view to understand what they were doing. He advised that he did not know whether the Town could prevent development, but they could have input. He explained that, without knowledge, the Town would not be able to do anything.

Assistant Town Manager Hannah stated that one of the only legitimate ways of controlling anything that happens in the City of West Palm Beach, was to address the Comprehensive Plan. She explained that if something does occur that was not in their plan, the Town could then speak out against it.

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Assistant Town Manager Hannah clarified the agenda for the next Governmental Impact Review Meeting as follows:

- ▶ Request a representative from the City of West Palm Beach address the Panel to discuss the Comprehensive Plan;
- ▶ Review responses received from letters sent to the top eleven organizations.

Ms. Hannah reiterated that she would be sending a letter to Publix with Chairman Diamond's signature. The letter would be copied to the Panel, Mayor, Town Council, and Town staff, as directed by Chairman Diamond.

V. SET NEXT MEETING DATE

Discussion of the City of West Palm Beach Comprehensive Plan and the expansion of the airport resulted in a consensus that the Town and the Panel would meet with the City of West Palm Beach and with a representative from the Airport Advisory Board, at the next meeting on Thursday, January 12, 2006, at 2 p.m.

There being no further business, the Governmental Impact Review meeting of December 9, 2005, was adjourned at 10:40 a.m.

William J. Diamond
Chairman