TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON TUESDAY, NOVEMBER 10, 2009

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council Meeting was called to order on Tuesday, November 10, 2009, at 9:30 a.m., in the Emergency Operations Center, 355 South County Road, Palm Beach. 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

A. Recognition of Town Employee of the Year and of Palm Beach Civic Association and Citizens' Association of Palm Beach for Their Sponsorship of This Award.

Mayor McDonald invited Spencer Wilson, employee of the year, Mr. Ned Barnes and Mr. Lee Goldstein, from the Civic Association and Citizens Association to come forward and be recognized. The Mayor thanked the Civic Association and Citizens Association for their generous donation this year.

IV. COMMENTS OF MAYOR JACK McDONALD

Mayor McDonald congratulated Finance Director Jane Struder and the department for being recognized for the twenty-first year by receiving a Certificate of Achievement for Excellence in Financial Reporting for 2008, along with another distinguished budget presentation, which was awarded seventeen out of the last eighteen years. Both of the awards reflect the outstanding finance team and their success in keeping the residents informed on budgetary matters. He thanked her and the Finance Department and wished them the best and continued success.

This council and specifically Councilman Diamond have made a strong and consistent effort this year of advancing ethics issues and discussion. So I am dismayed that no comment was made regarding Charles Robert's motion and strong advocacy at last month's landmarks meeting to approve an application for an applicant that he had recently sold his property to. My comments

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are not directed at the merits of the application, or if Mr. Roberts had a financial interest. But when it comes to avoiding the appearance of impropriety and showing concern about public perception, his action does not meet a high standard. Perhaps his never serving as an alternate member left him unprepared to serve as a regular member. Nor in his opinion does soliciting contributions to the Town from people who have recently received favorable treatment from the Council, or will be soon seeking favorable treatment from the Council, meet the ethical perception standard.

Recently, Councilman Wildrick made some public remarks suggesting a Mayor's Coalition to help reign in County spending. The Mayor noted he had received several comments about his recommendation which on the face of it has a great deal of merit. He wanted to make a public response to that, to avoid having to continue to answer everyone individually. But Mr. Wildrick also madė this recommendation at a Town Council meeting prior to the County's public hearings on the budget. The Mayor immediately pursued it and subsequently reported the results to the Council. Mayors of the larger cities had no interest in pursuing a coalition. He provided a copy of Mayor Lois Frankel's response to the Council indicating she had no interest in the idea. Many municipalities in the County receive benefits from the County budget and in many instances utilize County services such as Police and Fire, and have a strong interest in maintaining those services. The most commonly expressed opinion was "how can I ask the County to reduce their taxes while I am increasing mine?" Although the Mayor thought the idea has merit, he did not feel it was the best direction to go and probably a Town Committee that would actually try to become involved in the budgetary process in the County would probably be the best step that they could take at this time. The Mayor thanked Council Member Wildrick for his comments.

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Kleid commended the Fire Rescue Department for their actions in administering the swine flu vaccinations. They will be given four times around town and the first was at the South Fire Station the previous day. He noted that he felt it was like a neighborhood, residents were communicating with each other and came from all parts of Town. He noted it was a wonderful, small-town feeling. The Fire Rescue staff ran the operation professionally, keeping orderly lines, and moved people through the process quickly. He contrasted that with what he reads in the local voices to the editor, and in the stream of emails that he receives, where the commentary was divisive. That type of conversation is attempting to pit neighbor against neighbor. He felt good when he noticed the people on the line, the small-town atmosphere, and that he Fire Rescue staff was cognizant that these were Town people and handled them with preferred services.

Council Member Wildrick stated that he was very appreciative of the Mayor's comments and did not disagree. His objective, in these times, was to try to do something to stem the rising County and School Board Taxes, which is devastating to many residents in Palm Beach. He very much appreciated the fact that the Mayor came up with a better idea than getting a Coalition of Mayors together, and getting a Committee of Citizens together because under the Mayor' s leadership something could be done, or at least get the voices heard. He was glad to see the mayor take the ball on that and his whole objective was not to have the best idea, it was just to get the ball moving forward and to help protect our taxpayers.

Council Member Diamond addressed the Mayor's comments and the two issues that affected him. The first was the problem of Mr. Roberts, and that could be handled by the Ethics Committee, of which he was the Chairman. He would be happy to schedule a meeting at the Mayor's convenience so that the matter could be heard publicly by both sides. The second item was regarding the donations for holiday decorations. Council Member Diamond congratulated Council President Rosow for inspiring and starting the entire effort. He even made a minor contribution, which was very unusual since he was known as "Dollar Bill" for years. He did not think that because a person, even if he/she is a developer, wants to make a voluntary contribution, without any strings attached, publicly, to the Town, they should not be censured. The last thing Council Member Diamond commented on was that there was $150 million dollars worth of proposals on the agenda today if you included both the beaches and the capital improvement program. As a general principal that would guide him: everybody shares in the pain. That means the government, the people and all of us that have anything to do with this Town. If you want to spend the money, we are all going to have to share in the pain. For those that benefit, everyone must participate.

Town Attorney Randolph clarified that Mr. Charles Roberts had sought legal advice from him prior to the vote and since he no longer owned the property, he had no financial gain and was advised there would not be a conflict of interest in violation of State Statute. He advised him that he would have no personal private gain.

Council President Rosow announced that last week he met with County Administrator Robert Weisman along with Mr. Ned Barnes of the Civic Association and Pat Cooke to talk about what is occurring with the County and their taxes. He announced it was very disturbing. When you cut through all of the nonsense, and the way that the County does their books, they have about a billion dollar budget. Of those billion dollars, $418 million dollars goes to the Sheriff's Department. The Sheriff is a constitutional officer, and is not required to report how they spend their money, he just asks for a lump sum, he receives it, and how he uses it is his business. That is said not to demean the Sheriff, but that is a fact. In addition, the County turned over their pension plans to the State. As a result, they get a bill. They are told how much they have to pay and they cannot change it. It is an irrevocable decision, so the County is looking at another 15% increase in taxes next year. When you talk with their budget staff and Administrator Weisman, there is no hope that the budget is going to be reduced in the sessions being held by the County Commissioners, unless they take some draconian steps. There is no political will in the County to do that. The bottom line is that the Town has very little influence over the County. The town is divided into two County jurisdictions so there are approximately 4,000 votes for each County Commissioner. Llwyd Ecclestone recommended to him the other day, that the Town supports those County Commissioners who could support the Town.

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

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

Council President Rosow announced that if citizens were there to speak on the stag horn coral issue, to please wait until that item was discussed. That would be a Time Certain at 10:00 a.m.

Mr. Patrick Flynn, Palm Beach Theater Guild, urged the preservation of the "Venetian Carnival" mural discovered last week in the celebrity room at the Royal Poinciana Playhouse. He wanted this placed on the ballot to preserve the public art.

Dr. Stan Lilja, spoke regarding the Erosion Control District and was opposed to it. He reminded the Town Council that many of the residents have had their properties assessed and have paid for seawalls and shore improvements. It did not seem equitable to now have to pay a second time for somebody else's beach improvements. He suggested looking at the precedent that was created by the prior Town Ordinances No. 6-60, and No. 2-67. The Special Assessments were based on linear feet of shore land and not based on the property value of the owners inland.

Richard Raffo, 173 E. Inlet Drive, requested the Town Council ban all real estate signs from the Island as a moratorium for 5-6 months. He felt that the present signs devalue the Town and make the Town look terrible.

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After the lunch recess, Richard Raffo spoke again regarding his request for a moratorium on real estate signs. He noted that the Realtors in Palm Beach all know what is for sale. The Town Council directed him to discuss having the Realtor's Association of Palm Beach make the request if they did not want signs.

Bobbie Lindsay-Buck, Shore Protection Board Member, wanted clarification of the Erosion Control District Ordinance that was voted on prior to the lunch recess and was concerned about that. She suggested a flat tax and did not want to cause disparity in Town. Additionally, she thanked town staff for providing swine flu vaccinations but asked about having later hours for those who work and to accommodate children that are in school. Town Manager Elwell indicated he would look into having later hours. (*Hours were later extended until 6:00 p.m.*)

Council President Pro Tem Coniglio thanked all veterans for their service in honor of Veteran's Day.

VII. APPROVAL OF AGENDA

Item VIII.E.1 Approval of Florida Public Utilities Request to Use Bradley Park for a Construction Staging Area. [H. Paul Brazil, Director of Public Works] was pulled from the Consent Agenda and **MOVED** to Item XI. B.6.

Item XI.B.7 was **ADDED** regarding Waiver of Work Hours for work relating to the Holiday Decorations on Veteran's Day.

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

VIII. CONSENT AGENDA

A. MINUTES: OCTOBER 13, 2009
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

B. MINUTES: OCTOBER 14, 2009
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

C. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING ON OCTOBER 28, 2009.

D. RESOLUTIONS

1. RESOLUTION NO. 116-09 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Renewal of the Contract Between the Town of Palm Beach and Research Atlantica, Inc., as Historic Landmarks Preservation Consultant 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. 118-09 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing to Award a Contract for Purchase of 2.5 Ton Utility Truck, Combination Backhoe, and 3/4 Ton Cargo Van. [H. Paul Brazil, Director of Public Works]

E. Other

1. Approval of Florida Public Utilities Request to Use Bradley Park for a Construction Staging Area. [H. Paul Brazil, Director of Public Works]

This item was pulled from the consent Agenda and heard as Item XI.B.6.

2. Authorization of Change Order to Expand Scope of Services for the Professional Design Consultant Agreement with Bridges, Marsh, and Associates for Additional Engineering Services from Kimley-Horn and Associates to Provide for Underground Utilities Within the Worth Avenue Improvement Project Area. [Thomas G. Bradford, Deputy Town Manager]

3. Approval to Complete Southern Boulevard Traffic Circle Landscape Improvements During the Winter Season. [H. Paul Brazil, Director of Public Works]

4. Approval of Report of the Public Works Committee Meeting of October 5, 2009. [Gail Coniglio, Town Council President Pro Tem]

5. Approval of Certificate of Correction of Non-Ad Valorem Assessment Roll for the Everglades Club Property for the Worth Avenue Commercial District Assessment. [Thomas G. Bradford, Deputy Town Manager]

6. Appropriation of Funding to Participate in a Cooperative Local Government Effort to Resist Changes to FCC Telecommunications Policy Potentially Harmful to the Interests of the Town. [Thomas G. Bradford, Deputy Town Manager]

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

IX. BOARD/COMMISSION ANNUAL REPORT

A. Planning and Zoning Commission. [Alan Golboro, Chair and John S. Page, Director of Planning, Zoning, and Building]

Mr. Alan Golboro, Chairman of the Planning and Zoning Commission, presented the annual report to the Town Council. He announced that the Planning and Zoning Commission will be changing their meeting dates to the third Tuesday of the month to coincide better with Town Council meetings. He also provided a quick summary on the Royal Poinciana Way Overlay project.

Council Member Wildrick stated that he considered Mr. Golboro one of the best leaders in the Town. He did a magnificent job of bringing all of the people together. He listened to the citizens and came up with a compromise.

Mayor McDonald agreed with Council Member Wildrick comments but said Mr. Golboro waffled on the density issue, and had he known that Mr. Golboro would have changed his position, he never would have approved the consulting contract with Camblor. The Mayor felt the staff would have been able to review the changes except for the density component. It was a waste of money. Mr. Golboro responded and disagreed with the Mayor. He stated that he had studied all of the reports within the past the thirty days and based on that, he did change his opinion.

Council Member Diamond asked Mr. Golboro if he thought staff time was money. He responded "no". Council Member Diamond noted that over four hundred staff hours and over $175,000 in outlay is money to him. He commended Mr. Golboro for a great job under difficult circumstances but enough is enough. The project has been an essential waste of time and money. The Commission has struggled with the results. The rest of the project can be dealt with by individual exceptions and variances that could be brought before the Town Council. He did not want the project to go forward any further.

Council Member Wildrick stated that the Planning Zoning & Building Department was charged with the project and did what they were directed to do. The process is working and was a collaborative effort. Council Member Wildrick said the Mayor stated in a previous meeting that the Town Council was dysfunctional and he thought one of the reasons sometimes that it is, is because they are not collaborative. The Council members come with individual objectives and they do not respect the other person's point of view. He lauded Mr. Golboro for being the man that he is for making the process work.

Council Member Kleid stated that he took umbrage at the comments. There is a process. There was input from the Town Council. The Council agreed on a particular process and how that evolves was unknown. That was the whole point of the process. The process was to get people to discuss it and to see what they wanted to do or not do. The fact was that there was a divided vote and that is what democracy was all about. He applauded the Commission and Mr. Golboro for heading it.

Council President Rosow echoed Council Member Kleid's and Wildrick's comments. The process was painful at times, but that is the way to get results that are responsive to what the residents want. He disagreed with Council Member Diamond that the process was a waste of money.

X. COMMITTEE REPORTS

A. Ordinances, Rules, and Standards Committee Meeting of October 29, 2009. [William J. Diamond, Town Council Member]

Council Member Diamond provided an overview of the Ordinances, Rules, and Standards Committee Meeting.

Motion made by President Pro Tem Coniglio, seconded by Council Member Kleid, to accept the Ordinances, Rules, and Standards Committee Meeting Report of October 29, 2009. On roll call, the motion carried unanimously.

B. Finance and Taxation Committee Meeting of November 5, 2009. [Robert N. Wildrick, Town Council Member]

Council Member Wildrick provided an overview of the Finance and Taxation Committee Meeting.

Motion made by President Pro Tem Coniglio, seconded by Council Member Kleid, to accept the Finance and Taxation Committee Meeting Report of November 5, 2009. On roll call, the motion carried unanimously.

XI. REGULAR AGENDA

A. Old Business

1. Capital Improvement Program (CIP)

a. Accelerated CIP with Sanitary Sewer Force Main Upgrades. [H. Paul Brazil, Director of Public Works]

Public Works Director Brazil provided an overview of the accelerated Capital Improvement Program (CIP) with the Sanitary Sewer Upgrades.

Responding to President Rosow, Mr. Brazil provided a summary of the 20-Year Capital Improvement Program, which was taken from the Five-Year and Twenty-Year Capital Improvement Programs.

The Town Council Members and Town Manager Elwell discussed several funding alternatives; discussion then proceeded to the following item b.

b. Revenue Bond Analysis. [Jane Struder, Director of Finance]

Michael Hole, of Citigroup and financial advisor for the Town, provided an overview regarding a schedule with 20 and 30 year financing options with series bonds for $117 million. He responded to questions and comments by the Council.

Discussion occurred among the Council regarding the following methods for the CIP that would be the most economical for the Town:

- PAYGO - $6 million per year;
- Commit to one bonding of $40 million; or
- Commit to $40 million bonding with the understanding to go forward in subsequent years with bonding the other $77 million.

Town Manager Elwell noted that the $40 million was required to be spent within the next three years, and the Town could either stay with PAYGO or have a tentative commitment to pay in a series of bonds.

Discussion continued regarding funding, as to how the Town would pay for CIP, such as an assessment methodology and an ad valorem tax.

Motion made by Council Member Diamond to approve $40 million bond issue for 30 years.

President Rosow passed the gavel to President Pro Tem Coniglio.

President Rosow seconded the motion.

Responding to President Pro Tem Coniglio, Mr. Hole related that it would take 90 days to prepare the steps necessary for the bond issue.

Public Works Director Brazil indicated that Town Engineer Bowser, along with Kimley-Horn Associates, Inc., had already prepared project engineer estimates.

Bill Cooley, 8 Windsor Court, asked about the interest differential between the revenue bond and the GO bond.

Mr. Hole responded that the estimated difference was 1/10 of 1% or 10 basis points.

Al Flamm, Palm Beach resident, commented that if the Town could get 4 ½% paper for 30 years, it would be the way to fund this project, which was in support of the motion.

Upon roll call, the motion carried unanimously.

Responding to Council Member Kleid, President Rosow indicated that when the assessment methodology was completed, it could be expanded beyond the coastal projects to determine whether or not it made sense somewhere else. After President Rosow asked the Council Members, there were no objections to it.

2. Noise Issues

a. Review of Code Violations with Focus on Noise Complaints at All Restaurants and Clubs in Town Since the Opening of Club 251 on March 17, 2009. [Kirk W. Blouin, Police Chief]

President Pro Tem Coniglio recused herself since she owned one of the restaurants in the area, and provided Form 8b to Town Clerk Cunningham.

Police Chief Blouin supplied the requested statistics of noise violations at Club 251 and other bars and restaurants in Palm Beach to the Town Council.

Police Chief Blouin responded to questions and comments by the Council.

Responding to Council Member Diamond, Dick Spielberg, president of the Palm Beach Hotel Condominium Association, stated that they had filed a civil suit against Club 251 and were waiting for a date to be set to go before the judge.

Discussion proceeded to the following item b.

b. Review of Town Ordinances Related to Noise at Restaurants and Nightclubs. [John C. Randolph, Town Attorney]

Town Attorney Randolph referred to his memorandum on pages 157 thru 160 of the backup material, and provided an update of the noise ordinance and the options for the Town to pursue in order to handle the situation. A minimal action would be to change the word *building* to *premises* in order to have a provision in the code which would indicate that in the event an establishment played loud music which could be heard outside the premises, it could require a restaurant to close at 12:00 a.m. He cautioned against revoking a business tax receipt without direction from the court.

Council Member Wildrick recused himself, as he had a business relationship with a restaurant owner in the area, and provided Form 8b to Town Clerk Cunningham.

Marion Gorelick, 173 Main Street, located 500 feet from Nick and Johnnie's Restaurant, commented that the weekend noise from 12:00 a.m. to 3:00 a.m., was affecting her quality of life.

Jere Zenko, 232 Tangier Avenue, commented regarding the noise at Club 251 and all the restaurants on the island, which was making the residents unhappy.

Scott Wortman, Wellington, FL, who was one of the partners at Club 251, commented regarding several false comments that were made against the Club.

Zoning Administrator Castro provided information regarding Town Serving documentation.

Responding to President Rosow, Mr. Castro agreed to provide a list of the restaurants that were required to produce Town Serving affidavits at the next Town Council Meeting.

Susan Markin, 1450 N. Lake Way, commented regarding the Ordinance pertaining to the 3:00 a.m. closing of the restaurants, and the comparison of other municipalities' ordinances to the Town's. She complimented the Police Chief and Fire-Rescue Chief for working cooperatively to move the responsibility of the Life Guards to the Fire-Rescue Department thus providing a great career path for them.

Bill Cooley, 8 Windsor Court, commented on the restaurants closing time of 3:00 a.m., and suggested changing the hours back to 1:00 a.m., as it had been previously.

Cynthia Simonson, recent owner of the space above Club 251, commented regarding the non-compliance of the noise code, and that it was impossible to sleep in that space when the Club was open.

Gus Renney, a partner of Club 251, commented that they were doing all that was possible to mitigate the noise level.

It was the consensus of the Town Council to change the language in the Ordinance from building to premises, and wait for Town Attorney Randolph to bring it forward.

3. Discussion Regarding Potential Appointment of a Charter Review Commission. [Mayor and Town Council]

Town Manager Elwell asked how the Town Council would like to proceed. The Strategic Plan indicated that the Town Council must appoint a Charter Review Commission by the end of 2010. He asked the Council if they wanted applications similar to the Boards and Commissions process. After discussion, it was decided that each Town Council member would be permitted to appoint one resident and the Mayor would be permitted to appoint two residents.

Council Member Wildrick indicated that there was no rush, and the Town was facing many important issues in the next few months and hoped it could be delayed. Council Member Diamond added that they should wait until after the elections, since there would be a new Town Council.

Former Mayor Marix, 1570 N. Ocean Blvd., spoke about being on the last charter commission and how the members were selected.

Stuart Shulman, 2280 S. Ocean Blvd, said he reviewed over 600 pages of documents from the last Charter Commission and that the process is going to take a long time. The Town Council should not be involved. He felt that the sooner the process was started, the better off the Town would be.

Mayor McDonald stated that he agreed with Council Member Wildrick that there were too many issues going on at the present time.

Anita Seltzer, 44 Cocoanut Row, stated that there was limited back-up on this item and the commission would consult on every aspect of the Charter. She asked for clarification of the importance to jump the gun on this and asked what Council President Pro Tem Coniglio expected to be accomplished. Ms. Seltzer was informed that it was a directive in the Strategic Plan to have the Charter Review Commission.

Motion to appoint Charter Review Commission Members by October, 2010 with the Mayor having two appointees, and each Town Council Member having one appointee, made by Council President Pro Tem Coniglio, and seconded by Council Member Diamond. On roll call, the motion carried unanimously.

B. New Business

1. Coastal Matters TIME CERTAIN: 10 A.M.

a. Waivers to Sections 42-198 and 42-199 of the Town's Code of Ordinances to Allow Construction of Seawall Improvements at 710 South Ocean Boulevard and 102 Banyan Road. [H. Paul Brazil, Director of Public Works]

This item was heard after Item IX.A.

Public Works Director Paul Brazil presented the item. Staff recommended that Hedrick Brothers and Whittman Construction be provided an exception to perform the work now in order to avoid sea-turtle nesting season. The waiver is for January 4, 2010 - February 28, 2010 from 8:00 a.m.- 6:00 p.m. The road would need to be closed in order for the use of a crane and a pile driver. The road closure would be from 9:00 a.m. - 4:00 p.m. The traffic would be re-routed to South County Road. The restoration was being done at the owners' expense.

The Florida DEP requires that the sea wall work be done between November 1 and March 1 in order to not interfere with the sea turtle nesting season.

Council President Pro Tem Coniglio thanked the residents for coming forward and making the repairs. She asked if they had received the FDEP permit.

Mr. Mark Marsh, architect for the project, stated that he anticipated the permit by November 19th. Attorney Maura Ziska indicated that she had spoken to the neighbors without objection. Council President Pro Tem Coniglio suggested notification on the Town website, advertising etc. Council President Rosow indicated he wanted staff to notify every resident by certified mail within 1,000 feet of the project both north and south of the project.

Council Member Diamond asked if this was considered to be an emergency repair. Mr. Gene Parker, Hedrick brothers showed photographs of the failing seawalls.

Motion made by Council President Pro Tem Coniglio, seconded by Council Member Diamond, to approve the work hours with notification of all neighbors by certified mail within 1,000 feet north and south; no construction may commence prior to 9:00 a.m. and should discontinue by 5:00 p.m. On roll call, the motion carried unanimously.

b. Presentation of Shore Protection Board's Proposed Coastal Management Plan. [Llwyd Ecclestone, Chair, Shore Protection Board]

Llwyd Ecclestone, Chairman of the Shore Protection Board, gave a summary of the Shore Protection Board and introduced the members. Public Works Director Paul Brazil gave a Power Point presentation to the Town Council. A copy was submitted into the record. The Town Council discussed the proposed plan line by line.

Council President Rosow indicated that the real question was what the objective of the Town was, whether it was for recreation, or for protection. If the plan were viewed with protection in mind, there may be different results. The Town Manager and Council President Pro Tem Coniglio disagreed. Seawalls would not protect the Town.

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Town Manager Elwell addressed the costs of projects. Council Member Wildrick accepted the report as more of a blueprint for the Town. Council Member Diamond does not object to the concept but the Town needed to figure out how to pay for this.

Council President Pro Tem Coniglio said the shore board is faced with the same options as bare bones items, required items and a wish list.

Council Member Kleid said it was a terrific report. He stated it was easily understandable with the various colors. He attended most of the shore board meetings and stated that over 27 different groups, agencies, etc. all provided input. Unfortunately, not many people attended the meetings. Council Member Kleid cautioned about discussing which programs to move forward at this time and to understand that there is a long permitting process. He was concerned about searching for sand in other jurisdictions. In conclusion, he commended the Shore Protection Board for their report but the Town needs to be cautious and realistic.

Council Member Diamond announced he attended every Shore Board Protection meeting and was impressed with the Board. He stated that he will never ever vote for the projects until the Town knows how to pay for it. He recommended that the report should be received but not approved.

Council Member Wildrick said this was a tough subject and they did a good job on it. He asked if the blueprint was achieved, what would the tax increase be to the town. Council President Rosow responded there would be a 25% tax increase for the town portion over a ten year period. Council Member Wildrick said to be straight forward with the residents.

Council Member Wildrick indicated that he had recently spoken to Alex Sink and Bill McCullom. Since one of them will most likely be the next governor, they both indicated that the state is also tied by the objections of environmentalists, etc. Council Member Wildrick said the Town will not let the beaches erode and the real issue was a matter of trying to find out how to fund it.

Town Manager Elwell added that it was also a matter of what can get permitted. He noted that since the 1980's the Town's role was to provide shore protection.

Council President Pro Tem Coniglio stated that she respected Council Member Diamond's position, but there were some easy decisions that could be made today such as the Sand Transfer Plant, feeder beaches, monitoring etc.

Council Member Kleid said that a lot of the properties for sale mentioned the deeded rights to the beach and it has value. There are many HOA's and all those people have access to the beach. Every expert has said the first protection for the inland is a long re-nourished beach that protects the dunes.

Motion to accept the Shore Protection Board report was made by Council Member Wildrick, seconded by Council Member Kleid. On roll call, the motion carried 4-1, with Council Member Diamond dissenting.

Jerry Frank, Vice Chair of the Shore Protection Board thanked the Town Council for the vote and addressed the financial aspects and outlined the role given to the Shore Protection Board.

William Cooley, 8 Windsor Court, complimented the Shore Protection Board for their hard work and the report that they provided. He stated that the peer review conducted by town contractors was akin to having it rubber stamped. He wanted to have the plan reviewed by an independent contractor. Mr. Cooley recommended and requested that Erickson Engineers review the plan. The project should be overseen by an engineer.

Council Member Kleid responded to Mr. Cooley and stated that the Shore Protection Board reviewed and interviewed the contractors on the list. Council President Rosow informed Mr. Cooley that there was an RFP process, and Erickson was not selected. The Town Council accepted a plan, and any project must come before the Town Council for approval. There are State guidelines that needed to be followed.

Dr. Sanford Kuvin, 149 East Inlet Drive, spoke regarding the costs of the projects and submitted copies of Town Ordinances 1-60, 6-60, and 2-67 into the record. He stated that the ordinances were based on linear feet and set a precedent for Town procedure. He also spoke of his opposition to the sand transfer plant and said it was behind schedule. Public Works Director Brazil refuted that.

Luis Pryor, 227 Brazilian Ave., stated that Council President Rosow was correct when he stated that the real question was if the beaches were for protection or recreation. He noted that the role is for protection. He commended the Town Council for its approval of the Shore Protection Board Plan.

Peter Pettie, 3400 S. Ocean Blvd., objected to the use of the number for $100 million for ten-year projects. They seem to be inflated and suggest that the residents are going to have to pay for the projects. He spoke about the repairs of Reaches 7 and 8 by the State in 2006 and some money was reimbursed by the State. He suggested that town records show an exaggerated amount of sand and costs.

Charles Bantel, 438 49th St., West Palm Beach, stated that the engineering has missed one important fact which was the need for the beach to be re-nourished and the dunes restored. He announced he has researched the freshwater drinking system in Palm Beach County. He stated that if there was a major storm event, the county water supply would be at risk. He outlined how the drinking water supply could be impacted if the sand eroded away and salt-water intrusion occurred. Council Member Wildrick asked Mr. Pantel to give the same presentation to the County Commission and City of West Palm Beach. He thought it was a good issue and perhaps they could help us too.

William Dubin, from North Palm Beach/Jupiter, argued that a sloping large beach is not the best defense. He stated that the best was a reef defense to stop storm surge. He addressed the source of sand should be the parrot fish because when they are in reefs, they make sand.

c. ORDINANCE NO. 18-09 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Provision of Erosion Control Services, Facilities, Programs and Local Improvements in the Town of Palm Beach, Florida; Amending Sections 90-31, 90-101, 90-102, 90-104, 90-106 and 90-156 of the Town Code of Ordinances to Remove Erosion Control Services as a Function of the Palm Beach Municipal Services Special District and All Reference Thereto; Creating a New Town of Palm Beach Erosion Control District and Providing for the Authority to Levy Ad Valorem Taxes; Providing for Severability; and Providing an Effective Date. (Second Reading) [Peter B. Elwell, Town Manager]

Council President Rosow asked Town Manager Elwell to describe the timing of the Ordinance. Town Manager Elwell said that if the town creates an Erosion Control District as the means of funding and budgeting coastal work in order to begin with the next fiscal year, the enabling ordinance needs to be adopted by December 31, 2009. If the Ordinance is changed today, they could still have the second reading prior to the end of the Year.

President Rosow asked for discussion on methods of funding. He provided a handout to the Town Council and submitted a copy into the record. He read the extensive research he had conducted regarding the methodologies that could be used. He felt an Ad Valorem tax would place an undue burden on some residents.

Council Member Diamond thanked Council President Rosow for doing the research and stated that it answered a lot of his questions. His suggestions would be a fair way to pay for it. Ad Valorem taxes destroy the value of the real estate. Council Member Diamond supports special assessments.

Council Member Kleid disagreed and said that shore protection was no different than any other infrastructure project in Town. He stated that he was afraid to start a precedent with special assessment. He cited the paving of streets are currently paid for by the entire town instead of just the residents of the streets being paved. He noted numerous homeowner associations have deeded access to the beaches, and that not necessarily oceanfront properties would be affected.

Council President Pro Tem Coniglio believes that we are one Town and as citizens should contribute to one Town. She voted last month to take the word "assessment" out of the ordinance but said there needs to be a methodology clearly defined. She indicated that she spent thirty minutes on the phone with Dr. Strom.

Council Member Wildrick stated that it is interesting to him that last month when he wanted 100% participation for special assessments on undergrounding he was outvoted. He stated that it apparently depended on whose ox is being gored. He hoped that no bureaucracy would be created in the Motion. He also wanted added to the Motion that not one cent of payroll is charged until it is approved and permitted. And thirdly, the word "assessment" should be added back in.

Council Member Diamond argued that beach re-nourishment is not like a sewer project. A sewer projects life span is generally 30-40 years whereas a shore project with sand could last only a few years and perhaps even less before it would have to be replaced. It would have to be paid for in a different manner.

Motion made by Council Member Diamond to approve Ordinance No. 18-09 on first reading, subject to Council Member Wildrick's conditions that no bureaucracy would be created in the motion, not one cent of payroll was charged until it was approved and permitted, and that the work "assessment" be added back in.

Council President Rosow stated that the action today was nothing more than to provide for an ordinance. What happens after the taxing district is established, and the form of taxation, and he wanted ad valorem removed, then the Town Council will be presented with a motion to hire an appraiser/assessor who would inform the Council of the methodology that would explains the benefits etc. Council President Rosow stated that he reviewed every oceanfront property in Town; there was no question that the oceanfront property owners do pay more in taxes.

Council Member Kleid stated that sewers and drainage systems have bond issues to pay for them but the coastal protection work usually last only seven years and do not lend themselves to bond financing. In response to Council Member Wildrick, regarding undergrounding and the special assessments, in such case those were because of a want and not a need, and they were not a town-wide project. He wanted to spread the risk among the entire population.

Council President Pro Tem Coniglio was in agreement with Council Member Kleid. She stated that the millage needed to be a part of methodology. She added that there was already an ordinance on the books. Council Member Kleid agreed and said it was Ordinance No. 12-07.

Council Member Wildrick congratulated Council President Rosow on putting forth so much research and guts. He has passion and a heart. If the Town does not use Ad Valorem as the assessment method, it will divide the community. He suggested to put it to the public as a ballot question and he suspected it would come back as an assessment.

Further discussion ensued about the creation of the Erosion Control District.

Motion made by Council Member Diamond, seconded by Council Member Wildrick, to approve Ordinance No. 18-09 on first reading, to put the assessment component back into the Ordinance, and have the two conditions of doing one project at a time, and not have a bureaucracy.

Town Attorney said to view the ordinance as a charter, and as a way to go forward in the future. There would be the opportunity in the future to pass or not pass the proposed methodology. The placing of the codicils into the ordinance may impair the assessment resolution process ability of the assessor to make it a legally binding ordinance. He suggested that they adopt ordinance that included one or both methods, if the Town Council wished, but not to tie the hands of those that would need to handle the issue in the future.

Council Member Wildrick said he appreciated Town Attorney Randolph's comments but he would not vote for anything that puts money into the hands of government until it was needed. He would not vote for taxing citizens until they have approved a project. He would not vote for a bureaucracy.

Council President Rosow announced he was going to call the question on adding "assessment" back into the Ordinance. He then asked staff to return to the next Town Council meeting with the enabling ordinance which allows the Town Council to hire the appraiser/assessor so that the ball can begin rolling. At the next meeting, there will be the second reading of the Ordinance. They are not obligated to do anything until they hire an assessor or appraiser.

Donald Singer, 2295 S. Ocean Blvd, spoke in support of an Erosion Control District. Shore protection is an infrastructure item.

Alvin Milberg, Harbor House Cooperative Association, stated that he was appearing on behalf of 192 residents. For the past thirty-nine years, the residents have paid and supported each and every project in the Town of Palm Beach. He said it was egregiously wrong and unfair for the Town now to consider creating an Erosion Control District and taxing the residents. He also was disappointed in the inaction of repairs in Reaches 7 and 8.

Ellen Howe, 2295 S. Ocean Blvd, asked what happened to one for all, all for one. Palm Beach is One Town.

Carla Herwitz, 2275 S. Ocean Blvd., agreed passionately with all of the speakers about all being one town. There is a technological problem with millage and using geo-bonds and that won't fly. Supports adding assessment back into resolution. She offered that with 9,940+ residents in the town, all of the residents should pay an equal share.

Mayor McDonald stated that he had several concerns. It shows indecisiveness and flip-flopping of votes by the Council which is of concern. The sixteen page hand-out distributed by Council President Rosow did not give the Council Members time to review the research. He stated that Council Members Wildrick, Rosow and Diamond would not know this, but frequently over the years the Town Council had taken into consideration the ability to deduct through Ad Valorem taxes, by levying it that way as opposed to assessing it so that you can have the federal income tax deduction. That had been considered many times and the Town Council had used that to decide which way to go. For all of those reasons, obviously the "One Town, One Approach" has a lot of meaning to it. He cannot agree to the change of adding an assessment to it.

Town Manager Elwell clarified what the Council was about to vote on which was to put back into the Ordinance "Special Assessment" and remove "Ad Valorem". There was further discussion about what was to be included.

The motion was to add special assessment added back into the ordinance, and remove Ad valorem with no codicils.

Upon roll call, the motion passed 3-2.

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

Town Attorney Randolph Read Ordinance No. 18-09 by title as follows:

> An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Provision of Erosion Control Services, Facilities, Programs and Local Improvements in the Town of Palm Beach, Florida; Amending Sections 90-31, 90-101, 90-102, 90-104, 90-106 and 90-156 of the Town Code of Ordinances to Remove Erosion Control Services as a Function of the Palm Beach Municipal Services Special District and All Reference Thereto; Creating a New Town of Palm Beach Erosion Control District and Providing for the Authority and Functions of said Special District including the Authority to Levy Special Assessments; Providing for Severability; and Providing an Effective Date.

Town Attorney Randolph announced that the document would be amended throughout to exclude any reference to the levy of Ad Valorem Taxes and would include only the levy of Special Assessments.

Motion made by Council Member Diamond, seconded by Council Member Wildrick to approve Ordinance No. 18-09 as read by Town Attorney Randolph. On roll call, the motion carried 3-2.

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

*******Mayor McDonald vetoed the Ordinance to the Town Clerk's office the following day. However, since the Ordinance had not had its second and final reading, the veto was premature and void.**

Council President Rosow announced they would be recessing for the lunch break and the Holiday Decorations item would be heard immediately after the lunch recess to allow the contractor to assemble its crew for work the following day.

****

The Town Council took a luncheon recess and reconvened at 2:30 p.m.

****

d. Designation of Critical Habitat Area for Acropora Coral. [H. Paul Brazil, Director of Public Works]

Public Works Director Paul Brazil provided a PowerPoint presentation of Acropora Coral. Staghorn coral, a species within the Acropora genus, is a federally listed endangered species. Staghorn coral had been discovered by local divers north of the Boynton Inlet, a mile offshore of the Bath and Tennis Reef. The siting and condition of the Staghorn coral was assessed by a consultant. The consultant, Coastal Eco-Group (CEG), also searched in areas north, south, and west of the Bath & Tennis Reef for additional Staghorn coral. CEG provided the Town with the field data and a recommendation. Staff's recommendation was consistent with CEG's recommendation that the northern limit of the critical habitat designation for Acropora be extended to include the outer reef tract (depths deeper than 46 feet) from the Boynton Inlet to a point north of the Breakers property, including the Breakers Reef. CEG President, Cheryl Miller, was present at the meeting and answered questions from Council members.

Cheryl Miller, president of the Coastal Eco-Group, Inc., responded to questions and comments from the Town Council regarding depth requirements of the Acropora Coral.

Dr. Vladimir Kosmynin, environmental consultant for the Department of Environmental Protection (DEP) Bureau of Beaches and Coastal Systems, also responded to questions and comments from the Town Council.

Motion made by Council Member Kleid to accept the recommendation provided by the consultants. The motion was seconded by Council Member Wildrick.

Ed Tichenor with Palm Beach County Reef Rescue (PBCRR) provided clarification of several of the statements that were made.

Dan Clark, Corps of Conservation Group from Broward County commented regarding a near shore reef that had a hard bottom near the Breakers pier.

Stephanie Clark, Broward County diver, read a letter written by Walter Jack, a marine ecologist, into the record regarding Acropora Coral.

Charles Bantel, 438 49th Street, West Palm Beach, commented regarding the coral reef which had been there for over 20 years and that the Town was being blindsided because of five people with PHD's analysis.

Connie Gasquez, 167 Root Trail, commented regarding Dr. Kosmynin, for the record, was here as a private citizen, not as a representative of the DEP; and that coral did not stop at the Breakers.

Dan Volker, resident of Lake Worth, and diver, commented regarding that the Breakers Reef was the largest and most beautiful in the world, but it had not been acknowledged on the Chamber of Commerce's website.

William Bantel, 124 Shore Court, North Palm Beach, a sport fisherman, commented on the coral reef and the many layers of bureaucracy affecting it.

Jim Abernathy, North Palm Beach resident, on behalf of the Palm Beach County Diving Association and all its members, he requested that the Town reconsider its position on coral habitat protection. He noted that protecting the threatened coral reefs and maintaining the shoreline could coexist peacefully.

Lazaro (only one name was provided), Lake Park, professional diver, stated that he records the reefs, and commented that Palm Beach's coral reefs were the healthiest he had seen. He requested that the reefs north of the Breakers up to Lake Worth Inlet would be treated as a critical habitat protection.

Responding to President Rosow, Ms. Miller noted that her report did not refute that the coral reefs were not valuable, and that it was the Town's and everyone's responsibility to protect the areas.

Mr. Brazil stated that the Breakers Reef was diverse and protected by every single regulatory body involved.

Motion made by Council Member Kleid, seconded by Council Member Wildrick, to approve the consultant's recommendation regarding the Acropora Coral. On roll call, the motion passed 4-1, with Council Member Diamond dissenting.

e. Report Regarding Seawalls South of Sloan's Curve. [Lee Goldstein, Citizens' Association of Palm Beach]

Lee Goldstein, 3120 S. Ocean Blvd., provided comments on his report that the Palm Beach Citizens' Association agreed with Bobbie Lindsay-Buck's comments and the flat tax. He noted that there were 35 beachfront properties south of Sloan's Curve and 29 of them had seawalls, which were paid for by the condominium owners. Mr. Goldstein added that his condo association wanted to build a seawall to connect with the Hampton's and the Ritz Carlton, and that the engineer from the DEP said that the seawall would need to be built where the pool was located, which would not provide the protection needed.

f. RESOLUTION NO. 108-09 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Grant Agreement with the Florida Inland Navigation District for the Town of Palm Beach Sand Transfer Plant and Authorizing the Mayor to Execute the Same on Behalf of the Town. [H. Paul Brazil, Director of Public Works]

There was no discussion on this item.

Motion to approve Resolution No. 108-09 made by Council President Pro Tem Coniglio, seconded by Council Member Diamond. On roll call, the motion carried unanimously.

g. Competitive Selection Process for a Legal Advisor on Coastal Matters. [H. Paul Brazil, Director of Public Works]

Public Works Director Brazil noted that a Shore Protection Board chairman or his designee should be added as a fifth member on the Selection Committee.

Motion to approve the Competitive Selection Process for a Legal Advisor on Coastal Matters made by Council President Pro Tem Coniglio, seconded by Council Member Diamond, with the inclusion of adding a Shore Protection Board chairman or his designee. On roll call, the motion carried unanimously.

h. RESOLUTION NO. 117-09 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Amendment No. 2 to FDEP Contract No. 06PB4, 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 Mid-Town Beach Nourishment Project, and Authorizing the Town Council President to Execute Same. [H. Paul Brazil, Director of Public Works]

Public Works Director Brazil provided a brief explanation of Resolution No. 117-09.

Motion to approve Resolution No. 117-09 made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

2. Residents' Request to Change the 200 Block of Atlantic Avenue to One Way. [H. Paul Brazil, Director of Public Works]

President Rosow suggested that, after reading the backup material, if the residents wanted the 200 Block of Atlantic Avenue to be a one way street, the residents would need to pay for it at 80% of the cost.

Public Works Director Brazil noted that one of the residents who resides on the street had objected to the change.

It was the consensus of the Town Council that if the residents on the 200 Block of Atlantic Avenue want to change the street to one-way, the residents would need to pay 80% of the cost.

3. Annual Report on Unpaid Assessments, Fines and Authorization to Write off Certain Monies Deemed Uncollectible. [Jane Struder, Director of Finance]

Finance Director Struder provided an overview of the annual report. She recommended that delinquent Emergency Medical Service (EMS) receivable accounts be referred to a collection agency.

Motion to accept the Annual Report on Unpaid Assessments, Fines and Authorizations to Write off Certain Monies Deemed Uncollectible made by Council Member Diamond, seconded by Council Member Wildrick and to approve authorization for referral of delinquent EMS receivable accounts to a collection agency. On roll call, the motion carried unanimously.

4. Appropriation of a Donation to the City of West Palm Beach to Thank Them for Allowing the Town to Use Their Facilities for Public Meetings. [Jack McDonald, Mayor]

Mayor McDonald recommended that $10,000 be appropriated to the City of West Palm Beach as a donation to thank them for allowing the Town to use their chambers for public meetings.

Council Member Wildrick commented that he disagreed with the donation and that the Town would be good neighbors to the City when the new Town Hall Chambers were finished, if they ever needed it. The $10,000 could be split up and given to the employees, as they were not being given raises.

President Rosow added that the Town gave the City of West Palm Beach $10,000 for fireworks each year, and the City watched the Town's fireworks for free.

It was the consensus of the Town Council to not make any donation to the City of West Palm Beach for use of their facilities.

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

Town Manager Elwell indicated that this item would have been on the December Agenda, but as the December meeting was postponed from December 8, 2009 to December 17, 2009, it would have left a hiatus of nine days.

Motion made by Council Member Wildrick, seconded by Council President Pro Tem Coniglio to accept the Appointment of Town Manager Peter Elwell Pursuant to Section 4.02(b) of the Town Charter. On roll call, the motion carried unanimously.

* * * * * * * * *

President Rosow received an email from the owner of Nick and Johnie's, which stated that they had not been open until 3:00 a.m., ever, or even 1:00 a.m., but will be open until 1:00 a.m., starting Thanksgiving week, and will close the roof earlier.

6. Approval of Florida Public Utilities Request to Use Bradley Park for a Construction Staging Area. [H. Paul Brazil, Director of Public Works]

This item XIII.E.1., was pulled from the Consent Agenda, and heard as Item XI.B.6.

Council Member Wildrick pulled this item, in order to obtain an opinion from Town Attorney Randolph. He asked if it was legal to use Bradley Park for anything other than a park.

Town Attorney Randolph advised that the key issue in the language of the agreement was that no structures of any kind should be placed on the property.

Town Manager Elwell explained that there would be equipment on the grounds, but the construction activity would all be underground.

Council Member Wildrick commented that in order to mitigate the use, the Park should be partially kept as park use, or temporary fencing be installed.

Mr. Brazil indicated that the area would be screened and restored.

Responding to President Pro Tem Coniglio, Mr. Brazil noted that both projects would be done in the summer months, not during season.

Motion made by President Pro Tem Coniglio, seconded by Council Member Wildrick, to approve the use Bradley Park for a Construction Staging Area with the condition that the area would be screened and restored. On roll call, the motion carried unanimously.

7. Work Hour Waiver for Holiday Decorations on Veteran's Day.

This item was heard immediately after the lunch recess.

President Rosow announced that the electrical work for the holiday decorations would be discussed at this time, because otherwise it would be too late to get the crews on site for tomorrow.

Public Works Director Brazil provided an explanation regarding the electrical contractor's willingness to work on Veteran's Day, as there would be less children there than any other day in the near future. He added that there would not be any overtime, nor would the contractor charge a premium for doing the work.

Motion made by Council Member Diamond, seconded by President Pro Tem Coniglio, to approve the Waiver of Work Hours on Veteran's Day by an electrical contractor for holiday decorations. On roll call, the motion carried unanimously.

XII. ANY OTHER MATTERS

There were none.

XIII. ADJOURNMENT

There being no further business, the Tuesday, November 10, 2009, Regular Town Council Meeting was adjourned at 5:00 p.m.

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Joanna Cunningham
Town Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Coniglio Gail Lynn	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Town Council
MAILING ADDRESS 1139 N. Ocean Blvd. Palm Beach	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Palm Beach Fl. 33480 COUNTY	NAME OF POLITICAL SUBDIVISION: Town of Palm Beach
DATE ON WHICH VOTE OCCURRED 11/10/09	MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Gail L. Coniglio, hereby disclose that on 11/10, 20 07:

(a) A measure came or will come before my agency which (check one)

X inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, ___;

___ inured to the special gain or loss of my relative, ___;

___ inured to the special gain or loss of ___, by whom I am retained; or

___ inured to the special gain or loss of ___, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Owns restaurant in town that would be affected

11/10/09
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Robert Wildrick	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Town Council
MAILING ADDRESS 220 Nightingale TL	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Palm Beach COUNTY Palm Beach	NAME OF POLITICAL SUBDIVISION: Town Council - Town of Palm Beach
DATE ON WHICH VOTE OCCURRED 11/10/09	MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

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For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Robert N. Wildrich, hereby disclose that on 11/10, 20 09:

(a) A measure came or will come before my agency which (check one)

___ inured to my special private gain or loss;

X inured to the special gain or loss of my business associate, owns restaurant in town;

___ inured to the special gain or loss of my relative, ___;

___ inured to the special gain or loss of ___, by whom I am retained; or

___ inured to the special gain or loss of ___, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

11/10/09
Date Filed

[signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.