

MINUTES OF THE TOWN COUNCIL MEETING HELD ON NOVEMBER 9, 1999

I. CALL TO ORDER AND ROLL CALL

The meeting of the Town Council was called to order at 9:37 a.m. by President Lesly Smith in the Town Council Chambers. On roll call the following elected officials were found to be in attendance: Mayor Paul Ilyinsky, President Lesly Smith, President Pro-Tem Allen Wyett, Councilman Jack McDonald, Councilman Samuel McLendon, and Councilman Leslie Shaw. Also in attendance for all or a portion of the meeting were: Town Manager Robert Doney, Assistant Town Manager Max Alderman, Assistant to the Town Manager David Jakubiak, Town Attorneys John Randolph and John McCracken, Chief Code Compliance Officer Brian House, Finance Director Jane Skittone, Assistant Finance Director Cheryl Somers, Finance Secretary II Betty Cotton, Fire-Rescue Chief Vincent Elmore, Human Resources Analyst Carla Kneipp, Information Systems Manager Spencer Wilson, Planning, Zoning & Building Director Robert Moore, Planning, Zoning & Building Zoning Administrator Paul Castro, Police Chief Frank Croft, Police Captain Gary Sallenbach, Public Works Director Al Dusey, Recreation Director Russell Bitzer, Town Engineer James Bowser, Town Clerk Mary Pollitt, and Deputy Town Clerk Susan Eichhorn.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Town Clerk Pollitt. President Lesly Smith led the Pledge of Allegiance.

III. PRESENTATIONS

- A. Recognition of Enrico Caruso, Code Enforcement Board - From 1983 - 1999: To be Presented to Mrs. Enrico Caruso

Mayor Ilyinsky presented a plaque to Mrs. Jane Caruso recognizing the service of her late husband, Enrico Caruso, on the Code Enforcement Board.

- B. Recognition of Rodney B. Fink, Charter Review Commission - From 1997 to 1999

Mayor Ilyinsky presented a plaque to Mr. Fink in recognition of his service on the Charter Review Commission.

- C. Distinguished Budget Presentation Award for Fiscal Year 1999 from the Government Finance Officers Association - Presented by Mr. Terry Sharp, GFOA State Representative

Mr. Terry Sharp presented the Distinguished Budget Presentation Award for Fiscal Year 1999 to Finance Director Jane Skittone, Assistant Finance Director Cheryl Somers, and Secretary II Betty Cotton of the Finance Department.

IV. COMMENTS OF MAYOR PAUL R. ILYINSKY

Mayor Ilyinsky asked Town Manager Doney to introduce the new Assistant Town Manager Max Alderman.

Mr. Doney introduced Mr. Alderman, who in turn gave a brief address to the Town Council and those in attendance at the meeting.

MINUTES OF THE TOWN COUNCIL MEETING HELD ON NOVEMBER 9, 1999

Mayor Ilyinsky commented that the Chamber of Commerce breakfast would be held on November 10, 1999, at The Breakers Mediterranean Ballroom at 8:15 a.m., where the 22nd Annual Employee of the Year would be honored.

Mayor Ilyinsky commented that the Annual Holiday Tree Lighting ceremonies would be on the following dates: Monday, November 29th - Royal Poinciana; November 30th - Memorial Fountain; November 30th - Worth Avenue at 6:25 p.m. He noted that the Town had received a very generous donation of \$500 each from Mr. Ed Kassatly, President of the Worth Avenue Property Owners Association, and Mr. Martin Schwalberg, President of the Worth Avenue Association, for the 1999 Town Holiday Trees. He commented that any additional donations would be appreciated.

Mayor Ilyinsky wished all a Happy Thanksgiving.

V. APPROVAL OF THE AGENDA

The following changes were made to the agenda:

MOVE Item XII.A.10, and A.10(a) on page 4, to page 3, as Item No. 1, under XII. Old Business, A. Ordinances (Second Reading).

DEFER Item XII. B.5., page

MINUTES OF THE TOWN COUNCIL MEETING HELD ON NOVEMBER 9, 1999

WITHDRAW Item XV.A.3., page 6, Appeal of the Architectural Commission's Decision of September 22, 1999, Concerning 1515 North Ocean Way (as recommended by staff).

President Pro-Tem Wyett made a motion to withdraw Item XV.A.3. from the Agenda today. The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

ADD Item XIII. C. 5. Consideration of Hartman & Associates Assistance in Following the Water Budget Process in the City of West Palm Beach to be added to the December Agenda (requested by Councilman McLendon).

Councilman McLendon made a motion to add Item XIII.C.5. for discussion to be added to the December 14,1999, Town Council Meeting Agenda. The motion was seconded by President Pro-Tem Wyett. On roll call the motion carried unanimously.

ADD Item XIII.C.6. Consideration of the Manner In Which the Council Officer Elections Are Handled (requested by Councilman McLendon).

Councilman McLendon made a motion to add Item XIII.C.6. for discussion to be added to the December 14,1999, Town Council Meeting Agenda. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

ADD Item XIII. C.7. Consideration of Expense

- VII. APPROVAL OF MINUTES OF SEPTEMBER 29, 1999, AND OCTOBER 12 AND 13, 1999
- VIII. APPROVAL OF CHECK REGISTERS FOR OCTOBER 1999
- IX. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING OF OCTOBER 27, 1999
- X. CONTRACT AND AGREEMENT RENEWALS
- A. Authorization for Town Manager to Execute Agreement Between the District Board of Trustees of the Palm Beach Community College and the Town of Palm Beach for Education and Training of Students in Paramedic and Emergency Medical Technician (EMT) Programs per Memorandum dated October 12, 1999, from Fire-Rescue Chief Elmore
- B. Authorization for Town Manager to Execute Contract for Town Physician for FY2000 per Memorandum dated November 4, 1999, from Human Resources Director Crouse
- XI. OTHER
- A. Recommend Appointment of Police Chief Croft to the Municipal Public Safety Communications Consortium of Palm Beach County (MPSCC) per Memorandum dated October 26, 1999, from Town Manager Doney
- B. Application for Funds from the State of Florida Department of Community Affairs Local Law Enforcement Block Grants Program for State Fiscal Year 1998/1999 per Memorandum dated October 28, 1999, from Assistant Chief of Police Reiter

President Pro-Tem Wyett moved approval of the Approved Agenda. The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

REGULAR AGENDA

MINUTES OF THE TOWN COUNCIL MEETING HELD ON NOVEMBER 9, 1999

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 54, HISTORICAL PRESERVATION, OF THE TOWN CODE OF ORDINANCES AT ARTICLE II, LANDMARKS PRESERVATION COMMISSION, AMENDING SECTION 54-36 RELATING TO APPOINTMENT, QUALIFICATIONS, TERMS, COMPENSATION, FILLING VACANCIES AND REAPPOINTMENT; AMENDING SECTION 54-37 RELATING TO ALTERNATE MEMBERS; AMENDING SECTION 54-38 REGARDING REMOVAL PROVISIONS, ABSENCES AND CONFLICTS OF INTEREST; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Councilman McDonald referred to the letter of Mr. Cooley in this regard, asking if any changes or additions would be made to this ordinance?

Director of Planning, Zoning & Building Robert Moore commented that he had read the letter from Mr. Cooley, which made charges about two specific individuals, and that he recommended passing the ordinance on second reading, and then have the matter referred to the Ordinances, Rules & Standards (ORS) Committee if necessary.

After discussion concerning placement of the letter from Mr. Cooley on a future Town Council Meeting Agenda, and/or referring the matter to the ORS Committee, Councilman McDonald moved approval of Ordinance No. 8-99. The motion was seconded by President Pro-Tem Wyett. On roll call the motion carried unanimously.

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MINUTES OF THE TOWN COUNCIL MEETING HELD ON NOVEMBER 9, 1999

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, OF THE TOWN CODE OF ORDINANCES AT ARTICLE IV, BOARDS AND COMMISSIONS, DIVISION 2, ZONING COMMISSION, AMENDING SECTION 2-328 RELATING TO REMOVAL PROVISIONS; AMENDING SECTION 2-330 RELATING TO CONSECUTIVE TERMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

President Pro-Tem Wyett moved approval of Ordinance No. 11-99. The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

6. Ordinance No. 12-99 - Amending Section 42-199 of the Town Code of Ordinances Regarding Worth Avenue Construction Work Hours

Town Attorney Randolph read Ordinance No. 12-99 by title: (second reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH AT CHAPTER 42, ENVIRONMENT, ARTICLE V. NOISE, SECTION 42-199, HOURS FOR CONSTRUCTION WORK, SO AS TO MODIFY THE PERMITTED PERIODS FOR CONSTRUCTION WORK ON WORTH AVENUE; PROVIDING FOR SEVER

9. Ordinance No. 15-99 - Amending Chapter 2, Article V, of the Town Code of Ordinances, Code Enforcement Board, Relating to Organization, Terms, and Lack of Attendance; and Amending Section 2-439 of the Town Code of Ordinances Relating to Citation Fine Schedule

Town Attorney Randolph read Ordinance No. 15-99 by title: (second reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION OF THE TOWN CODE OF ORDINANCES AT ARTICLE V, CODE ENFORCEMENT, DIVISION 2, CODE ENFORCEMENT BOARD, AMENDING SECTION 2-401 RELATING TO ORGANIZATION; AMENDING SECTION 2-402 RELATING TO TERMS; AMENDING DIVISION 3, PROCEDURE, AT SECTION 2-439 RELATING TO CITATION FINE SCHEDULE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Councilman McDonald moved approval of Ordinance No. 15-99. The motion was seconded by President Pro-Tem Wyett. On roll call the motion carried unanimously.

10. Ordinance No. 16-99 - Amending Chapter 82 of the Town Code of Ordinances Relating to Employee Benefits/Retirement System (*See Item XIII.A.1.*)

B. Other

1. Royal Park Bridge Status Report by Public Works Director Dusey

Gail McKenna, Project Manager for PCL, reported that the bridge project was on schedule. Only seven piles were left to be driven as of this date. The remaining leaf on the old bridge would be removed Thursday, November 11, 1999, and installed on the temporary span on Thursday, November 18, 1999.

2. Town Application to State Division of Historical Resources "Great Floridians 2000 Program" - Proposed Location of Henry Morrison Flagler Memorial Statue (*Deferred from October 12, 1999*)

Mr. John Blades, Flagler Museum Director, addressed the Town Council, confirming that the "Great Floridians 2000 Program" had been resolved. He reported that he had determined several possible locations for the Henry Morrison Flagler Memorial Statue, with one being acceptable to the donor: at the west end of the Island, dividing Royal Poinciana Way, at the east side of the intersection of Cocoanut Row and Royal Poinciana Way.

President Pro-Tem Wyett moved approval of the location as suggested by Mr. Blades, adding that the area was a landmarked area, and requesting that the Landmarks Commission and staff work out the details of the statue size, placement, and installation. The motion was

MINUTES OF THE TOWN COUNCIL MEETING HELD ON NOVEMBER 9, 1999

President Smith commented that she agreed that residential parking was at a premium, and that meters installed in that area would be moved into a residential area, which she opposed. She stated that she would be more interested in residential permit parking in areas such as Atlantic, Everglades, and Park Avenue.

Town Manager Doney commented that the areas in question were in a commercially zoned district, which distinguished it from residential parking permit areas.

Councilman McDonald moved denial of the recommendation to install parking meters in the Bradley Place area. The motion was seconded by President Pro-Tem Wyett. On roll call the motion carried 4/1, with Councilman Shaw casting a dissenting vote.

In response to the query of Councilman McDonald, Captain Sallenbach responded that currently parking control employees check the meters or mark the tires of cars parked in metered areas. With the alternative parking display systems a person would have to dedicate more time in the area, since the parking control person would have to walk up and down the streets checking for the pay and display ticket. The other system with the hand held computer system would entail going to an electronic device to plug in, and the spaces available and spaces in use would be revealed. The parking control person would have to go to the individual parking space and issue a ticket, which was very labor intensive.

7. Set a Date and Time for a Special Town Council Meeting Regarding the Comprehensive Coastal Management Plan Update (*Deferred from October 26, 1999, Special Town Council Meeting*)

