TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON TUESDAY, OCTOBER 12, 2010

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Tuesday, October 12, 2010, at 9:30 a.m., in the Town Council Chambers. 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. Presentations by Applicants for Landmarks Preservation Commission.

The following persons spoke regarding appointment:

- William Feldkamp
- Rachel Lorentzen
- William Strawbridge

B. Presentations by Applicants for Planning and Zoning Commission.

The following persons spoke regarding appointment:

- Rachel Lorentzen
- Lewis Crampton
- Thomas Greenbaum
- Martin Klein
- Martin Phillips
- Leslie Shaw

The Town Council Members held a discussion of the recent Publix project and the possibility of having a re-study of the Royal Poinciana Overlay area.

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone (561) 838-5416 • Facsimile (561) 838-5417
E-mail: townclerk@townofpalmbeach.com • Website: www.townofpalmbeach.com

IV. COMMENTS OF MAYOR JACK McDONALD

There were none.

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Pro Tem Coniglio commented on:

- Inlet beach clean-up and you-tube video of event
- Joint Palm Beach County coastal coordination workshop
- Joint letter to federal government sent by the County and Town for federal funding of coastal protection
- She met with the Lake Worth Mayor regarding coastal protection

Council Member Wildrick congratulated Council Members Kleid and Coniglio for their efforts on the beach clean-up and their leadership.

Council Member Diamond was directed to research an "Adopt the Beach" program and report back to the Town Council at the December Town Council Meeting.

Council Member Wildrick suggested selling centennial and Town paraphernalia on the Town website as well as advertising. He suggested the website as a revenue source for the Town. Council Member Kleid added that there was a centennial website (www.palmbeachcentennial.com).

Council President Rosow directed Council Member Wildrick to study the Town website and come back to the Town Council with recommendations and changes.

VI. COMMUNICATIONS FROM CITIZENS- 3 MINUTE LIMIT PLEASE

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

Mrs. McNamara, 422 North Lakeside Dr., Lake Worth spoke regarding the comprehensive plan and urged support of Amendment 4.

Kathy Elliot, on behalf of Mr. Campaniello, spoke in opposition to the window screening ordinance and requested a waiver. She was informed by Town Manager Elwell and Planning and Zoning Director John Page that it was a Code Enforcement matter and was inappropriate to discuss today.

Dick Spielberg, President of the Palm Beach Hotel Association, spoke regarding the parking situation near Publix. He offered a solution and suggested valet parking behind Echo to free up street parking but it was private property. Town Manager Elwell offered a development review agenda item for next month's Town Council Agenda and will provide a staff review. He would include the current ordinance at the November meeting.

Sherry Frankel, President of the Worth Avenue Association, wished for a new Christmas tree and base for this season on Worth Avenue.

Alan Golboro, Chairman of Planning and Zoning Commission, suggested using the Town-owned property between Sunset and Sunrise Avenues for Palm Beach Hotel parking. He would place it on the Planning and Zoning Commission agenda for next week.

VII. APPROVAL OF AGENDA

Added under New Business, Item XI.B.11, FCC Coalition

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

**

The next item heard was the TIME CERTAIN Item XI.B1.Amendment 4 Discussion Commission

**

VIII. CONSENT AGENDA

A. MINUTES: SEPTEMBER 13, 2010
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING (FIRST PUBLIC HEARING REGARDING THE FY 11 BUDGET)

B. MINUTES: SEPTEMBER 14, 2010
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

C. MINUTES: SEPTEMBER 15, 2010
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

D. MINUTES: SEPTEMBER 29, 2010
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING (SECOND AND FINAL PUBLIC HEARING REGARDING THE FY 11 BUDGET)

E. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING ON SEPTEMBER 22, 2010.

F. RESOLUTIONS

1. RESOLUTION NO. 112-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of Annual Software Support

and Maintenance for Cartegraph ($44,985), Sungard Public Sector ($87,251.67), and Tyler Technologies ($89,867.72) and Authorizing the Town Manager to Execute the Purchases on Behalf of the Town. [Thomas G. Bradford, Deputy Town Manager]

1

2. RESOLUTION NO. 113-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Enter into Contract Extensions with Storm Reconstruction Services, Inc. (SRS), Scott Lewis Gardening and Trimming, Inc., and TFR Enterprises, Inc., for Debris Management, Removal, Reduction, and Disposal.[H. Paul Brazil, Director of Public Works]

2

3. RESOLUTION NO. 114-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Kimley-Horn and Associates, Inc., in the Amount of $166,800 for the S-2 Inline Booster Station, Establishing a Design and Construction Documents Phase Budget of $184,000 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete this Phase of Said Improvements. [H. Paul Brazil, Director of Public Works]

3

4. RESOLUTION NO. 115-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order in the Amount of $138,839 to SGM Engineering, Inc., for the Accelerated Capital Improvement Program Street Lighting Design and Construction Inspection/Management Services for the Town of Palm Beach, Establishing a Design and Construction Inspection Phase Budget of $152,000 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Improvements.[H. Paul Brazil, Director of Public Works]

4

5. RESOLUTION NO. 116-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement Between the Town of Palm Beach and Golfnow.com for the Provision of Internet Based Tee Time Advertising and Sales; Authorizing the Town Manager to Take Further Action Necessary to Effectuate the Agreement. [Jay Boodheshwar, Director of Recreation]

5

6. RESOLUTION NO. 117-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement Between the Town of Palm Beach and Course Trends, Inc., for the Provision of Internet Based Advertising and Marketing Services; Authorizing the Town Manager to Take Further Action Necessary to Effectuate the Agreement. [Jay Boodheshwar, Director of Recreation]

6

G. OTHER

7

1. Approval to Proceed with Holiday Decorations for 2010 and with a Design Competition for Holiday Decorations for 2011.[H. Paul Brazil, Director of Public Works]

8

2. Authorization to Fill Office Assistant II Vacancy.[H. Paul Brazil, Director of Public Works]

9

3. Approval of Selection Committee Recommendation for Contractual Construction Program Manager. [H. Paul Brazil, Director of Public Works]

4. Re-Appointment of Alvin Parven to the General Employee Retirement Board of Trustees. [Danielle Olson, Director of Human Resources]

5. Re-Appointment of Wilbur Ross to the Firefighter Retirement Board of Trustees. [William Hanes, Pension Administrator]

6. Re-Appointment of Raymond Snow and James Wearn to the Police Officer Retirement Board of Trustees. [William Hanes, Pension Administrator]

7. Re-Appointment of Peter Graves to Mini-PERC. [Danielle Olson, Director of Human Resources]

**

This item was heard after Item XI.B.1 Amendment 4 Discussion

**

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

IX. BOARD/COMMISSION ANNUAL REPORT

A. General Employee Retirement Board of Trustees. [Alvin Parven, Chair and Danielle Olson, Director of Human Resources]

Mr. Alvin Parven, Chairman, gave a Power Point presentation to the Town Council.

There was discussion regarding:
- Combining the retirement boards.
- Using the 8% actuarial number for returns
- Using the Town for administrative and accounting functions

Motion to accept the General Employee Retirement Board Annual Report was made by Council Member Diamond, seconded by Council Member Kleid. On roll call, the motion carried unanimously.

X. COMMITTEE REPORTS

A. Ordinances, Rules, and Standards Committee Meeting of September 28, 2010. [William J. Diamond, Town Council Member]

Council Member Diamond presented the report. Council President Pro Tem Coniglio clarified that the coastal language changes were in compliance with state law and nothing new was being required. She cautioned the public to be aware of the new requirements for irrigation, and landscaping of properties.

Motion to accept the Ordinances, Rules and Standards Committee Report was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

B. Administrative and Personnel Committee Meeting of September 29, 2010. [Richard M. Kleid, Town Council Member]

Council Member Kleid presented the report. He explained his reasoning for proposing an increase in the salary of Mr. Charles Langley to the top of the new pay range. Council Member Kleid felt the pay cut was excessive.

Council President Rosow provided his explanation of the reduction in salary and why he felt it was appropriate. He noted that Public Works Director Paul Brazil also had a reduction in salary and had not appealed the decision.

Council Member Kleid clarified that the Public Works Director's salary reduction was 5%, and Mr. Langley's salary was decreased 18%.

Council Member Wildrick directed staff to review the appeal procedures. He stated that bringing personnel matters to the Town Council level was inappropriate. He said it was embarrassing for the employees to come forward. Town Manager Elwell will review the current policy and provide the Town Council members with a written report at a future date.

Motion to accept the demotion of Mr. Langley was made by Council President Pro Tem Coniglio, seconded by Council Member Diamond. On roll call, the motion carried unanimously.

Motion to accept the Town Manager's recommendation of a salary decrease of 18% was made by Council Member Diamond, seconded by Council Member Wildrick. On roll call, the motion passed 4-1 with Council Member Kleid dissenting.

Motion to accept the Administrative and Personnel Committee Report was made by Council Member Diamond, seconded by Council Member Wildrick. On roll call, the motion carried unanimously.

C. Public Works Committee Meeting of October 5, 2010. [Gail Coniglio, Town Council President Pro Tem]

Council President Pro Tem Coniglio provided the report. She asked that the funds requested for the Worth Avenue Improvement District project be encumbered for certain projects and several items be returned to the Hybrid Committee for further review.

Council Member Diamond commended the Public Works Committee and supported the recommendations.

Motion to accept the Public Works Committee Report was made by Council Member Diamond, seconded by Council Member Kleid. On roll call, the motion carried unanimously.

XI. REGULAR AGENDA

A. Old Business

Council President Rosow, as an aside, stated that he could not locate the link to the centennial website on the town website and was assured by Town Manager Elwell that it would be restored by the end of the day.

B. New Business

1. Amendment 4 Discussion. [Lesley Blackner, Local Resident, Attorney, and Originator of the Proposed Amendment 4 and Aimee Carlson, Regional Director for Citizens for Lower Taxes and a Stronger Economy, Inc.]

TIME CERTAIN: 10 A.M.

**

This item was heard at 10:47a.m. after Item VII Approval of the Agenda

**

Council President Rosow announced that each presenter was permitted ten minutes to present their position on Amendment 4.

Lesley Blackner presented her position on Amendment 4 as the originator of the Proposed Amendment 4.

Aimee Carlson, Regional Director for Citizens for Lower Taxes and a Stronger Economy, Inc. presented the opposing position to Amendment 4.

The Town Council took no action.

**

The next item heard was Item VIII Consent Agenda

**

2. Referendum Regarding County Ethics Charter Amendment. [Jack McDonald, Mayor]

Mayor McDonald presented the item. He expressed his opposition to the County Ethics Charter Amendment. He asked that a resolution be prepared. Town Attorney Randolph counseled the Twon Council regarding the prohibitions for advocating a position on a Charter Amendment. The Town Council could individually provide an opinion, but could not expend any municipal funds to advocate a town position.

Council Member Diamond read the language of the proposed Amendment . There was further discussion as to whether the Council wanted to pass a motion, a resolution or do nothing at all.

The consensus was that a resolution would be prepared for the following day's Town Council Agenda.

3. Proposed Worth Avenue Association Event for November 30, 2010. [Sherry Frankel, President, Worth Avenue Association]

There was no discussion on this item.

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

4. Proposed Historical Signage on Royal Poinciana Way and South County Road to Honor the Town's Centennial. [Patti Sans, President, Greater South County Road Association]

Council President Pro Tem Coniglio asked what the signs would look like. Public Works Director Paul Brazil indicated that they were white text on black background, with the size depending on the name of the street. They would be consistent with the current street signs.

Patti Sans clarified that Flagler Avenue was misidentified in the back-up material and Royal Poinciana Way was actually called Main Street.

Motion to approve the proposed historical signage on Royal Poinciana Way and South County Road to honor the Town's Centennial was made by Council Member Wildrick, seconded by Council Member Diamond. On roll call, the motion carried unanimously.

5. Request for Waiver of Town Code for Certain Regulations Regarding Construction Hours for 2010-2011 Dune Restoration Project. [H. Paul Brazil, Director of Public Works]

Public Works Director Paul Brazil presented the item. He outlined the constraints of turtle nesting season, the number of truckloads, length of the project etc. A lot of the factors were dependent upon the bids from the contractors that were due by October 20, 2010.

Council President Pro Tem Coniglio reminded everyone that the process would be painful, but it was necessary, and there was FEMA money available now that would not be in the future if the Town waited.

Lee Goldstein, 3120 S. Ocean Blvd., proposed using barges to haul the sand instead of trucks. Public Works Director Brazil responded that option was open and up to the contractor to propose that method.

Council Member Kleid compared this to the Worth Avenue Project, and stated that there was a lot of pain, to get a lot of gain.

Motion to approve the construction hours for the 2010-2011 Dune restoration Project was made by Council Member Diamond, seconded by Council Member Wildrick. On roll call, the motion carried unanimously.

6. Health Insurance Premium Rates for Calendar Year 2011. [Danielle Olson, Director of Human Resource]

There was no discussion on this item.

Motion to approve the Health Insurance premium rates for Calendar Year 2011 was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

7. Town of Palm Beach vs James M. Brandon-Code Enforcement Lien Foreclosure-112 Caribbean Avenue. [John C. Randolph, Town Attorney]

Town Attorney Randolph provided the background to the Town Council. Attorney Jonathan Chane, representing JP Morgan Chase Bank, offered a settlement of $85,655.12 in payment for the Town's liens and costs.

There was discussion among the Town Council and the Mayor regarding the market value of the property, the lis pendens, the attorney costs, the liens and varying settlement issues.

Council President Rosow directed Attorney Chane to return the following day to the Town Council Meeting with a better settlement offer.

8. FPL Matters Regarding Flagler Memorial Bridge, Including Underground Utility Easement in Bradley Park. [H. Paul Brazil, Director of Public Works]

Motion to approve the FPL Matters regarding Flagler Memorial Bridge, including underground utility easement in Bradley Park, was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio.

Council Member Kleid indicated there were problems with FPL's subcontractor on Worth Avenue. The problem had been resolved. Representatives from FPL were in the audience. Ethel Isaacs Williams, Area Manager of External Affairs, announced that Don Kiselewski replaced Rod Macon at FPL and welcomed any comments or concerns.

On roll call, the motion carried unanimously.

9. Landmarks Preservation Commission Appointments.[John S. Page, Director of Planning, Zoning, and Building]

Town Manager Elwell announced that William Feldkamp had been appointed as a Regular Member, and Rachel Lorentzen was appointed as an Alternate Member.

10. Planning and Zoning Commission Appointments. [John S. Page, Director of Planning, Zoning, and Building]

Town Manager Elwell announced that Leslie Shaw and Martin Klein were both re-appointed as Regular Members.

Motion to ratify the Landmarks Preservation Commisison and Planning and Zoning Commission Appointments was made by Council President Pro Tem Coniglio, seconded by Council member Diamond. On roll call, the motion carried unanimously.

11. FCC Coalition

Town Manager Elwell presented the item and indicated that his recommendation was not to participate since regardless of contributing funding, the Town would still receive services.

Motion to accept the Town Manager's recommendation was made by Council President Pro Tem Coniglio, seconded by Council member Diamond. On roll call, the motion carried unanimously.

XII. ORDINANCES

A. Second Reading

None

B. First Reading

1. ORDINANCE NO. 30-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2009, Providing an Effective Date. [Jane Struder, Director of Finance]

Town Attorney Randolph read Ordinance No. 30-10 by title, as printed above.

Motion to approve Ordinance No. 30-10 on first reading was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

XIII. ANY OTHER MATTERS

There were none.

XIV. ADJOURNMENT

There being no further business, the October 12, 2010, Town Council Meeting was adjourned at 1:43 p.m.

SEAL OF THE TOWN OF PALM BEACH FLORIDA

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Joanna Cunningham
Town Clerk

BackUp Documents 10-12-10
Supplemental BackUp Documents 10-12-10